

Thursday, 30 May 2024

1

2 (10.00 am)

3 LADY SMITH: Good morning. We return to the phase of
4 Chapter 8 of our Inquiry hearings into which we're
5 looking into evidence about the provision of care for
6 children in a number of places, as we have been hearing
7 this week, including Dr Guthrie's School, which is the
8 place at which we're at at the moment.

9 Now, as I said last night, we are moving today to
10 hear the evidence of two witnesses in person. That will
11 take up this morning and we'll move on to statement
12 evidence being read in this afternoon. You'll see we
13 have the first witness ready in the hearing room.

14 Mr Sheldon, if would you like to introduce him.

15 MR SHELDON: Yes, my Lady.

16 The next witness is anonymous and wishes to be known
17 as 'Michael'. My Lady, 'Michael' also gave a statement
18 in QAB and that was read in on Day 94, the reference for
19 that is TRN.001.004.3325.

20 LADY SMITH: Thank you very much.

21 'Michael' (sworn)

22 LADY SMITH: 'Michael', thank you for coming along this
23 morning to engage with us at the Inquiry, this time in
24 person. I'm very grateful to you for agreeing do that
25 and being able to come here.

1 On the desk in front of you there's a red folder and
2 it has your written statement in it. The written
3 statement of itself is of course evidence to the Inquiry
4 and I've been able to read it in advance, which is very
5 helpful. But having you here today means we can explore
6 in a little more detail some particular aspects of it
7 and that's what we're proposing to do.

8 But, before I turn to Mr Sheldon to invite him to
9 begin your evidence, could I emphasise that it's really
10 important to us that we do all we can to make the giving
11 of evidence by you as comfortable as we can, so that you
12 can give your evidence as clearly and as well as you're
13 able to.

14 So, if at any time it's too much, you want a break,
15 just say. I do understand that it can be difficult
16 doing what you're doing today. If you don't understand
17 what we're asking you, that's our fault, not yours, so
18 there's no problem in asking us to explain things
19 better. Or if anything else would help, just let me
20 know. If it works for you, it will work for me; all
21 right?

22 A. Okay.

23 LADY SMITH: I'll hand over to Mr Sheldon now and he'll take
24 it from there. Thank you.

25 Mr Sheldon.

1 Questions by Mr Sheldon

2 MR SHELDON: Thank you, my Lady.

3 Good morning, 'Michael'.

4 'Michael', I think you should have a red folder in
5 front of you and that contains your statement. I think
6 it may be helpful if you have that open in front of you
7 and we'll go through it, just asking some questions
8 arising from it.

9 You don't need to concern yourself with this, but,
10 for our purposes, the statement reference is
11 WIT.001.001.6058.

12 Now, 'Michael', if you could go to the last page of
13 the statement, please, do you see right at the foot of
14 that page -- it's paragraph 131 -- you have said there:

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

19 Is that the case?

20 A. That's correct.

21 Q. Thank you.

22 Is that your signature?

23 A. Yes.

24 Q. And the date 22/8/17?

25 A. Yes.

1 Q. All right.

2 Just turning back to the start of the statement
3 again, please, I don't need your date of birth, but
4 I think you were born in 1970; is that right?

5 A. Yes.

6 Q. You start off by telling us something about your early
7 life and you say that your mother had, I think, clearly
8 mental health issues?

9 A. Yeah.

10 Q. And for that reason it was really not a great early
11 childhood; is that fair to say?

12 A. Yes.

13 Q. You tell us something about your siblings. But you,
14 yourself, were in and out of care, you say -- this is
15 page 2 -- for the first 18 months of your life and you
16 were then really in a series of placements throughout
17 your young life; is that right?

18 A. Yeah.

19 Q. The first placement that you tell us about in detail was
20 at Clerwood House Children's Home. Now, I'm not going
21 to go into detail about that. We'll concentrate on the
22 secure settings that you were placed in. But you do
23 tell us in relation to Clerwood that you did suffer
24 abuse at that placement and, indeed, you suffered abuse
25 at the hands of Gordon Knott and Brian McLennan; is that

1 right?

2 A. That's right.

3 Q. Did you give evidence at their trial?

4 A. Yes.

5 Q. Page 8 of your statement, paragraph 43, you tell us that
6 you were, you think, six or seven when you left
7 Clerwood, so this would be about 1977 or thereabouts --

8 A. 1976/1977, yes.

9 Q. You were placed in Barnardo's. Of course, as I was just
10 saying to Lady Smith, we've had your evidence read in
11 about Barnardo's, so I don't need to go into that in
12 detail.

13 But, taking matters short, I think you say that your
14 Barnardo's placements were fairly good experiences for
15 you?

16 A. Yes.

17 Q. Is that right? And you felt fairly comfortable in those
18 places?

19 A. Yeah.

20 Q. What you do say is -- and this is looking at page 11 of
21 your statement, and paragraph 59 -- towards the end of
22 your time at Barnardo's:

23 'I had behavioural problems. Looking back they
24 probably stemmed from the abuse. I would act out.'

25 Can you just tell us about that and how you feel the

1 abuse you'd suffered up to this point had affected you?

2 A. I think I was just lashing out and generally just not

3 always being appropriate in my behaviour.

4 Q. Did you have feelings of anger, for example?

5 A. Oh, a lot. A lot.

6 Q. Yes. You have said just now that you would lash out and

7 at that point you were getting quite strong?

8 A. Mm-hmm.

9 Q. And the staff reckoned, you say, that you were getting

10 too physical for them. You were sent to stay at

11 an assessment centre at Howdenhall and you say in that

12 paragraph that it was like a borstal; can you tell what

13 you mean by that?

14 A. Yes. I suppose when I initially went there I didn't

15 have a clue what it would be like and being there was

16 just -- you were told when to eat, when to sleep and

17 when you could do things. If you didn't do things

18 according to them, you would be locked in a cell. All

19 that kind of stuff. It was just ...

20 Q. It was very controlled?

21 A. Very.

22 Q. All right. I'll come on to ask you a few more questions

23 about that just in a moment. But, just to finish off

24 that paragraph, you say:

25 'They kept telling me I was only there to attend the

1 school.'

2 Was there was a school inside?

3 A. There was a school attached inside. And my Barnardo's
4 social worker basically said, 'Look, we can't find
5 a placement for you for a school suitable, which is why
6 you're going there', and from what I've read in my
7 notes -- I received my notes after I came out of care --
8 it was like he didn't even want me going there, but
9 I didn't have any choice.

10 Q. What was the school like? How did you feel the
11 education -- the level of education was?

12 A. Naff, absolute crap.

13 Q. In what way?

14 A. It's ... because of the other boys that were there, it's
15 like you just didn't get a chance to learn anything
16 because a lot of them were quite disruptive.

17 Q. How many people would be in a class, for example?

18 A. Five, six, maybe seven, something like that. Quite
19 small.

20 Q. Mixed, girls and boys?

21 A. I don't remember any girls.

22 Q. Okay. And what sort of age range? Were you all the
23 same range or a range of ages?

24 A. Yeah, teens.

25 Q. What kind of subjects were you taught? Do you recall?

1 A. Reading, writing, art, stuff like that.

2 Q. Any maths, arithmetic --

3 A. There would be maths as well, yeah, but ... yeah.

4 Q. You certainly felt it wasn't a very satisfactory

5 experience?

6 A. No, no.

7 Q. So, over the page, page 12, you do go on to talk a bit

8 more about the assessment centre. You have already told

9 us it was a very controlled environment.

10 Do we understand from paragraph 60 that you had your

11 own room?

12 A. Yeah, it was -- yeah, basically.

13 Q. You weren't in a dormitory?

14 A. No.

15 Q. And the room had a bed, chair and a set of drawers?

16 A. Yeah.

17 Q. It sounds fairly bare, when you put it that way; was

18 there anything else?

19 A. Not that I can remember, no. It was like a room with

20 a locked door, like a long window on one wall, the staff

21 could look in. Big plastic chair, plastic bed, you know

22 what I mean?

23 Q. You say the door was locked; was that all the time or

24 just overnight?

25 A. It was locked overnight or they would lock you in there

1 for certain periods if you weren't behaving according to
2 them.

3 Q. If they thought your behaviour was deteriorating?

4 A. Yeah.

5 Q. If you needed to go to the toilet during the night; what
6 happened?

7 A. I can't remember. I think there might have been
8 a buzzer on the wall or something.

9 Q. Right. You don't remember whether someone would come to
10 take you to the toilet; is that how it worked?

11 A. I can't remember.

12 Q. No. Okay.

13 How many other children were in the
14 assessment centre, roughly? Can you recall?

15 A. Oh, quite a few. I really honestly couldn't ...

16 Q. Was it 20, 40, more than that?

17 A. Maybe something about 40, maybe more. I'm not sure.

18 Q. Okay. I think we understand that it was in different
19 wings?

20 A. Yeah.

21 Q. In fairness to you, you might not have known exactly how
22 many people were there?

23 A. Yeah.

24 Q. Can you tell us a bit about how the wings worked, the
25 different parts of the assessment centre?

1 A. Likesay, where I was it was like a corridor with
2 bedrooms or cells, or whatever you want to call them, on
3 it and little shower block, a toilet block and then,
4 yeah ...

5 Q. You say, for example, that there was an open section;
6 were you in the open section or were you in the
7 closed --

8 A. I was in the closed section.

9 Q. Were you ever in the open section?

10 A. No. My brother was.

11 Q. You can't tell us --

12 A. No.

13 Q. -- much about that?

14 A. No.

15 Q. All right. You are just conscious that where you were
16 was very heavily controlled?

17 A. Yeah.

18 Q. When people did act out, as I think you put it in the
19 previous part of your statement; what happened to people
20 that acted out at the assessment centre?

21 A. You normally got a couple of staff that come and grab
22 you and basically take you up to your cell, lock the
23 cell door and just leave you there.

24 Q. How did you feel they did that?

25 A. They were quite rough quite -- the time.

1 Q. In what way?

2 A. Just the way they would man handle you.

3 Q. What sort of things would they do?

4 A. Shove your arms up your back, sort of force you to walk
5 to the cell with them, stuff like that.

6 Q. Would they ever put you on the ground?

7 A. Yeah. If you were like lashing out to what they would
8 call uncontrollable, they'd put you on the ground and
9 sit on you.

10 Q. How many people would be doing that?

11 A. One, two, depends what the situation was.

12 Q. Did you see other children being manhandled in that way?

13 A. Yeah.

14 Q. How frequently did that occur?

15 Was it a daily occurrence, weekly?

16 A. Maybe every couple of days.

17 Q. And was it girls and boys who were --

18 A. Yeah.

19 Q. -- treated in that way?

20 How did that make you feel when that happened to
21 you?

22 A. It wasn't nice. I don't know, it just winds you up even
23 more.

24 Q. How long were you in the assessment centre? Do you
25 recall?

1 A. It seemed like ages, but I can't recall exactly how
2 long.

3 Q. Your record suggests that you went to Dr Guthrie's in
4 about [REDACTED] 1983.

5 A. Mm-hmm.

6 Q. So does that help you place your time at the
7 assessment centre?

8 A. Again, I couldn't put an exact time on it.

9 Q. Again, weeks, months?

10 A. Months.

11 Q. Months, all right.

12 A. Yeah.

13 Q. And were you ever allowed out of the assessment centre?
14 Did you get out for ...

15 A. They took you out as groups for certain activities and
16 stuff, but I can't really recall any specifics.

17 Q. What sort of activities? Would these be outdoor
18 activities?

19 A. Yeah, they took you -- there was a group of about five
20 or six of us went further north somewhere for a week or
21 so. I sort of stayed in a cottage-type thing, but
22 I can't really remember that much about it.

23 Q. Do you remember what sorts of things you were doing?
24 Were you walking? Were you canoeing? Anything like
25 that?

1 A. I really can't remember.

2 Q. Can't remember. Okay.

3 At all events, you spend time at the

4 assessment centre and you talked about being manhandled

5 if people acted out; did anything else happen to you at

6 the assessment centre that you recall?

7 A. I can't remember.

8 Q. How were the other children? How were they in relation

9 to you and vice versa?

10 A. We used to get into fights and stuff like that. There

11 was one lad I got into a fight with in the shower room,

12 where the staff just watched on and didn't really do

13 anything about it.

14 Q. So they knew that this was happening and didn't

15 intervene?

16 A. Oh, yeah, yeah.

17 Q. They could see what was happening?

18 A. Yeah.

19 Q. 'Michael', you then are sent to Dr Guthrie's; did anyone

20 talk to you about that and tell you why that was

21 happening?

22 A. They may have done, but I can't recall.

23 Q. Did you understand why that was happening?

24 A. No, no.

25 Q. So, as I've said, the records suggest you were at

1 Dr Guthrie's from about [REDACTED] 1983?

2 A. Mm-hmm.

3 Q. And you tell us this is a List D School, it had been
4 an approved school. You say:
5 'It was approved by everyone else, but me.'

6 A. Yeah.

7 Q. I didn't catch what you said just there?

8 A. Yes, I did say that.

9 Q. I think you described the experience at Dr Guthrie's
10 just a moment ago and you, I think, put short, didn't
11 think it was very good?

12 A. No.

13 Q. Okay. You do say your experience there was hellish.
14 I'll ask you some detail about that just in a moment.
15 But just in general terms; can you say -- can you tell
16 us why you felt your experience was hellish?

17 A. I didn't learn anything there. It's like the only thing
18 I enjoyed there was art and possibly woodwork. It's --
19 again, you were just living -- dormitories. There were
20 fights all the time, you know what I mean?

21 Q. I think we have heard something about the dormitories
22 system from other witnesses; were there still four big
23 dormitories? Is that how it worked?

24 A. I only remember two. There might have been four.
25 I couldn't recall.

1 Q. It was quite a big building, wasn't it?

2 A. Yeah.

3 Q. And did you tend to stay in one part of the building or
4 did you --

5 A. Yeah, where I was, you had -- you come up the stairs and
6 there would be a dormitory on left and a dormitory on
7 the right.

8 Q. So that really was your world, as it were?

9 A. Yeah.

10 Q. How many people were in the dormitory with you?

11 A. Maybe 12, 15.

12 Q. And were they all roughly the same age --

13 A. Yeah.

14 Q. -- or different ages?

15 A. In the dormitory, they were roughly about the same age
16 and then the dormitory over was the older boys.

17 Q. Right. You would be about 13 at this point; is that
18 right?

19 A. Yeah.

20 Q. Can you tell us a bit about living in a dormitory with
21 all these boys? What was that like?

22 A. I didn't enjoy it at all. It's -- again, there would be
23 fights, arguments.

24 Q. You say, in paragraph 64, that you were brought up
25 knowing there were consequences if you did something

1 wrong and you didn't really go down that route, but you
2 were put in a school with people who did wrong things?

3 A. Yeah.

4 Q. You stuck out like a sore thumb; why did you feel you
5 stuck out so much?

6 A. Because a lot of people, from what I understood, were
7 put in the assessment centres and Dr Guthrie's because
8 they had either broken the law, they'd done things that
9 they shouldn't have done, and I didn't feel I'd done
10 that. I was there at the assessment centre and
11 Guthrie's because, as far as I was aware, they couldn't
12 find any other school to take me, which -- yeah.

13 Q. All right. And what did you feel were the consequences
14 for you of that dynamic, of that feeling that you stood
15 out?

16 A. I just hated it. Like I said, it was hell.

17 Q. You talk a bit about the food and you say the food
18 wasn't good, but that's just institutional food?

19 A. Yeah.

20 Q. Can we take it from that, that you didn't hate the food,
21 at least you were able to eat it?

22 A. You didn't have much choice.

23 Q. All right.

24 A. You know what I mean?

25 Q. What kind of stuff did they give you?

1 A. Just normal fish and chips or like tapioca, rice
2 pudding, stuff like that.

3 Q. As you say, quite institutional food?

4 A. Yeah.

5 Q. Over the page, you talk about lessons and the various
6 subjects that you did, but you say that the school was
7 pretty terrible?

8 A. Mm-hmm.

9 Q. Can you just tell us a bit more about that? What was
10 the -- what, in your view, was the standard of the
11 education that was being provided?

12 A. Again, I don't feel I learnt much at all in there.
13 It's -- I didn't like the education in there and all
14 I use to do, really, was, like, doodle on pieces of
15 paper and stuff, whether that be in the English class or
16 the maths class.

17 Q. How long were you in lessons in a typical day?

18 A. I don't know. I think it was like a normal school day.

19 Q. So 9.00 to 3.30 or 4.00?

20 A. Something like that, I think.

21 Q. And what sort of size were the classes?

22 A. Again, they'd be maybe six, seven, eight people.

23 Q. And I suppose --

24 A. Not huge.

25 Q. What was the attitude of the other boys in the class to

1 learning?

2 A. I don't know really. Some of them would, some of them
3 wouldn't.

4 Q. And what was the standard of behaviour like in the class
5 or the classes?

6 A. Sometimes it was quite disruptive, other times it was
7 all right.

8 Q. All right. And the teachers; how did you rate them?

9 A. Sort of run-of-the-mill.

10 Q. Do you remember any of the names of the teachers?

11 A. Nah. I remember the maths teacher, but not his name,
12 because he used to throw the blackboard rubber at you
13 all the time if you weren't doing what you were told.

14 Q. You talk about the blackboard rubber --

15 A. A big black wooden eraser-type thing.

16 Q. I think of that as a wooden thing.

17 A. Yeah.

18 Q. And he would throw it at you?

19 A. Aye.

20 Q. Just you or others?

21 A. No, others as well.

22 Q. And did he ever hit you?

23 A. Not that I'm aware.

24 Q. Did he hit anyone else?

25 A. I couldn't say 100 per cent.

1 Q. How did he throw it? Was a good old toss?

2 A. No, it wasn't -- it wasn't a cricket ball, if you know
3 what I mean.

4 Q. Okay. Were there any other teachers that did things
5 like that?

6 A. Not that I recall, no.

7 Q. You tell us, in paragraph 67, that there were trial
8 motorcycles?

9 A. Yeah.

10 Q. And a track on the edge of the football pitch?

11 A. Yeah.

12 Q. Where was that, 'Michael'?

13 A. They had the big field at the back of the school, which
14 they used as a football pitch and there was a sort of
15 track round the edge.

16 Q. Was that on the Lasswade Road side then or the other
17 side of the building?

18 A. It was on the back, which I think might have been
19 Lasswade. Was it Lasswade?

20 Q. Right. Facing east, that would be?

21 A. Facing towards the bridge.

22 Q. Yes.

23 A. Yes.

24 Q. Okay. So the other side from Lasswade Road.

25 A. Whichever side that is.

1 Q. Yeah. Thank you for that. And did you get to have a go
2 on the motorcycles?

3 A. I think maybe once.

4 Q. Was this something that happened all the time or was it
5 just a one-off, perhaps?

6 A. They had them for a while and then they got stolen.

7 Q. Right. And any other activities that you can recall?

8 A. I think the pool table in the dormitories and then there
9 was the TV, they had a swimming pool and sort of
10 football and then generally your PE stuff for the
11 school.

12 Q. Tell us a bit about the swimming pool; were you given
13 trunks by the school?

14 A. Aye.

15 Q. You were. And boys wore trunks when they were swimming?

16 A. As far as I can recall, yeah.

17 Q. You talked already about the dormitories and told us
18 about that.

19 At paragraph 69, you say:

20 'There were fights between the boys every single
21 night and I would be cowering in my bed.'

22 Just tell us about that, please, in your own words;
23 what was happening?

24 A. It's like a lot of the fights would be, like, over
25 nothing really. Someone would say something and then --

1 just your fights. And I just didn't really want to get
2 involved.

3 Q. If I can put it this way: how violent were these fights?

4 A. Most of the time it was 'He said', 'He said', you know
5 what I mean? Pushing and shoving. A couple of times it
6 was quite violent, but ...

7 Q. And you say:

8 'Sometimes you would get dragged into them,
9 sometimes you wouldn't.'

10 A. Yeah.

11 Q. 'At other times I would face the brunt of it.'

12 What do you mean by that?

13 A. It's ... being in the assessment centre and at
14 Guthrie's, I was sort of taking a lot of flak for my
15 brother being in them before me and him sort of being
16 the hard man type thing and I suppose I would take a lot
17 of flak because of him, if you know what I mean?

18 Q. Your older brother had been in --

19 A. The assessment centre, aye.

20 Q. -- Dr Guthrie's before you?

21 A. Not Guthrie's, the assessment centre. And because a lot
22 of the boys came from the assessment centre to Guthrie's
23 and all that, they'd know of him as well. And I suppose
24 I just took a lot of flak because my brother being my
25 brother, you know what I mean.

1 Q. Yeah. And when you say 'flak'; what do you mean by
2 that?

3 A. It's -- there would be a few fights and a few arguments
4 and all that kind of stuff. It's like with -- yeah ...

5 Q. You say:
6 'One day a boy pushed me too far as I came out of
7 the dining room and I punched him.'

8 A. Yeah, I just landed him one. And basically a lot of the
9 fighting and the arguing, which pointed towards me
10 particularly sort of eased off after that.

11 Q. Okay. You say you weren't bullied again after that.

12 A. I still got bullied, but not anywhere near as much.

13 Q. All right. How was the boy pushing you? Can I ask you
14 that?

15 A. Just saying things about my parents and things about my
16 other brother and that kind of stuff, you know what
17 I mean? It was just ...

18 Q. He was taunting you?

19 A. Yes, basically.

20 Q. In paragraph 71, you talk about a member of staff who
21 you called Mr BFX ; why was he called Mr BFX ?

22 A. His hands were absolutely massive, and I mean massive.

23 Q. Okay. Was sort of size of a guy was he?

24 A. He was quite a big guy, but his hands were absolutely
25 massive.

1 Q. You say that when he hit you, you knew about it?

2 A. Yeah.

3 Q. Was that something that happened frequently?

4 A. It didn't happen often, but if he landed you, he landed

5 you. You knew about it.

6 Q. You say that he hit you a couple of times?

7 A. Yeah.

8 Q. And what was that like? If that's not a stupid

9 question.

10 A. Sore.

11 Q. Okay.

12 A. Yeah, you knew when he hit you.

13 Q. Did he draw blood?

14 A. Naw.

15 Q. How about other boys? Did you see him hit other boys?

16 A. I couldn't tell you.

17 Q. You just know he hit you?

18 A. Yeah.

19 Q. And more than once or just the once?

20 A. I think it was a couple of times.

21 Q. Do you recall what sort of member of staff he was? Was

22 he a teacher? Was he a sportsperson, something else?

23 A. I think he was care staff.

24 Q. Right.

25 A. If you can call them that.

1 Q. How many care staff were there? Do you remember?

2 A. I couldn't tell you off the top of my head. I knew they
3 had residential social workers who worked there.

4 Q. Were the care staff all male or were there women as
5 well?

6 A. I think there might have been a couple of women.
7 I'm not 100 per cent sure.

8 Q. Do you recall any other of the care staff particularly?

9 A. I had a key worker when I was there, but I don't really
10 remember that much about them.

11 Q. Was the key worker someone that worked specifically at
12 Dr Guthrie's or were they based elsewhere?

13 A. Yeah. As far as I'm aware, they specifically worked at
14 Guthrie's.

15 Q. It wasn't really a question of them coming to visit you.
16 They were just there; is that right?

17 A. Yeah.

18 Q. Were you able to go and speak to them more or less
19 whenever you wanted to or were there set times, for
20 example?

21 A. I think you'd have set times. It's -- but like I said,
22 I didn't really want to speak to these people anyway.

23 Q. I was just about to ask you: if things were happening to
24 you; would you have felt able to talk to your care
25 worker about that? For example, Mr BFX hitting you.

1 A. Not really, no.

2 Q. And why was that?

3 A. I think I felt like if I told anyone you'd probably get
4 twice as much back.

5 Q. You would be a grass, seen as a grass?

6 A. Basically, yeah.

7 Q. At paragraph 72, you say there must have been some form
8 of discipline, but you can't remember what. Staff
9 didn't generally hit boys because they weren't allowed
10 to; did any boys, to your knowledge, get the belt? Was
11 the belt still being used?

12 A. It was never used on me.

13 Q. Right.

14 A. And whether it was used on anyone else, I couldn't say,
15 because I didn't see it.

16 Q. All right. It wasn't something that the boys talked
17 about or mentioned?

18 A. Not that I can recall, no.

19 Q. You tell us over the page, page 14, that you were --
20 just at the very end of page 13, over the page to 14 --
21 you were treated all right by the staff?

22 A. Generally, yeah.

23 Q. You talked about Mr BFX and what he did on occasion.

24 A. Mm-hmm.

25 Q. But the rest of the staff were all right?

1 A. Generally, they were like any staff in any sort of care
2 institution. It's like, you know what I mean, you get
3 good ones, you get bad ones.

4 Q. If I can ask you this: if you or other children were
5 acting out at Dr Guthrie's; what happened to you?

6 A. I can't remember what happened.

7 Q. Was it like the assessment centre, where you'd be
8 manhandled or not?

9 A. I think they would still sit on top of you and sort of
10 calm you down, stuff like that, but I can't really
11 remember.

12 Q. And you say you were still technically in the care of
13 Barnardo's?

14 A. Yeah.

15 Q. So were you still able to go back to Barnardo's home now
16 and again?

17 A. I think I did for a bit, but it sort of stopped.

18 Q. For example, at weekends; were you allowed out at
19 weekends?

20 A. Yeah. I did, yeah. I went back to Barnardo's on the
21 weekends.

22 Q. So Barnardo's was effectively your home? It was your
23 home --

24 A. Yeah.

25 Q. -- you were able to go visit that at the weekends?

1 A. Mm-hmm.

2 Q. Was that enjoyable for you? Was that a good experience?

3 A. Yeah, yeah.

4 Q. You talk a bit about that at paragraph 73. You still
5 had a Barnardo's social worker and were able to spend
6 time with her?

7 A. Mm-hmm.

8 Q. You say:

9 'I think I would have spoken to ... [your social
10 worker] about what was going on at Dr Guthrie's.
11 I don't recall telling her about specifics, but I must
12 have told her about some points.'

13 Again, if I can just press you a little on that:
14 what were the kind of things that you would have spoken
15 to her about that were happening at Dr Guthrie's?

16 A. Just the fact I wasn't enjoying it and I didn't really
17 understand why I was there.

18 Q. And would you have told her about the fights and
19 Mr BFX ?

20 A. I would have -- sorry, I might have told her about the
21 fights and stuff, but I don't know if I told her about
22 Mr BFX .

23 Q. You don't have a recollection of that?

24 A. No.

25 Q. At paragraph 75, you talk about leaving Dr Guthrie's

1 school and you say you think your time with Barnardo's
2 stopped when you left Dr Guthrie's. You say there was
3 a ritual when you left; there was a massive blancmange
4 fight?

5 A. Yeah, just one of the things they did.

6 Q. Where was this, just outside the school or inside the
7 school?

8 A. That wasn't at Guthrie's; that was at Barnardo's.

9 Q. I beg your pardon. Okay.

10 A. Yeah. But I think I left Barnardo's prior to leaving
11 Guthrie's, because I was with foster carers for part of
12 my time when I was at Guthrie's.

13 Q. Did you go to Dr Guthrie's for a while as a day boy?

14 A. Yeah.

15 Q. So you had a period boarding?

16 A. Mm.

17 Q. At Dr Guthrie's. Again, I think the records suggest
18 that was for about six months; would that sound about
19 right?

20 A. Yeah.

21 Q. Then you attended as a day pupil?

22 A. Yeah.

23 Q. And was that better for you or did it not really make
24 much difference?

25 A. It was better than the fact I wasn't there 24/7.

1 Q. Okay. And at that time; were you staying at the
2 Barnardo's house?
3 A. No, I was staying with a family in Dalkeith.
4 Q. This was a foster family?
5 A. Yeah.
6 Q. And over the page you talk about that, at page 15 --
7 LADY SMITH: Sorry, 'Michael', are you saying you had
8 started living with the family in Dalkeith at the time
9 you were going to Dr Guthrie's as a day pupil?
10 A. Yeah.
11 LADY SMITH: And while you were with that family you also
12 then moved to a school in Edinburgh, a day school in
13 Edinburgh?
14 A. Yeah.
15 LADY SMITH: Thank you.
16 MR SHELDON: Was that Boroughmuir that you went to?
17 A. Yeah.
18 Q. So you were in foster care for some time and then
19 I think you were at another set of children's homes?
20 A. Yeah.
21 Q. Latterly Dean House?
22 A. Mm-hmm.
23 Q. And I think you tell us, page 16, that you discovered
24 that Brian MacLennan was in charge of it?
25 A. Yeah.

1 Q. And I dare say that must have been an unpleasant shock
2 for you?

3 A. Yeah. Last person I expected to see.

4 Q. Sorry?

5 A. It's the last person I expected to see.

6 Q. Again, we won't go into the details of that. That may
7 be something that we look at at a later date, but just
8 to perhaps note that MacLennan was there.

9 A. Yeah.

10 Q. So, at page 18, you talk about life after care and you
11 your experiences then.

12 Can you tell us in your own words about your
13 experiences after you left all these different care
14 settings?

15 A. Just bummed about for a while. I joined the TA. Then I
16 joint the regulars for a bit, moved to London, ended up
17 working for the NHS and then doing security work.

18 Q. You said that you were in the army medical corps for
19 a while?

20 A. Yeah.

21 Q. That was for about four years?

22 A. Yeah.

23 Q. Is that how you came to work for the NHS later on?

24 A. My wife worked for [REDACTED] in Paddington, so I got
25 a job working there as well.

1 Q. You've talked about your wife. I think you had a family
2 as well --

3 A. Aye.

4 Q. -- in the 1990s and you have two daughters now; is that
5 right?

6 A. Yeah.

7 Q. You tell us, at paragraph 96, the police contacted you
8 about the abuse and was this the abuse by MacLennan and
9 Knott?

10 A. Yes.

11 Q. All right. And I think we have already established that
12 you gave evidence at their trial and they were both
13 convicted, ultimately?

14 A. Yeah.

15 Q. And you say that you decided to get in touch with your
16 siblings and you ultimately found them; is that right?

17 A. Yeah.

18 Q. At paragraph 100, you say that after the army you found
19 it difficult to find regular work and you worked in some
20 bars as a doorman?

21 A. Yeah.

22 Q. Can you perhaps tell us about that? Why do you think it
23 was difficult for you to find regular work?

24 A. I just couldn't settle down. Yeah, just found it
25 difficult to settle down, so obviously difficult to find

1 work -- and more settled.

2 Q. You felt quite restless?

3 A. Yeah.

4 Q. And I suppose up to the age of 18 or so you had been

5 moving around a lot?

6 A. Yeah.

7 Q. I guess just moving on to the impact that you feel all

8 that had on you, I mean, I suppose the assessment centre

9 and Dr Guthrie's was only one relatively short part of

10 that. You had spent time at Clerwood and so on. But,

11 again, just in your own words: how do you feel that all

12 your experiences, the various experiences, had and have

13 affected you?

14 A. It's difficult to say really, because I didn't know

15 anything different growing up. It is what it is. And

16 until the police contacted me it's something I hadn't

17 particularly thought about. And since speaking to the

18 police and doing the trial and what have you, I've found

19 it difficult to get my head round things that have

20 happened. I did start self-harming for a while, which

21 was quite -- sorry, can we break?

22 Q. It's all right. Take your time.

23 A. If we could break, please.

24 LADY SMITH: Of course, we can. Do you want to leave the

25 room or do you want me to leave? Which would be easier?

1 A. Please.

2 LADY SMITH: You go or I go?

3 A. Yes.

4 LADY SMITH: Let's get you out and have a break.

5 I'll rise. Just keep in touch and let me know as

6 and when and if 'Michael' feels able to carry on.

7 (10.49 am)

8 (A short break)

9 (10.57 am)

10 LADY SMITH: Are you ready to carry on, 'Michael'?

11 A. Yeah.

12 LADY SMITH: Are you sure?

13 A. Yeah.

14 LADY SMITH: Mr Sheldon.

15 MR SHELDON: Thank you, my Lady.

16 'Michael', before we took a break, you were talking

17 a bit about the impact that all this has had on you.

18 I think we can see very clearly what the impact has

19 been. You go on to talk about treatment and support

20 that you've had and the various health problems that

21 you've had, not least depression.

22 At page 23, paragraph 121, you talk a little bit

23 about records and the problems you had getting records

24 from Lothian Region, but you have managed to get your

25 Barnardo's records. I think you mentioned that you have

1 seen them; is that right?

2 A. Yeah.

3 Q. At paragraph 124, you go on to talk about final thoughts
4 on all this. If I can, I'm going to read that and if
5 you want to add anything, then please just jump in and
6 do that.

7 But you say:

8 'When children are in the care of a local authority,
9 they are acting as your parents. The staff need to be
10 vetted with criminal background checks done. I don't
11 know if these were done when I was in the home or if
12 they were sufficient enough. Once they are in the job,
13 there needs to be continuous and rigorous checks, as
14 well as ongoing training for staff.'

15 Just pausing there, what kind of training do you
16 have in mind, 'Michael'?

17 A. Child safety, how they can spot things if things are
18 happening. It's more sort of welfare training towards
19 the children.

20 Q. Just be more conscious perhaps --

21 A. Yeah, that as well.

22 Q. Reading on, you say:

23 'The local authority have a vested interest in
24 ensuring that things are running smoothly otherwise
25 their jobs may be at risk. I don't know if that then

1 leads to them just ticking boxes to say that everything
2 is fine.'

3 Over the page:

4 'There should be a child advocate, separate from the
5 social work department, who children can trust and talk
6 to about anything. This person should be independent.
7 They shouldn't be responsible for multiple homes at
8 a time because that leads to them having to rush and
9 keep to timescales. It should be one person per
10 residential unit, who can go and spend time at the home
11 and speak to the staff and children. They should spend
12 time there and see how the place is run and if it is
13 a happy place where children feel content.'

14 Again, pausing there, was there anyone during your
15 time in care, 'Michael', that you could speak to,
16 confide in, anyone like that?

17 A. Not really, except my Barnardo's social worker. The
18 rest of the time I just felt they were there as a job to
19 get a wage.

20 Q. Yes. Yes. And your Barnardo's social worker, I think
21 we have seen from other parts of your statement; was she
22 a reasonably constant presence during that period?

23 A. Yeah, I think she was quite an important presence in
24 growing up.

25 Q. But you feel that there should be someone like that for

1 every unit and --

2 A. Maybe every unit's pushing it a bit much. But I believe
3 there should be somebody independent of the care setting
4 who can advocate on behalf of the children and find out
5 if they're happy, if anything is going on. And if
6 something is going on or they're not happy, then they
7 should be able to advocate on behalf of the child with
8 the child, the social work.

9 Q. Just thinking about your own experiences, and if you
10 feel able to answer this: what do you think the most
11 important skill that such a person would have or should
12 have?

13 A. What, to be a residential social worker or to be an
14 advocate?

15 Q. To be an advocate of the sort you've been talking about.

16 A. I -- I think they'd have to have some sort of
17 understanding of the way the care sector works and
18 obviously some sort of social work training. But,
19 beyond that, I don't know.

20 Q. I suppose to put it another way: what was the most
21 helpful thing for you in dealing with people like your
22 Barnardo's social worker? What was the thing that she
23 did that made it easier for you?

24 A. I think a lot of it was just being there. No matter
25 what I was -- what was sort of thrown at them at the

1 time, she was like a constant. She wasn't swapped over
2 every five minutes, like -- I don't know how many
3 Lothian social workers I had. There are too many to
4 count. But most of my time in Barnardo's it was one.

5 Q. Other social workers came and went, but she was the
6 constant?

7 A. Yeah, yeah.

8 Q. Constant part of your life. All right.

9 Going on you say:

10 'There needs to be spot checks carried out in care
11 homes without pre-warning.'

12 Were you aware of any checks being done in the homes
13 you were in?

14 A. No.

15 Q. 'There should be a number that children can call if they
16 have problems.'

17 A. Yes, I believe there should be a freephone number, again
18 outwith social work, where they can call and say: this
19 is happening or that's happening.

20 And then whoever they've called they can sort of put
21 the wheels in motion to report it on their behalf,
22 because as a child -- there's no way in hell I could
23 have approached Lothian Regional Social Worker
24 Department to say, 'This is going on' or 'This is going
25 on' (a) because I probably wouldn't have been believed

1 in the first place; (b) I wouldn't know where to go and;
2 (c) the social workers that we did have I just didn't
3 feel confident talking to about anything, really.

4 Q. So there needs to be a number that children can ring,
5 but also there needs to be, I guess, publicity, the
6 knowledge that they can do that?

7 A. There needs to be something in place for reporting that
8 children should feel confident to use.

9 Q. You go on:

10 'They should have access to a phone somewhere
11 without staff being around. There should be information
12 about child abuse near to the phone that children can
13 see, explaining what child abuse is and what forms it
14 can take.'

15 A. Yeah.

16 Q. 'I don't know why it has taken so long for everything to
17 come to light. All the signs were there with the
18 children themselves or with their file entries at the
19 time the abuse was happening.'

20 What do you mean by that, 'Michael'?

21 A. Kids have been reporting it and nothing was being done
22 or the police would get involved and would say, 'Nothing
23 to see here', type thing and, again, nothing would get
24 done. And it was only -- I say recently now, but only
25 with the police contacting people, through the court

1 case and everything like that, that we started being
2 believed. Beforehand, it was just like, 'Oh, the
3 troubled children is -- we don't believe a word they're
4 saying because they're troubled children'.

5 Q. Yes, so there's that. There's the fact that children
6 were saying things and not being believed.

7 A. Yeah.

8 Q. Do you feel there are other signs that people should be
9 on the look out for in relation to children and abuse?

10 A. If you've got a happy child one minute and then start
11 acting out next minute for no reason, apparently, you've
12 got to wonder why and you've got to ask yourself: what's
13 going on?

14 It's like -- it's just -- what is the point in being
15 a social worker for a child if you can't spot the
16 differences?

17 Q. Okay. You say you hope the Inquiry leads to changes
18 being made. Taking the next paragraph short:

19 'I want to get it out there ...'

20 Do you mean your story?

21 A. Yeah. I want to make sure -- I just want to make sure
22 that people know what happened, know what happened to
23 me, so maybe it won't happen to someone else. Or
24 there's no point.

25 MR SHELDON: You say:

1 'I want to get it out there because I'm not a victim
2 anymore. I'm a survivor and nobody can take that away.
3 It will hopefully never happen again to another child if
4 people know about it.'

5 And I think perhaps we can all join you in that
6 hope.

7 My Lady, that's all I have for 'Michael'. Thank
8 you.

9 LADY SMITH: 'Michael', thank you so much again for engaging
10 with us today. It's been really helpful to hear from
11 you, yourself, about some aspects of your very important
12 evidence, all of which of course I have from your
13 statement.

14 I do appreciate the statement was taken from you
15 some years ago now, but it's no less valuable today than
16 it was then. I hope you understand how we've been
17 working through different stages of our various
18 investigations since then and Dr Guthrie's has only been
19 arrived at just now. But it has, as you know, given us
20 the opportunity to touch on some of the other aspects of
21 your time in care and that's been really good for me to
22 hear.

23 So I'm able to let you go now. I'm going to rise to
24 deal with one or two other things and you just take your
25 time to leave the room as suits you.

1 (The witness withdrew)

2 (11.10 am)

3 (A short break)

4 (11.38 am)

5 LADY SMITH: Ms Forbes.

6 MS FORBES: Good morning, my Lady.

7 The next witness is an applicant who has waived his
8 anonymity and his name is Derek Allan.

9 LADY SMITH: Thank you.

10 Derek Allan (affirmed)

11 LADY SMITH: There are a couple of things I would like to
12 cover with you before we turn to your evidence. First
13 of all, thank you for coming to engage with us today.
14 Secondly, how would you like me to address you?

15 I'm happy to use your first name or your second name.

16 A. First name is fine.

17 LADY SMITH: Thank you, Derek. Derek, you will see there is
18 a red folder on the desk. It has a copy of your written
19 statement in it, the one that's signed. It's been
20 really helpful to have that in advance because it's
21 enabled me to look at it and find out what evidence
22 you've already given us, because that is already
23 evidence before the Inquiry.

24 But, today, we'd like to explore some particular
25 aspects of it. We'll do that when taking your evidence.

1 Q. Derek, in front of you is the statement that you gave,
2 as her Ladyship has said. For our purposes, we give
3 that a reference number. It's not something for you to
4 concern yourself with, but I'm just going to read that
5 reference number out so we have it in the transcript.
6 WIT-1-000000697.

7 Derek, if I could ask you to go to the very last
8 page of your statement, all the paragraphs are numbered
9 and the very last paragraph there should be 176.
10 I'll just give you a chance to get to that.

11 A. Yep.

12 Q. That's where you make a declaration which is that you
13 have no objection to your witness statement being
14 published as part of the evidence to the Inquiry and
15 that you believe the facts stated in your witness
16 statement are true?

17 A. Yeah.

18 Q. That's something you have then signed and you've dated.
19 It's dated -- although it's blacked out there, the date
20 is 24 May 2021?

21 A. That's correct.

22 Q. Is that still the position?

23 A. That's correct, yes.

24 Q. You can just go back to the front of that statement or
25 put it to one side, it's up to you. I'm just going to

1 start by asking you some questions about your early
2 life, before you went into care.

3 Derek, you tell us that you were born in 1960; is
4 that right?

5 A. Yeah.

6 Q. And that Derek Allan is the name on your birth
7 certificate, however at different times different
8 surnames have been maybe attributed to you?

9 A. That's correct, yeah.

10 Q. A particular one was a stepfather you had at one time?

11 A. Yeah.

12 Q. Sometimes his surname was put as your surname --

13 A. Yep.

14 Q. -- in some of the records you've seen; is that right?

15 A. Yeah.

16 Q. But, before your stepfather came into your life, you
17 tell us about the life you had before you went into care
18 and that was that you were born in Dalry near Edinburgh;
19 is that right?

20 A. Uh-huh.

21 Q. You initially lived with your parents, biological father
22 and mother?

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9 A. Yeah.

10 Q. But, when you lived with your mother and father in
11 Edinburgh, I think you tell us your dad was employed and
12 he was self-employed; is that right?

13 A. He was, yeah.

14 Q. But you describe him in your statement, Derek, as a bit
15 of a jack the lad?

16 A. He was, yeah.

17 Q. Is that the way you saw him when you were young?

18 A. Yeah.

19 Q. You say he used to buy houses and things like that?

20 A. Yeah.

21 Q. But I think your mother didn't work?

22 A. No.

23 Q. And I think you tell us that she had some mental health
24 problems?

25 A. I believe so, yeah.

1 Q. That's your impression, even though she wasn't diagnosed
2 officially with anything, but that's how you saw her?
3 A. Well, just the way she acted in general life. Yes,
4 that's how I seen her.
5 Q. [REDACTED] your relationship with [REDACTED], I think you tell
6 us, was very difficult?
7 A. Yeah.
8 Q. It was you in particular that [REDACTED] had -- seemed
9 to have a problem with; is that right?
10 A. Me [REDACTED]
11 Q. How did that show itself, Derek, in the way that [REDACTED]
12 treated you?
13 A. Well, I always seen myself as a black sheep.
14 Q. You tell us [REDACTED] was physically abusive towards you.
15 A. [REDACTED] was physically, mentally. It's like [REDACTED] just didn't
16 want me. I mean, [REDACTED] used to tell me [REDACTED] didn't want
17 me, [REDACTED] hated me, [REDACTED]
18 Q. That happened when you were young and lived with [REDACTED]
19 [REDACTED]; is that right?
20 A. It did.
21 Q. Did your father sometimes take you to work with him?
22 A. Well, my father would leave to go to work and would take
23 me -- [REDACTED]
24 [REDACTED] because [REDACTED] used to physically hit me and
25 stuff, and he would collect me when he was finished

1 work.

2 Q. I think you say that when you were a child you moved
3 around quite a lot?

4 A. Yes, lucky if we were in a house over 18-month.

5 Q. But there came a time when sadly your father passed
6 away?

7 A. Yeah.

8 Q. And how old were you, Derek --

9 A. I was six when he died.

10 Q. Did you see him up until that point as sort of your
11 protector from [REDACTED]?

12 A. I did, yeah.

13 Q. But, after he died, you didn't have that protection
14 anymore?

15 A. No, I was away.

16 Q. Did that mean that the abuse from [REDACTED] became
17 more severe?

18 A. It became worse [REDACTED]
19 [REDACTED]

20 Q. I think you tell us about a couple of incidents when you
21 were younger, when I think, firstly, you tell us, at
22 paragraph 7, about a time when you had German measles?

23 A. Yeah.

24 Q. This is when your father was still alive; is that right?

25 A. That's correct, aye.

1 Q. There was some advice given that your parents should
2 cover up the lights in the house --

3 A. Yeah.

4 Q. -- because of the risk of blindness?

5 A. That's right.

6 Q. And your father took heed of that and he did that?

7 A. He did, yeah.

8 Q. But your mother --

9 A. She took it down.

10 Q. And because of that you say that you remember going
11 blind for a period of time?

12 A. Yep, yep.

13 Q. But you thankfully regained your sight.

14 And you also talk about another incident, Derek, at
15 paragraph 8, when you were about five and you were out
16 with [REDACTED] walking; what happened on that occasion?

17 A. [REDACTED] went and pulled me and told me to hurry up. [REDACTED]
18 pulled me, I tripped and I split my head open.

19 Q. Did [REDACTED] take you to do be seen with that injury?

20 A. Nope.

21 Q. You tell us [REDACTED] just stuck a plaster on it; is that
22 right? But this was something that left a mark on
23 your --

24 A. Yes, I've still got the scar to this day, yeah.

25 Q. Now, Derek, you tell us that immediately after your

1 father passed away you went into some foster care for
2 a short period of time; is that right?

3 A. I didn't know that at the time because I was young.
4 But, yes, [REDACTED] fostered, so [REDACTED] didn't have to go to
5 the funeral.

6 Q. So this was really for a period of about two or three
7 weeks?

8 A. Yeah.

9 Q. You talk about that from paragraph 10 of your statement.
10 And I think you comment that the family that you were
11 with were lovely?

12 A. They were, yeah.

13 Q. And fantastic people?

14 A. Yeah.

15 Q. But, towards the end of your time there, you were told
16 that you [REDACTED] would be going back; [REDACTED]
17 [REDACTED]

18 A. Yeah.

19 Q. And were you upset about the prospect of going back to
20 stay with [REDACTED]?

21 A. I was.

22 Q. Was that in relation to suffering the abuse again from
23 [REDACTED]?

24 A. Again, the abuse. And I was in a normal family with the
25 foster parents. I was going back to a monster.

1 Q. Is that how you saw [REDACTED] at that time?
2 A. Yeah.
3 Q. A monster?
4 A. Yeah.
5 Q. I think you tell us that on being told that you were
6 going to go back, you were upset and you didn't want to
7 leave that home.
8 A. That's right.
9 Q. But you were taken back?
10 A. Mm-hmm.
11 Q. And after you went back from this period in foster care,
12 I think you tell us that you [REDACTED]
13 [REDACTED] stayed with [REDACTED]?
14 A. Yeah.

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3 Q. But you stayed at that time still with [REDACTED]?

4 A. Yeah.

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10 Q. You tell us as well about your stepfather and that your
11 mother met him within about six months or something --

12 A. Six months after my dad died they were getting married.

13

14

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16 Q. But that marriage later broke down. I think you say
17 that you think it lasted until about 1974 or 1975?

18 A. '74/'75, yeah.

19 Q. But, [REDACTED] you
20 tell us, Derek, that this moving around happened even
21 more frequently?

22 A. Mm-hmm.

23 Q. So more than before, when your father had been alive?

24 A. Yeah, yeah.

25 Q. And this was every sort of nine months or so you'd have

1 to go to another house?

2 A. Yep.

3 Q. And you don't know why that was?

4 A. I do now, but at the time I didn't.

5 Q. Why was that?

6 A. She was getting into debt.

7 Q. So it was to avoid the debt collectors?

8 A. Yeah.

9 Q. I think you say your mother inherited some money from
10 your father when he died and you think she squandered
11 that?

12 A. When my dad died, he left lots of property and stuff,
13 but the property was in different names. Back then you
14 could buy a house like you buy a car now, you didn't
15 need to go through solicitors and stuff. You just
16 bought a house and it was done, you know, so nobody
17 knows whatever happened to the property or his money or
18 his business.

19 Q. I think you say that at that time it was quite difficult
20 to know what was going on because you were still quite
21 young?

22 A. Mm-hmm.

23 Q. But one day you came home from school and your mother
24 had moved house?

25 A. Yeah.

1 Q. You didn't know about that?

2 A. Yeah.

3 Q. You didn't know where she was?

4 A. No.

5 Q. But I think -- this is at paragraph 13 -- you say that
6 you give your mother some credit that the houses you
7 lived in were clear?

8 A. Yeah, we were well fed, the house was spotless.
9 Couldn't fault the house, couldn't fault -- you know.

10 Q. But the one thing I think you mention is you weren't
11 clothed very well?

12 A. No.

13 Q. So this moving around affected your schooling; is that
14 fair to say?

15 A. Aye, aye.

16 Q. So you'd go to a school, start making friends and then
17 before you knew it you'd have to --

18 A. Yes, I'd be moved school again.

19 Q. And did you fall behind at school because of that?

20 A. I did, I did.

21 Q. Did that lead to you stopping, effectively, going to
22 school?

23 A. I didn't like school because everybody would make fun of
24 me because I was, like, backward, I suppose.

25 Q. I think that one of the things that you had an issue

1 with whilst you were at home [REDACTED] was bed
2 wetting?

3 A. Yeah.

4 Q. And what would happen when you would wet the bed?

5 A. Well, [REDACTED] would just make me lie in it.

6 Q. You say [REDACTED] would make you sleep in the dirty sheets?

7 A. Yeah.

8 Q. You tell us, Derek, at paragraph 15, you remember the
9 sheets getting so dirty that there would be maggots?

10 A. There were maggots, yeah.

11 Q. And [REDACTED] would say that that was to teach you a lesson?

12 A. Yeah. I would sleep on the dresser. I slept on top of
13 a dressing table.

14 Q. And did you at one point try to tell somebody about what
15 was going on with [REDACTED]?

16 A. Yeah. I told the police. I told the police and they
17 never done anything. I was just a wee boy who needed a
18 (indistinguishable) up the arse.

19 Q. So you took the time to tell the police officer about
20 what was going on, but nothing happened?

21 A. That's right.

22 Q. And did that make you feel any particular way about
23 whether anyone cared about what was happening?

24 A. I just thought it was life. I just thought it was a way
25 of life.

1 Q. After that, did you then decide that you were going to
2 run away?
3 A. Mm-hmm.
4 Q. And did do you that quite a lot?
5 A. I ran away a few times, yeah.
6 Q. But you'd be brought back by the police?
7 A. Yep.
8 Q. When you were brought back; what would happen in
9 relation to [REDACTED]? How would [REDACTED] deal with it?
10 A. Sometimes [REDACTED] would be battering me, sometimes [REDACTED]
11 have a laugh about it.
12 Q. Did [REDACTED] have any problems at that time with misuse of
13 alcohol?
14 A. Yeah. [REDACTED] was at the pub quite a lot, but I started
15 drinking as well.
16 Q. And how old were you at that time?
17 A. I was pretty young when I started drinking. I can't
18 really put an age on it.
19 Q. But still in primary school?
20 A. Yeah.
21 Q. Or even though you weren't going to primary school, but
22 primary school age?
23 A. Aye, aye.
24 Q. I think there was a time when this relationship with
25 [REDACTED] broke down between [REDACTED]

1 and [REDACTED] was involved with other men; is that right?

2 A. Yeah.

3 Q. Would they come back to the house?

4 A. Yeah.

5 Q. And would there be any issues with them towards you?

6 A. Quite a lot of issues, yeah.

7 Q. Were they abusive towards you, physically?

8 A. Yeah, yeah.

9 Q. Now, Derek, I think you say there was a point in time

10 when social work became involved?

11 A. Mm-hmm.

12 Q. You think that's because you weren't attending school --

13 A. Yeah.

14 Q. -- perhaps?

15 A. Yep.

16 Q. And that probably started when you were about nine or

17 ten?

18 A. Probably, aye.

19 Q. In about 1970 or so, something like that?

20 A. Mm-hmm.

21 Q. And you then would be asked at panels why you were

22 running away and things like that?

23 A. Mm-hmm.

24 Q. And would you tell them it was because of what [REDACTED]

25 [REDACTED] was doing?

1 A. I told them the way we were living, [REDACTED] drinking all
2 the time, never being in the house, always being in the
3 pub. Yeah, I mean, I told them all that. Coming home
4 with different guys. The guys would give us a slap if
5 I didn't go to my bed or whatever. And I
6 (indistinguishable).

7 Q. And when you told the panel these things; did they do
8 anything --

9 A. No, [REDACTED] denied it all.

10 Q. You describe your mum, at paragraph 19, saying that she
11 was a short, good looking woman who spoke prim and
12 proper?

13 A. Oh, yeah.

14 [REDACTED]

15 [REDACTED]

16 Q. From your point of view, she seemed to be able to
17 manipulate the panel?

18 A. Absolutely. Absolutely.

19 Q. Was it just put down then to you just being a problem
20 child because of your father having passed away?

21 A. That's what she said was behind it all.

22 Q. Was there then a time when you were referred to see
23 a psychiatrist?

24 A. I was referred to a psychiatrist before I went into
25 care.

1 Q. You tell us you saw him on about four occasions?

2 A. I think, aye, it was three or four times, yeah.

3 Q. But the last time you saw him you got upset because

4 I think in your statement you say he showed you

5 a photograph of your dad, but I think that's maybe not

6 what happened?

7 A. No, he asked me to draw a photograph of my dad.

8 Q. Did you have a reaction to that?

9 A. Of course I did.

10 Q. What happened?

11 A. It wasn't a very nice reaction. I kicked the table up.

12 I basically smashed his office up and I went for him.

13 Q. After that, you never went back?

14 A. I never went back.

15 Q. I think you sort of describe how your mother was making

16 you out to people, to social work and the psychiatrist.

17 At paragraph 21, Derek, you say:

18 'My mother made me out to both Social Services and

19 the psychiatrist that I was just a wee bastard.'

20 A. That's right, aye.

21 Q. Did you hear her saying that?

22 A. Yeah, yeah.

23 Q. But I think you tell us -- you say:

24 'I probably was a bit of a wee bastard as my mother

25 would call me.'

1 A. I was. Aye, I was.

2 Q. When you say that, Derek; what do you mean? Is that
3 because you were running away or because you just
4 weren't listening to what you were told sometimes?

5 A. Well, I mean, I suppose I was being awkward. I was
6 being a wee bastard, as I said. I was a problem child,
7 but I was rebelling against what was going on.

8 Now, when I look at it now I'm rebelling.
9 I'm a young kid rebelling against things that shouldn't
10 be happening.

11 Q. And you tell us you were being physically abused at
12 home?

13 A. Aye.

14 Q. You would tell social workers and the psychiatrist about
15 that as well; is that right?

16 A. Yeah.

17 Q. And nothing seemed to happen?

18 A. Nothing, nothing.

19 Q. Now, leading up to you going into care, you tell us you
20 attended a number of children's hearings, but they were
21 all to do with you running away; is that right?

22 A. Yep.

23 Q. You had a social worker at that time and you tell us her
24 name. You think that she drafted a report on you; is
25 this something you found out later or were you aware of

1 it at the time?

2 A. I never knew anything about it until -- the first I knew
3 stuff was going on was when she took me to Howdenhall.

4 Q. I think what you learned from a report that you're aware
5 of, that she prepared on you, was that these problems
6 that you were having seemed to all just be put down to
7 the fact that your father had died --

8 A. Yeah.

9 Q. -- rather than the way that [REDACTED] was treating
10 you?

11 A. Exactly.

12 Q. You say that the final time you ran away from home
13 before you were put in care, you went to Dunbar with one
14 of your friends?

15 A. Mm-hmm.

16 Q. You were caught by the police?

17 A. Yes.

18 Q. Did your social worker then come and pick you up from
19 the police station?

20 A. She did, yeah.

21 Q. She dropped your friend off at his house, in Edinburgh?

22 A. Yep.

23 Q. But she didn't take you back home?

24 A. No, she took me to Howdenhall.

25 LADY SMITH: How do you get to Dunbar from Edinburgh? You

1 and your friend; how did you get there?

2 A. How?

3 LADY SMITH: Yes.

4 A. We walked a long way and I stole a car.

5 LADY SMITH: You were 12?

6 A. Yeah, yeah. The first car I stole, I was nine-year old.

7 LADY SMITH: You learnt to drive on that one, did you?

8 A. My uncle taught me how to drive.

9 LADY SMITH: Ms Forbes.

10 MS FORBES: My Lady, thank you.

11 But at least at this point you weren't getting into

12 trouble for stealing cars. It wasn't known; is that

13 right?

14 A. No, no.

15 Q. So it wasn't offences that you were being put before the

16 Children's Panel for?

17 A. No.

18 Q. So she didn't take you home; she took you to Howdenhall?

19 A. Yeah.

20 Q. But you say you called it Liberton?

21 A. Liberton.

22 Q. It's had a few names, I think, but that's how you knew

23 it?

24 A. I knew it as Liberton Assessment Centre.

25 Q. Did she tell you she was taking you there?

1 A. No.

2 Q. When she went there and you stopped outside the
3 building; what did she tell you?

4 A. She took me in and she said she was having to go -- 'I
5 have to go in here to do some paperwork, sign some
6 paperwork', et cetera, and I mind thinking: what, at
7 this time in the morning?

8 Because it was really late.

9 Q. You say it was about 2.00 am?

10 A. That was just to get me in the door because I wouldn't
11 have went.

12 Q. It seems like she didn't want to tell you where she was
13 taking you?

14 A. Exactly.

15 Q. You're saying you wouldn't have gone --

16 A. I wouldn't have went in.

17 Mind, back then, I was quite a chunky guy. I wasn't
18 a wee tiny guy. I was quite a chunky guy. I used to do
19 boxing and stuff, so I could look after myself. So
20 I wouldn't have went in and she wouldn't have got me in.

21 Q. You tell us later in your statement, Derek, you were big
22 for your age?

23 A. Aye.

24 Q. You were taller and you looked older?

25 A. Yeah.

1 Q. Now, just going on then, Derek, to look at your time in
2 Howdenhall or Liberton, you tell us about that from
3 paragraph 24 onwards. You say that you think you were
4 there for probably about six months, but it could have
5 been longer?

6 A. Aye.

7 Q. This was in about 1971 or 1972?

8 A. Mm-hmm.

9 Q. So sort of the ages 10 --

10 A. I think back then you get times and years mixed because
11 you're small.

12 LADY SMITH: Derek, don't worry about that. It's entirely
13 understandable. I'm asking you to think back the best
14 part of a half century to what was going on then, so
15 I do understand it.

16 A. Aye.

17 MS FORBES: You say your sort of best guess is you're
18 probably about 11 or so.

19 A. Aye.

20 Q. You didn't know at that time it was
21 an assessment centre, but you have since learned that;
22 is that right?

23 A. Mm-hmm.

24 Q. But it was a secure unit?

25 A. It was secure, yeah.

1 Q. There were locks on the doors?

2 A. Yep.

3 Q. I think you were asked about staff in relation to
4 Howdenhall, and you say you don't remember any of the
5 names of the staff who were there. You can't really
6 describe them, but you were still quite young at the
7 time.

8 A. Mm-hmm.

9 Q. In relation to the types of children that were at
10 Howdenhall, I think you say that you don't remember the
11 exact age of the youngest boys there, but it was pretty
12 young?

13 A. Yeah, there was young and there was older. There was
14 a huge mixture.

15 Q. Were there boys there younger than you?

16 A. Yeah.

17 Q. But these younger and older boys, they were all mixed in
18 together?

19 A. Aye.

20 Q. You tell us a little bit about the routine at
21 Howdenhall. You tell us when you first arrived there
22 you weren't happy about being there, it's fair to say?

23 A. Of course I wasn't.

24 Q. You say you were angry and you kicked off?

25 A. Mm-hmm.

1 Q. And this ended up with you assaulting the social worker?
2 A. Yep.
3 Q. Certainly, you were never told by anyone why you were
4 there?
5 A. No.
6 Q. Were you told how long you were going to be there for?
7 A. No.
8 Q. You say you also continued to kick off, as you put it,
9 against the staff --
10 A. Mm-hmm.
11 Q. -- as they took you inside, to the point that they put
12 you in a locked room?
13 A. Yeah.
14 Q. You were there until you calmed down?
15 A. That's basically -- aye, (indistinguishable).
16 Q. Did that mean you were there overnight during the course
17 of the night until the next morning?
18 A. Sometimes.
19 Q. On that particular occasion; can you remember?
20 A. I think I was. I think I was.
21 Q. But, the next day or during the course of the same day,
22 but during the course of that day, I think you tell us
23 it was explained that you were there for protection and
24 safety?
25 A. Yeah.

1 Q. Those were the words that you remember?

2 A. Mm-hmm.

3 Q. But did one of the staff members say something to you

4 when you were being told about that?

5 A. Yeah.

6 Q. What did he say?

7 A. I was told that I would -- you'll not run away from

8 here, you wee bastard.

9 Q. That was his attitude at that time?

10 A. Yeah, yeah.

11 Q. Did you say anything in response to that?

12 A. I can't quite mind offhand now. I probably would have.

13 Q. Do you remember him doing anything at that time?

14 A. They were famous for slapping and punching you.

15 Q. You tell us in your statement that you gave him a bit of

16 backchat and you were slapped as a result of that?

17 A. Yeah.

18 Q. Does that accord with what you remember?

19 A. Yes.

20 Q. You say that at the time you thought that you'd asked

21 for it because you'd chatted back. But, looking back,

22 it wasn't their job or their place to do that to you?

23 A. That's right, aye.

24 Q. Did that make you think that you had to get out of

25 there?

1 A. Yep.

2 Q. Was that when you were thinking you had to escape?

3 A. Yes, I made my mind up I was leaving.

4 Q. You go through some of the sort of daily routine. I

5 won't go into that in too much detail with you. But

6 essentially you'd get up, have breakfast and pretty much

7 lounge about and do nothing all day long.

8 A. I never seen the purpose of the place. You lived there,

9 ate and watched TV. There was no purpose to it. They

10 never taught you anything. They didn't put you in

11 school or nothing.

12 Q. So there was no schooling?

13 A. Aye.

14 Q. You were in there for running away, but also you hadn't

15 been going to school, which is why the social worker had

16 become involved in the first place?

17 A. That's right. So you would understand if they put you

18 in there and make you go to school on the premises, but

19 there was -- no, you didn't have that. So what was the

20 point?

21 Q. Whilst you were there, you were in a room on your own?

22 A. Yeah.

23 Q. And this was a locked room --

24 A. Yeah.

25 Q. -- at times. And that was locked overnight or locked

1 during the day as well?

2 A. The room that I slept in?

3 Q. Yes.

4 A. It was locked at night.

5 Q. You had a buzzer that you could press if you needed to

6 go to the toilet?

7 A. Yeah.

8 Q. There were showers there, not in the room, but somewhere

9 else; is that right?

10 A. Yeah, you shared the showers. It was a --

11 Q. Some of these showers would be supervised, but that

12 would just be by staff popping in every now and again?

13 A. Yeah, yeah.

14 Q. In relation to things other than that, the chores for

15 example, Derek, you tell us that you were given some

16 bits and pieces to do -- this is at paragraph 34.

17 A. Yep.

18 Q. So things like you had to keep your own bed space tidy?

19 A. You made, like, bed bundles, stuff like that.

20 Q. These bed bundles; is this something you would have to

21 make in, like, a prison or something?

22 A. Very similar to borstal.

23 Q. We'll talk about that a little later, but you have

24 experience of borstal; was it a similar experience to

25 that, these bed bundles?

1 A. Yeah.

2 Q. There were inspections to make sure you did that
3 properly?

4 A. Yep.

5 Q. If you failed the inspection, it depended on who was
6 carrying it out as to what --

7 A. Nine times out of ten if it wasn't up to their
8 standards, they would pick your bed bundle up, throw it
9 and give you a slap or whatever and tell you to do it
10 again.

11 Q. There were some staff members who would do that?

12 A. Yeah.

13 Q. There were others who took away privileges and
14 recreation time?

15 A. That's right, aye.

16 Q. Did you learn then that if you gained the staffs' trust,
17 then you would be given some chores that you could do?

18 A. I did, yeah.

19 Q. That was to put you in a position to run away?

20 A. Escape, aye.

21 Q. You tell us a little bit, Derek, about a sort of uniform
22 that you were given -- at paragraph 35 -- there were
23 jeans and a blue pinstriped shirt?

24 A. That's right.

25 Q. You say that was basically the same as what you would

1 wear in prison?

2 A. In borstal, aye.

3 Q. And all the boys wore the same thing?

4 A. Yep, apart from the runaways.

5 Q. And if you ran away; what was the difference?

6 A. You got a pair of brown shorts.

7 Q. Do you know why you were given brown shorts?

8 A. Well, everybody would know that you were a runaway then.

9 I presume that's why.

10 Q. When you were in there, even though you are only about

11 11, you were smoking by that time; is that right?

12 A. Mm-hmm.

13 Q. But, technically, you weren't allowed to smoke in

14 Howdenhall?

15 A. That's right.

16 Q. But everybody was smoking; is that how you saw it?

17 A. Yeah.

18 Q. There was what you describe as a 'cigarette currency'?

19 A. Mm-hmm.

20 Q. Was that between the boys?

21 A. Yeah.

22 Q. You tell us a little bit about leisure time. There were

23 things like television and table tennis, but that was

24 about it?

25 A. Basically, yeah.

1 Q. You weren't taken anywhere on trips or anything like
2 that?

3 A. Not that I can mind.

4 Q. Whilst you were in Howdenhall; did you get to go home at
5 any point?

6 A. No.

7 Q. You say that the only time you left was when you
8 escaped -- and we'll talk about that -- and when you
9 went to the Children's Hearing, just before you went to
10 Dr Guthrie's?

11 A. Yeah.

12 Q. Did you get any visits from your family when you were in
13 there?

14 A. I think my mum came up once or twice.

15 Q. You say that your social worker popped in a couple of
16 times to visit you?

17 A. Yeah.

18 Q. But the way you describe it, at paragraph 41, is you
19 don't really remember what happened during those visits.
20 You were just switched off to the world back then?

21 A. Aye.

22 Q. What did you think when you were in Howdenhall in
23 relation to whether you were getting out?

24 A. To be honest, I didn't really do a lot of thinking at
25 all. I just switched off. I was described as a robot.

1 I could turn myself on and off, if I turned my brain off
2 it was off.

3 Q. Is this something you've seen referred to in records as
4 an adult? You have had a look at records and seen that
5 comment; is that where you've seen that?

6 A. I actually seen that comment where I shouldn't have seen
7 it.

8 Q. Is this the situation when you were in borstal where you
9 managed to see some of your records?

10 A. Yeah.

11 Q. We might come to that a little bit later, but that's
12 something you've seen written about you --

13 A. Yep.

14 Q. -- in your records?

15 A. Yep.

16 Q. Thinking about that comment; would you agree with that
17 as being the way you were at the time or not?

18 A. I still am. If I decide not to do something, I won't do
19 it and nothing will budge me.

20 Q. I think you say the time you spent in Howdenhall you
21 remember -- this is at paragraph 45 -- just sitting
22 during the day in this sort of TV room looking out of
23 the big bay windows, thinking: I need to get out of
24 here.

25 A. Yeah, yeah.

1 Q. And as we have talked about a little bit earlier, the
2 way you were going to do that, in your mind, was by
3 building up trust with the staff?
4 A. That's right.
5 Q. Did you get involved in cleaning and do things for the
6 staff?
7 A. I did.
8 Q. Were you eventually then trusted to go outside into the
9 football grounds?
10 A. That's right.
11 Q. That was to pick up rubbish, was it?
12 A. Pick up rubbish and whatever was there.
13 Q. And one day then; did you take the opportunity when
14 doing that to run away?
15 A. Yep.
16 Q. Did you run away with another boy?
17 A. I did, yeah.
18 Q. You say, Derek, that was about halfway during your time
19 at Howdenhall?
20 A. Probably, yeah. Probably.
21 Q. Where did you go when you ran away?
22 A. We ran away, we went along the railway and stuff and
23 I ended up at my mum's.
24 Q. You say stupidly you made the decision to go home to
25 your mum's?

1 A. I did, I did.

2 Q. When you got there; what did she do?

3 A. The police box was right across from her house. I seen
4 a police officer going in there, so she shouted him up,
5 told him. She told me to go away in the kitchen and
6 make myself some soup, which I did. While I was doing
7 that she got the police and I got taken back to ...

8 Q. You say a policeman came to the house then to get you?

9 A. Yeah.

10 Q. In your statement, at paragraph 47, you say it got a bit
11 hairy after that?

12 A. Mm-hmm.

13 Q. It's up to you, you don't have to tell us, but what do
14 you mean by that? Did something happen between you and
15 the police officer?

16 A. The police came up the stairs to get me [REDACTED]
17 [REDACTED]
18 [REDACTED] And I took a knife to my mum, to her
19 throat, and I told the police to back off.

20 Q. Quite a serious incident then?

21 A. Yeah, yeah.

22 Q. But you did eventually go with the police; is that
23 right?

24 A. I did, yeah.

25 Q. They took you back to Liberton, to Howdenhall.

1 In relation to coming back from that time you ran
2 away; what happened when you returned to Liberton?

3 A. I returned to Liberton, they flung me into the room,
4 gave me the brown shorts, told me to put them on and --
5 aye, if I mind right, I got a slap, the usual stuff for
6 taking the mick. These people don't like you getting
7 one over on them, especially if you're a young boy.

8 Q. You say that -- this is a little later in your
9 statement, at paragraph 52 -- after you got back to
10 Liberton following running away you were hit a couple of
11 times by staff members?

12 A. Yeah.

13 Q. It was the usual slap to the face and a punch in the
14 stomach?

15 A. Aye.

16 Q. Is that what you remember happening?

17 A. Yeah. You become a target once you run away. Once you
18 run away or you lose -- or you stand up to them, you
19 become a target. There's a hand to them, a side to them
20 that every time they see you or whatever, they'll -- you
21 know, they just come for you.

22 Q. Did you think at that time that you running way had been
23 embarrassing for them?

24 A. Of course.

25 Q. The room that you were put into, Derek, when you came

1 back, you describe that at paragraph 49. You say it
2 wasn't a padded room or anything like that.

3 A. No, no.

4 Q. And you were put in there the first night that you were
5 there and that was to calm down?

6 A. Yep.

7 Q. This was the first day you were at Liberton. You were
8 in again when you came back from running away?

9 A. Yeah.

10 Q. But were you in there some other times as well?

11 A. I was in there a few times, aye.

12 Q. The length of the time you would be in that room, I
13 think you said, varied?

14 A. Mm-hmm.

15 Q. So how long could it be?

16 A. You could be in there for a couple of hours, could be in
17 there for 4 hours. I've heard of people being in there
18 for 48 hours or three days.

19 Q. In your statement, you say there were other times it
20 could be for a week; do you remember it being as long as
21 that?

22 A. Aye.

23 Q. And whilst you were in there, they brought the food to
24 you --

25 A. Mm-hmm.

1 Q. -- in the room and they would escort you to and from the
2 toilet?

3 A. That's right.

4 Q. Everything was taken away from you recreation-wise?

5 A. That's right.

6 Q. You just had nothing to do?

7 A. Mm-hmm.

8 Q. Was it basically sort of solitary confinement?

9 A. That's what it was like, yeah.

10 Q. There's a section of your statement that deals with
11 abuse whilst you were at Howdenhall.

12 You tell us the way the staff seemed to keep
13 discipline there was through physical abuse?

14 A. It was always physical.

15 Q. Was that all the staff or just some members of staff?

16 A. I'd say -- I wouldn't say it was them all.

17 Q. You've told us that some would sometimes take away your
18 privileges?

19 A. Aye.

20 Q. It would depend on the member of staff?

21 A. Yep.

22 Q. But also restraint was used; is that right?

23 A. Mm-hmm.

24 Q. You say you remember a couple of occasions where members
25 of staff sat on you --

1 A. Yeah, they did.

2 Q. -- to calm you down. But you tell us, quite fairly,
3 that looking back you were quite loud and rowdy, so they
4 maybe needed do that?

5 A. Aye, aye. Like I say, I wasn't a wee, small kid. They
6 knew that I was game.

7 Q. Thinking about it now, in relation to the restraint that
8 happened when you were in Howdenhall; did you see that
9 as being excessive at all?

10 A. Of course.

11 Q. You did?

12 A. Of course.

13 Q. In what way do you see it as being excessive? What was
14 happening?

15 A. Well, it doesn't take two or three grown men to restrain
16 what they class as a small boy, especially sitting on
17 top of them and stuff, you know? Back then, I had
18 health problems back then as well, which I presume they
19 would have knew about.

20 Q. When you were being restrained; was it painful at all?

21 A. Of course.

22 Q. Where would it hurt?

23 A. Well, mainly my chest because they'd be sitting on my
24 chest. You're talking about a grown man sitting on my
25 chest.

1 Q. Were there any other control techniques used on you that
2 you were aware of?

3 A. They would do the arm control, the arm up the back or
4 twist your wrist back and all this sort of stuff. It
5 was all painful stuff to have done. They knew what they
6 were doing.

7 Q. You tell us a little bit again about this slap in the
8 face or a punch in the stomach, at paragraph 51, that
9 sometimes that would happen and that's how they dealt
10 with most things?

11 A. That's right.

12 Q. Did it hurt when that happened?

13 A. Of course it hurt.

14 Q. You comment that you wouldn't say it was anything that
15 you would class as excessive; why do you say that?

16 A. I think I built a pain tolerance up, so because I didn't
17 cry or get upset when they hit me, I didn't really class
18 it as excessive because they couldn't make me cry.
19 I got to a stage where I did cry a lot. I'd just accept
20 it and walked away. But I would go back to my room and
21 cry because I'd be in pain.

22 Q. This time when you came back from running away; how did
23 the other boys see you as this boy who had managed to
24 escape?

25 A. Oh, they treat you like a king.

1 Q. That was something that they were impressed by?

2 A. Yes, you're like a champion to them: he done something
3 that they say you can't do. He done it.

4 Q. You tell us that you never reported to anyone at the
5 time what was happening when you were in Liberton; is
6 that right?

7 A. No point.

8 Q. These punches and slaps.

9 At paragraph 54, you make the comment that you think
10 all the other staff knew what was going on whilst you
11 were there?

12 A. Yeah.

13 Q. And why do you say that in particular?

14 A. Well, they talk.

15 Q. When a slap or a punch happened to you; would there be
16 other members of staff around, other than the one who
17 was doing it?

18 A. Sometimes there would be other people standing in the
19 background, but, nine times out of ten, it was just you
20 and whoever.

21 Q. We're getting to the stage where you're leaving
22 Howdenhall and you say you don't think that was too long
23 after you had escaped that you went to a Children's
24 Hearing and your mother and your social worker were at
25 that hearing?

1 A. Yeah.

2 Q. But did your social worker tell you before you went that
3 she was going to see if they would allow you to go home?

4 A. Yeah.

5 Q. Did you think there was a chance that you might get
6 home?

7 A. I certainly built my hopes up that I was going home.

8 Q. But when the hearing took place; did the Panel make
9 a decision to send you home?

10 A. They did.

11 Q. And then what happened?

12 A. My mum said that she wasn't ready for me to go home.
13 She didn't want me to go home.

14 Q. There is a part of your statement, at paragraph 56,
15 where you have said what your mum said:
16 'She didn't want me, didn't love me and didn't want
17 me back home.'.

18 Do you remember her saying that to the Panel?

19 A. I do, aye.

20 Q. You are there and she's saying this to them? After
21 that; did the panel change their decision?

22 A. Yep.

23 Q. Did they send you then to Dr Guthrie's?

24 A. That is when I went to Dr Guthrie's.

25 Q. Again, were you told how long you were going to be

1 there?

2 A. Never said.

3 Q. You weren't given the impression that you would be there

4 for a long period of time, were you?

5 A. No.

6 Q. But that decision that was made to go to Dr Guthrie's,

7 by the time it was made; were you okay with it?

8 A. Well, I was never okay with it.

9 Q. You were never okay with it?

10 A. No.

11 Q. You make a comment, at paragraph 57, that you never

12 really wanted to go home anyway because of your mother?

13 A. Mm-hmm. That's right.

14 Q. But you still weren't happy about going to Dr Guthrie's?

15 A. I'd rather have been home than being in Dr Guthrie's, at

16 least I knew what I was getting and what to expect.

17 Q. You say you were taken straight from Liberton, was it,

18 to Dr Guthrie's or was it from the Panel?

19 A. The Panel.

20 Q. And did you know anything about Dr Guthrie's at the

21 time?

22 A. Never even heard of them.

23 Q. You make a reference to something about 'jaggy jumper

24 schools'?

25 A. Aye.

1 Q. Had you heard of those before?

2 A. My granny used to always say, 'You'll go to the jaggy
3 jumper school', and stuff and that's all I knew about
4 List D Schools or whatever.

5 Q. Was that before you went to Dr Guthrie's --

6 A. Yeah.

7 Q. -- or is this something she said after?

8 A. Yeah, before.

9 Q. Derek, I'm going to move on and ask you about your time
10 at Dr Guthrie's. You talk about that from paragraph 60
11 of your statement.

12 You tell us at the beginning you think you spent
13 three years there between about 1972 and 1974?

14 A. Aye, roundabout then.

15 Q. Between 11 and 15?

16 A. Aye.

17 Q. You're aware and we've talked about this before, that
18 there are some records that give us some dates. We
19 don't want to worry too much about that, but the records
20 say you went into Dr Guthrie's on 6 June 1972 and you
21 were discharged on 7 January 1974?

22 A. Right.

23 Q. So if those records are correct then, you would have
24 been about 11 when you went in until 13?

25 A. Yeah.

1 Q. You were there for about 18 months or so?

2 A. Right, okay.

3 Q. I know it's difficult to remember because it's such
4 a long time ago; does that seem about right?

5 A. Aye. Maybe seems longer because I ran away from there
6 as well and I lived on the streets for quite a few
7 month.

8 Q. Now, you're at Dr Guthrie's, and this wasn't secure like
9 Liberton?

10 A. It was open, aye.

11 Q. You could just walk right out the door, if you wanted
12 to?

13 A. Yeah.

14 Q. You did that, didn't you?

15 A. Basically, yeah.

16 Q. You give us a bit of a description of the fact that
17 there were playing fields surrounding Dr Guthrie's and
18 you could -- at the back, you could go out that way; is
19 that right?

20 A. You could go out the back. It was a big football pitch.
21 Again, it was open. Yeah, the wall was only about
22 two-feet high. Yeah, you could just leave when you
23 wanted.

24 Q. You say it was Liberton Road that the fields faced onto?

25 A. That's right.

1 Q. You could just go on to that road and leave, if you
2 wanted?

3 A. Yeah.

4 Q. We've heard a bit, Derek, about Dr Guthrie's and its
5 setting, but you tell us about it from paragraph 62,
6 that it was in its own grounds?

7 A. Mm-hmm.

8 Q. The way you've described it as a 'gorgeous looking'
9 building?

10 A. Oh, yeah.

11 Q. But, when you got inside, it wasn't just one big house,
12 it stretched out at the back?

13 A. Yeah.

14 Q. You describe it as being 'massive' inside?

15 A. Yeah.

16 Q. And there were four wings, north, south, east and west?

17 A. That's right.

18 Q. And each wing had a different dorm; is that right?

19 A. Aye.

20 Q. You tell us a little later you were in north wing?

21 A. That's right.

22 Q. That's where you stayed the whole time you were at
23 Dr Guthrie's?

24 A. Mm-hmm.

25 Q. You tell us a little more about the layout, at

1 paragraph 63, that there was a headmaster's office on
2 the right-hand side [REDACTED]
3 [REDACTED]

4 A. That's right.

5 Q. There were stairs on the right that took you up to the
6 dorms?

7 A. Mm-hmm.

8 Q. If you carried on through to the back, it took you to
9 a big, square outdoor area?

10 A. Yeah.

11 Q. That's where people could play football and hang around?

12 A. Mm-hmm.

13 Q. People would congregate there, other boys?

14 A. Aye.

15 Q. There was also a sort of gymnasium where you could play
16 football?

17 A. Yep.

18 Q. But one thing you don't remember when you were there is
19 there being a swimming pool?

20 A. I can't mind the swimming pool.

21 Q. There was a big room, a dining room where you all ate
22 together?

23 A. That's right.

24 Q. There was also another big room called the TV room --

25 A. Yeah.

1 Q. -- which might have had assemblies in as well?

2 A. That's right.

3 Q. There were three floors maybe in the place, as far as

4 you remember?

5 A. Mm-hmm.

6 Q. The classrooms were on the first floor?

7 A. That's right.

8 Q. With the dorms on the second floor?

9 A. Mm-hmm.

10 Q. In relation to staff, Derek, you tell us at paragraph 65

11 that there were both female and male staff there?

12 A. There was, yeah.

13 Q. Was there more of one gender than the other?

14 A. Yeah, there was more males.

15 Q. Were the staff a mixture of ages?

16 A. Aye.

17 Q. In relation to how you referred to the staff, you say

18 some of them allowed you to call them by their first

19 name?

20 A. Mm-hmm.

21 Q. But did most of them want you to call them 'sir'?

22 A. Sir.

23 Q. Do you remember people being punished if they didn't

24 call staff 'sir'?

25 A. Yeah, yeah.

1 Q. How were they punished?

2 A. Again, they'd get a slap, they'd get a punch, they'd get
3 pushed.

4 Q. You tell us that SNR [REDACTED] and SNR [REDACTED]
5 SNR [REDACTED], you think, were in charge of all the staff
6 underneath them?

7 A. Mm-hmm.

8 Q. And that there were some people there who were care
9 workers and others who were teachers, but you think that
10 the staff were all called teachers, whether or not they
11 taught a subject or not?

12 A. Mm-hmm.

13 Q. Quite fairly, you say there were quite a few teachers
14 who were decent?

15 A. Yeah.

16 Q. Did SNR [REDACTED] live in the grounds?

17 A. He lived on the grounds, yeah.

18 Q. With his family?

19 A. Yeah.

20 Q. But there would be other staff who would be there
21 overnight as well; is that right?

22 A. Yeah.

23 Q. But they were working?

24 A. They were working.

25 Q. The night staff?

1 A. Yeah.

2 Q. Would they be different staff than you would see during
3 the day?

4 A. Aye.

5 Q. At paragraph 68, Derek, you tell us you can't remember
6 SNR proper name, but did he have
7 a nickname?

8 A. GFC.

9 Q. And did you know why that was?

10 A. Because he was baldy and short and, yeah.

11 Q. Descriptive name?

12 A. Aye.

13 Q. In relation to SNR; who was that?

14 A. I'm sure his name was Mr .

15 Q. You give us a description of him at paragraph 69, you
16 say he was quite a tall, slim guy with big, bushy grey
17 sideburns?

18 A. Yep.

19 Q. Older?

20 A. Yep.

21 Q. At paragraph 70, you talk about one of the teachers
22 being a Mr KMI ?

23 A. Mm-hmm.

24 Q. But you don't think he taught a subject per se; is that
25 right?

1 A. No, he done the cycling.

2 Q. The cycling then became something that you became
3 particularly interested in?

4 A. I was always a keen cyclist.

5 Q. Before you went to Dr Guthrie's you enjoyed cycling?

6 A. Yeah.

7 Q. That just carried on whilst you were there?

8 A. That's right.

9 Q. He was the teacher who was involved in that?

10 A. Yeah, he taught us how to build bikes and stuff, to fix
11 wheels and he would take us to race and all that stuff.

12 Q. You tell us later in your statement that he would
13 actually take you and other boys right out of
14 Dr Guthrie's with bikes?

15 A. That's right.

16 Q. Quite far away sometimes?

17 A. Aye, aye.

18 Q. Was that something you enjoyed doing?

19 A. Aye, I enjoyed it, aye.

20 Q. You describe him as being an older man and you think
21 that he must have been in his 50s?

22 A. Aye.

23 Q. And he was somebody you got on really well with?

24 A. Aye, he was okay. He was a nice guy.

25 Q. In relation to teaching subjects, I think you mention

1 that he might have taught maths as well, but he never
2 taught you maths?

3 A. No.

4 Q. You say it was his class that you were mainly in?

5 A. Mm-hmm.

6 Q. Would that be during the day when you were --

7 A. During the day, yeah.

8 Q. In relation to other members of staff you mention
9 someone called **GFG** as being one of the teachers; is that
10 a first name or --

11 A. We just knew him as **GFG** I presumed that was his name.

12 Q. He was someone who might have been in his late 30s; is
13 that right?

14 A. Yeah.

15 Q. Then there's also a Mr **GBD** who was a teacher of some
16 sort?

17 A. Mm-hmm.

18 Q. You describe him as being about five foot seven, quite
19 stocky, quite a chunky guy, with quite bushy, dark hair?

20 A. Mm-hmm.

21 Q. You also talk about a female member of staff who you
22 don't remember the name of, who was maybe only 19 or 20?

23 A. Yeah.

24 Q. You think she was maybe a student?

25 A. She was a student, yeah.

1 Q. You mention a matron who you describe as being a 'big
2 woman'?

3 A. Mm-hmm.

4 Q. In her late 40s or 50s and she was okay. Looking at the
5 make-up then of Dr Guthrie's back then, it was all boys?

6 A. Yeah.

7 Q. There were a lot of boys within the establishment, and I
8 think you said between 100 and 150?

9 A. Aye, aye.

10 Q. There were boys who were younger than you?

11 A. Mm-hmm.

12 Q. So that would be younger than 11?

13 A. Yeah.

14 Q. And obviously boys who were older as well?

15 A. Older, yeah.

16 Q. Right up to age 15?

17 A. I think so, yeah.

18 Q. There were people from all over Scotland, from Glasgow
19 as well?

20 A. People from Glasgow and stuff.

21 Q. There would be a lot of coming and goings of boys?

22 A. Yeah.

23 Q. So there were new faces, I think you say, nearly every
24 day?

25 A. That's right.

1 Q. In relation to this term we used before, care and
2 protection term, you say there was a lot of boys who
3 were in there because of that?

4 A. Yeah.

5 Q. But in relation to them; did they have any issues
6 because of the fact that they were in there for care and
7 protection?

8 A. Of course they did. But, looking back on it now, they
9 were in there for their own safety because they had
10 family problems, probably like mines, but everybody sort
11 of got treated the same anyway.

12 Q. In relation to the other boys who weren't there for care
13 and protection; would they have any issues from them,
14 these boys?

15 A. Me?

16 Q. The other boys you have talked about who were in for
17 care and protection --

18 A. Aye.

19 Q. -- would they come up against any of the other boys?

20 A. Of course, of course.

21 Q. Was that in relation to bullying and things like that?

22 A. Bullying, because they're in for -- they called it COP
23 back then. Bullying, and some of the staff would
24 actually stand and laugh and egg people on.

25 LADY SMITH: Did you always know what individual boys were

1 in there for; whether it was care and protection or
2 something else?

3 A. You didn't always know 100 per cent, but a lot of people
4 would just assume they were in for COP because they've
5 maybe not had the up-to-date clothing or the way they
6 looked or whatever. So they just assumed, typical kids,
7 I suppose.

8 LADY SMITH: Maybe didn't brag about offences they'd
9 committed.

10 A. That's right.

11 LADY SMITH: That sort of thing.

12 A. That's right.

13 LADY SMITH: Thanks.

14 MS FORBES: This COP then; did you view yourself as being
15 one of those boys?

16 A. Yes, but I was never classed as one.

17 Q. Is that because you were able to stand up for yourself?

18 A. Yeah.

19 Q. You make a comment, Derek, in your statement, at
20 paragraph 76, that you never viewed yourself as being
21 part of that -- referring to the COP -- because you say
22 you always felt you were there for 'being a wee bastard'
23 and nothing else.

24 A. Aye.

25 Q. Is that what you thought at the time?

1 A. Yeah.

2 Q. You didn't see that there was this element of care and
3 protection that you required?

4 A. No.

5 Q. Whilst you were there, I think you tell us that you were
6 a bit particular about who you hung around with and,
7 whilst you had a couple of friends, you describe
8 yourself as a bit of a loner whilst you were there.

9

10

11

12

13

14 Q. Looking at the make-up then of Dr Guthrie's, we say
15 there were dorms upstairs and you tell us about your
16 first day and your routine from paragraph 79.

17 You say you were handed a bed bundle and told to
18 make your bed?

19 A. Yeah.

20 Q. You tell us that you remember sitting down on your bed
21 and being quite upset?

22 A. Mm-hmm.

23 Q. At that time; what were you thinking? What was
24 upsetting?

25 A. I suppose I was thinking that nobody wanted me, nobody

1 loved me.

2 Q. You didn't know at that time how long you were going to

3 be there?

4 A. That's right. That's right.

5 Q. From your point of view, you could have just been left

6 there indefinitely?

7 A. It gets to the point where you just didn't want to live.

8 Q. But, at that point, on your first day; did you know this

9 wasn't a secure unit?

10 A. The first day I wasn't very sure. So it takes a couple

11 of days to discover: I can just leave here when I want.

12 Q. You tell us a little bit about the routine and that the

13 staff would come in the morning and shout you up at

14 about 7 o'clock, you'd get a shower, get dressed and

15 then get the dorm cleaned up?

16 A. Yep.

17 Q. Then everyone would go for breakfast in the dining hall?

18 A. Yeah.

19 Q. And there was maybe an assembly?

20 A. That's right.

21 Q. In that assembly you might be allocated certain things

22 to do?

23 A. Mm-hmm.

24 Q. That's if you weren't getting academic classes that day.

25 Your recollection is you mostly went to Mr **KMI**

1 class?

2 A. Yeah.

3 Q. There would be lunch after the morning classes and then,
4 sometimes, you would go back in the afternoon for more
5 classes; is that right? But other times there would be
6 some recreation?

7 A. Yeah.

8 Q. So you could play football or whatever?

9 A. Aye, aye.

10 Q. But was that something you got involved in, playing
11 football, or was it more really the cycling that was
12 your thing?

13 A. Cycling was my thing and I would listen to lots of
14 music.

15 Q. There would be an evening meal and then recreation?

16 A. Yeah.

17 Q. And during that time you would either just hang around
18 smoking or watch TV?

19 A. That's right.

20 Q. You give us a little bit more information about the four
21 dormitories and that they were all mixed ages in the
22 dorms?

23 A. Yeah.

24 Q. They were split according to age group?

25 A. No, it was all mixed ages.

1 Q. As far as you were aware; there weren't any people who
2 were in positions of responsibility in the dorms from
3 the boys?
4 A. No.
5 Q. There was nobody like a head boy in charge of the dorm?
6 A. No.
7 Q. There was a big shower room, you tell us about.
8 A. Yep.
9 Q. But there was no cubicles?
10 A. No, it was just one big, long ...
11 Q. Does that mean there was no privacy?
12 A. No privacy.
13 Q. But different from Howdenhall, you tell us that the
14 showering mostly wasn't supervised?
15 A. Wasn't supervised, no.
16 Q. Were there any issues at all with showering?
17 A. Sometimes you get the odd scuffle. Aye, there was
18 issues.
19 Q. In relation to food whilst you were there, you say it
20 wasn't too bad, it was okay and there wasn't a penalty
21 if you didn't eat anything --
22 A. Mm-hmm.
23 Q. -- whilst you were there. But one thing you comment,
24 Derek, is you couldn't get something to eat outside the
25 meal times?

1 A. That's right.

2 Q. So there were times when you would feel hungry?

3 A. Mm-hmm.

4 Q. And would there then be a sort of raid on the kitchen?

5 A. Aye, you could go in, aye.

6 Q. At night?

7 A. Yeah.

8 Q. Something you remember is being quite hungry when you

9 were there sometimes?

10 A. Mm-hmm.

11 Q. You say you were somebody who liked your food and you

12 were a bigger lad?

13 A. They were small portions and I was quite a big guy.

14 Q. In respect of chores, you tell us, Derek, that

15 essentially it was just really to keep your dorm clean

16 and clear your plates away after meals, there was

17 nothing, really, else that you had to do by way of

18 chores?

19 A. That's right.

20 Q. Again, there was a sort of uniform whilst you were there

21 and this was the jeans and a shirt?

22 A. That's right.

23 Q. If you went home, though, at the weekends, you would get

24 to wear your own clothes?

25 A. Yeah.

1 Q. Do you remember the uniform that you had? Was there
2 something that identified that that belonged to you on
3 it?

4 A. I can't quite mind now.

5 Q. You say there was maybe a number that would be sown into
6 the clothes?

7 A. Yeah, there were numbers on the clothes, aye.

8 Q. Would you be allocated a particular number?

9 A. Aye.

10 Q. Once a weak they would come round with a basket and then
11 those dirty clothes would be taken away to be cleaned
12 and you would be issued with new clothes?

13 A. That's right.

14 Q. Was that just once a week then?

15 A. Once a weak.

16 Q. You had the same clothes the whole week?

17 A. Basically, yes.

18 Q. Or Monday to Friday if you were going home at the
19 weekend?

20 A. Basically because you were away at the weekends.

21 Q. We've talked about there being classes and you being in
22 Mr KMI class most of the time. You tell us in
23 relation to schooling that you didn't really get
24 an education when you were in Dr Guthrie's?

25 A. No.

1 Q. You mention the three Rs, and you say that's not
2 something that you really received?

3 A. No.

4 Q. You didn't get English or Maths or anything like that?
5 But cycling was the one thing that you do remember?

6 A. Yeah.

7 Q. Again, you said you were smoking at a young age and you
8 were still smoking at Dr Guthrie's; is that right? Were
9 you allowed to smoke at Dr Guthrie's?

10 A. No.

11 Q. But boys did that, though?

12 A. Of course.

13 Q. What were the penalties if you were caught smoking?

14 A. Well, again, you would get a -- depending on who caught
15 you, you know, you could lose days for going home at the
16 weekend. So, if you were really good, you got home
17 Friday, Saturday and you were back Sunday. If you got
18 caught doing something, ie smoking, you could maybe lose
19 your Friday.

20 Q. You also say that there was a sort of star system in
21 relation to going home?

22 A. Aye.

23 Q. If you got enough stars you could get home a little
24 bit earlier?

25 A. Again, on the Friday. Yes, you'd go home on the Friday.

1 Q. That would be one of the punishments?

2 A. Yeah.

3 Q. You say that a couple of times **GFG** this teacher that
4 you mentioned, caught you smoking, but he didn't take
5 away any of your privileges?

6 A. No.

7 Q. He just took your cigarettes off you?

8 A. That's right.

9 Q. Did he say: you better watch out in case it's
10 a different teacher? Who was that in relation to?

11 A. That was to do with **GBD**.

12 Q. What did he say about that?

13 A. Without reading it, I can't mind now.

14 Q. He was warning you --

15 A. Aye, he was warning me about **GBD** because **GBD**
16 wouldn't give you a warning he would get physical.

17 Q. So it would be physical if Mr **GBD** caught you smoking?

18 A. Aye.

19 Q. Now, different from Howdenhall, at Dr Guthrie's you did
20 get to go on trips; is that right?

21 A. That's right.

22 Q. And you went camping during the summer time?

23 A. Yeah.

24 Q. That was down in Dunbar?

25 A. Dunbar.

1 Q. Same place?

2 A. Yep.

3 Q. There would be chalets there?

4 A. Mm-hmm.

5 Q. But they were for boys who wet the beds?

6 A. That's right.

7 Q. Everyone else would be in tents?

8 A. Tents, yeah.

9 Q. And what do you remember about those trips?

10 A. I used to quite enjoy them.

11 Q. Is that because it got you away from Dr Guthrie's?

12 A. Yeah.

13 Q. And I think you do tell us about a time when you were on
14 a camping trip from Dr Guthrie's when you had a sort of
15 vision, when you were on this camping trip?

16 A. Yeah.

17 Q. This is at paragraph 95 of your statement. Did this
18 relate to your father?

19 A. Mm-hmm.

20 Q. When you were there; did you think you saw him?

21 A. Yeah.

22 Q. And did that upset you?

23 A. It sort of freaked me out, aye.

24 Q. Do you remember what happened at that time?

25 A. Like, I had a tantrum. It's like I grabbed the tent and

1 I lifted half the tent up in the air and I just went --
2 aye, it's hard to describe.

3 Q. Were the other boys kind of alarmed by that when that
4 happened?

5 A. Well, they gave me the nickname 'Spooky' after that.

6 Q. Did you particularly like that nickname?

7 A. Not really.

8 Q. We won't go to it or anything, Derek, but there is
9 a record about a camping trip that you went on and
10 something happening. Indeed, something happening with
11 you and the other boys being quite frightened about what
12 had happened.

13 It is recorded. But, from that time, that was your
14 nickname, Spooky, whilst you were at Dr Guthrie's?

15 A. Yeah.

16 Q. Did you leave it there or did it carry on elsewhere
17 after that?

18 A. No, it just left me.

19 Q. In relation to these privileges about getting to go
20 home, you've told us that you could get to go home as
21 early as a Friday, but it might be on a Saturday,
22 depending on how you behaved; did anyone take you home
23 or did you just have to make your own way?

24 A. No, you just made your own way home.

25 Q. Did anyone ever check when you were going home?

1 A. No.

2 Q. Because of that; did you actually go home or not?

3 A. A lot of the time I didn't.

4 Q. Where would you go?

5 A. I would sometimes go to my then friend's house in
6 Broomhouse or I would go to Glasgow.

7 Q. Did Dr Guthrie's know anything about that?

8 A. No.

9 Q. When you came back they were none the wiser?

10 A. They were none the wiser.

11 Q. From that, they weren't checking up with your mum you
12 were back home at the weekend?

13 A. Correct.

14 Q. Whilst you were there, Derek, apart from you going away
15 at the weekend; did people come to visit you?

16 A. My mum came a couple of times. I think that was
17 basically it. My social worker, I think.

18 Q. You say that she would give you some money when she
19 came?

20 A. Yeah.

21 Q. Which you would look forward to?

22 A. Mm-hmm.

23 Q. Because you could buy cigarettes or other things with
24 the money?

25 A. That's right.

1 Q. Was that really why you looked forward to her visits?
2 A. Basically, yeah.
3 Q. You tell us that you have seen in your records there
4 were visits from social workers, but you don't remember
5 that. And also meetings with psychiatrists and the
6 like, but, again, you don't remember that.
7 But I think you say, at paragraph 100, that you
8 don't think those visits happened, but you have seen --
9 you're aware there are records of those visits?
10 A. Yeah.
11 Q. Do you think these are just some things that you don't
12 remember or blocked out?
13 A. I think I just blocked them out or I was switched off at
14 the time.
15 Q. Talking about, staff members and meetings with them, you
16 say at paragraph 101 that there wasn't anything like
17 a one-to-one with staff at Dr Guthrie's. The only
18 one-to-ones with staff in there involved fists; what do
19 you mean by that? Was that referring to the assaults by
20 staff or are you referring to other boys?
21 A. Well, both. I mean, I was always fighting in there.
22 But staff were good at lifting their hands as well.
23 Q. You did go to a couple of children's hearings at least
24 whilst you were at Dr Guthrie's that you remember, but
25 you say you just turned yourself off; was that you, like

1 you've told us, becoming a robot again?

2 A. Aye.

3 Q. There was a time, Derek, that you've told us about, this

4 was before an incident where you ran away, some time

5 before that, that you tried to hurt yourself when you

6 were at Dr Guthrie's?

7 A. Yeah.

8 Q. If you're able to, I just want to ask you about that, if

9 it's okay.

10 You say that to put things into perspective you have

11 been put into Dr Guthrie's and told that you weren't

12 loved or wanted and that was coming from your mum?

13 A. Yeah.

14 Q. Things were running around your head at that point?

15 A. That's right.

16 Q. What happened? Can you tell us?

17 A. I tried to hang myself.

18 Q. Tried to hang yourself?

19 A. Yeah.

20 Q. Was this at night?

21 A. Yeah.

22 Q. Did a staff member who was on duty find you?

23 A. Yep.

24 Q. You say you don't think you were conscious when he found

25 you?

1 A. I don't think I was.

2 Q. But you didn't get any medical treatment or taken to
3 hospital, or anything after that?

4 Now, I don't know if you've seen this record, Derek,
5 from the records that you have yourself, but I think
6 you're aware from what we've talked about before that
7 there is a record of that suicide attempt.

8 A. Right.

9 Q. If the record is correct, it refers to it being a week
10 before the record is written and the record is on
11 7 May 1973. So you would have been about aged 12 at
12 that point.

13 A. Right.

14 Q. The record reflects the fact that you were found
15 underneath a bed [REDACTED]
16 is that what you recall?

17 A. No.

18 Q. Okay.

19 A. Unless it snapped. I don't know. Again, I think I was
20 maybe unconscious when they found me. I actually hung
21 myself [REDACTED]
22 [REDACTED]

23 Q. Certainly [REDACTED] anyway, that accords with what
24 you're talking about?

25 A. Yeah.

1 Q. After that incident, I think your outlook changed; would
2 that be fair to say?

3 A. That's right.

4 Q. Did you then decide that you weren't going to be feeling
5 like that anymore?

6 A. Exactly.

7 Q. You say you didn't go to see a psychiatrist or
8 psychologist, but it might be if we've seen records that
9 refer to you having a couple of visits anyway, after
10 that incident, before and after that incident, it might
11 be that you just don't remember that?

12 A. Yeah.

13 Q. You certainly remember this being brought up at your
14 final Children's Hearing before you left Dr Guthrie's;
15 is that right?

16 A. Yeah.

17 Q. You say that means it must be in your records somewhere
18 and it is.

19 So this was before you ran away; is that right?

20 A. Yeah.

21 Q. So, just looking then to that incident when you ran
22 away, you tell us, at paragraph 107, that this was
23 during one of the afternoons when you were playing
24 football at the back of Dr Guthrie's and you decided you
25 would be leaving; what did you do?

1 A. I ran away with a friend at the time called [REDACTED]. And
2 I didn't go back to my mum's. I went to a friend's, who
3 helped us.

4 Q. Was this a sort of friend of the family, an older woman?

5 A. I wouldn't say older. But, yeah, she was a friend of
6 the family.

7 Q. She was an adult?

8 A. Yeah.

9 Q. Did you become aware that the police had got wind of the
10 fact you were staying there and then leave that address
11 and go somewhere else?

12 A. Yeah.

13 Q. You have mentioned in your statement about living in
14 a derelict church on Liberton Place?

15 A. That's right.

16 Q. Were you also on the streets?

17 A. Yeah.

18 Q. You tell us -- and you don't have to expand on this at
19 all if you don't want to -- that when you were on the
20 sort of run, if you like, or away from Dr Guthrie's, you
21 had to do various things to survive.

22 A. Mm-hmm.

23 Q. Do you want to tell us about anything?

24 A. Yes, I done the usual things. We stole washing for
25 clean clothes. We'd go round the shops early in the

1 morning when they've got their deliveries and steal
2 rolls, get milk, maybe shoplift.

3 Q. So this is just you and the boy just trying to survive?

4 A. Surviving.

5 Q. Get something to eat, something to wear?

6 A. Yeah.

7 Q. Neither of you were caught?

8 A. No.

9 Q. But did it get to the stage where you were fed up of that
10 life?

11 A. Yep.

12 Q. Did you decide to hand yourself in?

13 A. Mm-hmm.

14 Q. Did you take yourself to see the policeman?

15 A. We walked up to the police and told them who we were,
16 and he done a check and, 'Right, okay'. Brought back.

17 Q. To Dr Guthrie's?

18 A. Yeah.

19 Q. When you got back, though; were you taken to see the
20 headmaster in his office?

21 A. Yep.

22 Q. Were you asked about where you'd been?

23 A. Yeah.

24 Q. Did you tell him?

25 A. No.

1 Q. But did the boy you were --
2 A. [REDACTED] did.
3 Q. Then what happened?
4 A. I made a B line for [REDACTED] and there was a big fight in
5 the office.
6 Q. Was that because there was this thinking that you just
7 don't grass or you don't say?
8 A. Well, there was an element of you don't grass people,
9 but the person who was helping us was a personal friend
10 of mine.
11 Q. You didn't want to get that person in trouble?
12 A. That's right.
13 Q. As a result of what happened in the headmaster's office,
14 you didn't suffer any repercussions for that? You
15 weren't punished?
16 A. No.
17 Q. When it came to how you saw the rules and the discipline
18 at Dr Guthrie's, you tell us:
19 'If there were rules, then I would break them.'
20 This is paragraph 112?
21 A. That's right.
22 Q. Is that how you saw it at the time?
23 A. Yeah.
24 Q. Was this rebellious you?
25 A. That's right.

1 Q. Rules were made to be broken?

2 A. Mm-hmm.

3 Q. But you didn't think there was a sort of formal
4 discipline and punishment system at Dr Guthrie's?

5 A. There wasn't, no.

6 Q. It just depended on who caught you doing whatever you
7 were doing?

8 A. Correct.

9 Q. Some staff members were okay, and others -- I think you
10 described it as they let the authority go to their head?

11 A. Yeah.

12 Q. You didn't get the belt while you were there?

13 A. No.

14 Q. And you don't remember them having a room like they did
15 at Howdenhall?

16 A. No.

17 Q. If you kicked off, as you have described it, you would
18 be put into your dormitory?

19 A. That's right.

20 Q. You were never locked away?

21 A. No.

22 Q. The discipline really surrounded this weekend leave
23 privilege, as far as you were concerned; you would lose
24 your weekends if you did certain things?

25 A. That's right.

1 Q. We talked about the fact that there was a star system.
2 Just moving then to this part of your statement
3 where you talk about abuse at Dr Guthrie's; you do say
4 that the environment and the atmosphere at Dr Guthrie's
5 was intimidating?

6 A. Yeah.

7 Q. Intimidating in relation to who? Was this in relation
8 to staff or other boys?

9 A. Both. Mainly the staff.

10 Q. You comment you felt you were always walking on
11 eggshells?

12 A. Yeah.

13 Q. So is this you trying not to step out of line in case
14 there was something happening to you, physically?

15 A. I wouldn't say I was trying to watch myself stepping out
16 of line. I would be cautious. I was always cautious,
17 especially when certain staff were about.

18 Q. You say, at paragraph 116, that there was more mental
19 stuff that they would use?

20 A. Yeah.

21 Q. Like the weekends being taken away?

22 A. Mm-hmm.

23 Q. But also there were things said to you?

24 A. Yeah.

25 Q. And what kind of comments were made by staff?

1 A. Comments were made like: I wouldn't bother if you lose
2 your weekend because your mum doesn't want you anyway,
3 she doesn't love you. You know, she doesn't want you;
4 why do you think you're in here?

5 Q. Who was the main member of staff who would do or say
6 that?

7 A. GBD .

8 Q. You say there were other staff members who would say
9 some things like that, too?

10 A. There was, aye.

11 Q. He's the one who sticks in your mind?

12 A. Aye.

13 Q. You comment that there was never any sexual abuse that
14 you suffered in there.

15 A. Not with me, not with me.

16 Q. It was more mental and physical abuse?

17 A. Yeah.

18 Q. Then you go through some of the teachers that we have
19 talked about. First of all, in relation to GFG, that
20 he's somebody you thought was all right, but you say he
21 would give you a scuff over the head on a couple of
22 occasions?

23 A. Yeah.

24 Q. You just took that on the chin?

25 A. Aye. I always looked on GFG as an okay guy. He give

1 you a scuff, but that was it. He maybe done something
2 back then that I thought I deserved it.

3 Q. You comment that you saw him differently to Mr GBD ?

4 A. That's right.

5 Q. They were a different class of people for staff members,
6 as far as you're concerned?

7 A. Yeah.

8 MS FORBES: I'm about to go on to Mr GBD, but I don't
9 know, my Lady, if that would be --

10 LADY SMITH: Should we just break now for lunchtime?

11 Derek, I would normally take the lunch break about
12 now. We probably haven't got that far to go with your
13 evidence, but it might make sense for us to have
14 a breather and we'll come back and carry on at
15 2 o'clock.

16 Very well. Let's do that.

17 (12.59 pm)

18 (The luncheon adjournment)

19 (2.00 pm)

20 LADY SMITH: Welcome back, Derek. Are you ready for us to
21 carry on now?

22 A. I am, yeah, thanks.

23 LADY SMITH: Ms Forbes, when you're ready.

24 MS FORBES: Thank you, my Lady.

25 Derek we'd come to a point in your statement where

1 we were going to talk about Mr GBD, who you have
2 already mentioned. This is from paragraph 119 of your
3 statement.

4 You tell us that you sort of expected the physical
5 punishment from staff?

6 A. Yeah.

7 Q. That these kicks and punches were just part of what they
8 did?

9 A. Yep.

10 Q. But this particularly applied to Mr GBD?

11 A. Of course.

12 Q. And can you just tell us a little bit about what he
13 would do?

14 A. He was a bit more hands on. He was a bit more
15 aggressive.

16 Q. I think you have quite a strong view about how he was --

17 A. Yeah.

18 Q. -- is that right?

19 A. Yes.

20 Q. You describe him as an 'absolute bastard'?

21 A. Yep.

22 Q. Is that the way you saw him?

23 A. Still do.

24 Q. And you describe him as 'an animal'?

25 A. Yeah.

1 Q. In relation to you, he would hit you regularly and you
2 say it wasn't as often maybe as daily because he wasn't
3 always on duty, but it was often?

4 A. Yeah.

5 Q. And this would be something that would happen when he
6 was on his own --

7 A. Mm-hmm.

8 Q. -- and there weren't other staff members around?

9 A. That's right.

10 Q. You describe, Derek, times when you would just be
11 walking past him and he would do something; what would
12 he do?

13 A. He'd just give you a scud or a punch, or a slap,
14 just ...

15 Q. What kind of force would he use?

16 A. He wouldn't hold his punches back.

17 Q. And this was -- I think you felt that this was quite
18 powerful to you at that time?

19 A. Yeah.

20 Q. And if he hit you, you went down?

21 A. Of course.

22 Q. But, if you did fall down, he would drag you up again
23 after; is that right?

24 A. Yep.

25 Q. I think you comment -- and this is at paragraph 120 --

1 he would say:

2 'Will you stand and fucking look at me when

3 I'm talking to you?'

4 A. That's right.

5 Q. Would that be after he had hit you and you had fallen?

6 A. Mm-hmm.

7 Q. And after that he'd maybe punch you in the gut or

8 something.

9 We have talked about the fact if he caught you

10 smoking it wouldn't be the same way he would approach it

11 as GFG ?

12 A. That's right.

13 Q. He would slap you and punch you.

14 After you had run away; did he come and see you in

15 the shower block?

16 A. He did, aye.

17 Q. And what happened on that occasion?

18 A. Well, he punched me, slapped me. I slipped, split my

19 head open.

20 Q. So you slipped in the shower?

21 A. Well, slipped or punched down. The showers were wet, so

22 when he punched me I went down.

23 Q. When you hit your head; were you injured?

24 A. Yeah, I split my head open.

25 Q. And there was blood as a result of that?

1 A. Yeah.

2 Q. Do you think that he had a fright when he saw that?

3 A. Hard to tell.

4 Q. But as a result did he take you to see the matron?

5 A. No.

6 Q. No?

7 A. No.

8 Q. I think, at paragraph 121, you tell us and I just want
9 to check if that's what happened or not. You say:
10 'He took me to the matron's office for treatment for
11 my head and told the matron that I had slipped.'
12 Do you remember that?

13 A. Aye.

14 Q. But you shook your head at that and you think then that
15 the matron knew that wasn't actually what had happened?

16 A. She knew what was going on.

17 Q. Do you still have any scars or anything as a result of
18 what --

19 A. I've still got a scar on my head.

20 Q. Is that on the top of your head?

21 A. Yeah.

22 Q. But you say it wasn't just you that got ill-treatment
23 from Mr GBD --

24 A. There were other boys that got it, aye.

25 Q. Just moving on, Derek, to something you tell us about

1 night watchmen. These were people you mentioned before,
2 who worked overnight and looked after the dorms; is that
3 right?

4 A. Yeah, yeah.

5 Q. In relation to them; what do you remember happening?

6 A. They would come in late at night. They'd wakened --
7 there was people in the dormitory and we classed -- they
8 were called wet beds, wet-the-beds, right? And these
9 staff would come in at night and waken the boys up and
10 take them away, which we obviously thought at the
11 time -- keep in mind I'm a young boy -- they'd taken
12 them away to do the toilet or whatever, wake them up, do
13 the toilet, don't wet the bed or whatever. They'd come
14 back maybe 30 minutes later, an hour later, and they'd
15 be crying and stuff and they'd go to bed.

16 Q. I think you have reflected on that and you think that
17 there's something about that that wasn't right?

18 A. Yep.

19 Q. But you didn't -- you weren't aware of what was actually
20 happening?

21 A. I wasn't aware of what was going on. Again, I was
22 young. Yeah, but now that I'm a grown adult, I've got
23 a good idea what was going on now.

24 Q. Certainly, these boys when they returned would be upset
25 and crying?

1 A. Yeah, yeah.

2 Q. And I think you are quite fair to say that your time --
3 you were looking out for yourself back then and you
4 weren't really interested in looking out for any of the
5 younger boys or weaker boys?

6 A. That's right, aye.

7 Q. You were just trying to get through your time at
8 Dr Guthrie's.

9 What was going on with you in relation to the
10 physical assaults from Mr GBD and other staff
11 members? Is that something you told your mum about?

12 A. I told my mum. Again, she thought I maybe deserved it.

13 Q. But it's not something you reported to anyone else at
14 the time?

15 A. Nae point.

16 Q. Did you just come to the view, given your experience of
17 having spoken to the policeman when you were younger,
18 there was just no point in telling anyone?

19 A. That's right.

20 Q. You tell us, Derek, that there then came a point when
21 you were going to be leaving Dr Guthrie's and this was
22 maybe about six or nine months after you had run away?

23 A. Mm-hmm.

24 Q. And I think, as we have talked about, the records show
25 that was probably when you were 13 at that point, so it

1 would have been January 1974 when you actually left?

2 A. Okay.

3 Q. You tell us there was an incident with you and the boy

4 that you had run away with before, having stolen some

5 money from the office --

6 A. Mm-hmm.

7 Q. -- in Dr Guthrie's; is that right?

8 A. Yep.

9 Q. And you had got into trouble for that; is that correct?

10 A. Yeah.

11 Q. You were going to be attending a Children's Hearing?

12 A. That's right.

13 Q. But you kind of orchestrated the situation by saying to

14 **GFG**, the staff member, that another staff member was

15 going to take you to the hearing?

16 A. That's right.

17 Q. But in fact you were going to be going on your own; was

18 that to avoid them finding out about this incident in

19 the office?

20 A. Yeah.

21 Q. But, ultimately, you went to that hearing and you got

22 a liberation date?

23 A. That's right.

24 Q. And what was Mr **GBD** reaction to that?

25 A. Well, he wasn't happy.

1 Q. Did he do anything?

2 A. Yeah, he gave me a slap and the usual stuff.

3 Q. At that time, did you just think: well, I'm leaving, so
4 it doesn't matter?

5 A. Yep.

6 Q. A few weeks after that hearing you were released; is
7 that right?

8 A. Mm-hmm.

9 Q. You were just given your bus fare and sent on your way?

10 A. Basically, aye.

11 Q. After leaving Dr Guthrie's, you tell us, from
12 paragraph 135, Derek, about what happened. I think you
13 went back to stay with [REDACTED] for a while; is that
14 right?

15 A. Yeah.

16 Q. Things were okay for a short time?

17 A. Yep.

18 Q. But then the abuse started again?

19 A. Mm-hmm.

20 Q. But you're older this time and bigger?

21 A. Yeah.

22 Q. You were able to stand up for yourself?

23 A. Mm-hmm.

24 Q. And you did stand up for yourself --

25 A. Yeah.

1 Q. -- towards [REDACTED] and at that time did the abuse stop from
2 [REDACTED]?

3 A. Yep.

4 Q. You tell us you went to stay with [REDACTED] and the
5 social work were involved. I think, really, you were
6 maybe on some sort of supervision then after you left?

7 A. Aye.

8 Q. You tell us you went to see the social work for about
9 a year and had meetings with them weekly and you would
10 also go to a place for recreation, Panmure House?

11 A. Yeah.

12 Q. There was a time when they tried to get you back into
13 secondary school and I think you went to two different
14 secondary schools; is that right?

15 A. Yeah.

16 Q. But that didn't work out and you ended up, I think, in
17 one smashing up some toilets and being expelled; is that
18 right?

19 A. Yeah.

20 Q. And then next one, you simply just sort of left and you
21 were almost 16 by then?

22 A. Yeah.

23 Q. But, after that, you say quite frankly that you were
24 getting into trouble and getting involved in crime; is
25 that right?

1 A. Yeah.

2 Q. That led to an incident where you were in a car with
3 another boy and that car ran down a police officer --

4 A. Mm-hmm.

5 Q. -- and there were charges as a result of that?

6 A. Yeah.

7 Q. You were the passenger in that car, but there were
8 charges against you as well; is that right?

9 A. Yeah.

10 Q. As a result of that, you ended up then being convicted
11 and you were sentenced to three months; is that right?

12 A. I was sentenced to borstal training.

13 Q. Borstal training. Sorry, it's my fault, Derek. I think
14 what you said in your statement was that the Sheriff
15 decided you weren't fit enough to go to detention
16 centre?

17 A. That's right.

18 Q. So you were sent to Polmont instead?

19 A. Yeah.

20 Q. That's my mistake.

21 You tell us about Polmont from paragraph 141
22 onwards. You are aware already, you have been advised,
23 that that part of your statement was read in last year,
24 on 17 November, and that was Day 392 of this Inquiry,
25 during the Scottish Prison Service section.

1 A. Right.

2 Q. So I'm not going through that in too much detail,
3 because all that part of your time in the Scottish
4 Prison Service has been already read in to the Inquiry.

5 But I think you tell us you were 16 or 17 the first
6 time you went to Polmont; does that sound right?

7 A. Yeah.

8 Q. And you ended up spending about 18 months there,
9 altogether?

10 A. Yep.

11 Q. You left when you were about 18. You tell us a lot
12 about Polmont and the set-up, and the fact that you were
13 in this place called 'Alicante' first?

14 A. Yeah.

15 Q. We heard a lot about that last year, in relation to the
16 Scottish Prison Service.

17 You tell us, at paragraph 144, Derek, about this
18 sort of inauguration that happened when you arrived at
19 Polmont, where you were told to run towards a bit of
20 carpet --

21 A. Yeah.

22 Q. -- and shout your name and number?

23 A. That's right.

24 Q. But the carpet slipped when you did that and then you
25 fell under the desk?

1 A. The carpet was designed to do what it done.

2 Q. That was some type of initiation that they did to all
3 the prisoners back then?

4 A. That's right.

5 Q. We did hear more evidence about that.

6 You were in Alicante for about six weeks and then
7 allocated a dormitory?

8 A. Yeah.

9 Q. Into a dormitory. And I think you tell us you had some
10 problems with another person in that dormitory --

11 A. Yep.

12 Q. -- which led you getting involved in a fight and being
13 moved to a cell on your own, and that's where you spent
14 the rest of your time, on your own?

15 A. Yeah.

16 Q. You weren't moved back to a dormitory after that; is
17 that right?

18 A. That's right.

19 Q. During your time in Polmont, you were doing
20 an apprenticeship in bricklaying and that is something
21 you tell us that you enjoyed?

22 A. Mm-hmm.

23 Q. It was quite a positive thing for you; is that right?

24 A. At that time, yeah.

25 Q. And it was building the new gymnasium at Polmont?

1 A. Yeah.

2 Q. You essentially spent your time there doing that,
3 building the gymnasium, and it was still being built
4 when you left?

5 A. Yeah, that's right.

6 Q. While you were there your mum did come and visit you and
7 her attitude had sort of changed a bit by then; is that
8 right?

9 A. Yeah.

10 Q. You say that you thought she knew that you might be
11 earning money when you came out and that might help her?

12 A. Mm-hmm.

13 Q. Is that the kind of way you saw it?

14 A. Aye.

15 Q. There's a section about abuse at Polmont from
16 paragraph 150, and you tell us about an assault that
17 happened with a prison officer and this related to
18 a tattoo that you had at the time that said 'King
19 Billy'?

20 A. Yeah.

21 Q. Again, that was all read in. But this was him taking
22 umbrage at your tattoo, essentially, and did he call you
23 an 'orange bastard'?

24 A. Yep.

25 Q. And then you say he punched you in the face and gave you

1 a kicking.

2 A. Mm-hmm.

3 Q. The comment that you've made that he said, at
4 paragraph 150, Derek, is he said something like: you're
5 in fucking borstal now, you think you're a hard man, but
6 I'm a bigger and harder than you?

7 A. Yeah.

8 Q. Looking back now you see that that incident and the
9 incident where you slipped on the carpet is abusive?

10 A. Mm-hmm.

11 Q. There was also -- again, this is read in -- a situation
12 where you would use your tobacco wrappers and silver
13 paper to frame photographs?

14 A. That's right.

15 Q. But two or three times you would come back to your cell
16 and the photographs and frames, these silver frames,
17 would all be lying ripped up?

18 A. Yep.

19 Q. You think that that was the prison officers that were
20 doing that?

21 A. Yeah.

22 Q. You do tell us about some other physical altercations
23 with staff, but these were things you say you fought
24 back and you saw it as a sort of fair cop and you both
25 just walked away after?

1 A. Aye.

2 Q. At paragraph 153, you do talk about quite a serious
3 incident. This didn't happen to you, but it's something
4 you witnessed and that was in relation to a sexual
5 assault; what happened at that time?

6 A. Yeah. A couple of guys -- a group of guys grabbed one
7 boy, he was probably weak, yeah, and they raped him.

8 Q. Where about did that happen in the prison?

9 A. Out on the building site.

10 Q. On the building site. Okay.

11 So this wasn't at night or anything, it was during
12 the day?

13 A. During the day.

14 Q. How many people were involved in that?

15 A. Probably four or five.

16 Q. You tell us that you didn't report anything to anyone
17 whilst you were in Polmont and that's just not the sort
18 of thing you did?

19 A. You didn't do that in jail.

20 Q. Was this the mentality of you don't grass, you don't
21 tell?

22 A. That's right.

23 Q. Ultimately then, I think there was an incident where you
24 were given some weekend leave and you came back drunk
25 and with alcohol; is that right?

1 A. Yep.

2 Q. That led to you being put in 'the digger'?

3 A. Aye.

4 Q. Did you spend about six weeks in there?

5 A. I spent the remainder of my time in 'the digger', yeah.

6 I was released from 'the digger'.

7 Q. Was that essentially like solitary confinement?

8 A. Yeah, yeah.

9 Q. But, after that, your time in there, that was you being

10 released. And you do tell us that there was a letter

11 that you had from your uncle, which wasn't actually

12 truthful, that said you were going to have a job waiting

13 for you when you got out?

14 A. Yeah.

15 Q. That's what really helped you be released?

16 A. That's what got me out.

17 Q. Now, altogether then you were in Polmont for those

18 18 months, and you were still 18 when you left. You

19 tell us about your life after leaving care from

20 paragraph 157.

21 You say that you had various jobs over the years,

22 Derek; is that right?

23 A. Yeah.

24 Q. Working on building sites, demolition, painting and

25 decorating, motor mechanic and factories and various

1 charities and things like that?

2 A. Yeah.

3 Q. You were able to turn your hand to a lot of different
4 things?

5 A. Mm-hmm.

6 Q. And over -- you quite frankly say -- this is at
7 paragraph 159 -- your life hasn't been terrific and
8 there have been one or two burdens. But, over the last
9 few years, it's sort of turned around?

10 A. Yeah.

11 Q. And you've not been in trouble for a long time?

12 A. No.

13 Q. Looking at impact, Derek, you tell us quite frankly, at
14 paragraph 160, you've done a few bad things in your life
15 and you don't think the care system would have helped
16 you with making those decisions.

17 You say that you went into these places straight and
18 came out knowing how to steal cars, how to break into
19 places and so on?

20 A. Mm-hmm.

21 Q. And that these places turn you into a criminal?

22 A. Of course.

23 Q. Looking back; is that how you see it?

24 A. I still look at it that way, yeah.

25 Q. As a result of your time in care, you feel like you've

1 no trust of authority and that you avoid interacting

2 with police or Social Services if you can?

3 A. Exactly.

4 Q. And this education that you didn't receive is something

5 that has stuck with you, because you say that even to

6 this day your spelling is still bad?

7 A. Mm-hmm.

8 Q. And one of the things you talk about, Derek, is that

9 after your dad passed away nobody really showed you any

10 affection when you were a child?

11 A. True.

12 Q. That's something that you have then struggled with, as

13 a child and as an adult.

14 One of the things you talk about is this pain --

15 high pain threshold that you mentioned earlier, you

16 think that's because of the way you were treated when

17 you were a child?

18 A. Yeah.

19 Q. To the point that you thought you had a tummy ache at

20 one time, but it actually turned out to be you having

21 a heart attack?

22 A. Mm-hmm.

23 Q. We have talked about the fact that after your attempted

24 suicide in Dr Guthrie's you felt stronger and that since

25 then you've never really had those thoughts again?

1 A. No.

2 Q. And you've never been involved with drugs or been
3 an alcoholic, or anything like that?

4 A. No.

5 Q. So do you feel you are sort of lucky in that way?

6 A. When I look at other people who have been through the
7 system, yeah, I do.

8 Q. In relation to treatment and support, you say that
9 you've been diagnosed with PTSD?

10 A. Yep.

11 Q. And you think that you have -- you were told that you
12 probably had that since you were a boy?

13 A. Yeah.

14 Q. As we have said, you have never reported anything about
15 what happened to you to the police.

16 A. Mm-hmm.

17 Q. We have talked about records, Derek, and you said that
18 you have recovered some records and you found some
19 records. I think, some of them, you don't really
20 know -- can't remember how you got them, but you do have
21 them?

22 A. Yeah.

23 Q. We mentioned that. And I think you're not happy about
24 some of the things that are said about you in those
25 records and the way that you're referred to; is that

1 right?

2 A. Yeah.

3 Q. Some derogatory terms?

4 A. Mm-hmm.

5 Q. In relation to your mother, there's references in your
6 records to her actually wanting you back in the house?

7 A. That's right.

8 Q. But that's something that you weren't aware of when you
9 were a child?

10 A. Well, I was told by staff in Dr Guthrie's she didn't
11 want me, she didn't love me. Yeah, then I find out on
12 these records that she was trying to get me out.

13 Q. Certainly, the things that she said when you were there
14 at the Panel didn't accord with that?

15 A. That's right.

16 Q. You say that if you'd known that actually there was
17 a time when she did want you back that might have
18 changed some things?

19 A. I could have had a whole different relationship with
20 her.

21 Q. In relation to lessons to be learned, you comment from
22 paragraph 172 that you were in the system from a young
23 age, in the foster care for a little while and then
24 after at Howdenhall and on to Dr Guthrie's, and you
25 tried to tell various people over that time what was

1 going on, but it didn't make any difference?

2 A. Mm-hmm.

3 Q. In relation to hopes for the Inquiry, from
4 paragraph 174, you are of the view that it was the
5 system really, the way you've described it there is 'it
6 fucked my life up'?

7 A. Yeah.

8 Q. By the time you went to prison you felt
9 institutionalised?

10 A. Yep.

11 Q. And that you would love to see care homes done away with
12 altogether; is that how you feel?

13 A. I do. But I know that will never happen.

14 Q. But your view is that they don't work and that borstals
15 don't work. Obviously, borstals aren't here anymore.
16 But that is your view, looking back on your time?

17 A. Yeah.

18 Q. But I think you do say, Derek, in an earlier part of
19 your statement about your family life, that over the
20 years you've had a few partners and that you've had --
21 you had a child?

22 A. Mm-hmm.

23 Q. You have two step daughters as well, and a son. I think
24 you say you had -- this is at paragraph 158, when you
25 came out of borstal you met a woman who was a bit older

1 than you and you had a child together.

2 A. Mm-hmm.

3 Q. Was that a daughter -- or was that a son or a daughter,

4 sorry?

5 A. That's my daughter, who is here today.

6 Q. I just wanted to make sure. You also have a son; is

7 that right?

8 A. Yeah.

9 Q. And two stepdaughters?

10 A. Yeah.

11 Q. And you have two grandchildren as well?

12 A. Correct.

13 Q. You say that you love your family?

14 A. Of course.

15 Q. And are they a great support to you?

16 A. Of course they are.

17 Q. And I know your daughter is here with you today, to

18 support you.

19 Derek, that's all the questions I have for you, so

20 thank you very much. Is there anything that you want to

21 say that you haven't had a chance to say today?

22 A. Not really.

23 MS FORBES: Thank you very much.

24 LADY SMITH: Derek, let me add my thanks once more for you

25 coming along today. It's been so helpful to hear from

1 you in person, it really has. It's probably been quite
2 tiring for you, so I'm glad now that I can let you go
3 and relax for the rest of the day. Thank you.

4 I'll rise and you take your time to take yourself
5 out.

6 (The witness withdrew)

7 (2.28 pm)

8 (A short break)

9 (2.31 pm)

10 LADY SMITH: Before the read-ins, I would like to mention
11 some names, people whose identities are protected by my
12 General Restriction Order. Two of these are nicknames,
13 but that doesn't mean that it doesn't matter just as
14 much not to associate people with those nicknames with
15 Inquiry evidence. Those were Mr BFX and GFC.

16 Two other names which I think you have heard me
17 mention already as protected are GFG and Mr GBD.
18 These people are not to be identified elsewhere. Thank
19 you.

20 Mr Sheldon.

21 MR SHELDON: My Lady, we'll continue this afternoon with
22 some read-ins. Just how many we'll get through just
23 depends on how it dovetails, but we'll get going with
24 the statement of an applicant who wishes to be anonymous
25 and is known as 'Robbie'.

1 LADY SMITH: Thank you.

2 'Robbie' (read)

3 MR SHELDON: His statement reference is WIT-1-000000634.

4 'Robbie' was, according to the records, admitted to
5 Dr Guthrie's on [REDACTED] 1967 and released
6 [REDACTED] 1969.

7 My Lady, 'Robbie's' statement is quite a long one
8 and it contains a lot of background detail, so
9 I'm proposing to take that quite short. The background
10 is consistent with what we've already heard and there
11 are many familiar names of both places and staff and so
12 on.

13 So 'Robbie' was brought up in Edinburgh. He had
14 a childhood which -- at paragraph 7, page 2 -- he
15 describes as 'abysmal'. It was a big family and he
16 describes his mother as a 'mean, cruel woman'. She was
17 violent and she left with another man when 'Robbie' was
18 about ten.

19 He says there was no social work or welfare involved
20 with the family and that his father was very independent
21 and a pure gentleman, who didn't take help from anyone.

22 He says that -- paragraph 11:

23 'A year-and-a-half after she left, my mum decided
24 she wanted to take just me. There was a lot of to-ing
25 and fro-ing between her and my dad.'

1 'Robbie' wanted to stay with the family and he says:

2 'I was about ten years old and really stressed out
3 about it all, so I ran away to South Queensferry. I was
4 sleeping in the cabin of an old lorry and doing odd jobs
5 for pensioners there in their gardens for money. I was
6 there for a week while the police were looking for me

7

8

9 Taking matters short, my Lady, the police found
10 'Robbie' and took him back to Edinburgh and to
11 a Children's Panel and the Panel sent him to what
12 'Robbie' describes as a remand home.

13 They told him this was until things were to be
14 sorted out, but 'Robbie' didn't understand what that
15 meant. He says he thinks the remand home was in
16 Gilmerton, so it may have been Howdenhall or
17 St Katherine's, my Lady, but he can't remember the name
18 of the place or anything really much about it.

19 He's then, in paragraph 20, taken to another
20 Children's Panel. He remembers telling the panel that
21 he wanted to be at home with his siblings and his dad:

22 'But they obviously didn't listen because they
23 decided to send me to Dr Guthrie's Approved School. [He
24 says] Nobody explained why or how long I would be
25 there.'.

1 And he doesn't remember about the journey, but he
2 thinks he was in shock and distraught about not being
3 able to be with his family.

4 Paragraph 23, he says that he went to Dr Guthrie's
5 on [REDACTED] 1967, when he was about 12 years old, and
6 as I've said, my Lady, the records seem to confirm that.

7 He then describes the first day and, in some detail,
8 the layout of the school.

9 Turning to page 5, paragraph 39, he says that SNR
10 SNR [REDACTED]

11 '... when I first went in was Mr GZP [REDACTED], who was
12 a good guy. He died [REDACTED] GFC [REDACTED],
13 who was a cruel bastard.'

14 At paragraph 40, he says:

15 'The staff I remember are a guy called GIC [REDACTED]
16 GIC [REDACTED].'

17 And he gives the familiar explanation of how he got
18 that name. He says:

19 'Mr HCM [REDACTED] was the science teacher. There was
20 Mr GVI [REDACTED] who took some gym classes. There was Mr
21 LYI [REDACTED] who was the art teacher and we called him
22 LYI [REDACTED] because he would fall asleep all of the
23 time. All the teaching staff were also the care staff.
24 The ones I remember are only the ones I really have bad
25 memories of. They were all ex-military.'

1 He says that there was a matron and a deputy who
2 were the only females in the place, but he can't
3 remember their names.

4 In relation to routine, he says:

5 'It was like a military regime in there. You were
6 told what you were going to do and you had no choices.
7 You just had to do it.'

8 And then reading short to paragraph 49, he says:

9 'The teachers would come into the square and tell
10 everybody what they were going to do that day. There
11 didn't seem to be a timetable for what you did every
12 day, they just told you in the morning and did you it.

13 'About two or three days out the week it was going
14 to school. You would be told where you were going and
15 allocated woodwork, art or science. Other days, it
16 would be maths or English. We then stood in a military
17 parade style, stood to attention and marched into time
18 to our classes.'

19 Again, my Lady, consistent with what other
20 applicants have said about that:

21 'Some days, you would be told you were doing
22 something else instead of school. As an example, they
23 would say, 'Name, number, you are going tatty picking
24 today'. Then the farmer would arrive with a tractor and
25 trailer attached to it and some of the boys would get in

1 the trailer and go tatty picking for the day.

2 'You got five bob a day for tatty picking. That was
3 like getting about 25p when the school was getting paid
4 1.50 for the work you were doing for the day. We got a
5 small percentage of the money the school made for our
6 work.

7 'Other things we did during the day instead of
8 school would be going for a five-mile run, even if it
9 was raining, which was a nightmare, or cleaning the pig
10 bins and hosing them down. Some days we were taken to
11 a bit of land owned by the school and made to dig up
12 ground around the trees to plant vegetables.'

13 And he says a little about the timing of meals and
14 so on.

15 At paragraph 58, he says:

16 'You would then have your tea, which was your
17 evening meal. After that, the younger kids would be
18 sent upstairs to their dormitories and the rest of us
19 were doing an activity, like the gym or going swimming.
20 Sometimes I would read a book on my bed. We didn't have
21 a lounge area, so if you weren't doing an activity you
22 were outside or in your dormitory.

23 'You would get ready for bed at about 8.00 pm.

24 Mr GZP, when he was SNR, used to read out
25 a book over the tannoy from 8.45 to 9.00 and you could

1 lie on or in your bed and listen to it. I enjoyed that.

2 'Lights out were at 9.00.'

3 Reading short, to paragraph 62:

4 'Some kids wet their bed and had rubber sheets on
5 their bed. I don't know how it was dealt with, because
6 I didn't wet the bed.

7 'One night, there was a hurricane and the whole
8 window frame came in and landed on the bed next to me
9 which was empty at the time. I was covered in rain and
10 broken glass as well.

11 'I went to wake up the night staff, who I think was
12 Mr GVI, and he took me to the television room and
13 told me to sleep there on the floor. I never had any
14 covers or anything to sleep on, and even my night
15 clothes were soaking wet and covered in glass.

16 'I thought that was strange and unfair that I had to
17 sleep like that, while Mr GVI went back to his bed.
18 I remember it took me a while to get back to sleep.'

19 He talks a little bit about the dining arrangements
20 again. And at paragraph 69, says:

21 'On my second day in the home, I went for breakfast
22 and was given porridge, which I wouldn't eat because
23 I was lactose intolerant. I had known that I was
24 allergic to milk since I was a kid. My mother had told
25 me that I was brought up on glucose water as a baby

1 until I could eat solids.

2 'I said to the teacher that was supervising that day
3 that I couldn't eat it because I was allergic to milk
4 and it would make me ill. I can't remember who it was,
5 but he took me up to the matron's office and she gave me
6 a table spoon of cod liver oil as a punishment. She
7 told me she was giving me it because I had to eat what I
8 was given in there. I told her I couldn't take the milk
9 because it made me ill. She wasn't really bothered.

10 'My mother had told the school that I couldn't take
11 milk. I know now it was recorded in my records that I
12 was lactose intolerant and milk made me ill.

13 'This carried on for about a month. I kept refusing
14 to eat it and was sent to the matron to get cod liver
15 oil about 12 times until they confirmed that I was
16 lactose intolerant and I didn't have to have milk
17 anymore.

18 'After that, I ate dry cereal or porridge, which I
19 didn't mind because I was used to it. I would just put
20 some sugar on it and eat it.'

21 He says lunch was the main meal of the day.

22 Paragraph 76:

23 'The other thing I couldn't eat was liver because
24 the first time I ate it in the home I puked up.
25 I wasn't punished that time because they thought I was

1 ill. We got it again a week later and I refused to eat
2 it. I was taken back up to the matron and given cod
3 liver oil again as a punishment.

4 'The evening meal was usually just sandwiches.'

5 Reading short to paragraph 79, he says:

6 'We showered in the communal showers in the morning,
7 which were about ten shower heads along a wall in the
8 shower room. The water was always cold.'

9 They had soap and towels:

10 'There was no privacy or partitions between the
11 showers. The night member of staff would still be
12 around to supervise.'

13 He says in relation to leisure time:

14 'After the evening meal, you had a choice about what
15 activity you could do. You could choose going to the
16 gym or going swimming. I usually picked the gym because
17 I liked to keep fit. I would do circuit training,
18 boxing or trampolining. There was always staff there to
19 supervise. It was usually GIC [REDACTED] who also took
20 the boxing training. You got points if you went tatty
21 picking or for doing anything else a teacher considered
22 good and, if you got enough points, you earned the
23 privilege to go into the television room. I got that
24 privilege a few times, but didn't spend much time in
25 there. Not many people got to watch television. I do

1 remember watching the moon landing.'

2 He says there were also books you could get in the
3 classroom to read if you wanted to, and he says that he
4 read books that were quite advanced for his age. He
5 never saw any boardgames or anything in there, but some
6 of the kids had playing cards that they would play with.

7 He says he used to be home most weekends and
8 sometimes had to endure some weekends at his mother's
9 house. He said that you had to return on a Sunday
10 evening by bus and you got punished if you didn't return
11 on time:

12 'This happened to me once because the bus had broken
13 down and I got the belt.

14 'Some boys stayed at the school all the time and
15 never got home.'

16 He then, over the page, talks a bit about Sundays
17 and going to church.

18 In relation to clothing and uniform, going to
19 paragraph 97, he says:

20 'We wore short trousers all the time, even when it
21 was cold. If anyone was caught walking around with
22 their hands in their pockets because they were cold,
23 their pockets were sown up. Luckily that never happened
24 to me. I used to walk around with my hands under my
25 armpits to keep them warm.'

1 He then talks a bit about laundering of clothes and,
2 moving to paragraph 101, he says:

3 'School wasn't a regular thing. I think I only went
4 to school about two or three times a week. I don't
5 really remember much about the education specifically,
6 but I do think it was severely lacking. I don't
7 remember sitting any exams or anything there.

8 'I can remember going to the separate school block
9 for English and maths about twice. I was ahead of most
10 people in class because I liked reading.

11 'The classes were set up according to age and we
12 went to different classes for each subject.

13 'I remember there was a woodwork class in the main
14 square and next door to that was an art room.

15 'The woodwork teacher was fantastic. I got on great
16 with him. When I first went in there, I had to make
17 a teapot stand. I was making bedside cabinets by the
18 time I left and I took it with me when I left. I had to
19 pay ten bob to take it. My sister kept it until she
20 died.'

21 He says a bit about chores and helping out in the
22 kitchen and helping with the slop buckets.

23 At paragraph 109, he, in common with other
24 applicants, talks about trips to Thornton Loch near
25 Dunbar. He said that when they were away camping they

1 would also go to the beach and catch crabs. They slept
2 in army tents with about eight to ten boys in the tent:

3 'Some of us also went in the minibus to go rock
4 climbing with Mr GVI, just outside Edinburgh.
5 I can't remember where it was. I took to the climbing,
6 so GVI told me to climb up this 40 or 50-foot high
7 rock face with no equipment and wearing just normal
8 school shoes. He went up a different way with a rope
9 and had the rest of the boys climb up using the rope.
10 I was 13 or 14 years old at the time. Looking back, it
11 was quite dangerous that he got me to do that.'

12 In relation to birthdays and Christmas he says that
13 he can't recall the staff ever wishing anyone a happy
14 birthday or acknowledging anyone's birthday. He says
15 that he never stayed in the school for Christmas, but
16 some boys had to and he would usually go home. There
17 were no Christmas decorations or presents for anybody at
18 Christmas.

19 He talks a bit about visits from his family. But,
20 at paragraph 122, says that he doesn't remember getting
21 any visits from a social worker or anybody external:

22 'I don't think I even had a social worker. I never
23 went to a panel again. I didn't even know how long
24 I was going to be in there for.'

25 Under the heading of 'Healthcare', and going to

1 paragraph 124, he says:

2 'I am allergic to penicillin and this is mentioned
3 in my records, so the school knew that, yet I remember
4 being given penicillin in school, which made me ill.

5 'One time, when my dad and my brother came to visit
6 me, I had such a terrible headache that I could hardly
7 see. My dad took me to see the matron, who took me to
8 the sick bay and told me to get into bed. I was in bed
9 for two days, but they never found out what caused the
10 headache. I was just given painkillers.

11 'I broke my hand in gym playing British bulldog on
12 Mr GVI's watch. I was badly tackled and landed on
13 my right hand. GVI looked at it and said I would be
14 fine in a couple of days and that I had only sprained
15 it. That was when I was about 13.

16 'My hand was swollen and sore. I reported to the
17 sick bay a couple of days later because the swelling
18 wouldn't go down. She [I think he must mean the matron]
19 said that she had been told about it and that Mr GVI
20 had said that he'd already looked at it and it was just
21 sprained. I never got any medical attention for it.

22 'I had to have an operation on my hand when I was 18
23 because of the damage done to my hand in that injury.'

24 Paragraph 130, he talks about running away:

25 'You weren't allowed to go out the front door, but

1 you could run out the backdoor, where the new school
2 block and gym was. You could get out there and on to
3 a field.

4 'I just ran away twice. I didn't get very far
5 because the police were always on the lookout and if
6 they saw your uniform they took you back.

7 'About two-thirds of the boys ran away the day
8 GZP left GFC SNR .

9 'The other time I ran away was when Mr HCM , the
10 science teacher, sexually touched me. Both times I was
11 brought back and got the belt from Mr GFC . If you
12 didn't do something you were told to do you got
13 physically punished by being belted. A couple of the
14 teachers belted you. LYI did that. He would belt
15 you on the hand with a leather belt. I saw it happen to
16 one kid because he threw his painting on the floor.
17 I never got belted by him.

18 'I saw GIC slapping kids around the back
19 of the head for not keeping up in the gym or if they
20 ignored something they had been told to do. It was
21 a hard slap because the kids he did it to would always
22 cry. They could be any age from 10 years old upwards.
23 If you were considered to do something really bad you
24 had to go to the headmaster's office. The teachers were
25 all very strict in there.'

1 He repeats he thinks they were all ex-military men.
2 Under 'Abuse', he says that:
3 'We went swimming quite often, about twice a week.
4 We didn't have trunks or costumes. We swam naked and we
5 had no option but to do it. GFC ██████████ took that
6 class.
7 'I did the naked swimming right up until I left
8 Dr Guthrie's when I was 14.'
9 At paragraph 141, he says:
10 'I remember somebody with an 8mm camera filming us
11 once. It was a member of staff, but I can't remember
12 who it was. I just remember the boys were all trying to
13 cover themselves up.
14 'We had to do as we were told or we got belted for
15 it. It was GFC ██████████, who would belt us. The first
16 time I got the belt from GFC ██████████ was when ██████████
17 ██████████ SNR ██████████ and we ran away. About 70 per cent
18 of the boys ran away when we found out he was ██████████
19 ██████████ We were all caught by the police and brought
20 back. We were taken by staff into GFC ██████████ office in
21 groups of four or five of us at a time. We were lined
22 up, told to take our shorts and pants down, so they were
23 round our ankles, and told to bend over, then given
24 three of the belt on our bare bums. I can't remember
25 how old I was when that happened.

1 'We were told we were getting it because we ran
2 away. I got the belt from GFC a few times.'

3 He says there was an occasion when he'd been away,
4 I think for the weekend, was going back to school and
5 the bus didn't turn up on time. Paragraph 148:

6 'When I got back school, I had to go to GFC
7 office and I got in trouble for getting the police
8 involved and told I was lying about the bus being late.
9 I was made to pull my trousers and pants down, bent over
10 and got ten of the belt on my bare bum as a punishment.
11 I was about 12 or 13 years old at the time.

12 'The copper who I had spoken to in relation to the
13 late bus knew my mum and told her that I was late back
14 to school. My mum's fancy man, who worked as a bus
15 mechanic for Edinburgh Corporation Transport, phoned the
16 school to tell them that the bus had broken down.
17 I didn't even get an apology from GFC.

18 'I remember doing an oil painting of a cottage,
19 hills and a stream in art class. It was really good
20 because I liked art. The painting went missing and
21 I asked the art teacher, LYI, about where it
22 went and he stabbed me in the forehead with a pencil.
23 He did this in front of some other kids. I was about
24 13 years old at the time. I still have a black dot
25 where he stabbed me to this day. I don't know why he

1 stabbed me, but somebody else in the school had told me
2 that Mr LYI was selling paintings that were good, so
3 I don't know if he sold my painting and then stabbed me
4 when I asked about it.'

5 He talks about an incident at camp where he was hit
6 in the head and doesn't know who did that or how that
7 happened when he was sleeping in the tent.

8 At paragraph 154, he says he reported it to a staff
9 member who he thinks was GFC and he just told me to
10 wash my hair and get the blood out because he could see
11 it. GFC looked at it again and just said it was
12 fine:

13 'Nothing happened about it and I never found out who
14 did it.

15 'One time HCM the science teacher kept me back
16 when the other kids left the class. He rubbed my
17 private parts between my legs. I can't remember him
18 saying anything when he did it. I didn't like it, so I
19 kicked him and ran away straight out the school.
20 I think I was about 12 or 13 years old at the time.

21 'The police in the area knew our uniforms, so when
22 they saw me they grabbed me and took me back to the
23 school. I told the police what had happened and they
24 said I needed to tell SNR about it.

25 'When I got back I was in GFC office,

1 just the two of us. I told him about HCM playing
2 with my private parts and he said I was a liar and that
3 HCM didn't do things like that. He made me bend over
4 with my trousers and pants around my ankles and gave me
5 the belt about ten or 12 times.

6 'He hit me with a leather strap that was between
7 about 18 and 24 inches long and maybe two or three
8 inches wide and it was split at the end.'

9 LADY SMITH: A tawse.

10 MR SHELDON: Classic tawse.

11 LADY SMITH: Lochgelly tawse.

12 MR SHELDON: Indeed:

13 'My dad took me to see the matron during one of his
14 visits because I had a really bad headache [and he has
15 talked about that already and he said] the matron came
16 back later with some painkillers and while she was
17 checking me over started playing with his private
18 parts.'

19 He says thing progressed and:

20 'I had sex with her. She was about 40 or 50. [He
21 says] Later that day the matron's assistant came to
22 check on me and she said that the matron had told her
23 I liked having sex and I ended up having sex with her
24 too. I think she was about 30. It might sound big
25 headed, but I felt good after it. My hormones were

1 going and I felt relief after it. I felt like an adult
2 and it made me much more sexually aware. They both told
3 me not to tell anybody about it after it had happened.
4 I had enjoyed it, so I didn't tell anybody.

5 'I felt pleasure and joy at the time, but, looking
6 back, I know it was wrong that it happened and I was
7 just a child.

8 'I can't remember either of their names and have
9 tried to block out everything that happened at
10 Dr Guthrie's.'

11 He goes on to talk about peer abuse and says that he
12 had some trouble with a particular boy from Glasgow and
13 he, 'Robbie', jumped up, smacked him in the mouth and
14 took the sweets back off him. So he knew how to stick
15 up for himself and soon everybody knew that in the
16 school:

17 'If they antagonised me I would smack them.

18 'There were boys interfering with boys in the
19 school. I was aware that it was going on. In the
20 square there was a fire door that led inside to a space
21 where there was a radiator. In the winter boys would go
22 in to warm their hands up. Quite often you would see
23 boys in there touching each other. A couple of boys
24 tried it with me, but a smack in the mouth chased them
25 away.

1 'I went in the television room one time thinking I
2 could go and watch television because I had been allowed
3 to use it after tatty picking. When I went in there
4 there were five boys masturbating and having
5 a competition to see who could ejaculate first and make
6 it go the furthest. I was disgusted and walked back
7 out. There was no staff there at the time.

8 'I don't know if the staff were aware of any of the
9 sexual activity between the boys. I kept away from it
10 all and I didn't want to know what was going on.

11 'One boy told me that he used to go and see this old
12 teacher from the school, who lived near [REDACTED]
13 [REDACTED] in Edinburgh. The boy asked me to go with him
14 and I said no because my mum lived there.

15 'I knew he was one of the boys messing about with
16 the other boys. There were a few boys who would go with
17 this boy to the old teacher's house. I knew something
18 was going on between them and it just didn't interest
19 me, so I didn't go.

20 'I can't remember the boy's name, but I think he was
21 a year or two older than me. He lived up near Groathill
22 in Edinburgh. I don't remember the teacher's name.'

23 On reporting, he says:

24 'After Mr [REDACTED] sexually abused me and I ran away,
25 I told the police about it. They didn't do anything,

1 but told me to tell SNR [REDACTED].'

2 When he told GFC [REDACTED], who was SNR [REDACTED]:

3 'He told me I was a liar and belted me.'

4 He then talks about leaving Dr Guthrie's and he had
5 been told by a member of staff a few weeks before he was
6 due to leave that he would be going home to stay with
7 his dad and he says he was ecstatic about that. He left
8 Dr Guthrie's on [REDACTED] 1969:

9 '... was given a new set of clothes, bus fares and
10 the money I had in savings there, which was about £3.
11 None of the staff said bye to me. I left out the front
12 door, just as I had come in through the front door when
13 I had arrived. That was the only two times I used front
14 door.'

15 He says he had something called a notice of release.
16 Taking that short, my Lady, it does indicate that on his
17 release the managers would arrange for you to be
18 visited, advised and befriended and give you assistance
19 in maintaining yourself and finding suitable employment.

20 Reading short to paragraph 186, he says that having
21 gone home to stay with his dad:

22 'I never saw a social worker once I got home. I was
23 just back to normal life.'

24 He certainly doesn't seem to think there was any
25 aftercare or advice, or anything of that sort.

1 LADY SMITH: Or assistance in maintaining himself and
2 finding suitable employment.

3 MR SHELDON: Indeed. In the event, my Lady, he did,
4 eventually, find some suitable employment and did well
5 in it.

6 But, before getting there, just to note he went back
7 to a comprehensive school, Ainslie Park, and said he was
8 treated like a bad boy there:

9 'One of the teachers there tried to make an example
10 of me and belt me for no reason. Just because I had
11 been in an approved school. He used to jump up and
12 bring the belt down hard. I pulled my hand away and he
13 ended up hitting himself between the legs. I went home
14 and told my dad who visited the headmaster who then
15 asked the boys in the class what happened. They all
16 said I hadn't done anything wrong and the teacher got in
17 trouble'.

18 And he says he knew how to stick up for himself and
19 indeed for others.

20 He then talks a little about employment, about
21 meeting a man who ran an ice-cream firm and worked for
22 him for some time.

23 He left school just before he turned 15, having been
24 doing the work of older kids:

25 '... because I was doing my own reading. The

1 headmaster told me they couldn't teach me much more at
2 the school.'.

3 And he left with two O-Levels in technical drawing
4 and woodwork and also in English.

5 He then worked as an apprentice butcher and then
6 went into the business of putting up television aerials.
7 When he turned 16, he got a job with them. He learned
8 how to do rigging and was teaching himself with books
9 from the library and says he ended up being one of the
10 best systems engineers in the UK with a Government-run
11 company which he names. He says he did that until he
12 was 23.

13 He does say that during that time he had been
14 rebelling against the establishment and getting into
15 trouble. He says:

16 'This was because the police used to stop me for no
17 reason all the time. I was charged a few times and put
18 in Glenochil Detention Centre, as well as Polmont, when
19 I was about 17 or 18.'

20 He had a girlfriend and they had a son in 1977.
21 There was talk of putting the son up for adoption, but
22 'Robbie' didn't want to do that, brought him home and
23 raised him, I think at first in his dad's house. He
24 says that he stopped getting in trouble when his son was
25 born, completely changed his ways:

1 'I had to change then because I had responsibilities
2 that I needed to face and I did face them, just like my
3 dad had.'

4 He moved out of Edinburgh when his son was a few
5 months old. He then got married to his first wife, had
6 two daughters, remarried about ten years later, and that
7 marriage lasted about ten years. And he then talks
8 about further work that he did through the years and
9 talks about meeting his third wife and some of the
10 issues that arose over that.

11 Turning to paragraph 215, he says on 'Impact':

12 'My education was impacted because I was only going
13 to school about two or three days a week in
14 Dr Guthrie's. The education was poor. I still managed
15 to get two O-Levels after leaving there, even though
16 they tried to say I was retarded in my records. I got
17 them because I studied and read myself.

18 'Soon after I got home, I remember going to Leith
19 Swimming Pool and I went into the changing cubicle and
20 ran out naked to get in the pool, then realised nobody
21 else was naked. So went back into the cubicle to put
22 something on. That is how much Dr Guthrie's ingrained
23 in us that we had to swim naked.'

24 He talks again a little bit about being labelled
25 a bad boy, rebelling and getting in trouble. And he

1 notes that he had never got into trouble or fights
2 before being sent to Dr Guthrie's:

3 'I had been a bit of a bookworm and being sent there
4 changed all that.'

5 He says that there were false allegations against
6 him and was questioned by police. During the
7 questioning the police brought up the fact that he'd
8 been in Dr Guthrie's, and he says:

9 'They always know I've been in an approved school
10 and always judge me for it.'

11 He says when he was 18 his hand:

12 '... got so bad that the nerves on my hand would
13 jump. I went to see my doctor who sent me to Falkirk
14 Infirmary Hospital. It turned out I had actually broken
15 my pinkie and my ring finger in the accident at
16 Dr Guthrie's while playing British Bulldog. It turned
17 out that the nerves on my ring finger had got caught in
18 the bone during the injury. I had to have an operation
19 to get the nerves in my ring finger cut out.

20 'I think about being in care every time I look in
21 the mirror and see the black dot on my forehead from
22 having a pencil stabbed into me for no reason. I see it
23 and think it's a crying shame that me and other kids
24 like me have had to go through that.'

25 He says he used to help run a youth club in England

1 and understood what it was like for them. He helped
2 them enter a public speaking competition when no other
3 adult would help them do it, and he says they ended up
4 winning.

5 He talks about learning -- helping, I think, these
6 children to learn badminton and to train for it. He
7 says it felt good helping kids and underprivileged
8 people because of the experiences I had as a child:

9 'I've never been back to Dr Guthrie's for a visit,
10 but have seen pictures of it. It doesn't look like the
11 hellhole it was when I was there, and it was a hellhole.
12 I have hidden the impact that the place has had on me my
13 whole life and I've just kept busy so I never needed any
14 psychiatric help. I never even told my wife that I went
15 to an approved school. I would just say that I went to
16 a boarding school. I've only recently started telling
17 people.'

18 He talks about difficulties in accessing his records
19 and what he feels are inaccuracies in them. Under
20 'Lessons to be learned' he says:

21 'I don't want to see other kids in care suffer the
22 way I did. I was put in care because the social work
23 thought there was a lack of discipline in my dad's home,
24 which wasn't true. Even if they thought it, they should
25 have offered support instead of just putting me in

1 care.'

2 Reading short, he says:

3 'I think families with problems should get more help
4 to alleviate the situation in the family, instead of
5 just putting the kids in care. In my opinion, the care
6 system in the UK is not beneficial to the development of
7 children.'

8 He's made the usual declaration and signed the
9 statement, my Lady.

10 LADY SMITH: Thank you very much indeed, Mr Sheldon.

11 Do we have time for another one?

12 MR SHELDON: Ms Forbes indicates that she has one that would
13 be 15 to 20 minutes.

14 LADY SMITH: Let's do that at this stage. Thank you. Then
15 just to assure the stenographers I'm going to stop for
16 the afternoon when we have done the short one.

17 MS FORBES: My Lady, this next statement is from
18 an applicant who is anonymous and is known as 'John'.

19 'John' (read)

20 MS FORBES: The reference is WIT-1-000000813.

21 My Lady, 'John' was born in 1964 and he talks about
22 his life before care between paragraphs 2 and 4. He was
23 born in Glasgow, had a brother who was two years older
24 than him and also had a sister. His dad left his mother
25 when he was four years old. He attended primary school

1 at Nitshill and things started to go wrong there. After
2 that he attended Craigbank Secondary School for about
3 three months and then he went to Dr Guthrie's.

4 Essentially, 'John' says his mum couldn't control
5 him. He was copying his big brother, who was also -- at
6 that time was in care and sniffing glue. He got into
7 trouble, went before the Panel and they suggested he go
8 to Dr Guthrie's and he agreed.

9 He talks about his time at Dr Guthrie's between
10 paragraphs 5 and 34. If I could just go to paragraph 5,
11 I'm just going to read from there:

12 'I went to Dr Guthrie's in 1979, when I was 12.
13 There was a gym at the back of the building and in front
14 of that was the Education Department. There was
15 a kitchen, a small laundry, a big area for playing
16 football and an assembly hall. There was a big grassed
17 area to the front.

18 'I think you went to another part of Dr Guthrie's
19 first to be assessed and then you got moved to your
20 dormitory. The first part had a mixture of single and
21 double beds. My dormitory was upstairs. There were 28
22 of us in it and 20 in the other dormitory. We all had
23 single beds. The boys were aged 11 to 16.

24 'There was an overnight staff member ...'

25 Then he says something about her husband and he says

1 that she was a really nice woman. He also talks about
2 a relationship that she was having within Dr Guthrie's.

3 Paragraphs 8:

4 'We had to keep our dormitory clean and tidy and we
5 helped out with other chores. If you didn't help out,
6 you would be kept in at the weekend.

7 'We got pocket money and we were allowed to spend it
8 in the sweet shop, which was just across the road.

9 'We were allowed to smoke in the toilets. We were
10 a bunch of rogues or junior criminals.

11 'I had leave every weekend. We left on a Friday
12 after lunch. We were given travel money and spending
13 money in the morning. I got the bus into Edinburgh
14 Waverley and the train back home. I had to return on
15 a Sunday by 6.00 pm or 7.00 pm.'

16 Then he talks about someone else, a boy who was in
17 the home who had to go from Dr Guthrie's to another home
18 for the weekend and then come back:

19 'I went home to my mother every weekend unless I had
20 misbehaved. I was kept in one weekend as a punishment
21 for something, but I can't remember what. It was
22 probably fighting, knowing me. You could be kept in for
23 breaking the rules, like returning late to the home or
24 messing about.

25 'The weekend I stayed in, I went with a man in

1 a Land Rover to Arthur's Seat and I had the impression
2 he had been in Dr Guthrie's. When you were kept in at
3 the weekend the staff did try their best.'

4 He then talks about the routine from paragraph 13:

5 'One of the managers from Dr Guthrie's, who had
6 a beard, always wore clogs, and smoked cigars, was at
7 the panel, so he could take people back from there to
8 Dr Guthrie's. I went directly back with him. When
9 I arrived a staff member told me the main rule was that
10 I wasn't allowed to use my boot when I was fighting.
11 I went to walk upstairs ...'.

12 Then he names another boy and says:

13 'He started a fight with me and I booted his nut in,
14 so it wasn't a very good start. I spent the rest of my
15 first day settling in.'

16 Talking about mornings and bed times, at
17 paragraph 14:

18 'We got up, went downstairs and had breakfast.
19 There was a big man with grey hair who was about six
20 feet four inches and he always corrected the way you
21 ate. Then we went to the main hall and then to school.
22 If something happened they would announce it in
23 assembly. There would be over 100 of us there. After
24 dinner, we played table tennis, pool or did other
25 activities. I think some of these activities were set

1 up in the dormitories. Table tennis was in the assembly
2 hall. I played football all the time. They took us out
3 in vans to do activities in separate groups.

4 'In relation to meal times, the food was good and
5 I always got extra porridge. In relation to clothing or
6 a uniform, we provided our own clothes, but the woman in
7 the laundry gave me spare things because I didn't have
8 many.

9 'Every Sunday night when we came back from leave the
10 staff treated us for head lice and we all had to take
11 a shower. I found it a bit strange that we needed to
12 stay in the shower for longer than I thought necessary,
13 but maybe it was because we had to rinse the head lice
14 treatment out. There was always a wee old woman there
15 and another couple of staff members. You could take
16 a shower whenever you liked at other times.

17 'During the day we had a traditional education. We
18 went back to the dining hall for lunch and back to
19 school in the afternoon. We went away with the army at
20 the weekends if we weren't on leave, cutting down trees
21 and building assault courses.

22 'We went to Durbar for a week and stayed in
23 dormitories which were on a plot of land which may have
24 been owned by Dr Guthrie's. This was about two miles
25 past the nuclear power plant. This trip took place

1 during the summer holidays. We could see the beach from
2 the dormitories and we walked to the beach. About
3 a third of the school went and we did a lot of
4 activities.

5 'Most of us went home for Christmas, but some boys
6 couldn't go home as they didn't have anywhere to go.
7 I believe that Christmas was celebrated in the home.

8 'My mother visited on my birthday. She brought me
9 a present and took me to see Return of the Jedi.

10 'The social worker visited me once and gave me 20
11 Regal cigarettes and a fiver. She was a brilliant wee
12 woman. She was always our family social worker.
13 I would never blame my social workers for anything. The
14 people I had were brilliant.

15 'I don't recall any official visitors.

16 'If you needed to see a doctor or dentist, you would
17 go to the local one. I went to the doctor when I was
18 sexually abused and had a lot of tests.'

19 He talks about abuse at Dr Guthrie's from
20 paragraph 25:

21 'A big man used to take us to play football and one
22 day I called him by his christian name and he told me
23 'never to fucking call him that again'. That was the
24 only confrontation I had with him. There was an old man
25 with grey hair who gave me the belt for saying the

1 christian name and everybody thought he was Dr Guthrie,
2 but I don't know if he was.

3 'The PE teacher, **KEP**, was an alcoholic.
4 You could smell the beer off him every day and he could
5 name every pub in Scotland. He always wore a yellow
6 Adidas tracksuit. He had a bad attitude. I was playing
7 up in class. I left to go and play football and he
8 called me into the swimming pool area. I went into the
9 shower room and it was covered in blood. The blood was
10 running down the walls. **KEP** had smashed
11 a boy's head in and the boy was lying in a pool of
12 blood. He got up and **KEP** told him to get into the
13 shower.

14 'He told me to come over and he headbutted me. He
15 then punched me four times in the stomach. He told me
16 to get into the shower and not to say anything. That
17 was the first time he had done anything to me.

18 'The second time, it was something to do with
19 football. I think I swore and called him a name. He
20 took me into the concrete shower block and beat me up.
21 He then made me shower to get rid of the blood. He was
22 the only person who physically abused me in
23 Dr Guthrie's.

24 'There was a big man called **GUH**, who was the night
25 man. When he was on duty at night, he would put music

1 on and we would run around half naked and jump up on
2 him. This may just have been **GUH** being friendly
3 and nothing ever happened to me, but I am mentioning it
4 because, on reflection, this may have been grooming.

5 'I was a gambler. My family used to give me shandy
6 when I was five or six years old and playing cards.
7 During my weekend leave in 1979, I went to the
8 amusements to spend my pocket money. I was helping
9 a man with the machines and he touched my penis. He put
10 money in my hand and then offered me a fiver to go back
11 to his flat, which I stupidly did. He used to put
12 newspapers down in the bedroom and lie me down flat. He
13 didn't put his penis into me, but when he had finished
14 he used to scrunch up the papers and get rid of them.

15 'This man was also involved with my family. I asked
16 my granny's son to be a witness against him in court
17 because he knew him and he must have been doing the same
18 thing to him, but my family all clamped up.

19 'When I went back to Dr Guthrie's after weekend
20 leave one of the teachers asked me if I knew what
21 a homosexual was and I said that I did. He asked me why
22 I was turning up late at my mum's every time I went
23 home. I told him what had happened to me. They got the
24 police and a young policeman came in and started
25 shouting at me and calling me a little bastard. He said

1 that I had better be telling the truth. I was then
2 taken to the doctor and they checked my anus and took
3 a lot of samples.

4 'The police used me to set the guy up. I told them
5 that I met him every Friday at [REDACTED]
6 cafe. The serious crime squad thought it was a good
7 idea to jump the guy in the cafe when I met him, drag
8 him out, throw him into the back of a van, along with me
9 and my mum and take us to the police station. I then
10 had to go to court at 12 years old and explain
11 everything. His family were there and they gave me and
12 my mum a hard time going into court. He had destroyed
13 all the evidence in the newspapers. He was found not
14 guilty and I was just left to rot for the rest of my
15 life.

16 'I know what happened. I was there. I gave the
17 police every detail that they needed. The guy even
18 abused me outside the police station which was
19 investigating him.

20 'I saw my abuser when I was at a Rangers' game about
21 seven years later. He was wearing the same jacket and
22 looked exactly the same. I just froze. To this day,
23 I am totally gutted that he wasn't found guilty. I was
24 made to feel as if I was the one causing the problem.

25 'I was released from Dr Guthrie's to go to normal

1 school. I only lasted for three months and when I went
2 to Larchgrove Assessment Centre in Easterhouse after I
3 attended another Children's Panel.'

4 He then talks about Larchgrove between paragraphs 36
5 and 38. He says he was there for about three months
6 when he was 14. He ran away from there and was glue
7 sniffing and handed himself in and he was sent to
8 Kibble.

9 He talks about Kibble between paragraphs 39 and 46.
10 He says that Kibble was a really good place and the man
11 who ran it, who he describes as a nice American man,
12 made a big impact on his life:

13 'They were good people and always there for you and
14 supporting you.'

15 'John' says:

16 'At Kibble there was something educational every day
17 and everything was motivational and there was a focus on
18 teamwork. It was well structured and there was lots of
19 activities.'

20 He was then a day boy for the last three months, so
21 he went home to his mum every day at 4.00 pm.

22 He stayed there and left at 16 and was sad to leave.

23 Then talks about his life after care from
24 paragraph 47 onwards and said that he was easily led and
25 started taking heroin. At 17, he moved to London to

1 live with his sister and got a well-paid job and never
2 came back to live in Scotland, but he has been addicted
3 to all sorts of drugs, heroin, crack cocaine, alcohol
4 and cannabis.

5 In relation to impact, at paragraph 53, he says he's
6 been diagnosed with PTSD.

7 In relation to 'Lessons to be learned', between
8 paragraphs 55 and 56, he says that he hopes the Inquiry
9 opens people's eyes up to abuse and he hopes that
10 somebody acknowledges his pain after all these years.
11 He says the abuse has destroyed his life.

12 In relation to hopes for the Inquiry, at
13 paragraph 108, he says that they've got to listen to
14 kids.

15 He makes the usual declaration at paragraph 57 and
16 he's signed that and it's dated 22 September 2021.

17 LADY SMITH: Thank you very much.

18 Well, we'll stop there for today. Before I rise,
19 names again we have used this afternoon, Mr HCM,
20 Mr GVI, LYI, KEP and GUH, also
21 known as GUH, all of whom have been referred to in
22 this room, but their identities are subject to my
23 General Restriction Order, so these people cannot be
24 identified in any way outside this room.

25 Tomorrow, we have the same pattern again, I think,

1 two witnesses in person and then we'll see what read-ins
2 we can complete. Thank you very much.

3 I'll rise now until 10 o'clock tomorrow.

4 (3.26 pm)

5 (The Inquiry adjourned until 10.00 am on Friday, 31 May

6 2024)

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9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

PAGE

'Michael' (sworn)1
 Questions by Mr Sheldon3
Derek Allan (affirmed)41
 Questions by Ms Forbes42
'Robbie' (read)140
'John' (read)165

