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Tuesday, 30 April 2024

(10.00 am)

LADY SMITH: Good morning, and welcome back to our hearings in the Chapter 5 of Phase 8 in which we are looking at the provision of residential care by CrossReach.

Now we move to other witnesses, I think, and we have a witness ready to give evidence in person; is that right, Ms MacLeod?

MS MACLEOD: Good morning, my Lady, that is right. The first witness this morning is Deirdre MacDonald.

LADY SMITH: Thank you.

Deirdre MacDonald (affirmed)

LADY SMITH: Do sit down and make yourself comfortable.

A. Thank you.

LADY SMITH: Easy question first, I hope: how would you like me to address you, Ms MacDonald or Deirdre?

A. Deirdre.

LADY SMITH: Thank you, Deirdre. The red folder on the desk has the statement in it that you have helpfully provided. Thank you for doing that, because it has been really useful to me to be able to read it in advance. Can I just say I know you gave us that statement a long time ago and I am sorry it has taken until now before we have reached this stage, but you may understand we have been working our way steadily through quite a number of

1 investigations and presentations at hearings. However,
2 we are up to CrossReach now and really glad to be able
3 to hear you.

4 If you have any questions at any time, Deirdre,
5 please speak up. Let me know if there is anything I can
6 do to make giving evidence more comfortable for you,
7 because I know it is not easy; we are dragging your
8 memory back to a long time ago. But just say if there
9 is anything I can do; all right?

10 A. Thank you.

11 LADY SMITH: If you are ready, I will hand over to
12 Ms MacLeod and she will take it from there. Ms MacLeod.

13 Questions by Ms MacLeod

14 MS MACLEOD: My Lady.

15 Good morning, Deirdre.

16 A. Hi.

17 Q. I don't need your full date of birth, but are you able
18 to confirm you were born in [REDACTED] 1955?

19 A. I was.

20 Q. You have provided a statement for the Inquiry and there
21 is a copy of that in the red folder in front of you.
22 Could we begin, please, by turning to the very last page
23 of the statement. Have you signed the statement?

24 A. I did.

25 Q. In the very last paragraph, do you say:

1 'I have no objection to my witness statement being
2 published as part of the evidence to the Inquiry.
3 I believe the facts stated in this witness statement are
4 true.'

5 A. Correct.

6 Q. Thank you. We can now turn back to the beginning of the
7 statement. There I would like to start just by asking
8 you a little bit about what you tell us about your own
9 background. Indeed, I think you begin by explaining
10 that your father was a minister in the
11 Church of Scotland?

12 A. Yes.

13 Q. And that you were born in Stornoway?

14 A. I was.

15 Q. And that there came a time, when you were around 12,
16 when you moved to Inch, in Aberdeenshire?

17 A. Yes.

18 Q. You go on to tell us about one of your favourite things
19 about growing up, as you put it. That was your
20 involvement in church youth groups.

21 A. That's right.

22 Q. Can I just ask you a little bit about that? What were
23 these groups, and what was it about them that you liked
24 so much?

25 A. So the group was teenagers within the community, and it

1 was run by the local youth and community worker and
2 a social worker. And they shared with us all kinds of
3 poetry, songs. We went to see Jesus Christ Superstar,
4 Godspell, Hair, and so we got the confidence to be able
5 to express ourselves as young people. And then through
6 the work of the youth worker, who was doing training
7 with young people, we -- with other youth workers, we
8 were invited to go and do a presentation about what it
9 felt like to be a young person, as we were, and that was
10 where I think I explain about the wonderful thing about
11 all of that was the respect that I certainly felt that
12 we were -- you know, if we had an opinion it was
13 listened to. We weren't just young people; we were
14 young people who were important to other people as well.

15 Q. And was it through your involvement in that work, in
16 that group, that you became aware of an organisation in
17 London?

18 A. Yes, yes.

19 Q. And what was that organisation?

20 A. So the Community Service Volunteers, which I think was
21 like a UK equivalent to the VSO-type of thing.

22 LADY SMITH: And that would be VSO, Voluntary Service
23 Overseas?

24 A. Overseas, yes.

25 MS MACLEOD: What were you told about the Community Service

1 Volunteers, in London?

2 A. So they would take me to London to interview me and
3 find -- and therefore find an appropriate placement for
4 me for the months that I was looking for voluntary work.

5 Q. Thank you.

6 And did you indeed travel to London --

7 A. I did.

8 Q. -- and meet with the organisation?

9 A. Yeah, I did. Yeah.

10 Q. In your statement, I think you tell us that was in
11 around May 1972?

12 A. That's right, yes. It was all very exciting, you know,
13 leaving -- I had worked away in Skye previous summers in
14 hotels, but this was very exciting.

15 And I think I mentioned that, you know, when I got
16 off the sleeper and there was, you know, a magazine
17 stand outside the station and there was a book about
18 children's rights, which I kept for a long time, because
19 that all spoke my language, about the value.

20 LADY SMITH: Had you been to London before?

21 A. Never.

22 LADY SMITH: That must have been quite exciting at the age
23 of, what, 16?

24 A. 16, yes. I was, yes. So ... but I love travel, I love
25 going around.

1 MS MACLEOD: And did you indeed have an interview with the
2 service?

3 A. I did, yes.

4 Q. Was it discussed with you, at the interview, the sort of
5 placements that might be available to you, and did you
6 have any input into the decision as to where you were
7 going to go?

8 A. I don't remember. I am not sure.

9 Q. Was it after the interview, then, that you found out
10 where you were going to be going on a placement?

11 A. Yes, they got in touch and told me.

12 Q. And what did they say? Where were you going to be
13 going?

14 A. So to Langlands Park List D School for girls, in Port
15 Glasgow.

16 Q. Was that a place you had heard about before?

17 A. Never.

18 Q. Were you given any information at that time about what
19 it was?

20 A. I don't remember. I was just to go there as
21 a volunteer. I don't remember. It is a long time ago.
22 There is a lot -- I am very wary of filling in gaps of
23 memory with information, so I am just going to say a few
24 times 'I don't know', 'I don't remember'.

25 LADY SMITH: That's absolutely fine, I can well understand.

1 This is a long time ago you are talking about.

2 A. Yes.

3 MS MACLEOD: I think you mention in your statement, Deirdre,

4 that it was possibly a few weeks after the interview

5 that you went to Langlands Park?

6 A. Yes.

7 Q. And was the placement to be from around June

8 until September, early October --

9 A. Yes.

10 Q. -- of that year?

11 A. Yes.

12 Q. When did you find out more about where you were going,

13 about Langlands Park? Did you find out anything before

14 you arrived or was it when you arrived there?

15 A. I don't remember. Yeah, I think it may have been --

16 they probably said something. I don't know, but I don't

17 remember, yes.

18 Q. Do you remember arriving there?

19 A. Vaguely, yes. Big house, yes.

20 Q. And you tell us in your statement that there was

21 a residential school?

22 A. Yes.

23 Q. And that you were going to be living in the school --

24 A. Yes.

25 Q. -- as part of the placement?

1 A. Yes.

2 Q. Who was SNR [REDACTED] the school?

3 A. So there was a chap -- there was SNR [REDACTED] and
4 SNR [REDACTED]. I don't know if I am allowed to
5 use their names?

6 Q. Yes.

7 LADY SMITH: That's fine.

8 A. I think SNR [REDACTED] name was Mr MSH [REDACTED].
9 I remember he was a Welshman, ex-army. Mr LWH [REDACTED],
10 I think, was SNR [REDACTED]. He was an ex-PE teacher.
11 So, yeah, Mr MSH [REDACTED] was a bit bullish. You know,
12 sort of round fellow. Charming on the outside.

13 Q. What was your initial impression of Mr MSH [REDACTED]?

14 A. That he was welcoming, yes.

15 Q. In your statement, Deirdre, I think it's at paragraph 7,
16 you say he was a bit of a thug?

17 A. Yeah. Just, you know, his body language was quite
18 square built, as I say. Probably with hindsight I am
19 saying he was a bit of a thug, just because of his role
20 in the reason I came to the Inquiry.

21 Q. Okay, and we will come on to look at that --

22 A. Yes.

23 Q. -- shortly.

24 SNR [REDACTED] -- I think you mentioned his name,
25 was Mr LWH [REDACTED] -- what was his background? Do you

1 remember?

2 A. He was a -- he had been a PE teacher. I think they both
3 lived with their families. I think there may have been
4 family houses at Langlands Park. I can't remember
5 exactly.

6 Q. Do you remember any of the other staff?

7 A. Particularly an older lady, who -- she was very much
8 there for the welfare of the girls. She was very kind.
9 A very kind lady, yeah.

10 Q. Okay. And you have told us your own age at the time,
11 Deirdre, that you were 16; what was the age range of the
12 girls, to the best of your recollection?

13 A. 12 to 18. I mean, why it was deemed appropriate that
14 I go there, I don't know.

15 Q. So were there girls there who were the same age as
16 yourself?

17 A. The same age. Maybe slightly younger. There was nobody
18 older than me.

19 Q. And it was an all girls' school?

20 A. It was, yes.

21 LADY SMITH: But, with that age range, there could have been
22 somebody older than you?

23 A. Yes, theoretically. They could all have been older than
24 me, theoretically. Strange.

25 MS MACLEOD: Would you be willing to look at a photograph of

1 the building?

2 A. Yes.

3 Q. I will put that on the screen now. It is at
4 INQ-000000847.

5 Do you recognise the building?

6 A. Yes.

7 Q. Are you able to help me at all with the angle we see
8 there or anything that jumps out to you as being
9 familiar?

10 A. I think -- would the main entrance have been to the
11 right of where your arrow is? Yeah, in between those
12 two buildings, possibly.

13 Q. So at the right-hand side of the photograph?

14 A. More to the left, where the lower building is. The
15 lower bit of building, I think. I don't know.

16 LADY SMITH: Where you can almost see a door at the bottom
17 there?

18 A. Yes, yes.

19 MS MACLEOD: I see.

20 And did you have a bedroom in the school?

21 A. I did. I did. It was a small room that was set between
22 the girls dorms, which I think were to the right of the
23 building and the sort of dining kitchen area. And
24 I seem to recall that schooling took place outside, in
25 another building.

1 Q. Okay. We can take the photograph down, thank you.

2 What was your understanding of what your own role
3 was at the school?

4 A. I understood that I was to assist the staff in any way
5 that they thought I might be able to help. So I do
6 remember it would have been a relatively short time that
7 there was still term time of me being there, so the June
8 and then it became the holiday period. So I do remember
9 being in the classroom and helping a teacher with
10 looking at the girls' work or that kind of thing.

11 And then I accompanied the groups that went out
12 during the summer holidays to the Trossachs. I just
13 generally helped in anything that -- there was never an
14 unreasonable request for help.

15 Q. Were there other younger people there on placements or
16 working in similar positions to yourself?

17 A. For a period of three weeks or so, there was definitely
18 a young woman from Jordanhill. I think she was a PE
19 student.

20 LADY SMITH: So that would be the teacher training part of
21 Jordanhill?

22 A. I think so, yes. Teacher training. And then there was
23 a mature woman, a social worker student, who was around
24 during the summertime as well.

25 MS MACLEOD: It was a voluntary position --

1 A. Yes.

2 Q. -- your own position?

3 A. Yes.

4 Q. And I think you tell us that you were paid a little bit,
5 which allowed you to buy a certain amount of cigarettes?

6 A. Yes, sorry.

7 Q. Indeed, I think you come on to tell us that was
8 something you shared with the girls?

9 A. It was, yes.

10 Q. Before we look at your own relationship with the girls;
11 are you able to assist me with what you were told at the
12 time about why the girls were there, what the purpose of
13 them being there was?

14 A. I knew that they had been in front of some kind of
15 punitive Sheriff or ... I don't know, some kind of judge
16 situation, where it was judged that they needed to be
17 removed from their home for a period of time.
18 For correction.

19 Q. How did you get on with the girls?

20 A. I would say I got on really well with them. It maybe
21 sounds a bit funny, but, I mean, they were hugely
22 different from my experience of life. And, yes, we had
23 lots and lots of conversations in my room in the
24 evenings, as I recall. And so they would ask me lots of
25 things about me and they would tell me lots of things

1 about their lives as well. And I do remember writing in
2 my diary at the time 'There but for the grace of God
3 went I' because they were just a product of their
4 background as much as I was of mine.

5 LADY SMITH: Where did the girls come from?

6 A. I think most of them came from the east end of Glasgow.
7 Bridgeton.

8 LADY SMITH: Yes.

9 A. Bridgeton and around that area, is what I recall. But
10 there was one, you see, I put Stranraer in the witness
11 statement. It might have been Govan. But, anyway,
12 somewhere around there. But that was a different girl
13 and she was there, I think, for her own protection.

14 LADY SMITH: Yes, because it could be in this group of
15 children that there were children who hadn't done
16 anything wrong, but were deemed to be in need of care
17 and protection --

18 A. Yes.

19 LADY SMITH: -- away from their homes.

20 A. Yes, that was definitely the case with her.

21 LADY SMITH: Ms MacLeod.

22 MS MACLEOD: My Lady.

23 You mention in your statement, Deirdre, that the
24 girls taught you some songs?

25 A. Oh yes. I won't sing. But I still remember them.

1 Q. The girls themselves; were they in shared dormitories?
2 A. Yes.
3 Q. And they would come and visit you in your room in the
4 evening?
5 A. Mm-hm, they would, yeah.
6 Q. You tell us a little bit about the routine, Deirdre, at
7 paragraphs 10 and 11 of your statement, in particular
8 that the staff would take turns working in the girls'
9 area at night and would wake the girls in the morning?
10 A. Yes.
11 Q. You tell us about the arrangements for eating and things
12 like that.
13 A. Yes.
14 Q. And you say you sat with the staff at meal times?
15 A. That's what I remember, yes.
16 Q. And that the food was fine?
17 A. Yes.
18 Q. Okay.
19 Now, in terms of the schooling, you have mentioned
20 that's something where you helped out staff, at least
21 occasionally.
22 What are your recollections of the schooling, the
23 education that was provided to the girls?
24 A. I seem to recall that there were a small number of
25 teachers -- I can't remember how many -- who would maybe

1 do a bit of everything in the curriculum with them.

2 I don't remember there being different teachers for

3 different subjects. I don't actually remember how many

4 girls there might have been at any one time, but what

5 I recall is quite a small number, all sitting together.

6 LADY SMITH: You say in your statement, at paragraph 12,

7 that they 'skirted on subjects'. Tell me about that.

8 A. I think that's where I was meaning that it wasn't

9 an individual teacher for each subject.

10 LADY SMITH: Okay.

11 A. I don't actually remember how in depth any subject might

12 have been considered.

13 LADY SMITH: Considering what?

14 A. I don't remember how much in depth the subject would

15 have been considered.

16 LADY SMITH: Oh, right, I see what you mean. Thank you.

17 Were all the girls taught together, irrespective of

18 age?

19 A. That's my recollection, yes.

20 LADY SMITH: Thank you.

21 A. I do worry about my recollections being misleading or --

22 LADY SMITH: Don't worry. I do understand.

23 A. Okay.

24 LADY SMITH: You are thinking back a long time ago and, of

25 course, you were only there at Langlands Park for

1 a relatively short period --

2 A. I was, yes.

3 LADY SMITH: -- as a volunteer, when you were --

4 A. 16.

5 LADY SMITH: -- barely out of school yourself.

6 A. I was straight out of school.

7 LADY SMITH: Yes.

8 MS MACLEOD: What were the staffs' feelings about the girls

9 coming in to your room? Were the staff happy with that

10 arrangement?

11 A. I wasn't ever sure if the staff in general knew about

12 it. I can't remember. It seemed to be quite a free

13 arrangement, until it came to a point where SNR

14 SNR said, for my benefit, it should stop. So

15 I don't know what the worry was about that, because

16 I certainly wouldn't have raised a concern about it.

17 I really enjoyed the contact that I had with them

18 socially.

19 Q. And after SNR spoke to you; did the girls

20 stop coming into your room?

21 A. Oh yes, they had to.

22 Q. Okay. You mention that the staff would ask you to be

23 like a spy and tell them what the girls confided in you?

24 A. Mm-hm. I wasn't prepared to do that.

25 Q. Okay.

1 Bed wetting is something that you discuss in
2 paragraph 22 of your statement; were there girls in the
3 school who wet the bed?

4 A. There was just the one that I remember.

5 Q. How was that dealt with by staff?

6 A. Not well, I don't think. I think they expressed their
7 exasperation with that particular girl about what she
8 had done. Yeah. I remember a big fuss about the
9 changing of the sheets and, you know, this 'wasn't good
10 enough', kind of thing.

11 LADY SMITH: So does that mean that other people would know
12 that the girl had wet the bed?

13 A. Yeah, yeah. Well, certainly other girls would have
14 known exactly what was going on, yes.

15 MS MACLEOD: You mention in your statement -- what you say
16 is:

17 'It was more a culture of blame. It would be verbal
18 from many of the staff.'

19 A. Yeah, yeah.

20 Q. So would that be blaming the girl for wetting the bed?

21 A. Yeah, yeah. Making work, making work for the staff,
22 making work for people.

23 Q. In having to change the bed?

24 A. Mm-hm.

25 Q. In the same paragraph, Deirdre, you speak about the

1 atmosphere in the school and describe it as
2 an 'atmosphere of fear'; can you develop that for me?

3 A. I think ... so the older lady that I referred to
4 earlier, she would -- I knew that she didn't go along
5 with everything that was coming from SNR and
6 SNR, but that she had to get on with it, kind of
7 thing. But they -- what they said was, you know, was
8 the rule. You know, they were very strong in how they
9 things. They were -- you know, they would shout.
10 I think it would have been difficult to impossible to
11 challenge things that they said, is my recollection.

12 Q. And by that do you mean difficult for other staff, even,
13 to challenge?

14 A. Other staff, yes. Mm-hm. Yeah, I didn't totally
15 understand that they totally agreed with everything that
16 they were being expected to do. I think this lady that
17 comes to mind -- I can't remember, she was like a house
18 mistress kind of person. I don't know what, if any,
19 kind of qualifications that she may have had. Her
20 duties were more general, as I recall.

21 Q. Do you have any recollection of what the attitude was
22 towards the girls coming from SNR and SNR
23 SNR?

24 A. They were there -- the girls were there in order to be
25 better and these guys were going to make them better

1 citizens. So it was more ruling by the rod than
2 supporting them, was my impression.

3 Q. Okay.

4 Did girls run away from Langlands Park while you
5 were there?

6 A. While I was there two of them did.

7 Q. And you mention in your statement that in order to run
8 away girls would have to climb over quite a high wall?

9 A. That's my recollection. There was a cemetery next door
10 and they managed to get away by going across the
11 cemetery. But I don't remember the place, the doors
12 being secured, as such. So, you know, I'm not sure
13 how ...

14 LADY SMITH: I suppose if some of the buildings were in what
15 may have been portacabins --

16 A. Yes.

17 LADY SMITH: They would have needed to be able to move
18 freely around the grounds.

19 A. That's right, yes.

20 LADY SMITH: But perhaps gates were locked?

21 A. Perhaps, yeah. I don't remember any issue about my
22 going and coming, which I did do.

23 LADY SMITH: Or even if the girls just felt it was going to
24 be too obvious if they went the main route out of the
25 place.

1 A. Maybe, maybe. I think doors might have been locked in
2 the evening. I don't know. Yeah.

3 LADY SMITH: Okay, thank you.

4 MS MACLEOD: And you speak about the occasion when you
5 remember two girls running away, starting at
6 paragraph 24 of your statement, and you say:
7 'I remember the two girls who ran away a lot being
8 brought back by the police.'

9 A. Yes.

10 Q. What are your recollections of that day or that evening,
11 I think you say, and what was being said in the school?

12 A. Well, there was -- when it was discovered that the girls
13 weren't there, which I think was in the evening at some
14 point, then there was a lot of anxiety and worry in the
15 school, amongst the staff, amongst the other girls.
16 I seem to remember that there would be
17 an expectation that they would be returned at some point
18 and then -- and they were. And it would have been after
19 midnight that they would have been brought back to the
20 school by the police. And that was -- what happened
21 after that is why I came forward to the Inquiry.

22 Q. And what did happen after that, Deirdre? What was the
23 next thing that you became aware of?

24 A. That the girls were in a kitchen area. I remember
25 seeing it. I remember seeing the stainless steel

1 catering units in a kitchen; a cold, horrible room. And
2 I remember the door being shut quite clearly. And the
3 girls were in the room and with both members of -- both
4 the guys. And I remember being shut on the other side
5 of the door and with this older lady -- she was there
6 with me -- and then I just remember the awful sound of
7 them being -- the phrase, 'leathered to within a inch of
8 their life', really, is what I remember.

9 Q. And was this late at night?

10 A. It was. It was after midnight. It would have been in
11 the early hours of the morning.

12 Q. So were you in your bed, Deirdre, when you --

13 A. I had already -- we were all kind of on high alert, if
14 you like, because -- going missing, there was quite
15 a buzz around the place about the fact that they had
16 gone missing and would they be okay. So I think I had
17 gone to my room and came back out of it again when
18 I heard the sound of -- because there was no rest that
19 night, you know. I remember that; that there was no
20 rest.

21 Q. What sound did you hear when you were still in your
22 room?

23 A. The commotion of them being brought back. It wasn't the
24 sound of the thrashing that I heard. I can't even
25 remember how far it was from -- I think the kitchen area

1 was one of the first rooms along the corridor from where
2 my room was.

3 Q. And you have described that you were standing outside
4 the door of the kitchen area; just who was in the room
5 with the girls? Who was in the kitchen with the girls?

6 A. I think it was Mr MSH and Mr LWH .

7 Q. And what was it that you -- what do you recall hearing
8 from that room?

9 A. The sound of blows and their upset. So ... that's it,
10 really.

11 Q. What were you hearing to indicate that they were upset?

12 A. Cries and -- cries and sobbing. And that's all
13 I remember, yeah, sorry.

14 Q. Did you tell us -- at paragraph 25 of your statement,
15 you say:

16 'I recall that I could hear both girls being beaten
17 up.'

18 A. Yeah.

19 Q. What's your recollection of how long that may have
20 lasted?

21 A. It seemed to last forever, but that could be
22 a distortion of memory, as well. It seemed to be a long
23 time.

24 Q. Do you remember how old the girls were?

25 A. I think they were 15.

1 Q. And standing outside the kitchen hearing this, Deirdre;
2 how were you? What impact was this having on you at the
3 time?

4 A. I was appalled. I remember feeling helpless.
5 Frightened. Worried about them. Just couldn't believe
6 it. Couldn't believe that that could be done.

7 Q. The older lady you mentioned who was with you; how was
8 she?

9 A. The same. She was very nervous. She would be the one
10 to patch them up. And I remember having the total
11 impression that this wasn't the first time that had
12 happened.

13 Q. Was this an impression that you got from the lady?

14 A. From her, yes.

15 Q. When you say she would be the one to patch them up; was
16 that information that you were getting from her?

17 A. Yeah. That's why she was still around, I think.
18 Because she would be the one to put them to bed. To
19 clean them.

20 Q. At paragraph 26, you say:
21 'We were absolutely unable to do anything.'

22 A. Yes.

23 Q. Are you referring there to yourself and the older lady
24 who was with you?

25 A. Yes, yeah.

1 Q. I take it from that, that the older lady, for example,
2 didn't feel like she could burst in to the kitchen and
3 interfere with what was going on?
4 A. Not at all, no.
5 LADY SMITH: And you say there were no female members of
6 staff in the room?
7 A. No.
8 LADY SMITH: Just the girls and these two men.
9 A. That's my recollection.
10 LADY SMITH: Thank you.
11 MS MACLEOD: You go on to say, Deirdre, that you think hands
12 and fists were used.
13 A. (Nods).
14 Q. Is that by the men on the girls?
15 A. Yeah.
16 Q. And what gave you that understanding or that thought?
17 A. From what I could see of them afterwards. But, you
18 know, the wounds were -- you know, their faces were
19 bloody and their hands -- I don't know if their hands
20 were bloody. But, certainly around their top half,
21 I could see bruises. Well, I couldn't see the bruises
22 at that point, obviously, but I could see that they had
23 been beaten; their skin was red.
24 Q. Did you see the girls quite shortly, then, after --
25 A. Yes --

1 Q. -- after the incident?

2 A. -- when they were released from the room, yes.

3 Q. So, when they were released from the room, then; are you
4 able to describe that for me? What happened and what
5 did you see?

6 A. So I recall going with the older member of staff back
7 with the girls to help to clean them up. They were
8 sobbing and sore, and so on.

9 Q. Did they say anything about what had happened in the
10 room?

11 A. I can't remember. Yeah. So I wouldn't be able to be
12 specific about the kind of violence.

13 Q. You say there were bruises on their upper bodies?

14 A. Yeah, they were evident the next day.

15 Q. And you say:

16 'There were visible marks on their faces as well,
17 cuts and bruises.'

18 A. Yes, I think so.

19 LADY SMITH: And this is SNR [REDACTED] who you described as a bit
20 of a thug?

21 A. Yeah.

22 LADY SMITH: Who you understand was ex-army?

23 A. Yes.

24 LADY SMITH: And a PE teacher?

25 A. And a PE teacher, yes.

1 LADY SMITH: And no female member of staff?

2 A. The female member of staff, who was with me outside the
3 room.

4 LADY SMITH: And these two men set about teenage girls?

5 A. Yes.

6 LADY SMITH: Thank you.

7 MS MACLEOD: And indeed, Deirdre, I think you tell us that
8 it is because of the blows that you heard being
9 inflicted that you got in touch with the Inquiry?

10 A. Excuse me if I get a bit emotional.

11 LADY SMITH: I can understand it, don't worry.

12 A. It's recalling the sound of that, has never gone away.
13 It has been in the back of my mind and popped into my
14 consciousness every so often throughout my life. And
15 that's why I came forward to the Inquiry.

16 The broader questions that I gained, you know, with
17 experience of life and so on, and experience within
18 youth community social work that I have done, about how
19 you support young people and so on, I mean, these are
20 not the reasons -- they are very good questions to me,
21 but they are not the reasons why I have come forward to
22 the Inquiry. It is that physical abuse that brought me
23 here.

24 Q. As far as you are aware; was there anybody that the
25 girls at Langlands Park could report things to if they

1 had concerns about how they were being treated in the
2 school?

3 A. I seem to recall that they had no confidence in
4 reporting things to -- I mean, I think even their social
5 workers were the enemy. Their family would be the only
6 people, I think, that they could have spoken to.

7 Q. In paragraph 28, you say, in relation to yourself,
8 Deirdre:

9 'I do remember getting the sense that I shouldn't
10 speak about what had happened at the school.'

11 Are you able to expand on that for me?

12 A. I think that there was just such fear that I would have
13 been told not to say anything to anybody.

14 I seem to recall that Mr MSH may have said that
15 to me, 'Not a word of this goes out of here', kind of
16 thing. I might be imagining that.

17 Q. In that same paragraph, you say of Mr MSH, you say:

18 'When Mr MSH was being nice he would make you
19 squirm and want to throw up. I think he felt he yielded
20 a lot of power.'

21 A. Yeah. A horrible man. But I ignored the advice,
22 because I did speak out.

23 Q. And who did you speak out to, Deirdre?

24 A. Well, I certainly spoke to my dad, I remember doing
25 that. He came to visit. And the regret I had is

1 I never asked him directly while he was alive if he had
2 done anything about my story, which I told him, quite
3 clearly. But I am pretty sure he would have done, yeah.

4 Q. Did your father come to visit you at Langlands Park?

5 A. He did, yeah. I think we met -- yeah, he did. Yeah, he
6 came there one time. I remember that.

7 LADY SMITH: What makes you think your father would have
8 spoken about it to somebody else?

9 A. He would have respected what I had told him and been
10 appalled, I think, that in the name of the
11 Church of Scotland that such behaviour was happening.
12 He was quite a proactive man and, you know, very
13 innovative. He started up the AA in Stornoway. You
14 know, he was quite go-ahead, really, quite forward
15 looking.

16 MS MACLEOD: And you tell us in your statement that at that
17 time he was on a committee called The Committee of
18 Forty.

19 A. Yeah, I think.

20 Q. What was that committee?

21 A. I think it was selected ministers and elders of the
22 church who were asked -- were tasked to come up with
23 ideas of how the Church's role would be -- you know,
24 dwindling congregations had had already begun, and just
25 look at adapting to changing times.

1 Q. And as well as telling your father about the incident
2 that you have just told the Inquiry about; did you also
3 ask him questions about Langlands Park in general, for
4 example, what the point of Langlands Park was?

5 A. Yes, that was part of the conversation because I knew it
6 was a corrective place and I just wanted to know how he
7 imagined it would work with the -- under the aegis of
8 the church.

9 I don't remember his answer, except that I do
10 remember him kind of saying, 'Not like that. That's
11 not ...' You know, 'Don't do it like that. That's not
12 the way to do it'.

13 LADY SMITH: When you say 'not like that'; are you referring
14 to the incident of the girls being beaten?

15 A. And the general thing of my perceived poor contact
16 between the the girls and their lives. Poor connection.

17 MS MACLEOD: Is that what you tell us about in paragraph 29,
18 Deirdre, where you say that nothing had changed for the
19 girls --

20 A. Yes.

21 Q. -- while they were in Langlands Park?

22 A. Yes, it was like they were in this bubble. I mean,
23 I felt the same about the -- I mean, what a wonderful
24 experience to go -- to me, to go camping and water
25 skiing, and all these things. I thought that was

1 fantastic. But it didn't mean anything -- you know, it
2 didn't mean anything to them. They grudgingly took part
3 if they were forced to take part. It was like
4 everything was just isolated. There was nothing --
5 I mean, fair play to the guys who made that happen,
6 presumably with all their experiences, as, you know,
7 teachers, army soldiers, whatever, but it didn't mean
8 anything. I couldn't see how anything that happened
9 would improve how these girls could live their lives.

10 Q. And I think you further developed that, Deirdre, in
11 paragraph 33, where you say:

12 'I remember thinking at Langlands Park and on the
13 camping holiday that nothing could possibly change for
14 the girls given the way it was organised.'

15 A. Yes.

16 Q. You say:

17 'They were removed from their home situation and
18 then there was whatever happened to them in Langlands
19 Park. They were sentenced to be there; once their
20 sentence finished they would go back home.'

21 A. They would go back home. Nothing changed. And
22 I think -- I am pretty sure that these two, and possibly
23 others, they were regular --

24 LADY SMITH: Frequent flyers.

25 A. Frequent flyers, that's the phrase. That really just

1 made me think: what is the point, really? What is the
2 point?

3 LADY SMITH: When you mentioned the lack of liaison with
4 their home environment; are you talking about the lack
5 of any work being done at the home end or what?

6 A. Yeah, I wasn't -- I was aware that social workers were
7 involved with the families. But I think possibly
8 because of the punitive nature of it all, it just seemed
9 like -- it just seemed like: you will go there, you will
10 be punished and then you will go back home and you will
11 behave better.

12 At the family end, I really don't know. I think
13 there was an element of liaison, but I think it is
14 because I couldn't see any effectiveness of it. That's
15 why I question it.

16 LADY SMITH: Thank you.

17 MS MACLEOD: And Deirdre, shortly after your time at
18 Langlands Park came to an end, later that year, I think,
19 before you started university --

20 A. Yes.

21 Q. -- you tell us that -- I think it was the following
22 year, you say, that Langlands Park closed?

23 A. I can't remember.

24 Q. Shortly after?

25 A. I think it was shortly after I was there. But I think

1 I have read somewhere that it was maybe '85. I don't
2 know. I actually don't know the date.

3 Q. And you tell us that you left --

4 LADY SMITH: I think you are right. It may have been '85 or
5 '86.

6 A. Mm-hm.

7 LADY SMITH: Having opened in about 1962.

8 A. Right.

9 MS MACLEOD: Having left Langlands Park, Deirdre, I think
10 you mentioned that you kept in contact with a couple of
11 the girls?

12 A. With those two, I think. It was the same two.

13 Q. Those two girls, okay.

14 A. I think so.

15 Q. And you say you don't remember ever discussing what
16 happened or anything that you had witnessed at the
17 school?

18 A. I think there was a bond there from that shared
19 experience.

20 Q. At 34, you touch on something that you have just been
21 telling us about there. You say that in your view you
22 should -- well, first of all, you say you should never
23 have gone to Langlands Park. It was so wrong --

24 A. Yes.

25 Q. -- in so many ways. Can I just ask you about that? Why

1 do you consider it to have been wrong that you were
2 there?

3 A. Well, with hindsight, you know, I could only think that
4 that organisation placed me there because they saw
5 Church of Scotland Manse, a Church of Scotland run
6 school. There was no other reason why I would have been
7 placed there. If I had been in a children's home, that
8 would have been a different matter all together, but the
9 fact that it was such a different -- the fact that they
10 could all have been older than me; what could I do? It
11 just made no sense to me.

12 Q. As you have just been telling us, you say then:

13 'The emphasis was definitely on how well the girls
14 behaved and how compliant they were --'

15 A. Yes.

16 Q. '-- rather than anything else. I don't remember having
17 any sense of them being rehabilitated back into their
18 communities.'

19 Indeed, I think you tell us then that you had mixed
20 emotions about leaving?

21 A. (Nods).

22 Q. You say:

23 'I remember the emotion of feeling I was leaving
24 those girls in that place.'

25 A. Yes, a horrible feeling. But particularly the next

1 sentence, as well, and that is the one who was, I think,
2 sold to -- sold for sex by her mother, and she did cling
3 on to me when I left. She, in particular, yeah.

4 Q. And you say that's something you remember to --

5 A. To this day.

6 Q. And you have touched on and explained to us your reasons
7 for coming forward to the Inquiry. At paragraph 35, you
8 say:

9 'The reason I wanted to come forward to the Inquiry
10 was in case I might corroborate what someone else is
11 telling the Inquiry.'

12 A. Yes.

13 Q. And you say:

14 'I would love to think that these girls could get
15 an apology for what happened to them and
16 an acknowledgement that it was wrong.'

17 A. Yes. And girls, they were my age, so they are
18 pensioners now.

19 MS MACLEOD: I have been asking you a lot of questions,
20 Deirdre. Thank you very much for answering them all.
21 Is there anything you would like to add before we
22 complete your evidence this morning?

23 A. I will always be grateful for this opportunity to speak
24 about that awful night, and grateful to the Inquiry, all
25 the staff that I have come across, for the support

1 I have received, and I am not even a victim of stuff.
2 So I feel very proud that we have such a thing here in
3 Scotland, taking seriously all the young people that
4 came through the doors.

5 LADY SMITH: Deirdre, could I add my thanks, and let me say
6 this: technically, you are not, as you put it, a victim
7 of having been abused in Langlands Park, but it is very
8 clear that you suffered impact that lives with you to
9 this day, of a traumatic nature, from being an innocent
10 bystander to what happened that night that you have so
11 vividly described. I am very grateful to you for being
12 able to tell us about that, because it reminds me of
13 something that I must never forget: there is a wider
14 impact, quite often, on others of children who are
15 abused, children being abused in any form of residential
16 care. It is important that we know that and we
17 recognise that.

18 I am very glad that you did choose to come forward.
19 You have improved my learning and increased it. I am
20 also glad to be able to say you can now go, and be
21 assured it has been good to have your evidence. Thank
22 you.

23 A. I hope it has been a help.

24 LADY SMITH: Thank you.

25 (The witness withdrew)

1 MS MACLEOD: My Lady, perhaps it would be appropriate to
2 have a very short break and then we will have a read-in.

3 LADY SMITH: I will certainly do that. Thank you.

4 Before I do that, just names before I rise and
5 forget about them. We are back to names of people whose
6 identities are protected by my General Restriction Order
7 and we have used two so far. One was Mr MSH and the
8 other was Mr LWH, and they are not to be identified
9 as referred to in our evidence outside this room. Thank
10 you.

11 (11.00 am)

12 (A short break)

13 (11.04 am)

14 LADY SMITH: Mr MacAulay.

15 MR MACAULAY: My Lady, we have a read-in. This is
16 an applicant who wants to remain anonymous and to use
17 the pseudonym 'Raymond' when giving his evidence.

18 LADY SMITH: Yes.

19 'Raymond' (read)

20 MR MACAULAY: His statement is at WIT-1-000000754.

21 'Raymond' was born in 1979. He tells us at the
22 outset that he was living in Glasgow and he had six
23 siblings.

24 In paragraph 3, he describes what appears to have
25 been a very difficult environment in which to grow up

1 and, in particular, that he had difficulty with others
2 in the neighbourhood. He goes on to say, at the end of
3 that paragraph:

4 'I feel my younger life was quite traumatic and
5 I was aware that my mum was drinking a lot of alcohol as
6 a way of coping with the environment she was in.

7 'My dad had been in the army and then became unwell
8 and was unable to work. He spent time in hospital with
9 mental health issues. My mum worked in Glasgow in
10 an art gallery. It meant us children were often
11 indoors, in the house, with my dad being unwell and my
12 mum would be out at work while there was anti-social
13 behaviour going on outside.'

14 He goes on to say that this was a lot to deal with.

15 He goes on to tell us about children's panels and
16 about gangs in the area.

17 At 6, he says:

18 'There were children's meetings and I sat in on
19 some. I can recall the focus was on the parents and not
20 on us. That suggests to me that my mum was finding it
21 hard to deal with her life and the things that people
22 around her were doing. I can recall at some stage we
23 moved from one address to another in [that area].

24 I believe I was aged 8 when I was put into residential
25 care, as I can picture a birthday cake with a nine on it

1 and I was in a children's home.'

2 He goes on then to talk about a children's home in
3 Glasgow, where he spent some time.

4 If I can perhaps go on to paragraph 34, just to pick
5 up a point.

6 Sorry, paragraph 22. This is when he is in the
7 children's home because he tells us, at 22, that his mum
8 came for two or three visits and:

9 'The second visit was to tell me my dad had passed
10 away.'

11 So that happened at a young age.

12 Then, moving on to paragraph 34, he says:

13 'I started to attend school at Ballikinrain during
14 the week and then returning to [the home] at weekends.

15 My brother went to a different residential school.

16 I don't know why he went to a residential school. From
17 that point that was us split up and I was by myself.'

18 LADY SMITH: So he is secondary school age at this point?

19 MR MACAULAY: He is 11 or 12. So this would be 1990/91

20 LADY SMITH: Yes.

21 MR MACAULAY: He then goes on to describe once he was
22 staying at Ballikinrain:

23 'It was made up of two units and the top unit had
24 the older kids and the bottom one had the younger ones.

25 I was put in the top unit, despite being younger than

1 the others. I think there were 30 children to a unit.
2 There were multiple rooms and four to six people in each
3 bedroom. There were a couple of rooms for two boys,
4 some for four people and some for up to six boys. I was
5 younger than other boys in my unit and I don't remember
6 anyone younger than me in that unit. I think the older
7 ones in my unit could have been aged up to 16. I feel
8 now that for most of my time there I suppressed my
9 feelings and was quiet. I felt like nobody talked to
10 me, not staff or other boys. I just kept my head down.
11 I would do my own thing and not have much interaction
12 with others. I had pals through the woodwork classes,
13 but mostly I kept myself to myself.

14 'The school was all boys. There was maybe 30 boys
15 in total. There was a lot of older boys and two or
16 three staff members on duty at a time. The staff were
17 doing whatever they had to do just to keep things under
18 control. The boys were teenagers from Glasgow and they
19 were always fighting and winding each other up.'

20 Then he provides some information about the routine.
21 At paragraph 46, he describes the food as being okay,
22 and at 42:

23 'There were no locks. You could go and get washed
24 when you wanted to, but you were at the mercies of other
25 people. The toilet and the bath were next to each

1 other. I remember there was a boy using the toilet and
2 I heard him shouting there was no toilet roll. He
3 dragged another wee boy in to get his socks off him to
4 use instead. I remember a boy throwing faeces at me
5 while I was in the bath. I stayed out of his way. He
6 was bad. The boy had no morals. The staff did nothing.

7 'There was no staff supervision in the toilet area.
8 There was no teaching of how to take care of yourself
9 and a lot of that was because there was not enough staff
10 for the boys to do that sort of supervision. I don't
11 remember being told to brush my teeth and I don't
12 remember there even being any toothbrushes.

13 'I was wearing my own clothes when I came into
14 Ballikinrain, on a Monday, and then they would go into
15 a wash and I would get them back on the Friday. At the
16 start of the week you could choose clothes from a big
17 shared box of jogging bottoms, t-shirts, sweatshirts and
18 socks and underwear that the school provided. I can't
19 remember if we got fresh underwear later in the week.
20 The clothes often didn't fit because it was first come,
21 first served. I don't think there was any pride in
22 appearance.'

23 And then the heading 'School':

24 'There was no schooling. There was a timetable for
25 each day for first period, second period, third and

1 fourth. Any class we walked into the teacher would
2 offer tea and coffee and biscuits and then we sat
3 watching films for the whole of the class. These films
4 included Rambo, Top Gun, Rocky and Predator. I feel
5 I have seen these films a million times. This could
6 happen in any one of the four periods of lessons each
7 day. I was in what was meant to be the science class
8 one day and it was the same thing; there was no work to
9 do. I always felt I was a person who wanted to work.
10 I walked into the room and asked: do we actually do work
11 here?

12 'There was a male teacher who took the class and
13 didn't teach anything. He would talk to us, then he
14 would put a film on the TV. I asked him for work to do,
15 as I would like to do some learning, and he gave me
16 a wee beaker and he told me to light it. I got the
17 beaker and a worksheet and asked him: what should I do
18 next?

19 'He then started shouting at me. He swore at me and
20 took the work away from me. He threw things. I burned
21 myself with the Bunsen burner, but I was too scared to
22 tell him. That was the closest to doing schoolwork that
23 I got.

24 'When I went to class I tried to find something to
25 do rather than watch a film. There were educational

1 items around the place and I would look at what I else
2 could find to do. In all the learning classes, like
3 English and maths, there were no learning materials. No
4 books, pencils, pens or paper. These were the classes
5 where we ended up watching TV and drinking tea.'

6 At 49:

7 'There were some practical classes. There was
8 a woodwork unit and an art unit and a clay unit. There
9 was a man called GPB who took the woodwork classes
10 and he was brilliant.'

11 He goes on to talk about what things he made.

12 Moving on to paragraph 54, he says:

13 'There was a pool table on the big landing. There
14 was a wee sitting room and rooms around the landing.
15 I remember there was one board game, but no one ever
16 played it. Everyone could go and sit in the sitting
17 room. I never went into the sitting room as everything
18 was happening there. It was full of bullies and there
19 was stuff going on, like fights. There was a telly in
20 there and there was also a telly outside the room with
21 a games console. These were free for anyone to use, but
22 that was normally the two loudest, bossiest boys and if
23 they weren't on the console they were playing pool.
24 I think I spent most of my time standing and watching
25 other people.'

1 And he says, at 56:

2 'There were some good things there, but the other
3 boys didn't seem interested in anything but fighting
4 with each other. Sometimes the school would organise
5 football against another school, but that was rare.
6 Sometimes school discos were arranged with girls'
7 schools. About once a month, the staff would pick up
8 a group of boys to go swimming.'

9 And then, at paragraph 60:

10 'My week in Ballikinrain finished on a Friday
11 lunchtime, at either 12 noon, 1.00 pm or 2.00 pm. There
12 would be two runs. I would get my lunch at the school
13 and then the van arrived to take the first group of
14 people into the town or take them to wherever they
15 needed to go, and then the van would return for another
16 group of people.

17 'On a Monday, I would get picked up at the
18 Canon Street Bus Station at 8 o'clock to go to the
19 school. After a while I started staying with my mum on
20 a weekend and then I would be dropped off in Glasgow
21 City Centre and get a bus myself to Ballikinrain as
22 I got older. The school sorted out the transport
23 arrangements. I had one visit from my mum, when she
24 brought me a bag of sweets. I had to hide them in my
25 drawers. One boy saw it and told other boys, who

1 grabbed all of them. A staff member saw it happen and
2 did nothing to prevent it. I think staff expected
3 personal possessions to be stolen.

4 'I didn't see my brothers or sisters and there were
5 no letters or cards between us or between me and my mum.
6 You could probably get access to a phone in the school
7 to ring home, but I never did.

8 'With regard to official visits, we were in the
9 dining room having dinner one time and a man came in
10 with staff who introduced himself. I have no idea who
11 the guy was or what he was doing there. One boy asked
12 if he had brought any cakes. I remember a tottie was
13 thrown across the room and hit him. No one was
14 questioned about it. I don't know who [this] was or why
15 he was there and there was no conversation about his
16 visit.'

17 At paragraph 65:

18 'There was a story going round the school that years
19 ago, in the middle of nowhere, like Ballikinrain, two
20 boys ran away from a home and they froze to death.
21 I never ran away, as where would I go and what would
22 I do? Probably boys did run away, but I don't know
23 anything about it.'

24 And then in paragraph 67:

25 'I remember seeing boys carried out of rooms by legs

1 and arms by staff members. More staff might be called
2 to come to help take that boy out. I don't know where
3 they were taken or what happened to them. I was never
4 taken anywhere like that and I wondered where they were
5 taken. I never asked any of the other boys about it.

6 'I was told by other boys not to mess with the staff
7 member with the surname HHZ, but I don't know what
8 it was he had done. Everyone liked him and thought he
9 was okay as he would talk to us. I think his first name
10 was HHZ, but I am not sure. I can't recall seeing any
11 of the boys with a black eye or bruising elsewhere.

12 'I never experienced a lot of abuse by the staff or
13 witnessed anything very serious happening, other than
14 isolated incidents. There were only three staff members
15 on duty at a time. In my view Ballikinrain needed at
16 least one staff member for every three or four boys to
17 make it work properly and give boys some individual
18 attention.

19 'There was physical abuse between the boys.
20 I witnessed sexual activity between boys, but I was not
21 a victim. I just knew it happened to some other boys.
22 Some of them used screwdrivers as weapons to hurt other
23 boys. I didn't see any bad injuries. I heard it
24 happening through the wall. I stayed out of these
25 situations and I kept out of the way. The other boys

1 were older than me and I was on my own. I also feel the
2 staff kept me quiet too and they kept me out of the way.
3 I would try to talk to staff and engage them in
4 conversation and they would ignore me.

5 'There would be boys fighting with other boys.
6 There was no sense of self-care or responsibility for
7 others or concern for anyone else. There was a lot of
8 boys fighting with each other and some of them were
9 wild, with no education, values or morals. I was aware
10 of abuse between boys on sectarian lines. It was
11 possibly on football team lines, but I'm not sure if it
12 was considered to be a big deal. I'm quite sure there
13 would have been some boys abusing alcohol or drugs.
14 I can remember some boasts about what they had access
15 to.

16 'I remember one staff member called HHZ, he was
17 a supervisor of the staff and higher up. There was
18 someone else called ITK, who was Irish, and he was one
19 of the few staff who would talk to me. He was really
20 good. I was getting too old for that school and
21 I couldn't go to the family home to live. Instead
22 I went to Geilsland School for older weans. I think
23 this was in 1995, when I was 15. [My brother] did not
24 move to Geilsland.'

25 And then he talks about Geilsland:

1 'There were different units. My unit to my mind had
2 normal boys in it that were not in trouble and there was
3 another unit for rougher boys who got into a lot more
4 trouble, plus one unit for boys with disabilities.

5 'It was all boys at the school. I think the age
6 range was 15 and over.'

7 And he talks about sharing a room and then having
8 his own bedroom afterwards.

9 At 76:

10 'I had a key worker called Nancy and she was all
11 right. The staff were generally bad at Geilsland, but
12 there were some good ones, like Nancy, and there was
13 another one called ERW. Staff came from the local
14 area of Beith and Kippen. It looked like it was just
15 a job to them. They didn't take any nonsense off
16 anyone. Boys were cheeky and some of the staff punched
17 and slapped kids.'

18 Then, at paragraph 80, when he is looking at the
19 routine:

20 'There were no toothbrushes or toothpaste, and staff
21 didn't care about anything like that and they were just
22 interested in getting you up in the morning and moving
23 on to breakfast and school. At the beginning, in the
24 old buildings, there was very little, just bars of soap.
25 Once we got to the new units they would give you stuff.

1 I had my own room and toilet and I could keep my
2 toiletries and I could lock my bedroom door. I had not
3 been used to doing things like that, or even brushing my
4 own teeth and having my own towels, and now I had my own
5 bedding.

6 'I remember there was a bath that I could use when
7 I wanted to. I can't remember a shower. There was no
8 supervision of washing. The new unit had a house built
9 inside it. It had a living room, kitchen and two
10 bedrooms. The facilities were not being used for what
11 they were intended for. The kitchen wasn't used as it
12 was intended. I asked to go and make tea and was
13 assaulted by staff for asking for milk. When I left
14 care later on and I lived alone, I lived off toast, as
15 I didn't know how to cook. There was a row of these
16 little houses in Geilsland. I moved into a house with
17 maybe two other boys. We had our own sitting room. It
18 was locked with key pads at the door. We had all the
19 facilities we needed.'

20 Then, so far as schooling is concerned, at
21 paragraph 84:

22 'In terms of the school, the lessons were all about
23 practical skills. There was a place for car mechanics,
24 woodwork and ironworks. There were a couple of
25 classrooms for maths and computers. There was a big

1 gym. I think the school was all about teaching weans
2 a trade that they might pick up when they leave. I went
3 into a woodwork class. It was more like a joinery class
4 as a trade thing and not a school lesson. It was
5 woodwork for me and not the ironworks. The man who did
6 the woodwork was brilliant and he would talk to you and
7 show you stuff. There was also a handyman in the school
8 with his own unit and he fixed furniture and broken
9 windows in the home and that was his job. I went into
10 his unit to help him out with the practical stuff. We
11 got on okay. I can't remember his name now.

12 'The guy who had the joinery class was all right,
13 too, and I passed a Scot Tec module on the subject. We
14 went --'

15 LADY SMITH: That might be meant to be a SCOTVEC module, but
16 I think I know what he means.

17 MR MACAULAY: Yes, SCOTVEC:

18 'We were expected to go to the gym hall, but
19 I didn't go to the gym. There was a corridor alongside
20 the back of the gym into a wee room. The wee guy who
21 ran the gym hall was in his 40s, [REDACTED]
22 [REDACTED]. He
23 wasn't very nice. I don't know his name. He would walk
24 along the corridor to the wee room and he wanted us to
25 watch films. I asked him for physical activity to do in

1 class and he laughed and he headbutted me in response.
2 I wasn't even cheeky. I didn't do anything wrong.
3 I didn't go back to the gym and stayed away.

4 'SNR-KMJ was a nasty man. In assembly
5 I used to sit under a table at the back, so they
6 wouldn't see me. SNR-KMJ used to take pocket
7 money from the boys for things he said they had done.
8 I challenged him and told him he wasn't allowed to take
9 people's pocket money, as its part of the budget for
10 each person. He told me I would get no pocket money.
11 The staff were taking pocket money and there was a wee
12 pool of money and the staff were spending it on
13 something else.

14 'I avoided classes. I would stay away from all of
15 them apart from woodwork. I just helped the handyman.
16 They had computers and I did a maths course and I got
17 a SCOTVEC again in maths. The problems with the school
18 was all caused by the staff. I used to walk through the
19 school behind the wall, so I could avoid the staff and
20 so no one could see me. I was avoiding anything
21 happening. The staff were walking about and, if they
22 saw you, they would grab you. I did that for a long
23 time to avoid classes, as I didn't want to be
24 assaulted.'

25 He then provides some more information about the

1 routine, work, chores, Christmas and birthdays.

2 Then at paragraph 97:

3 'I didn't see any official visitors come to inspect
4 the place. I remember we were out in the school van one
5 time into the local town and it was snowing. The van
6 was a target for the local boys, who started shouting at
7 us and throwing stones. Me and my friend threw
8 snowballs at them. The staff sided with the local boys
9 who threatened us and the staff threw us in the van to
10 go home. The staff members were from Beith and were
11 hostile to us and regarded us as scum.

12 'I didn't get any visits from my family, even when
13 I was getting prepared for going home to live. I never
14 wrote to my siblings and I wasn't aware that I could.
15 By the time I was placed at Geilsland I had started
16 going to my family home at weekend.

17 'There was a guy on staff called ERW who was from
18 Ayr and he was okay. Someone else called Sarah, who
19 I thought was quite cool. I would go out if ERW was
20 taking us, as he was okay and he would talk to boys as
21 individuals. I would stay away from the other staff, as
22 they would assault boys for no reason. Even the
23 SNR would challenge you in an aggressive way if
24 you just walked past him. The impact on me was
25 I withdrew and avoided people and situations.

1 'There was a male staff member who worked on the
2 unit for boys with disabilities. He was a huge muscular
3 guy and I thought he was okay and nobody was going to
4 mess with him. I never had much to do with him. The
5 people who worked there shouldn't have been there, as
6 they were doing it just because it was a job and they
7 lived in the local area. The boys in the home were scum
8 to them.

9 'There was a bad staff member from one of the other
10 units and I was warned about him by lots of boys. He
11 battered everybody. I can't remember his name. He had
12 no interest in playing football. I heard he used to be
13 at the school himself as a boy before he joined the
14 staff and he lived in Beith. He punched me when we were
15 meant to be playing and I did nothing to provoke it.
16 I shouted at him and the staff from my unit came over
17 and grabbed me, as if I was the problem and not him. My
18 leisure time was mainly about avoiding this member of
19 staff and avoiding the leisure that the staff wanted to
20 give us.

21 'Nancy never assaulted me, but she knew other staff
22 headbutted boys. She had seen it happen, and when she
23 did she would go quiet and stand back. Maybe because
24 she was a woman and it was the men who were doing the
25 headbutting that she couldn't do anything about it. She

1 didn't even give me encouraging words, like 'Don't worry
2 about it'. She was good at buying me things I needed,
3 but, as for assaults, she wouldn't stand up to it and
4 allowed it to happen.

5 'My worst injury caused me to have a bleeding nose
6 when I was headbutted by a member of staff. He grabbed
7 my arm and restrained me to take me back to the unit.
8 Nancy saw him and got a bandage for me. I reported it
9 to SNR [REDACTED] and he was worse than the attacker.
10 There was no point in reporting anything.

11 'There was an incident with a boy with learning
12 disabilities who was bullied for something. I tried to
13 comfort him and he attacked me. I told the staff and
14 their response was to tell me to leave him. The staff
15 member was aware that there was a sexual element to the
16 bullying. Boys were battered by staff members who would
17 drag boys out of rooms and take them away. This
18 behaviour damaged our confidence and ability to learn,
19 and it can destroy you. I was at cadets as one person
20 and at Geilsland I was assaulted and I was a different
21 person there. It did nothing good for me and my
22 personality. I witnessed abuse of other boys who were
23 being battered and taken away.

24 'There were boys smoking, taking drugs and fighting.
25 I saw staff hitting boys, possibly with sticks. I can't

1 say what implement they used on the head and knees. The
2 wee guy who attacked me when we played football used to
3 go to the school himself and then went on to become
4 a staff member and had a bad attitude and was dismissive
5 of the boys. The staff had the same attitude and were
6 looking out for each other.

7 'Staff had no tolerance for the boys and seemed to
8 think the boys were from a bad background and didn't
9 matter. I don't remember any of the boys being treated
10 better than the others. There was never a report
11 written of any incidents or accidents. I saw a boy
12 getting punished by SNR [REDACTED] for having
13 an accident. Staff just didn't care about the boys and
14 wanted to blame them for everything they could and
15 punish them by taking pocket money and withdrawing
16 privileges. There was no praise for the boys.

17 'I tried to challenge the staff taking pocket money
18 off us. I was dismissed and sworn at. When I tried to
19 report it to someone, SNR [REDACTED], I was treated as
20 scum and he was dismissive of me.

21 'When I was coming to the time when I would leave
22 the school as I was 16 it was decided that I would go to
23 live with my mum. This was in 1995. I didn't feel
24 I was ready for life outside the school as I had had so
25 little education. I felt the need to hide all the time

1 and I had nothing to show for my time in school.'

2 Then he talks about his life after care. At
3 paragraph 111, he talks about joining the Marines, and
4 he spent -- he goes on to say:

5 'I spent two years in the Marines before leaving
6 when I started a family with my partner.'

7 He goes on, at 114, to describe life thereafter, and
8 in particular that he had an HGV licence which he had
9 obtained from the army. And at the end of that
10 paragraph he says:

11 'For the last four years I have been the sole carer
12 for my three oldest children who are school age.

13 'I continue to feel the impact of being a young boy
14 in the care system who was neglected, not educated, and
15 put down and insulted by people who are meant to care,
16 who then sent me out into the real world with no help or
17 preparation. I still have my faith and I have
18 a religious belief from being a youngster and it has
19 been one constant that has always been there for me to
20 go through.'

21 Lessons to be learned, the final page, at
22 paragraph 118:

23 'People in jobs taking care of kids need to be the
24 right people. They should be assessed, working with
25 children for two days at least and assessed in that

1 environment before they get employed. Having the
2 facilities in children's homes is one part of it, but
3 the staff who take care of children need to be vetted
4 and scrutinised before being put in a position of
5 responsibility.

6 'I hope that the Inquiry will change what has
7 happened in the past and achieve a higher standard of
8 care that is adhered to.'

9 And he goes on to say:

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

14 As your Ladyship will see, 'Raymond' has signed the
15 statement on 12 July 2021.

16 LADY SMITH: Thank you very much, Mr MacAulay, that's very
17 helpful. It is 11.30, so I will stop now for the
18 morning break, and the hope is that the next witness in
19 person will be ready after the break; yes?

20 MR MACAULAY: Hopefully, my Lady, yes.

21 LADY SMITH: Before I rise, two names, a Mr HHZ, and
22 ERW -- it may be HVT that is being
23 referred to in that statement. These are people whose
24 identities are both protected by my General Restriction
25 Order, along with GPB, who may be GPB,

1 and they are not to be identified outside this room.

2 Thank you.

3 (11.31 am)

4 (A short break)

5 (11.50 am)

6 LADY SMITH: Ms MacLeod.

7 MS MACLEOD: My Lady, the next witness will give evidence
8 using the name 'Jim', and he is a witness that will be
9 required to be warned.

10 LADY SMITH: Thank you very much.

11 'Jim' (sworn)

12 LADY SMITH: Please sit down and make yourself comfortable,
13 'Jim'.

14 'Jim', thank you for coming along this morning to
15 help us with your evidence in relation to this part of
16 our case study.

17 One or two things before you begin. The red folder
18 there has your written statement in it and it will be
19 available for you to refer to if you find that helpful.
20 It has certainly been helpful to me being able to read
21 your written evidence before you have come along today.
22 The statement can also be brought up on the screen. We
23 will be able to do that as we refer to different parts
24 of it. Of course, as I am sure you understand, we are
25 not going to go through every paragraph of your

1 statement today, but there are certain aspects of it we
2 would find it helpful to specifically discuss with you.

3 But, 'Jim', quite separately from that, please
4 understand that I want to do anything I can to help you
5 give your evidence as comfortably as you can. I do know
6 that what we are asking you to do isn't easy. It is
7 difficult to come into a public place and talk about
8 things that happened in your life quite a long time ago
9 now, and some of them may be particularly emotional for
10 you to go back to, and there are some things we are
11 going to have to ask you that have their own
12 sensitivities about them. If at any time you want
13 a break, for example, just let me know. If it is
14 sitting where you are or leaving the room, or if there
15 is anything else we can do to help. If you don't
16 understand what we are saying, that is our fault, not
17 yours, we are not explaining things properly. We
18 lawyers tend to fall too easily into our own language at
19 times and it is not helpful to other people.

20 'Jim', there is also something important you have to
21 understand. As you may realise, there are some
22 questions we have to ask you, the answers to which
23 could, depending on what they are, incriminate you.
24 Now, this is a public inquiry; it is not a courtroom.
25 But you do have the same protections you would have in

1 a court, whether it is in a criminal trial or in a civil
2 litigation, and that means that you don't have to answer
3 any question like that. It is your choice, but if you
4 do choose to answer it, of course you must answer it
5 fully. Now, if you are in any doubt at any time as to
6 whether it is that sort of question we are asking you,
7 please just check. That's not a problem.

8 Now, do you have any questions at this stage, 'Jim'?

9 A. No.

10 LADY SMITH: If you are ready, I will hand over to

11 Ms MacLeod and she will take it from there. Ms MacLeod.

12 Questions by Ms MacLeod

13 MS MACLEOD: My Lady.

14 Good morning, 'Jim'?

15 A. Morning.

16 Q. I don't need your full date of birth, but to give
17 a timeframe; are you able to confirm that you were born
18 in 1958?

19 A. Yes.

20 Q. Now, you have provided a statement to the Inquiry and
21 indeed you have the folder there in front of you; could
22 I ask you to turn to the very last page of the
23 statement? And could you confirm if you have signed the
24 statement?

25 A. Yes.

1 Q. In the last paragraph, do you say:
2 'I have no objection to my witness statement being
3 published as part of the evidence to the Inquiry.
4 I believe the facts stated in this witness statement are
5 true.'
6 A. Yes.
7 Q. Thank you for that. Now, if we just go back to the
8 beginning of your statement, I will just give
9 a reference for the statement now, for the transcript:
10 WIT-1-000001415.
11 Now, you begin, I think, 'Jim', by giving some
12 background about yourself and you tell us that your
13 background was in mining before you decided to change
14 career paths?
15 A. Yes.
16 Q. And I think you say that it was as a result -- when the
17 mines started closing down you decided to apply for
18 a particular position?
19 A. Yes.
20 Q. And what was that?
21 A. I applied to do some voluntary work at Geilsland School,
22 run by the Church of Scotland.
23 Q. When did you apply to do that?
24 A. Er, '93, around about October time.
25 Q. Thank you. And why was it that you applied for that

1 particular role?

2 A. Well, most of my experience was working down the mines;

3 I never really had any other sort of work experience.

4 So I went on to their website, I just phoned them up and

5 asked them if I could do some voluntary work. It was

6 Chris McNaught that took my call, and he said that was

7 fine. So I went to have a meeting with Chris and

8 I started doing some voluntary work.

9 Q. And Chris McNaught; what was his role?

10 A. He was the deputy head of the school.

11 Q. What was your role to be, as a volunteer?

12 A. It was supposed to be watching, listening, learning how

13 the other staff interacted with boys and things like

14 that. But, most of the time, I was used as a full

15 member of staff.

16 Q. At that time, 'Jim', when you started; what was your

17 understanding of what Geilsland was?

18 A. I wasn't really sure to begin with. I knew it was

19 a place for boys that had outgrown living with their

20 parents or couldn't live with their parents, couldn't

21 live in the community. That's basically it. They were

22 placed in there for their own safety, I think or ...

23 LADY SMITH: 'Jim', how long had you worked in the mines

24 before you made this application?

25 A. Er, years. On and off. I was up here in Scotland for

1 about ten years, and then I moved down to Selby, just
2 outside York. I was down there for a few years. And
3 then --

4 LADY SMITH: Then back up here?

5 A. When they closed down -- started closing down, I came
6 back up.

7 LADY SMITH: How old were you when you first started working
8 in the mines?

9 A. 17.

10 LADY SMITH: 17. And you were, what, about mid-30s when you
11 went to Geilsland, something like that?

12 A. I was 25, aye, something like that.

13 LADY SMITH: I was looking at the dates you gave us, and
14 don't worry because I know people find it difficult to
15 be precise about dates.

16 A. I had other jobs in between the mining. I had a wee
17 spell working down in Colne, the place next to Burnley.

18 LADY SMITH: Oh yes.

19 A. Fork truck driver in a car (indistinct) there. That was
20 a brief bit in England.

21 LADY SMITH: Okay.

22 MS MACLEOD: Did you have any experience in caring for
23 children?

24 A. No, none whatsoever, no.

25 Q. Were you asked if you had that kind of experience when

1 you applied for the role?

2 A. No. What they said to me, due to my background --

3 I came from a mining community, grew up in a small

4 village, stuff like that -- what they said to me at the

5 time: 'You are the kind of people that we are looking

6 for.'

7 Q. That's something you do say in your statement, 'Jim',

8 and I wanted to ask you about that: what do you think

9 was meant by that?

10 A. I've no idea what they meant by that.

11 Q. Okay.

12 A. Just because I grew up in a small community. I was just

13 a normal guy; that's what I think about it. They didn't

14 give me an answer.

15 Q. So you say you didn't have experience of child care; did

16 you have any qualifications --

17 A. None whatsoever.

18 Q. -- in anything relevant?

19 A. Next to no education from school, because I didn't go to

20 school. I didn't like it, basically.

21 Q. Prior to your starting at Geilsland, when you arrived

22 there; were you given any training --

23 A. No.

24 Q. -- in child care?

25 A. No.

1 Q. Were you given any training in how to deal with the
2 boys?

3 A. No, no.

4 Q. Were you given any training in how to respond if the
5 boys required to be controlled or disciplined in any
6 way?

7 A. No. I had to learn that off -- from other staff.
8 Watching other staff.

9 LADY SMITH: So you are telling me, 'Jim', you watched what
10 other people did and you did the same?

11 A. Mm-hm, aye.

12 LADY SMITH: Thank you.

13 MS MACLEOD: And were you working almost on a full time
14 basis as a volunteer?

15 A. I was doing five days a week, yes.

16 Q. Without receiving any payment?

17 A. They gave me a petrol allowance, because I lived in
18 Cumnock, that was around a 45 minute drive from Beith to
19 Cumnock, so I got a petrol allowance.

20 Q. What was your role, then? What were you asked to do?

21 A. My role, when I was on an early shift, was to help the
22 boys out of bed, get them ready and organised for the
23 day ahead, like, going to education and various other
24 things. Education or medical appointments, if -- they
25 could have medical appointments. A lot of boys didn't

1 want to go to the doctors or dentists, or anything like
2 that. But most of that is your early shift. Getting
3 the boys up, getting them prepared, getting -- seeing if
4 they want to go for a shower, stuff like that.

5 There was occasions where, if boys were bed wetters,
6 you kind of kept them behind a bit from the rest of the
7 boys and helped them strip their bed and stuff like
8 that. These boys -- each boy had different needs.

9 Q. So do I understand, then, from the get-go you had quite
10 a direct involvement with the care of the boys?

11 A. Aye, yes. Aye, definitely. Part of my role in the
12 beginning was -- I have highlighted this -- if boys were
13 playing up on the night shift, right, and refusing to
14 settle at night, part of my responsibility was going
15 into the boys' room in the morning and tip them out of
16 bed, to get them up for education.

17 Q. And you tell us about that, 'Jim', in paragraph 8 of
18 your statement.

19 A. Mm-hm.

20 Q. Who told you that that was the way to respond?

21 A. [REDACTED] and KMJ [REDACTED].

22 LADY SMITH: Sorry, 'Jim', did you say had you to tip them
23 out of bed?

24 A. Yes, mm-hm.

25 LADY SMITH: Not just get them out of bed, but tip them?

1 A. Aye. And on one occasion I refused to do it, and I was
2 taken across and spoken to by both [REDACTED] and
3 [REDACTED] KMJ, saying that was part of my job, to get the
4 boys up.

5 Q. And you told me [REDACTED] was SNR [REDACTED]; and
6 who was [REDACTED] KMJ?

7 A. He was SNR [REDACTED].

8 Q. The process of tipping boys out of bed; is that
9 something you saw other staff do?

10 A. Mm-hm. Aye.

11 Q. Are you able to help me with what exactly that involved?
12 How were you expected to tip boys out of bed?

13 A. They were single beds they were lying in, and you would
14 just get the bottom of the bed and you just tipped it.

15 Q. Would the boys be awake or asleep at that time?

16 A. They could be asleep. You would wake them up first or
17 you tried to wake them up, and then you would tell them
18 what's happening if they don't get up or the boys
19 refused to get up. But that was the way it was for
20 a spell.

21 Q. And you have mentioned just there in evidence, and you
22 also say in your statement, that there came a point when
23 you refused to do this?

24 A. Mm-hm. Aye. Yes.

25 Q. But you were told, again by other staff, that you had to

1 do it?

2 A. No, by the head of the school and the deputy head of the
3 school. I was told it was part of my job.

4 Q. Is this something that continued during your time at the
5 school?

6 A. For a period of time, yes, it did, mm-hm.

7 Q. I think you mentioned that at a certain point in time,
8 some years later, you were to pull the mattress off the
9 bed frame?

10 A. Aye, mm-hm.

11 Q. Who told you to do that?

12 A. Chris McNaught.

13 Q. And --

14 A. He said -- he told us -- one day, he says, 'Don't be
15 tipping the beds up, just pull the mattress off the bed
16 gently, with a ...' and I didn't see what the difference
17 was, because the boy could have been lying with nothing
18 on or -- again, stuff like that. But that's what he
19 clearly told to us do.

20 Q. And you do say that in your statement, that you felt it
21 wasn't appropriate because a boy could be lying in bed
22 with nothing on?

23 A. Exactly. I didn't do it. I never done it. I refused
24 to do it.

25 Q. Did other staff do it? Did you see that happen?

1 A. Not to my knowledge, no. I never seen it happening.

2 Q. Okay.

3 In paragraph 8, that we have just been looking at,
4 another thing you say is:

5 'When I first went to Geilsland, I really didn't
6 know what I was getting myself into, to be quite
7 honest.'

8 A. Mm-hm, aye.

9 Q. You say:

10 'I didn't have a clue how to engage with the boys at
11 all.'

12 A. I never had a clue how to engage with them at first,
13 yep.

14 I tell you one of the things they got me doing,
15 which I hadn't a clue about. We used to take them out
16 on van runs and I took them out, four or five of them,
17 on a van run myself and we stopped at some fields, and
18 I helped them pick magic mushrooms and I hadn't a clue
19 what they were. And they got back into the unit and
20 they were boiling them in pots, and another member of
21 staff had seen what was happening and told me, 'You
22 can't do that. That's, er -- they can get high or
23 something, on the mushrooms', which I had no idea when
24 I went into that, about drugs or anything. You know, it
25 was all new, new to me.

1 Q. You say that while you were still a volunteer in your
2 early days -- and you say that you could be doing the
3 night shift on your own?

4 A. Mm-hm, aye. Yes.

5 Q. Does that mean that if an issue arose you didn't know
6 how to deal with or how to handle -- was there anybody
7 you could ask?

8 A. You had a floater. There were three units in the
9 school. I think when I started doing night shifts I was
10 getting paid then, I am certain I was.

11 Q. Okay.

12 A. We had a floater who went around about these three
13 units. That was it. That was the only support. You
14 had a sleep-in who would sleep in the student quarters.
15 But I could be in a unit with 16 boys on my own, at
16 night.

17 Q. Did there come a time, then, when a job came up, a paid
18 position, became available in the school?

19 A. Yes.

20 Q. And did you apply for that?

21 A. Yes, mm-hm.

22 Q. And were you interviewed again for that?

23 A. Er, no, I wasn't interviewed. I just got the --

24 Q. Got the job?

25 A. Applied for it and they just came and told me I have got

1 the job.

2 Q. Okay.

3 Can you tell me a little bit about the boys, then,
4 in terms of the age range?

5 A. The age? The age range could be about 14 to 18 and, as
6 I said, they all came from different backgrounds. And
7 I wasn't a lover after a period of time of residential
8 care. To me, residential care wasn't the answer for
9 them. Because, as I say, we got boys in there, we have
10 a mix of boys, some were older, some were bigger. There
11 was a lot of bullying going on. Again, as I said, in
12 the units -- Cunningham had four flats. The other one,
13 Garnock, had three flats. Then four boys to each flat
14 and, depending on how many staff you had on, you
15 couldn't supervise it properly.

16 Yes, as I say, boys from various different
17 backgrounds, all in for different reasons, and to start
18 with they were all in, mixing together.

19 Q. Okay.

20 In terms of the make up of the staff, 'Jim', you
21 have told me about the head of the school and the
22 deputy; were there many female members of staff?

23 A. When I started there, I am certain there was only one,
24 when I started there, female member of staff.

25 Q. And in terms of the rest of the staff; was there a kind

1 of structure?

2 A. Male. It was male dominated. They liked the big guys,
3 like me.

4 Q. And what gave you the impression that they liked big
5 guys?

6 A. From other staff. Because some of the unit managers
7 that I worked with preferred the big guys around about
8 them.

9 Q. Was that something they said?

10 A. No, it wasn't something the unit manager would say, but
11 the staff knew that's what they liked -- yeah, they
12 liked the big blokes, myself, to work in the units. And
13 if there was any trouble or anything like that in other
14 units, it was the likes of myself asked to go across and
15 help out. Things like that.

16 Q. What was your understanding at the time as to why that
17 was?

18 A. Because of my size. Basically, that's it. Just my
19 presence and my size, because a lot of the times when
20 I was called across to the units, sometimes just being
21 there worked. And other times it didn't work, other
22 times I had to get involved in restraints. More or less
23 it was -- did restrain.

24 Q. Are you a tall man?

25 A. I don't know, about 5-foot 10, 5-foot 11 or something.

1 Q. And were there other men who you would describe like you
2 have described yourself?

3 A. Oh aye, some taller.

4 Q. I am just trying to get some understanding as to how you
5 came to see it as a preference for big guys, as you put
6 it?

7 A. We had a lot of boys in. My understanding was they were
8 quite aggressive. Every day could have been a battle,
9 depending on what unit they were in, because there was
10 a long period of time we were called into other units to
11 support them and help out. It wasn't like that all the
12 time, but there was long periods of time. A lot of
13 times, not just me, I get called out on numerous
14 occasions.

15 Q. Okay. So, from what you are saying, the boys who were
16 there and the different ages of boys and the bullying;
17 do I take it that the boys could be quite difficult to
18 manage at times?

19 A. Definitely, aye. No, not all the time. Don't get me
20 wrong, there were periods of time when it was lovely,
21 nice and calm. But there were lot and lots of long
22 periods of time, where it was difficult to manage with
23 the boys, basically drugs and alcohol coming in to the
24 school. The drugs played a big part in it, the boys'
25 behaviour.

1 LADY SMITH: Have you any idea how the drugs and alcohol
2 were getting in to the school?

3 A. The boys were bringing it in. See when I started there
4 at first, we could take the boys down to the police
5 station and they would get strip searched, and they had
6 to bend over, which I thought was disgusting, because,
7 you know what I mean, dealing with a boy, I said I am
8 not doing this again.

9 LADY SMITH: 'Jim', can you get nearer the microphone?

10 A. Oh, sorry. We used to take on them down to Kilbirnie
11 Police Station to get strip searched. It wasn't a nice
12 thing, watching it. And that's -- a lot of the time you
13 didn't catch them. And that stopped, and boys could be
14 bringing in their drugs anywhere on their possession.
15 And I mean anywhere.

16 Alcohol -- because there was a period of time we had
17 to stop searching them, weren't allowed to search them.
18 Depending on what boy it was, you got other boys telling
19 these boys to bring it in, because they knew they
20 wouldn't get searched -- that they wouldn't be searched.
21 But, aye, it was -- the drugs was a major, major issue.

22 LADY SMITH: Thank you.

23 MS MACLEOD: So we have mentioned SNR of the school,
24 KMJ ; are you able to tell me any more about him
25 and what his attitude was to the boys, and what culture

1 he instilled?

2 A. [REDACTED] was very supportive of the boys. But I think
3 I put in my statement, if he could save a pound, he
4 would save a pound. Because you had to go across to him
5 or the IC, who [REDACTED] the school some days,
6 and ask for money for clothing for the boys or to take
7 them on a rec outing, to the recce, and he would say,
8 'Do you need this amount of money? Do you need this?
9 Do you need that?' He would always try to save a pound
10 or two. But he really had the boys' wellbeing at heart.
11 He really did, aye.

12 Q. And the evidence you provided about wanting to have
13 larger men, big guys working, that kind of culture;
14 where did that culture come from?

15 A. That was there when I started. That was already there.
16 Then it was a good few years after I started before more
17 female colleagues came on the scene.

18 Q. Were you provided with any sort of formal supervision or
19 appraisal, or review of your own work, I mean?

20 A. Very rarely. I will come back to this.

21 You see, when I lost my job and appealed it, they
22 couldn't find my -- I never had supervision for two and
23 a half years, and they couldn't find any supervision
24 notes on me.

25 Q. And I think at paragraph 22, one thing you say, 'Jim',

1 in your statement is you say you used to ask for
2 feedback?

3 A. Aye. You see, when I got involved in stuff, got
4 involved in a restraint of a boy, anything like that,
5 I always used to ask my line manager: 'Did I do the
6 right thing? Did I do the wrong thing? Could I have
7 done it better?'

8 Every time: 'No, you did the right thing. It needed
9 to be done.'

10 That was the answer I got.

11 Q. And were you given any training in restraint, for
12 example, when you started?

13 A. No, no. That didn't happen until somewhere in the
14 2000s.

15 Q. Okay. And in relation to the training that was
16 introduced as the years went on, you speak about that.
17 At paragraphs 20 and 21 of your statement, you mention
18 Therapeutic Crisis Intervention?

19 A. TCI.

20 Q. Yes, that was introduced?

21 A. That was the training to help us -- help us deal with
22 boys who went into crisis and the restraint was a last
23 resort; that was what the Therapeutic Crisis
24 Intervention was all about.

25 Q. But that was quite some time after you had started?

1 A. Mm-hm, aye.

2 Q. Do you also mention Individual Care Management Plans?

3 A. Aye, individual crisis management plan. That is to
4 suit -- if the boys were going into crisis, it was how
5 to deal with them, whether -- he wanted us to deal with
6 him; what would be the best way to get him out of his
7 crisis? That was introduced.

8 Q. And you mentioned that also, some time after 2000, there
9 was some child protection training introduced as well?

10 A. Mm-hm, aye. That was reducing the -- the GIRFEC
11 training, that was around anything like that and getting
12 it right for every child. Then the TCI, the ICNP, the
13 risk assessments getting done as well on the boys.

14 Q. Those trainings that came in, I appreciate it was quite
15 a long time after you started, but was that something
16 you welcomed, being trained in those ways?

17 A. Mm-hm, aye. I think everybody did, aye. I think the
18 Therapeutic Crisis Intervention helped a lot of people,
19 it really did.

20 Q. You also mention policy and procedure handbooks in your
21 statement --

22 A. Mm-hm.

23 Q. -- 'Jim'. And this is at paragraph 25. These are the
24 things which became available at some point; were those
25 things that were available initially when you started or

1 became --

2 A. I think they were, aye. Yes, I am saying they were.

3 Q. And what sort of things did they relate to? Do you

4 remember?

5 A. It was the policies that the Church of Scotland

6 introduced. Basically, how the school run, how you

7 handle the boys, the likes of if a boy made a complaint,

8 where you went with the complaint down that line.

9 I would go to my line manager, the line manager would go

10 to the unit manager and so forth and so forth.

11 Q. So that kind of thing was set out?

12 A. Aye, that kind of information was there.

13 Q. Okay.

14 Did you have any involvement with the schooling, the

15 education that was provided at Geilsland?

16 A. No. The only involvement I had was when we had

17 a meeting, I think it was once a month, I think, with

18 myself, the key worker, the education teacher and the

19 workshop, and the young boy. We used to have meetings

20 there once a month. That was the only involvement I had

21 with education.

22 LADY SMITH: 'Jim', I hate to be a nuisance, you are

23 drifting away from the microphone again.

24 A. Sorry.

25 LADY SMITH: All right.

1 A. We held meetings once a month with myself, the boy,
2 education staff, just to see what progress -- and what
3 they needed to happen.

4 Q. Can I ask you, then, a bit about discipline at Geilsland
5 and how that was managed? And this is discussed in
6 paragraph 47 onwards of your statement.

7 What's your recollection of how discipline was
8 managed at the school?

9 A. Pocket money. Boys would be fined pocket money.
10 Outings, they wouldn't be getting an outing. Basically
11 it. They were confined to the unit for a week. They
12 would miss out on their -- the boys used to get
13 an outing once a week and they would miss out on their
14 outing or maybe something -- well, a pound usually. It
15 was usually 50p or a pound that got taken off their
16 pocket money. That happened for a wee while, and then
17 it stopped because a boy's social worker told KMJ
18 that: 'We were paying for his placement here' and, 'You
19 will not be touching his pocket money'. So that stopped
20 for a wee while, but then it picked back up, yes.

21 Q. And I think you mention also that boys had televisions
22 in their rooms, and those could sometimes be removed as
23 punishment?

24 A. That was after a period of time I was there, the boys
25 started getting TVs and that, yes. And some staff did

1 move them from their rooms as a sort of punishment.

2 Q. But you say that's something -- you didn't agree with

3 that?

4 A. No, I didn't agree with it, because I used to give them

5 their TVs back.

6 LADY SMITH: So one member of staff might have punished

7 a boy by taking his television away, but then you would

8 put it back.

9 A. If I was night shift, aye, I would give it them back.

10 I didn't see the point, to be honest with you. I used

11 to question: who's the adult and who's the boy?

12 LADY SMITH: But how would the boy know, really, what the

13 boundaries were if what was happening was one member of

14 staff was disciplining --

15 A. Because we were told not to take the TVs out the room.

16 LADY SMITH: I am looking at it from the point of view of

17 the boy. What he had been told by the first member of

18 staff was he had done something wrong, 'The punishment

19 is your television's being taken away', but then another

20 member of staff comes along and gives it back to him.

21 A. Mm-hm.

22 LADY SMITH: Are you telling me there was no system whereby

23 you could go to another member of staff or somebody

24 senior to you and ask them to do something about this --

25 A. No, not in -- we were told not to use TVs as a sanction.

1 LADY SMITH: Okay.

2 A. I can assure you for a long period there was no
3 consistency amongst the staff.

4 LADY SMITH: Right.

5 A. And at night time the boys having a TV helped them
6 settle at night.

7 LADY SMITH: Thank you.

8 MS MACLEOD: Was physical punishment ever used on the boys?
9 Did you see a boy being physically punished?

10 A. No, other than being restrained, that's it, no.

11 Q. And --

12 A. I never witnessed any physical -- of any sort, other
13 than restraints.

14 Q. And leaving restraint aside -- and I will come on to
15 look at that in a few moments -- did you ever physically
16 punish a boy for something?

17 A. No, no.

18 I wasn't the only member of staff who gave the boys
19 their telly back, I can assure you.

20 LADY SMITH: Okay, thank you.

21 MS MACLEOD: Now, looking, then, to restraint, and you told
22 us earlier in your evidence that you weren't provided
23 with training in restraint and that you had asked for
24 feedback --

25 A. Mm-hm.

1 Q. -- from colleagues, but that you hadn't received
2 feedback, other than to say what you were doing was
3 fine.

4 A. (Nods).

5 Q. Were there occasions when you were required to restrain
6 boys?

7 A. Yes, mm-hm. A lot of it was for their own safety. We
8 had boys in there that would run at windows, put their
9 head through windows and headbutt the walls a lot, and
10 we'd all that. When I started, it was threatening to
11 assault staff or threatening to hit other boys. Or if
12 they just couldn't calm down, just at times I had to
13 restrain them.

14 Q. And as well as yourself restraining boys; did you see
15 other staff restraining boys as well?

16 A. Oh, loads of times, mm-hm.

17 Q. So, looking to yourself first of all and your own
18 restraint of boys; how did you go about restraining
19 boys?

20 A. To begin with, I just got them on the floor as safely as
21 I could. Just a hold round about the shoulders and just
22 placing them on the floor.

23 Q. Were boys sometimes injured in the process of restraint?

24 A. Not to my knowledge, honestly, no. I am not saying they
25 weren't. The possibility -- even after training, it

1 still could -- some boys could have possibly got
2 injured. Because, even with the training, a lot of the
3 times it did work and a lot of times it didn't work,
4 because there were occasions you had to get the boy down
5 as quickly and as safely as you could, and there were
6 lots of occasions there wouldn't have been enough staff
7 on to do the TCI, Therapeutic Crisis Intervention,
8 safely.

9 Q. That is a point you make, 'Jim', that staff numbers --
10 and that was a concern that you had had when you were at
11 Geilsland, and we will come on to look at that.

12 Now, you have described there how you would restrain
13 boys; how did you see other staff restraining boys?

14 A. Much the same, just getting a hold of them. That
15 incident with me, when I tipped that boy out of bed, the
16 boy come down the stairs and wrecked the kitchen, the
17 fridge, everything wrecked, and "I'm out of a job here",
18 I am thinking that to myself. But it was Billy Roy who
19 came over, one of the unit managers, and said, 'I am
20 going to put him down', I says, 'Right'.

21 And then Grant Kerr come across later on, and I says
22 to Grant -- and Grant told me, 'No, you did the right
23 thing, that's what you have to do'.

24 Q. Are you speaking here, 'Jim' -- just so I am clear: is
25 that an occasion when you tipped a boy out of bed?

1 A. Aye.

2 Q. And the boy responded to that?

3 A. I came down the stairs -- and it was the Old
4 White House -- and started wrecking the kitchen,
5 throwing things about, and I was in the kitchen and
6 I just didn't know what to do, really.

7 Q. What did you do?

8 A. I waited until the unit manager came across. There was
9 nothing I could do because I wasn't too sure what to do,
10 and he -- he told me, 'Put him down'.

11 Q. So he asked you to restrain the boy?

12 A. Mm-hm, two of us did, yes.

13 Q. You provide an example, in paragraph 57 of your
14 statement, 'Jim', of an incident where I think you say
15 you were required to restrain a boy. You mention this
16 is an incident when you were coming out of Mansion
17 House, which I think is the main building at Geilsland?

18 A. Mm-hm, aye.

19 Q. And that you saw two boys 'knocking lumps' out of each
20 other?

21 A. Aye, knocking lumps out of each other.

22 Q. Can you tell me about that occasion?

23 A. I was coming out, and it was Tom Mormon, who was
24 the unit manager in Garnock. And there was a lot of
25 grass outside Garnock and, when I was walking out, I saw

1 two boys booting this other boy, really booting into
2 him, and Tom just walked past them. And I ran across
3 and said, 'What are you doing? Come on', and he just
4 kept on walking.

5 Q. This is another staff member?

6 A. The unit manager, mm-hm. So I went over, I grabbed the
7 two boys, separated them. Just grabbed a hold of them
8 and said, 'Enough's enough', and that was enough. That
9 was all that needed done, but I could have lost my job
10 for that.

11 Q. Is that because -- is the point you are making there
12 that's because there was no other member of staff there?
13 There was no other member of staff with you?

14 A. Aye, because we were clearly told not to intervene if we
15 were on our own.

16 Q. Okay.

17 A. But what can you do if you see two boys knocking lumps
18 out of another boy? It is not in my nature to stand by
19 and watch it happen.

20 Q. What you say is:
21 'If either of those two boys had made a complaint
22 against me --'

23 A. No, no.

24 Q. '-- I would have been suspended because I was there on
25 my own.'

1 A. Probably, aye.

2 Q. Okay.

3 A. I had a lot of good working relationships with a lot of
4 boys in there, and these two boys I separated, I had
5 good working relationships with them as well.

6 Q. So do I take it from what you are saying that you were
7 told that ideally there should be two members of staff
8 when restraint took place?

9 A. Mm-hm.

10 Q. But that wasn't possible, practically, because there
11 weren't enough staff?

12 A. A lot of times it was impossible, mm-hm. Because I've
13 seen me going out on van runs with boys and having six
14 or seven boys in the van, on my own, and it happened
15 a lot. You could be left in the unit with six or seven
16 boys on your own. It didn't happen all the time, but it
17 did happen frequently.

18 Q. Were you ever aware of what could be described as
19 'excessive restraint' used on a boy at the school?

20 A. I think it might -- could depend on how many staff were
21 involved in it, I think.

22 LADY SMITH: Why did that make a difference? Can you
23 explain?

24 A. There might not have been the need for that amount of
25 staff to restrain the boy. The boy might only be

1 needing held.

2 LADY SMITH: What sort of help?

3 A. Held. Just held.

4 LADY SMITH: Oh, held.

5 A. Physically held, standing up, know what I mean?

6 Depending on what staff were there, there could be

7 three or four staff, maybe, on one boy, to restrain

8 a boy. It wouldn't be needed, three or four staff, on

9 occasions.

10 On some occasions it would be needed, but there were

11 other occasions it wouldn't have been needed, because

12 I did witness stuff like that, you know.

13 LADY SMITH: Typically, how many members of staff were

14 involved in a restraint?

15 A. There were supposed to be three, typically.

16 LADY SMITH: Okay. But you are saying sometimes there might

17 be a fourth?

18 A. Sometimes there might be four, sometimes there might

19 only be two, depending on how many staff's on.

20 LADY SMITH: Okay, thank you.

21 MS MACLEOD: Did you ever see a boy being hurt intentionally

22 in the process --

23 A. No.

24 Q. -- of restraint?

25 A. No, never have done.

1 LADY SMITH: Did you see a boy being hurt during
2 a restraint, any boy?

3 A. No, not to my knowledge, no.

4 MS MACLEOD: And in paragraph 59, you tell us, 'Jim', that
5 the only concern you really had while working at
6 Geilsland was the staffing levels.

7 A. Mm-hm, aye.

8 Q. Indeed, you say that's something you highlighted while
9 you were working there?

10 A. Mm-hm. As I says to you before, me and my colleague,
11 I said we used to have 16 boys in a unit, looking after
12 16 boys. It is impossible to do. But, you see, we had
13 good working relationships with them, because we done
14 a lot of work with the boys, took them out then played
15 football with them a lot and everything, just to keep
16 them busy.

17 Q. Who did you highlight your concerns to about staff
18 levels?

19 A. Management.

20 Q. And did you get any response to --

21 A. What I got was: staff are off sick, and staff are
22 unwilling to come in to help.

23 Depending on how the unit was, that's when we got
24 a lot of sickness.

25 LADY SMITH: When you say 'management', 'Jim', are you

1 talking about the head, the deputy head?

2 A. The deputy head.

3 LADY SMITH: Any other jobs?

4 A. The unit manager. He would try to get staff in, but

5 couldn't get them or he was told not to.

6 LADY SMITH: So, when you think back to management level,

7 you have a group of people involving each unit manager,

8 the head and the deputy; was that about it?

9 A. Yes. See, if the unit was settled, there would be very

10 rarely a full quota of staff if the unit was settled.

11 LADY SMITH: Thank you.

12 MS MACLEOD: Just in relation to the staff structure --

13 I should have taken this from you earlier, 'Jim' -- you

14 set that out at paragraph 14. You explain there were

15 team leaders and then unit managers.

16 A. The unit managers, team leaders, and then the likes of

17 myself, mm-hm, aye.

18 You see, some of the boys, experience, looking back,

19 restraining them, you get some of the boys saying to us

20 afterwards, 'I am really glad you did that'. Honestly,

21 that's what some of them used to say to us.

22 Q. What was your understanding of why they were glad about

23 that?

24 A. To save them going into crisis. That's my understanding

25 of it. I seem to be talking a lot about restraints. We

1 had a lot of good times with the boys, as well. It
2 wasn't all just about restraining.

3 Q. At paragraph 61, you explain what you did if a boy came
4 to you with a complaint?

5 A. Mm-hm.

6 Q. And you explain that you would pass it up the management
7 chain?

8 A. Yes, that's it. I would take it to my line manager, if
9 he was on duty. If he wasn't on duty, it would be the
10 IC that was on duty. If I was on the late shift, there
11 would be an IC on duty in the school, I would report it
12 to them and then they would take it further up the
13 chain, the police would be informed, the Local
14 Authority, social worker, Social Work Department.

15 Q. And did boys make complaints to you?

16 A. Yes, aye, mm-hm.

17 Q. About other staff?

18 A. Mm-hm.

19 Q. What sort of complaints did they make?

20 A. The one -- I can't -- two members of staff lost their
21 job through it. Somebody (indistinct) I am still not
22 sure about what the complaint was, but I had to take it
23 to management.

24 Q. Okay, and I think you speak about that one in your
25 statement?

1 A. Aye, yes.

2 Q. We will come on to look at that. Could children -- or
3 did boys sometimes report things directly to management
4 themselves?

5 A. Mm-hm, aye, aye. Yes.

6 Q. Just before we move on from the issue of restraint we
7 were speaking about a few moments ago: did boys
8 sometimes have carpet burns as a result of restraint?

9 A. Yes, mm-hm, they could, yes. Aye.

10 Q. And where, typically, would these --

11 A. Around about their heads, up here, yes. That was mostly
12 before the Therapeutic Crisis Intervention came in,
13 because we used to restrain boys and turn them round a
14 bit. No other time they would be hitting their head
15 heads off the carpet or rubbing. But we weren't doing
16 it all the time. Somebody was not doing it right, not
17 doing it right. But, once you started the Therapeutic
18 Crisis Intervention, they taught us all different
19 methods. We did it more safely.

20 Q. Okay. Going back, then, to boys who made complaints,
21 either to a member of staff like yourself or directly to
22 management; would there then be ultimately a meeting
23 with the head of the school?

24 A. If the boy made a complaint to the management?

25 Q. Either directly or via yourself or other staff to the

1 management?

2 A. Mm-hm. There would be -- if the boy made a complaint,
3 the Local Authority, social worker, Social Work
4 Department would be informed as well of the complaint.
5 And then there would be a meeting with them and with --
6 say it was with myself, I would be involved in that
7 meeting if the boy made a complaint against me, which
8 did happen on a couple of occasions.

9 Q. And would SNR [REDACTED] and SNR [REDACTED] --

10 A. It would be one of them. It would be either -- the time
11 it was [REDACTED] or KMJ [REDACTED], it would be one of them that
12 would be there.

13 Q. Okay. And then looking to the complaint I think you
14 mentioned a few moments ago that was made to you, when
15 a boy came to you -- this is in paragraph 62 of your
16 statement. I think a boy reported a prank that some
17 members of staff had played on him; do you remember who
18 those members of staff were?

19 A. Yes, aye.

20 Q. What were their names?

21 A. Am I to give the names out?

22 LADY SMITH: Yes, you can give us names.

23 A. Oh, right.

24 LADY SMITH: If they are people who are protected by my
25 General Restriction Order, don't worry, they can't be

1 identified outside of this room.

2 A. Yes, ILP [REDACTED] and HVS [REDACTED].

3 Q. What was the first name, the first one?

4 A. ILP [REDACTED].

5 LADY SMITH: ILP [REDACTED]?

6 A. Aye. I never really got the full story. But it was
7 a call pretending they were a college, winding them up
8 about something, having a laugh and a joke about
9 something that happened at college, and I still to this
10 day don't know what it was.

11 MS MACLEOD: Did a boy report to you, then, that those
12 members of staff --

13 A. Aye, no. Aye, no. All coming out and saying to me,
14 'Sir, I have just got a phone call from somebody from
15 the college', and I looked at the time and said, 'No, it
16 can't have been anybody from the college', and I found
17 out it was ILP [REDACTED] and HVS [REDACTED] playing a prank on them,
18 having a laugh.

19 Q. And you say that those members of staff lost their jobs
20 as a result of that?

21 A. Yes, aye. Yes. I have no idea what the conversation
22 was, it's not what they said to me. But I know he was
23 upset.

24 LADY SMITH: And by calling the college and saying where
25 they were calling from they were disclosing personal

1 information about the boy?

2 A. Aye, I don't know what the information was. They seen
3 it as a prank and a laugh.

4 LADY SMITH: But just the fact of calling staff from
5 Geilsland --

6 A. They did use one of the phones within the unit to
7 contact another phone.

8 MS MACLEOD: So they had used a phone to phone the boys and
9 they were pretending to be the college phoning him?

10 A. Mm-hm.

11 Q. In fact it was two members of staff in another part of
12 the school?

13 A. Mm-hm, aye.

14 Q. You mentioned that some of the boys could speak to
15 a person from Who Cares?, the organisation --

16 A. Yes.

17 Q. -- if they had concerns?

18 A. Who Cares? would come in to visit the school, to see how
19 we were doing, picking up on stuff that we needed to do.
20 They would speak to us. They would speak to some of the
21 boys individually as well.

22 Q. And you mention that children also had their social
23 worker and the Local Authority and also a key worker
24 within the school?

25 A. Mm-hm. They had a key worker as well. They also had --

1 what was the other organisation? Who Cares? and the
2 Throughcare. They were involved in throughcare as well.

3 Q. You say, at paragraph 65, that boys were encouraged to
4 speak to their social worker?

5 A. Mm-hm, yes.

6 Q. And that latterly the procedure for keeping a boy's
7 social worker updated on progress was improved?

8 A. Yes, later on in years, we used to phone the Local
9 Authority on a Monday, just to tell them how the weekend
10 went with the boys they had placed with us. That was
11 done every Monday.

12 But you did get a lot of boys that wouldn't interact
13 with their social workers. They seen them as the enemy.
14 Not all boys.

15 Q. Now, I think you were asked, when you prepared your
16 statement -- and it is in paragraph 66 -- I think you
17 were asked if Geilsland had a definition of 'abuse' when
18 you were there. And I think you said that you thought
19 it did, but you couldn't tell now what that was?

20 A. Mm-hm.

21 Q. Is that your recollection?

22 A. Yes, aye.

23 Q. And did you see anything that you considered to be
24 abusive of the boys when you were at Geilsland?

25 A. No. The only thing I seen was, like I said, boys

1 bullying other boys. That was the only thing. We did,
2 later on in years, get child protection training, as
3 well, part of that later on.

4 Q. And in paragraph 68, you provide evidence, you say:

5 'Although I didn't see anything I considered
6 abusive, I am aware of some instances where staff were
7 disciplined following allegations of abuse.'

8 And you mention a couple of staff here. You mention
9 a staff member called GPL whose first name you
10 couldn't remember?

11 A. Oh, that was the guy that worked in the plumbing
12 department. I can't remember his first name. I think
13 he punched a boy. He lost his job through that as well.

14 LADY SMITH: Might it have been GPL ?

15 A. Aye, GPL, that's it. GPL, aye.

16 LADY SMITH: Thank you.

17 MS MACLEOD: And you mention another member of staff who you
18 say was called Russell Conn.

19 A. Aye.

20 Q. Who was he?

21 A. He was a worker like myself. But he kept in touch with
22 a boy that moved up Livingston way. The boy eventually
23 hung himself, hanged himself. Russell had his phone
24 number on him, was contacting him on a regular basis,
25 which we were not supposed to do. I don't know if you

1 have heard about Russell? He is in jail for sexually
2 abusing young boys.

3 Q. And you tell us about that in your statement, at
4 paragraph 68, and you say you don't know if his
5 convictions relate to his time at Geilsland?

6 A. No, I don't.

7 Q. Something you say in paragraph 69, 'Jim', you say:

8 'If a boy was being abused I would like to think it
9 would have come to light, but I can't be sure. It might
10 have happened and I didn't know about it. It might have
11 happened and the boy was too embarrassed to come
12 forward.'

13 A. Aye.

14 LADY SMITH: I think if you look at what's typed in 69, it
15 says 'I did know about it', but that must have been
16 intended to be 'didn't know about it'. If you look
17 there at paragraph 69:

18 'It might have happened and I didn't know about it.'

19 Is that what you mean?

20 A. Aye, it could have happened and I didn't know about it.

21 LADY SMITH: Thank you.

22 A. Because there were quite a few boys that wouldn't trust
23 us to come forward with anything. There's an incident
24 with a boy -- can I name the boy? Is that all right?

25 MS MACLEOD: We don't need the boy's name.

1 LADY SMITH: We don't need the boy's name.

2 A. He was clearly upset and I was in his room talking to
3 him, along with the unit manager and the team leader.
4 We never knew any of this. He started wrecking his room
5 and stuff like that. So we placed him on his bed safely
6 and stuff like that. He was really upset and crying.
7 It came out then that he had been badly sexually abused
8 by his uncle, which we knew nothing about. And he was
9 with us for a long, long period of time and we knew
10 absolutely nothing about that.

11 That's what I mean by a lot of the boys didn't trust
12 us to come forward with stuff.

13 MS MACLEOD: Now, when you provided your statement, 'Jim',
14 you were asked about a number of people who may or may
15 not have worked at Geilsland at the same time as you.
16 I just want to ask you about this part of your statement
17 quite briefly. You were asked about someone called
18 GHS [REDACTED], this is at paragraph 77 of your
19 statement.

20 A. GHS [REDACTED], mm-hm.

21 Q. You provide a bit of information, you say he was a good
22 worker and that you never saw or heard of him
23 unreasonably disciplining or abusing any boy?

24 A. No. I didn't work with him all the time, but I think he
25 was -- to me, he was a good worker. He did a -- he

1 [REDACTED] at the time. He used to
2 take the boys out a lot of times to play football, and
3 football matches.

4 Q. And you were asked, at paragraph 78 of your statement,
5 about somebody called HVI [REDACTED], or HVI [REDACTED]?

6 A. HVI [REDACTED], mm-hm, aye.

7 Q. You do provide us with some information about this
8 member of staff; can you tell me what your recollection
9 is about that?

10 A. Well, I worked with HVI [REDACTED] quite a lot, and he was good
11 with the boys, very friendly with the boys. But there
12 was a boy who left, went on to -- back home or wherever
13 he went. I am not really sure. And I went down to
14 HVI [REDACTED]'s house, let's say two or three days later -- and
15 I can't recall what I was going down for, but I was in
16 his living room and the boy came out of the bedroom with
17 just a pair of boxers on. And I spoke to this --
18 I cannot remember if it was a member of staff, when
19 I went back. But, after a few days, I think, HVI [REDACTED], he
20 either was asked to leave or he left of his own accord.
21 But he wasn't working there anymore. That's to the best
22 of my knowledge, that.

23 Q. ERW [REDACTED] is somebody else you were asked about, and
24 you discuss this at paragraph 83 of your statement. And
25 I think you mention that ERW [REDACTED] could shout and bawl at

1 the boys, but you never saw or heard of him disciplining
2 or abusing anybody?

3 A. No, no. We could all -- even myself included -- shout
4 and bawl at the boys. And I am being honest with you,
5 we would sometimes swear at them, because that was the
6 only language that they understood at times, and you
7 would get through to them. There are some boys like
8 that. And they didn't understand any other way of you
9 talking to them.

10 Q. Were you ever aware of any members of staff bringing
11 drugs into Geilsland?

12 A. No. Not to my knowledge, anyway.

13 Q. And you were asked about a number of other staff in your
14 statement, but you stated that you had never saw any of
15 these people abuse children, to the best of your
16 knowledge?

17 A. I have never seen any physical abuse in the school by
18 any member of staff.

19 Q. Okay. Can I then move on to that part of your
20 statement, 'Jim', where you responded to allegations
21 that some former pupils of Geilsland made about
22 yourself.

23 A. Mm-hm.

24 Q. And we have a document in the very first statement of
25 your folder. You might find it easier if you take it

1 out of the folder like I have done. I have exactly the
2 same document here.

3 A. Oh right, mm-hm.

4 Q. We call it the key, so if you just want to take that out
5 it might be easier. You will see that there are names
6 of boys down the first column of the document.

7 A. Yes.

8 Q. And then some have pseudonyms and some just have
9 ciphers. As far as possible we try not to use the names
10 of those boys, so if we just try to use their pseudonyms
11 or their ciphers if they don't have pseudonyms.

12 So the first person I would like to ask you about is
13 the first one that you deal with in your statement, and
14 that is 'Oliver'. He is number 2 on the list; do you
15 see the pseudonym, 'Oliver'?

16 A. Right.

17 Q. You will see the name of the boy who has taken that
18 name. You deal with this at paragraph 88 of your
19 statement. I will read it out:

20 'Oliver' has given a statement to the Inquiry. In
21 his statement he has said that: 'There was another
22 member of staff, 'Jim', who assaulted me. One night he
23 came to the room, but I never heard him arriving. He
24 said he was shouting on me, but I tried saying I never
25 heard him. He then came right up to me and punched me

1 in the ribs. He told me that I better keep my mouth
2 shut.'

3 I think you provide some response to that in your
4 statement. Can I just ask you today, 'Jim': what is
5 your response to that allegation?

6 A. It is not true. I thought I had a good working
7 relationship with 'Oliver', certainly I have never, ever
8 assaulted a boy.

9 As I said there in my statement, I used to go into
10 his room in the mornings with a football, that's the
11 only time you would get him out of his bed. You throw
12 a ball at him, he would jump up and head the ball. And
13 'Oliver' was also a bed wetter. So he was one of the
14 boys we used to get him up and get him showered. And
15 all the boys were away and we would strip his bed and
16 take his bedding to get washed. I think there was a bit
17 in it where he says myself, I called him 'pishy', which
18 I never did.

19 Q. And the next person I would like to ask you about is the
20 boy, the former pupil who took the pseudonym 'Lewis',
21 and he is number 3 on the list that you have in front of
22 you. This is paragraph 90 of your statement. I am not
23 going to read this whole paragraph out. But, in
24 paragraph 90 of your statement, it is set out that
25 'Lewis' has made an allegation that there was a camp --

1 A. A bat.

2 Q. -- and a live bat put under his pillow, and he said:

3 'I didn't understand why that was there and one of

4 the boys told me it was 'Jim' playing a prank.'

5 A. What I told [REDACTED] and that: 'Where can I get a bat

6 from?' It was the Fort William accommodation, aye.

7 There were bats, but they were flying about the lights,

8 up high. There was no bat there. Nothing like that.

9 Q. So is what you are saying, 'Jim', that if somebody put

10 a bat under his pillow it certainly wasn't you?

11 A. Nobody put a bat in his pillow case. [REDACTED]'s colleague

12 said it would just go out and fly away. There was

13 pranks with hair dye. That wasn't me. I had stuff,

14 eggs in my pillow case, bacon in my duvet covers, stuff

15 like that boys were doing. It certainly wasn't me,

16 there was only two members of staff there, it wasn't

17 them, it was boys doing it to other boys. And part of

18 the reason for going away to the camp was to relax, have

19 a laugh, have good fun, just be daft, that's what it was

20 like.

21 Q. If I can then move on to asking you about paragraph 92

22 of your statement, and this is about a person who

23 provided evidence to the Inquiry, and waived his right

24 to anonymity, and this is somebody called Brian Heron.

25 This is dealt with at some length in your statement, and

1 it is quoted there what Brian Heron says in his
2 statement to the Inquiry. I will just read part of
3 that. Brian Heron has said in his statement that when
4 he was a social worker he went to see two boys who do
5 not have pseudonyms, but they are on this list, they are
6 the seventh person on the list, who has taken the cipher
7 IVT, and the fifth person on the list, who has the
8 cipher IWC. And he says:

9 'I went to see IVT and IWC at Geilsland. Whilst
10 I was in with IVT in the unit 'Jim' came up to me and
11 told me that someone had attempted to steal his car the
12 previous weekend. He told me that his car had
13 previously been stolen a number of times.'

14 He goes on to provide some more information, then he
15 says:

16 'He told me that he caught the boy who had been
17 trying to steal his car, and that he had assaulted the
18 boy. He said he gave the boy "a few boots". He told me
19 that he had been angry and upset. I didn't find out
20 what the boy's name was and I have never met the boy.
21 I was shocked that 'Jim' would tell me that he had been
22 involved in something like that. It seemed a crazy
23 thing to be telling a social worker. All I said to him
24 was "You need to watch or you will end up in court
25 yourself" and he then stopped talking about it.'

1 If I stop there, 'Jim', did you tell Brian Heron

2 that you had assaulted any boy in this way?

3 A. No, indeed I did not. No. And why would I? I tell
4 you, the boy, the young boy in question he is talking
5 about, the boy got picked up by the police down in
6 Beith, there were three of them run away that night, and
7 he got picked up and got brought back. They tried to
8 steal my car but they didn't get far, because the lead
9 at the time from my carburettor was taken out, so they
10 couldn't steal the car, because the doors to my car
11 couldn't lock any more. So I did say to them, there is
12 no point, because you can't steal it any more.

13 But anyway, they tried it, just got it outside the
14 school gates. But they got brought back, he got brought
15 back in the police van, this is not just what this guy
16 is saying, because he was sitting in the police van,
17 there was a guard, you get in the police van and there
18 is a guard, and he was sitting in there, and there were
19 four, five policemen in there, all give statements to
20 say I never touched the boy.

21 But come to the social worker again, when I got the
22 paperwork through and reading about him, reading about
23 him, see every placement he has been, every place he has
24 been, boys have come forward to him and made
25 allegations, and so much so that through his time

1 Inverclyde refused to employ him at the finish up. So
2 this is all lies.

3 Q. Do you remember Brian Heron?

4 A. No I don't. But I am not -- that's not to say I never
5 spoke with him, haven't met him, but why would I say to
6 a social worker that I kicked, booted a boy, or
7 something. It doesn't make sense. And then him, and
8 his colleague, are meeting in some sauna, some baths
9 later on, discussing stuff. That's about it.

10 Q. Just to be clear, 'Jim', did you ever tell any social
11 worker that you assaulted a boy in Geillsland?

12 A. No, no.

13 LADY SMITH: Ms MacLeod, it is almost 1 is o'clock. I think
14 we ought to break now, and have lunch at this point,
15 'Jim'. I am sorry, your face tells me you hoped you
16 would be away at lunchtime.

17 A. That's fine.

18 LADY SMITH: I think we have a little bit to go.

19 MS MACLEOD: We do, my Lady.

20 LADY SMITH: Yes. Can I ask you, don't need to tell me
21 what, have you arrangements for this afternoon or is it
22 okay if we hang on to you for a little bit beyond
23 2 o'clock?

24 A. It's okay.

25 LADY SMITH: All right. I tell you what, I will come back

1 at 1.50, so we start at 1.50, and I think it probably
2 won't take too much time after that to finish your
3 evidence.

4 A. All right. Sorry, with this social worker, this really
5 bothers me, it does, this --

6 LADY SMITH: I know, and if you want to tell me more about
7 it, that's absolutely fine, 'Jim', afterwards. But
8 let's stop now for the lunch break, have a breather, and
9 then we will come back at 1.50.

10 Before I rise, you remember, 'Jim', that this isn't
11 a criticism of you, you remember I said something about
12 names, and identities and we have used HVS
13 GPL, GHS, HVI, HVI,
14 ERW, and these are names of people who are
15 protected by my General Restriction Order and they can't
16 be identified outside of this room.

17 At one point there was also a very brief reference
18 to a boy called IVW, and he is not to be identified
19 outside of this room, either.

20 So let's stop now and come back.

21 A. You see, the thing --

22 LADY SMITH: 'Jim', hang on, can we leave the rest of your
23 evidence until after lunch?

24 (1.00 pm)

25 (The luncheon adjournment)

1 (1.50 pm)

2 LADY SMITH: 'Jim', welcome back. Is it okay if we carry on
3 with the rest of your evidence?

4 A. Yes.

5 LADY SMITH: Thank you very much.

6 Ms MacLeod.

7 MS MACLEOD: My Lady.

8 'Jim', before we finished for the break we were
9 looking at paragraph 92 of your statement, where you
10 were asked to comment on certain evidence provided to
11 the Inquiry by Brian Heron. We had dealt with the first
12 part of that before the break.

13 I just want to move on to the next part of that,
14 where it's set out in your statement that Brian Heron
15 told the Inquiry that on a walk across part of the
16 school grounds, **HVK**, who I understand was
17 a staff member, he said:

18 '... asked me whether I had heard about the carry on
19 with 'Jim'. I told him that he had told me that the
20 father of the boy who had been assaulted by 'Jim' had
21 called to complain and told me that he had informed the
22 boy's father that the boy had been trying to steal
23 'Jim's' car. He told me that the boy's father then said
24 something along the lines of "I would have booted the
25 boy's arse as well".'

1 So, again, do we see that this seems to relate to
2 the same or similar incident?

3 A. Mm-hm. It never happened.

4 I don't know if I would like to ask this: has
5 anybody spoke to the other member of staff that was
6 there? You mentioned his name. I don't know if I am
7 allowed to mention his name.

8 Q. We are allowed to mention names --

9 A. HVK

10 Q. -- of staff members.

11 A. Whether anybody spoke to him to verify what the social
12 worker said. Because it is all lies.

13 Q. Then, in paragraph 93 of your statement, you further
14 respond to evidence given by Brian Heron to the Inquiry,
15 where it is stated:

16 'Brian Heron goes on to say the following in part of
17 his statement.'

18 And a date is given for this:

19 'On 12 January, in the year 2000, I was in a car
20 with four young persons.'

21 And the names of two of those young persons are on
22 the sheet, 'Jim', which you have in front of you.

23 A. Yes.

24 Q. That is two of the names we have mentioned before, the
25 name at number 7, which is IVT, the cipher, and the name

1 at number 5, which is IWC, the cipher. And it goes on
2 to read:

3 'I was travelling back to Geilsland to drop IWC off
4 before dropping off the other persons. During the car
5 ride IWC began talking about the assault on the unnamed
6 boy. He was sharing information without realising
7 I already knew about the assault. IWC thought I didn't
8 know about the incident.'

9 So do you see what's being suggested here; that this
10 boy was telling Brian Heron information he says he
11 already knew from yourself? And he goes on to say:

12 'IWC also reported two other incidents. He said
13 that he had heard that another resident by the name of
14 [and this is a boy who is on the sheet at number 6, with
15 the cipher IVZ] IVZ had been physically assaulted in the
16 presence of police officers by 'Jim' following his
17 return to Geilsland in the early hours of the morning of
18 8 January. He implied that 'Jim' had given another
19 resident a difficult time when he had been alone in
20 a room.'

21 Now, 'Jim', can I just ask you: did you ever assault
22 the child known on this list as IVZ?

23 A. No. That's the boy I was telling you about that was in
24 the police van. I am going to go into ... at a later
25 date, I think I got a -- I am not too sure, an oral

1 warning I got, and I appealed against it. And me and my
2 union rep went up to Charis House, in Edinburgh to
3 appeal against it, and the gentleman that was acting on
4 behalf of the Church of Scotland produced a document
5 that we didn't know he had, saying that IVZ [REDACTED], at
6 a later date -- oh, sorry. That IVZ, at a later date,
7 admitted that it was another boy who punched him in the
8 face. They had the document in their possession all
9 that length of time and failed to tell us.

10 Q. And 'Jim' I think you deal with this, actually, in
11 paragraph 98 of your statement, where you say:

12 "Six police officers were interviewed about that.
13 I got a verbal warning. I appealed the warning and had
14 to go to Charis House. When I got there they had in
15 their possession a statement from the boy, saying that
16 it was another boy who punched him in the mouth and not
17 me. I won my appeal and the disciplinary decision
18 against me was overturned.'

19 A. Mm-hm. Yes.

20 Q. Okay. And going back to paragraph 93, and continuing
21 with what Brian Heron -- the evidence that he provided
22 to the Inquiry, he goes on to say:

23 'After IWC talked about the incident concerning
24 'Jim' and the unnamed boy, the boy, known as IVT [just
25 to remind you, that's number 7 on the list], reported to

1 me that he had been assaulted by 'Jim'. He said, "He
2 done it to me as well". He said about six months
3 previously he had returned to Geilsland under the
4 influence of heroin, that 'Jim' had got upset with him
5 and physically assaulted him. 'Jim' had waited until he
6 was in a room alone with him. He said that 'Jim' then
7 forcefully punched him in the stomach. He later told me
8 he had reported the incident to his mother, but she
9 didn't believe him.'

10 Did you ever physically assault the child known as
11 IVT on the list?

12 A. No, no. There was also another incident involving IVT,
13 with myself and another member of staff, who was my line
14 manager. We took him to a (indistinct) at Craigmalloch,
15 out down at Dalmellington, down that way. IVT accused
16 me and my colleague of grabbing hold of him and walking
17 him down the corridor and putting his head -- banging
18 his head off the walls all the way down the corridor and
19 putting him into his room.

20 When I went to the fact finding hearing with KMJ
21 and, I think, IVT's Local Authority social worker, what
22 I did say to them -- the boy was never examined. There
23 were never -- no any marks on him or anything. If he is
24 describing what he had accused us of doing he would be
25 badly -- badly bruised.

1 What I did say to the people, that IVT
2 IVT -- I was IVT 's key worker. I have
3 never come across a boy that told as many lies in all my
4 life. And a lovely boy, don't get me ... but the amount
5 of lies he told was incredible.

6 Q. And in paragraph 94 of your statement, it set out
7 further evidence which Brian Heron provided to the
8 Inquiry, and which was put to you when you provided your
9 statement. What is quoted there from his statement is:

10 'Following reporting the incidents disclosed to me
11 there was an investigation launched into Geilsland.
12 Glasgow City Council and Inverclyde City Council took
13 the decision to stop placing young people at the
14 institution while the investigation was underway. Other
15 Local Authorities continued placing young people in
16 Geilsland throughout that time.'

17 And:

18 'IVT was taken out of Geilsland for his own
19 protection and that IVT cooperated with the
20 investigation and that the other child, IWC, chose to
21 remain in Geilsland.'

22 Now, do you have any response to that evidence?

23 A. No, I don't remember what happened to IVT when he left.
24 I don't know where he went to.

25 Q. Do you remember --

1 A. I did hear that Inverclyde had stopped sending boys to
2 the school for a short period of time. Whether that was
3 true or not, I really don't know.

4 Q. And I think you do tell us, actually, in paragraph 60 of
5 your statement -- and I should have probably taken that
6 from you earlier, just what you have said there, that
7 you recall Inverclyde Council stopping sending boys
8 there, but you weren't sure of the circumstances?

9 A. No.

10 Q. Or you don't recall much about that?

11 A. No.

12 Q. As far as you are concerned, is that in any way related
13 to an incident relating to yourself?

14 A. No, but the way -- sorry, the way that's explained by
15 that social worker, I assume so. It was to do with me.
16 That's the way I'm looking at it.

17 Q. In paragraph 95 of your statement, it is explained that
18 Brian Heron went on to tell the Inquiry that he had been
19 told, when he visited Geilsland in 2000, that -- oh, had
20 been told by Elaine who had visited Geilsland in 2000
21 and met 'Jim', that you had been suspended during the
22 investigation and that Geilsland had tried to give you
23 a verbal warning and that your trade union had fought
24 the possibility of you being given a verbal warning and
25 that you were now back at work?

1 A. She was a student. Elaine wasn't -- visiting, she was
2 a student there for a period of time.

3 Q. And does that information that I have just read out ring
4 any bells with you?

5 A. It might. I suppose I was suspended at that time.

6 LADY SMITH: So you might have been suspended?

7 A. Yes, mm-hm.

8 MS MACLEOD: I think we will come on in a moment to look at
9 some internal investigations where you explain that you
10 were suspended on some occasions.

11 But do I understand from you that as far as the
12 investigation where Inverclyde Council may have stopped
13 sending boys to Geillsland, that you don't know whether
14 or not that related to something to do with yourself?

15 A. Correct.

16 Q. Okay.

17 Now, when Brian Heron provided evidence to the
18 Inquiry, he provided copies of some documents which are
19 said to be contemporaneous notes taken at the time, in
20 2000, of some of the things that he says he heard or
21 were said to him at that time. I just want to look at
22 a couple of those.

23 The first one is at WIT.003.001.0164. And this will
24 come on the screen in front of you. In fact it is
25 already on there, 'Jim'. You will see it is headed up:

1 'Visit to Geilsland School, Beith, Monday,
2 10 January 2000, 2.00 pm.'

3 And what's blacked out there, it says 'To
4 interview', and the boys are named IVT and IWC. You
5 will see that this is -- well, I will read out the first
6 part of it:

7 'On entering the unit found 'Jim', (key worker to
8 IVT) in the unit office alone. On telling him I would
9 be visiting IWC at 3.00 pm, he informed me that IWC had
10 been in some trouble (stealing cars and robbing a local
11 pensioner). He then went on to inform me that his own
12 car had been stolen for the third time from the school
13 grounds, but he found out who stole it (3 residents).
14 He then stated that he assaulted one of them, but I'm
15 unsure of the words he used.'

16 Do you see that this is similar to what he has told
17 the Inquiry? I just wonder if seeing this, what seems
18 to be a contemporaneous record of the events, in any way
19 changes your response or if there is anything you want
20 to say about that?

21 A. Nothing. I might say it's -- I don't think I am
22 understanding this bit.

23 LADY SMITH: Right, you know who has written this?

24 A. The social worker.

25 LADY SMITH: Yes, Briar Heron.

1 A. Right.

2 LADY SMITH: Okay. And we are going back to what you were
3 being asked about before.

4 A. Mm-hm.

5 LADY SMITH: But Ms MacLeod is asking you to bear in mind
6 that this is something that Brian Heron wrote at the
7 time, so that's in January 2000.

8 A. Right.

9 LADY SMITH: All right? That's the context in which this is
10 being put forward; do you have that?

11 A. Yes.

12 No, I never.

13 LADY SMITH: No, I am not asking whether you agree with it
14 or not; I just want to know if you understand what the
15 document is.

16 A. Yes, mm-hm.

17 LADY SMITH: Something written by Brian Heron, written down
18 by him, typed by him, it seems, in January 2000.

19 Now, let me go back to Ms MacLeod and she will take
20 it from there. That is what this is.

21 MS MACLEOD: My Lady.

22 Bearing in mind what this is, 'Jim', I just want to
23 ask you if you have any comment to make on this record
24 having been made at the time and whether that in any way
25 affects your response to what Brian Heron is saying to

1 the Inquiry about what he says you told him.

2 A. I don't know. You see, this didn't happen. I never did
3 any of this. If that's -- did you mention that IVT was
4 involved in this? Said he was involved in this?
5 Stealing my car and the three residents ...

6 LADY SMITH: 'Jim', hang on a minute. I am not asking you
7 and Ms MacLeod isn't asking you about what actually
8 happened to your car and who was involved with your car;
9 it is simply this question of what Brian Heron had
10 recorded you told him --

11 A. No, I never.

12 LADY SMITH: -- at the time.

13 A. No, no.

14 LADY SMITH: Okay. So what is it you never told him?

15 A. I never told him any of this.

16 LADY SMITH: By 'Any of this'; what is it you are talking
17 about?

18 A. This, what he has written. I have never even spoken to
19 Brian Heron about anything.

20 LADY SMITH: Okay, so it's what's in that first paragraph
21 there?

22 A. Yes.

23 LADY SMITH: Did I pick you up rightly before lunch, when
24 I think you said you couldn't remember Brian Heron?

25 A. That's right, I couldn't remember him.

1 LADY SMITH: Right, okay, thank you.

2 Ms MacLeod.

3 MS MACLEOD: So I think just to recap, and then we can move
4 on from this, 'Jim', I think what you are telling the
5 Inquiry is whether Brian Heron wrote this down in 2000,
6 24 years ago, or whether he is telling the Inquiry now,
7 that doesn't matter because you have never told
8 Brian Heron or any other social worker that you
9 assaulted a boy; is that right?

10 A. That's correct, yes, yes.

11 Q. If I can then move on to the part of your statement --
12 and I think it is nearing the end of your statement,
13 'Jim' -- where you provide some information about
14 allegations of abuse which were made about you while you
15 were at Geilsland, and which were dealt with by the
16 school. I think what's said, at paragraph 100 of your
17 statement, you say:

18 'During my employment at Geilsland, a number of
19 complaints were made against me. These were dealt with
20 by senior management at Geilsland and, in some cases,
21 disciplinary action was taken against me. If
22 a complaint was made, the staff member would be
23 suspended while a fact finding investigation was carried
24 out. That could take forever.'

25 And that you were never spoken to by the police.

1 I think you were asked about a number of these
2 complaints and you have provided a little bit of
3 information about them; is that right?

4 A. Mm-hm. Yes, that's correct.

5 Q. Okay, so if we look, first of all, at the complaint
6 that's mentioned in paragraph 101 of your statement.
7 The boy that relates to is number 11 on the list. You
8 will see his name there and his cipher, IVU; do you see
9 that?

10 A. Yes.

11 Q. Okay. I think you tell us in your statement that you
12 were accused of verbally and physically assaulting this
13 boy in 1997; is that right?

14 A. Correct, mm-hm, yes.

15 Q. Okay. And do you remember anything about that, the
16 details of that?

17 A. Er, there was a no smoking policy in the unit. IVU kept
18 coming in from the education smoking cigarettes, coming
19 down into the unit, which wasn't allowed. So
20 I confronted him on several occasions about him doing it
21 and, on one of the occasions, I ended up taking the
22 cigarette off him. Now, I can't tell you what happened
23 after that, but I know he went to K MJ and complained
24 about me. I didn't know if he was complaining I punched
25 him or anything like that, but I think I ended up having

1 to restrain him.

2 Q. I think that's what you say in your statement, 'Jim'.

3 You say you think:

4 'It probably led to him kicking off and me having to
5 restrain him.'

6 A. Because it might have gone in to the fact finding thing
7 with KMJ and the social worker, and the social worker
8 said to me, 'You could have let him go down the corridor
9 and into his room'. In hindsight, he is right, I could
10 have done. And KMJ backed the social worker up.
11 That's when I turned round and I said to KMJ, 'It was
12 you who implemented those rules, not me. You made it
13 clear that no boy would come into the unit smoking
14 a cigarette'.

15 And I did say to the people that I never had a good
16 working relationship with IVU.

17 Q. And I think, out of fairness to you, 'Jim', something
18 you say way back, near the beginning of your
19 statement -- and it has reminded me -- at paragraph 11,
20 something you say when you are talking about staff
21 perhaps being hired for their size, et cetera, being
22 asked to tip the boys out of their beds in the morning.
23 You go on to make a comment, you say:

24 'Things like that were all good with management
25 until a boy complained, then it was us at fault.'

1 A. Mm-hm. Things continued that way until a boy made
2 a complaint against you, and then there would be a
3 social worker involved and you would be suspended and
4 probably sent home, away from work.

5 Q. Okay.

6 A. You got no -- I was told when I was suspended, as with
7 every other member of staff, not to contact your
8 colleagues in any shape or form. There was no support,
9 no nothing when you were suspended.

10 Q. And moving on to the next section, at paragraph 103, the
11 boy there is the number 9 on the list, ITF; do you see
12 that name?

13 A. Yes.

14 Q. And you tell us here:

15 'I was accused of assaulting [this boy] during
16 physical intervention in 1997.'

17 You go on further down in the paragraph to say:

18 'I had to restrain him, but when I was holding him
19 down he was scratching and punching himself in the
20 face.'

21 A. That's right. He -- sorry.

22 Q. No, carry on.

23 A. He started a work placement and I had phoned --
24 Chris McNaught asked me to phone into his work placement
25 to see how he was doing. And I gave my name, and I gave

1 where I was from. Then ITF come back in after doing his
2 day's work and was absolutely raging with me, because
3 I had said I was from Geilsland School. And he started
4 getting angry, started throwing chairs about, tables at
5 me, and there were other boys there. So I got hold of
6 him and I placed him on the ground. While I was doing
7 so, he was punching and scratching at his face, so much
8 so that I let him back up. He was moved down to --
9 I don't know, St Innes Unit at the time, and I got
10 suspended.

11 I can't remember what the outcome was. But ITF,
12 later on in time, admitted that he had done that to
13 himself, to his face.

14 Q. So that was the boy?

15 A. Oh, sorry.

16 Q. That's fine.

17 A. I'm really sorry.

18 Q. And paragraph 104, you were asked about a boy who is at
19 number 14 on the list, and his cipher is IVX; do you see
20 that?

21 A. Mm-hm.

22 Q. I think it says here:

23 'I was accused of assaulting [this boy] in 1997.'

24 And I think what you say is you knew he was in the
25 school, but you don't have any recollection of working

1 with him?

2 A. No, never.

3 Q. Do you have any recollection -- well, did you ever
4 assault him?

5 A. No.

6 Q. Do you have a recollection of restraining him?

7 A. No.

8 Q. Okay. And then the next one in the statement, at
9 paragraph 105, is the boy who we have spoken about
10 already, number 7 on the list, IVT. And you say here:
11 'I was accused of assaulting IVT in January 2000.'
12 And, again, I think we have spoken about this
13 already, but you say that this is lies?

14 A. Yes, and I will tell you the reason. There was another
15 occasion, IVT, I was taking him home and I had some
16 other boys in the van with me. And I dropped him off
17 and I think he told the social worker that I turned the
18 van round and tried to run him over while he was in the
19 road. Why would I do that with other boys in the van?
20 And that's what I mean by the lies.

21 Q. At paragraph 106, you speak about -- here you say you
22 were accused of assaulting three boys in March 2000.
23 You say:
24 'I think this is connected with the allegations
25 Brian Heron talks about in his statement.'

1 And these are the boys number 6 on the list, IVZ;
2 number 15 on the list, IWA, and number 18 on the list,
3 IWD.

4 And I think you tell us in your statement that you
5 didn't assault any of these boys?

6 A. No. I know IWD. IWA, I have no recollection of him.
7 Definitely IWD. I thought I had a good working
8 relationship with IWD. No, never assaulted them.

9 Q. At paragraph 108 of your statement, you were asked about
10 a boy who is number 16 on the list, and the cipher IWB
11 has been allocated to him. You say:

12 'I was accused of assaulting IWB in 2001. Some of
13 the boys were carrying on and they kept knocking on
14 our room door. There was a bit of a fall out in the van
15 on the way home between IWB and another boy.'

16 Then you say:

17 'IWB complained to **KMJ** that I kicked him in the
18 backside, but it wasn't me; it was the other boy.'

19 A. The other boy was my key worker -- key boy.

20 Q. And you say that boy later came out and told **KMJ** it
21 was him.

22 A. He admitted it, aye

23 Q. In paragraph 109, you talk about a boy who is number 12
24 on the list, where the cipher IVV has been allocated.

25 You say:

1 'I was accused of using excessive force and shouting
2 at IVV during physical intervention in 2006.'

3 I take it that means during restraint; is that
4 during restraint?

5 A. Mm-hm.

6 Q. You say you remember this incident very well.

7 A. Yes. I was in the office at the time. I heard a lot of
8 shouting, bawling and screaming between IVV and a female
9 member of staff, and the female member of staff, as
10 I was walking out, left the room, and I was walking in,
11 because IVV was really agitated and angry and I wouldn't
12 let him out. He grabbed a hold of me and -- he is a big
13 boy -- both of us fell on the ground. And I just held
14 him for a couple of seconds and then got up and sat
15 against the door and I wouldn't let him out.

16 I was later called across to the Mansion House
17 office, where a female member of staff had made
18 a statement and **KMJ** asked me to look at it. And
19 I said, 'I am not really wanting to look at it'.

20 Q. Is that Fiona Cunningham you mention in your statement?

21 A. That's it, aye. He thrust it into my hands and said,
22 'You need to read that', and what she had written was
23 lies, total lies.

24 Q. And I think you say you got a final written warning for
25 that incident?

1 A. The reason I got that is because I didn't report it at
2 the time.

3 Q. In paragraph 111, you were asked about a boy, number 13
4 on the list, IVW. It is stated that he alleged that you
5 physically assaulted him in 2007. There is mention of
6 a trip to Alton Towers with the boys and you mention
7 that on the way back, in the minibus, there was a carry
8 on. You say:

9 'IVW was getting the back of his head slapped and he
10 seemed to think it was me.'

11 But that it wasn't you?

12 A. Mm-hm.

13 Q. Is that the position?

14 A. That's correct, aye. I have already mentioned that.

15 What had happened, we went down to Newcastle
16 Football Park, we went into a shop and IVW bought
17 himself two 500 millilitre bottles of juice. So my
18 colleagues went in and bought the rest of the boys some
19 juice, and IVW was in a huff because he wasn't getting
20 a bottle of juice. And I said to him, 'You already have
21 two bottles, surely that's enough?'.
22

23 Anyway, I came up in the van and there was a lot of
24 singing, and there was kind of slapping and stuff like
25 that, and IVW thought it was me that was doing it. It
wasn't me. I think he made a complaint against me. But

1 as -- I later informed people the member of staff who
2 was doing it.

3 Q. And paragraph 112, I think you were asked about a boy,
4 who is number 17 on the list, IWE, and that he alleged
5 that you pushed, shouted and swore at him, in 2007.

6 I think you discussed circumstances and you say
7 there was another boy there, and the other boy was able
8 to confirm that you didn't do anything.

9 A. Correct.

10 Q. You say:

11 'There was no further action taken, but it just goes
12 to show how easily your name can be brought into
13 things.'

14 A. Aye. I had a meeting with my team leader and the unit
15 manager, and I was asked questions about the Individual
16 Crisis Management Plan. And I told him what it
17 entailed, what it was all about. After that, they told
18 me they had no further questions. And I was walking
19 out, Chris McNaught came up and said, 'There is no
20 further action going to be taken', because the other
21 young boy from Aberdeen was there upstairs with me,
22 sitting at the table, and told Chris: GLR never did
23 anything to the boy, never moved.

24 Q. At paragraph 113, you were asked about a boy who is
25 number 10 on the list, where the cipher ITG has been

1 allocated. You say:

2 'I was accused of injuring ITG during physical
3 intervention in 2010. He was throwing stones at one of
4 the windows. I was accused of strangling him and he had
5 marks on his neck.'

6 You say you hadn't done this, but he was suspended.

7 A. Mm-hm.

8 Q. You say:

9 'When I came back to work, HNL [REDACTED], another
10 member of staff, told me the marks on the boy's neck
11 were there the day prior to the incident.'

12 A. Yes. I took it to management, that, and Brian Hill at
13 the time, who was head of the school, says, 'He's let
14 you down'. That was his words to me.

15 Q. And I think was this an occasion when you were suspended
16 and given another final written warning?

17 A. Aye, probably, yes.

18 Q. And what you say is:

19 'In hindsight I put myself in some silly situations
20 and there are things I could have handled better.'

21 A. Correct, yes.

22 Q. In paragraph 114, you were asked about a boy who is
23 number 8 on the list, where the cipher ITE was
24 allocated. You say:

25 'ITE alleged I physically assaulted him in 2010 by

1 biting him.'

2 While you were doing the night shift. I think you
3 go on to explain that this boy and another boy jumped on
4 you, and that he had his arm round your head and over
5 your mouth.

6 A. That was ITE.

7 Q. ITE?

8 A. Yes, that day, he jumped me from behind and he had his
9 arm in my mouth and he was squeezing, and I tried to say
10 to him, 'You are hurting me'. It was seen as a carry
11 on. He did eventually let go, but he had the marks on
12 his arm. And there was a female witness to this in
13 Cunningham Unit. Whatever happened to her statement,
14 whatever happened to Fi, I have no idea. But she did
15 say to me, ''Jim', I saw that. I witnessed all that'.
16 She wasn't there all that long. By the time I came back
17 to work she was away, she was gone.

18 Q. And, ultimately, were you dismissed as a result of this
19 incident?

20 A. Aye.

21 Q. I think you tell us you appealed that and got your job
22 back?

23 A. Mm-hm.

24 Q. Thank you.

25 A. The boy was manipulated into saying stuff about me by

1 Ian Carruthers. And he even, Ian Carruthers, got my
2 wife sent down the road with the lies he was telling.

3 ITE, when he heard I got suspended and lost my job,
4 he kicked off big time in the school and admitted to Ian
5 it was all lies. It was him that was telling us do it.
6 And this same guy, who (indistinct) moved into town in
7 Largs. He was telling people the young boy was a sex
8 offender and the boy had to be moved.

9 Q. Now, that's all the incidents that have been covered in
10 your statement, and thank you for your responses in
11 relation to these.

12 I think we have looked, in relation to the
13 disciplinary ones there, 11 separate incidents. I just
14 wanted to ask you, 'Jim': did you ever -- and
15 I appreciate your responses and what you have told me
16 about the incidents, and the majority of them were
17 during restraint or didn't happen at all, you have said.
18 But I just wondered: did you ever think maybe you were
19 in the wrong job or you didn't -- you maybe should move
20 on or do something else --

21 A. I did think that on occasions, but I didn't want
22 anything else.

23 Q. -- with all these complaints that were being made?

24 A. When I did speak to management about stuff, my practice,
25 they kept saying to me, 'You are doing fine, you are

1 doing fine'.

2 Q. Okay.

3 A. I know it sounds a lot, but there was a lot more

4 restraints in that school other than me, ken? A lot

5 of -- I am not saying because there wasn't allegations

6 made against me, the other staff in there, there were

7 a lot more restraints than me.

8 Q. And I think around -- you tell us, in paragraph 117,

9 that around 2013 or 2014 Geilsland School Camp was

10 closed down and the children were relocated elsewhere?

11 A. Aye, around that time. I am not really sure.

12 Q. You go on to tell us that I think you worked in -- they

13 were relocated in two houses in the community and you

14 worked in both of these houses --

15 A. Yes.

16 Q. -- until 2019, when you then took retirement?

17 A. Yes.

18 Q. Now, in terms of helping the Inquiry, I think you were

19 asked about this -- and it is in 118 of your

20 statement -- I think what you were asked is why three

21 people who have provided witness statements to the

22 Inquiry and have said the things that they have. That's

23 the people at number 2, 3 and 4 of the list you have

24 there, 'Oliver', 'Lewis', and Brian Heron. You were

25 asked if you had any explanation as to why these people

1 might be saying these things.

2 A. 2, 3 and 4? 'Lewis'? I never assaulted 'Lewis', no.

3 I worked with 'Lewis' in St Innes before he moved to

4 Cunningham. I thought I had a good working relationship

5 with him. 'Jim' -- sorry, 'Oliver' and the other one --

6 no, 'Oliver'. I never assaulted 'Oliver' in any way.

7 As I said before, I never assaulted any boys.

8 Q. And I think what you say, 'Jim', is that you can't tell

9 us why these people have said these things to the

10 Inquiry?

11 A. No, no. What I do know is -- I spoke a bit at the

12 break -- some boys got other boys in the school to make

13 allegations, false allegations against staff. That

14 happened on quite a few occasions, through fear or

15 whatever. I have no idea.

16 Q. One thing you say, you say you have never assaulted

17 anyone during your time in Geilsland. You say:

18 'The only thing I would say is, we didn't always get

19 restraints right and it was never intentional.'

20 A. No, I never got it right all the time. I admit that.

21 Q. And you say:

22 'The way to prevent that would be training, which is

23 something that I didn't get.'

24 A. Aye.

25 Q. Then moving on, then, to paragraph 119 of your

1 statement, you say:

2 'The way to protect kids in care now and in the
3 future is all about training.'

4 A. Yes.

5 Q. You say:

6 'That and employing people who can be trusted to
7 work with kids.'

8 A. Yes.

9 Q. And you say:

10 'I couldn't say that about everyone I worked with at
11 Geilsland.'

12 A. No, I couldn't.

13 Q. Is that something you felt at the time?

14 A. Mm-hm, because I always say there were some staff that
15 are better working with staff than other staff, some
16 staff maybe can't be bothered at times. A lot of staff
17 brought a lot of baggage into the work with them.
18 Because I've seen many occasion, I would come in on a
19 late shift -- and I was always one for a good bit of
20 banter, a bit of carry on -- you could walk into the
21 office and cut the atmosphere with a knife. And I would
22 just start on my silly banter to try and break it,
23 because you knew you were in for a hard shift. And if
24 it was a hard shift, you would get some staff who would
25 work and some staff who wouldn't come out of the office.

1 Q. And finally, 'Jim', you say:

2 "There are some situations from my employment at
3 Geilsland that I regret. There are also some situations
4 that I could have handled differently. But I have
5 never, ever, physically assaulted a boy in my ..."

6 A. It was getting into restraints, the boys. There are
7 ones I think I could have and should have handled
8 differently.

9 And part of the reasons why I think most of the
10 allegations were made against me, I always seemed to be
11 at the top, facing the boy, the other staff would be out
12 of the way, I'd be doing the waist up, and it would be
13 my face they would be seeing and that's the only
14 explanation I can have for that.

15 MS MACLEOD: I have been asking you a lot of questions
16 today, 'Jim', and thank you very much for answering
17 them. I want to give you now the opportunity to add
18 anything that you would like to say that you feel hasn't
19 been said or anything you would like to just say.

20 A. I would strongly say -- recommend -- that residential
21 care isn't the answer for young people, or young boys
22 and lassies. Never. Certainly not the answer. Since
23 they moved into houses, where I work, they have a lot
24 more retention of staff. Staff are working with them
25 a lot better. Whereas in residential care you have

1 to -- a mix of boys, the units are too big. You can't
2 work, you can't handle it safely. A lot of
3 intimidation, a lot of bullying, and I felt sorry for
4 a lot of boys in there, because there was a lot of good
5 boys in there who, to me, should never have been in
6 residential care, should have been in a safer
7 environment.

8 MS MACLEOD: Thank you, my Lady. That completes the
9 questions I have for 'Jim' and I haven't received any
10 applications for questions for the witness.

11 LADY SMITH: 'Jim', can I add my thanks. I'm grateful to
12 you for bearing with us. I said at the outset we have
13 had to ask you a lot of difficult questions, you have
14 been very patient. I welcome that. It has helped me
15 enormously. I am now delighted to say you are now free
16 to go --

17 A. Everything I tell you is the truth. I am not lying.

18 LADY SMITH: I know that's what you have been telling me.
19 I have been listening very carefully to everything you
20 have said, 'Jim'. So thank you for that, and do now
21 feel free to go. I am grateful to you.

22 (The witness withdrew)

23 LADY SMITH: We had another staff name this afternoon,
24 I think it was a member of staff, who if it is the
25 person I think it is has the protection of my

1 General Restriction Order, **HVK**. Also the witness at
2 times referred to a shorthand for his own name, **GLR**,
3 none of these people are to be identified outside this
4 room.

5 The witness, as you will be aware, realised he kept
6 slipping into using some of the boys' names, who again
7 are people who have their identities protected by my
8 General Restriction Order. And there was a **IVZ**,
9 a **IVT**, a **IVU**, and an **ITF**. Please bear
10 in mind that they can't be identified elsewhere.

11 Mr MacAulay.

12 MR MACAULAY: I am quite happy to start now, unless my
13 Lady --

14 LADY SMITH: No, let's do that. The next witness is ready,
15 I gather.

16 MR MACAULAY: He is here, and he wants to remain anonymous
17 and to use the pseudonym 'James'. I am told the
18 supporters have to be swapped over.

19 LADY SMITH: Just one moment. While we get the witness
20 organised, we also need to change the folder and some
21 fresh water.

22 MR MACAULAY: That's true.

23 LADY SMITH: I am happy to sit here while that gets done.
24 Let's just do that. I can organise my papers in the
25 meantime as well, so as to minimise the delay to the

1 witness.

2 (Pause)

3 It looks like we are good to go, Mr MacAulay, this
4 is 'James'.

5 MR MACAULAY: This is 'James', and he wants to -- that's
6 a pseudonym he wants to use. Again, my Lady, this
7 witness required to be warned.

8 LADY SMITH: He should be warned, yes, thank you.

9 'James' (sworn)

10 LADY SMITH: 'James', do sit down and make yourself
11 comfortable.

12 'James', can I begin with an apology. We are later
13 taking your evidence than I had hoped we would be. I am
14 afraid the previous witness's evidence took a bit longer
15 than we expected, but we are ready to start now.

16 You will see your written statement is waiting for
17 you in the folder there, and you can feel free to use
18 it, if that's helpful, during your evidence. We will
19 also bring the statement up on screen to the different
20 parts of it that we would like to discuss with you.

21 But separately from that, 'James', can I assure you,
22 I know what we are asking you to do here is difficult.
23 It is not easy to come into a public forum and be asked
24 questions about events that took place some decades ago
25 in some respects, and certainly a long time ago in your

1 life, and some of them may be hard to talk about now.
2 I know we are going to have press you on some questions
3 and you are probably aware of that. I am sorry we have
4 to do so, but we will do it in a way that is, as much as
5 we can, comfortable for you.

6 If there is anything I can do to make the whole
7 experience of giving evidence as comfortable as possible
8 for you, please let me know. If you want a break,
9 that's fine. I usually break at about 3 o'clock in the
10 afternoon, just for five or ten minutes anyway, so you
11 can bear that in mind. But any other time you want to
12 pause, just say. Or if we are not explaining something
13 properly, please ask us. It is our fault, not yours, if
14 we don't.

15 Finally, 'James', you may understand that some of
16 the questions we have to ask you are difficult, to the
17 extent that your answers, depending on what they are,
18 could incriminate you. Although this is a public
19 inquiry and not a courtroom, where a criminal trial or
20 a civil litigation is taking place, you do have exactly
21 the same protections that you would have in those
22 circumstances; that means you don't have to answer any
23 such questions. But, if you do answer it, I of course
24 expect you to do so fully.

25 If you have any doubt about whether it is one of

1 those questions that's cropped up, just ask, and we can
2 take it from there.

3 Otherwise, unless you have any questions at the
4 moment, 'James', I will hand over to Mr MacAulay, and he
5 will start taking your evidence; is that all right?

6 A. Yes. No questions.

7 LADY SMITH: Thank you. Mr MacAulay.

8 Questions by Mr MacAulay

9 MR MACAULAY: My Lady, yes, good afternoon, 'James'.

10 A. Good afternoon.

11 Q. I am going to give the reference to your statement for
12 the transcript. It is WIT-1-000001418.

13 The first thing I want you to do, 'James', is to
14 turn to the last page of the statement, page 35, and if
15 you could just do that. Can you confirm that you have
16 signed the statement?

17 A. Yes, I have.

18 Q. Do you say in the very final paragraph:

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

23 Is that your position?

24 A. The facts which I have put in the statement?

25 Q. Yes.

1 A. (Nods).

2 Q. I don't need your date of birth, because you want to
3 remain anonymous. But to get a context; can you confirm
4 that you were born in 1955?

5 A. Correct.

6 Q. At the beginning of your statement, 'James', you provide
7 some information about your background, in particular
8 about your academic background. What you tell us is
9 that you obtained a Dip Tech Ed at Moray House College,
10 from 1977 to 1981; is that right?

11 A. Correct.

12 Q. You began your teaching practice, actually, at
13 St Joseph's, in Tranent.

14 A. No, I did a teaching practice while I was a student at
15 Moray House.

16 Q. At St Joseph's?

17 A. At St Joseph's, yes.

18 Q. And I think thereafter you tell us that you taught at
19 a high school, and I think also at another school, and
20 then you went to Kenya?

21 A. Correct.

22 Q. What were you doing in Kenya?

23 A. I was teaching in a private boarding school.

24 Q. As far as coming to Ballikinrain -- because that's what
25 we are going to be focusing upon today -- how did it

1 come about that you ended up at Ballikinrain?

2 A. Um, I suppose I didn't like the idea of another 25 years
3 in Scottish comprehensive education. And because of my
4 experience at St Joseph's Tranent, which I actually
5 quite enjoyed, I saw the job advertised and thought
6 I could do some work here, yes.

7 Q. I think what you tell us in your statement is that you
8 started at Ballikinrain in February 1991; did you finish
9 there in 2001?

10 A. Correct.

11 Q. So you were there for about ten years?

12 A. Yes.

13 Q. And you provide a description of the main building.
14 I will just put a photograph on the screen. I think
15 this may be a photograph, a document, that you provided.
16 It is WIT-3-0000005718. It is sometimes difficult to
17 count the zeros.

18 Can I say: we have other pictures of the building,
19 but this seems to be a particularly good one that we
20 can -- or a better one, at least, than the other
21 photographs that we have.

22 5718, yes. I will just ...

23 (Pause)

24 If you just bear with us, 'James'. We now have it
25 on the screen. We are looking at what I think you

1 describe as a large Victorian house; is that right?

2 A. Correct.

3 Q. Does that give us a clear impression of the size of the
4 building?

5 A. I have to give you a --

6 Q. No, does that photograph give us a good impression of
7 the size?

8 A. Sure, sure.

9 Q. Now, what you tell us in your statement, at paragraph 9,
10 is that when you started at Ballikinrain it was a school
11 with a residential unit. By the time you had left, it
12 was a residential unit with a little school; can you
13 just explain what you mean by that?

14 A. I think the emphasis changed over the years and the
15 residential side took precedence over the education
16 side.

17 Q. I will be asking you about education in a moment.
18 I think, as far as you are concerned, you were
19 a woodwork teacher; is that right?

20 A. Correct.

21 Q. And any reference to the woodwork teacher during this
22 period that we are looking at would really be
23 a reference to you?

24 A. Yes.

25 Q. You also go on to talk about what you describe as

1 a 'baptism of fire' when you were there early on; can
2 you develop that for me?

3 A. There was a church service for the boys at about,
4 probably 12.30 -- 12.00 pm or 12.30 every Friday, where
5 we met in the assembly hall. On the second -- my second
6 Friday there I saw one of the boys with a knife with
7 probably something like a 6-inch blade, which was going
8 out with the boy back into Glasgow. And myself and
9 another member of staff removed the knife from the boy
10 and he was a rather influential boy in the school, so it
11 had reverberations.

12 Q. In what way?

13 A. There was a pecking order at the school and, at that
14 time, there was probably five or six boys who -- who had
15 quite a lot of influence.

16 Q. And was this boy one of those boys?

17 A. Correct.

18 Q. Now, just looking at the staffing set up, I think it's
19 right to say there was the education side and there
20 would also be the -- if I can call it the social care
21 side; is that correct?

22 A. That's correct.

23 Q. And you were on the education side?

24 A. Correct, yes.

25 Q. But did you have duties that would go into the social

1 care side?

2 A. Yes, I had residential duties one night a week and also
3 every third weekend, I think.

4 Q. And who was SNR [REDACTED] during your time there?

5 A. A man called KKM [REDACTED].

6 Q. And did that [REDACTED] the period?

7 A. It [REDACTED] a chap called
8 [REDACTED].

9 Q. And you tell us a little bit about the structure, that
10 KKM [REDACTED] SNR [REDACTED], and you mention who they
11 were. And you say that your line manager was
12 Greg Dougal?

13 A. Correct.

14 Q. So was he on the education side?

15 A. Yes.

16 Q. And you think that at your time there was about 52 staff
17 in total at the school?

18 A. Aye, yes.

19 Q. And that's including the care side and the education
20 side?

21 A. Yes.

22 Q. As far as Mr Dougal was concerned, you describe him as
23 being 'highly visible'; do you mean by that he was in
24 and out of the classrooms?

25 A. Yes.

1 Q. Now, your training and experience was in education,
2 although you have mentioned your time at St Ninian's.
3 In relation to the care side; did you feel that you had
4 sufficient training to be involved in the care of these
5 particular boys?

6 A. By the time I went to Ballikinrain I had been teaching
7 for 20 years. Probably, going into that work, no,
8 I didn't have a full understanding of the problems that
9 the boys came to school with. But there were chances to
10 learn and the staff, senior staff, always had an open
11 ear or advice to give.

12 Q. So you say 'chances to learn'; that's essentially to
13 learn on the job, so to speak, as you are going along?

14 A. Yeah, yeah.

15 Q. You do mention the fact that at Ballikinrain there were
16 a number of female staff, and that was important?

17 A. It certainly was.

18 Q. Can you tell me about that?

19 A. We had a high percentage of female staff, and it allowed
20 the boys to see females in a position of authority,
21 where they had respect. Very possibly not the way they
22 saw females from the background they came from. And
23 I think I said in my statement that the younger members,
24 female members of staff, treated the boys like wee
25 brothers. Some of the older members, female members of

1 staff, treated them like mothers, so the relationship
2 was very good.

3 Q. Just looking at the boys themselves, then; what was the
4 age range when you were there?

5 A. 8 to 16.

6 Q. That's quite an extensive age range?

7 A. Yes.

8 Q. And what number -- numbers wise; can you give me
9 a sense?

10 A. I think the biggest number that we got to was 48.

11 Q. So we are looking at 48 boys in the sort of age ranges
12 you are talking about?

13 A. Yes.

14 Q. So there would be quite a difference how one would look
15 after an eight year old --

16 A. Yes.

17 Q. -- and a 15 or a 16-year old?

18 A. Yes.

19 Q. But you do tell us that during your time there you did
20 a certificate in education and special needs --

21 A. I did.

22 Q. -- at Jordanhill College?

23 A. Yes.

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

25 A. The senior members of staff encouraged you to get more

1 training. Because of the type of problems the boys were
2 coming into Ballikinrain with, it was just to expand
3 your knowledge, and of course that was around the time
4 that the Warnock Report came out.

5 Q. And this was a qualification you obtained by attending
6 evening classes?

7 A. Correct.

8 Q. So you are still based at Ballikinrain during this
9 period?

10 A. Yes.

11 Q. Were drugs a problem?

12 A. Yes.

13 Q. Can you tell me about that?

14 A. Er, drugs were generally -- tried to be smuggled in on
15 a Monday morning, when the boys came back. Sometimes
16 drugs were left in the woods surrounding the school. So
17 boys would try and get away from the residential unit
18 into the woods to smoke cannabis or whatever. And
19 I believe, on a few occasions, drugs were smuggled into
20 the school internally.

21 Q. By whom?

22 A. I would only have one name there.

23 Q. But are you talking about one of the boys?

24 A. Yes.

25 Q. Were any drugs ever taken into the school by staff

1 members?

2 A. Not that I know.

3 Q. There is, I think, an allegation against you, that you
4 may have taken drugs in at some point.

5 A. I may have taken drugs in?

6 Q. Yes.

7 A. I didn't read that allegation.

8 Q. Okay. But, in any event, the answer is you didn't?

9 A. Oh, no.

10 Q. Yes, I think it's at paragraph -- it is a little bit on
11 in your statement, but ... yes, it is at paragraph 189.
12 Perhaps just look at that, since I have raised it with
13 you. It is on page 31, so it is at the top.

14 I should say to you, 'James', that in your red
15 folder you have what's called a key, which will give you
16 the names of certain individuals and the pseudonym that
17 has been allocated to them. So, for example, if you
18 look at the first name on the list, number 1, that's
19 you, and the pseudonym you have adopted for these
20 purposes.

21 A. Mm-hm.

22 Q. And the blanked out name, at the beginning of
23 paragraph 189, is the fifth name on the list with the
24 pseudonym 'Ally'.

25 A. Yes.

1 Q. Do you see that?

2 A. Yes.

3 Q. I will just read what is set out in paragraph 189 of the
4 statement. 'Ally' has given a statement to the Inquiry
5 and then there are quotes from the statement:

6 'Staff would supply us with fags, nail varnish,
7 typex remover and glue, things that we could sniff, and
8 the attitude seemed to be that we were easier to control
9 if we were under the influence of such things. When we
10 were out with staff for a walk or a trip, they would
11 often give us a beer. GPB and ITK were two staff
12 members who I recall giving us those things.'

13 I think I used the word 'drugs', that isn't
14 technically correct. It is these items mentioned there.
15 Can I just ask you to confirm whether or not that
16 happened?

17 A. The only drug there given to the boys under controlled
18 circumstances would have been cigarettes.

19 Q. Okay. And was smoking part of the culture?

20 A. Yes.

21 Q. And did that apply across the board? What about the
22 younger boys? Were they allowed to smoke?

23 A. Yes. It was partly to do with the fire hazard.

24 Q. Because?

25 A. If they were smoking in secret in the building they

1 could set the place on fire.

2 Q. Okay. You tell us at paragraph 27, 'James', that the
3 children generally got on very well with the staff?

4 A. Oh yes.

5 Q. That's the way you saw it?

6 A. Yes.

7 Q. But you also say that it was like a 'bag of monkeys'?

8 A. Yes.

9 Q. And any opportunity they saw for taking advantage they
10 took it?

11 A. Yes.

12 Q. Can you just tell me about that?

13 A. Well, partly that was -- would have been to do with the
14 geographical position of the school. They only needed
15 to get 50 yards away from the school building and they
16 were in amongst trees. As I say, often there was stuff
17 hidden there. But, you know, 50/48 adolescent boys or
18 whatever in one building, there is going to be all
19 manner of stuff going on.

20 Q. You go on to talk about policies. At paragraph 29, you
21 say:

22 "I knew about policies in the school and they were
23 set in place.'

24 Therefore you had no involvement in the drafting of
25 them. And indeed you say you still have some of the

1 policy documents?

2 A. Yes.

3 Q. And if you could look at WIT-3-0000005715, it will come
4 on the screen again. Is this one of the policy
5 documents or statements that you provided to the
6 Inquiry?

7 A. Yes.

8 Q. And we see it is headed:

9 'Policy statement on discipline 1997.'

10 A. Yes.

11 Q. Had there been a policy statement on discipline prior to
12 this?

13 A. Yes.

14 Q. So was this the policy statement that was in place when
15 you left?

16 A. Correct.

17 Q. And we needn't spend too much time looking at it, but
18 halfway down, can we read:

19 'The following sanctions are deemed to be acceptable
20 in appropriate circumstances.'

21 And there is a list, including, for example, at 3,
22 the withdrawal of privileges?

23 A. Yes.

24 Q. Then, towards the bottom of the page, can we read:

25 'The following sanctions are deemed as unacceptable:

1 physical punishment or the threat of such under any
2 circumstances.'

3 So, just on that; physical punishment was really
4 a non-starter at Ballikinrain?

5 A. Yes, yes.

6 Q. Did you ever see a child being physically punished?

7 A. No.

8 Q. You say that one of the policies that you thought came
9 into place when you were there -- this is at
10 paragraph 33 -- was that boys could no longer share
11 bedrooms?

12 A. Er, yes.

13 Q. Do you know what the thinking behind that was at that
14 time?

15 A. Er, I believe that was coming from EU regulations.

16 Q. And you had an understanding as to why children were at
17 Ballikinrain?

18 A. Yes.

19 Q. What was that understanding?

20 A. They were placed there by social work for a vast array
21 of reasons. The simplest and first one would have been
22 just poverty. So the social worker would send them to
23 a safe place, where they could be properly nourished.
24 Other reasons would be things had broke -- absolutely
25 broken down at home. There were two or three of the

1 boys who came to us because they were involved in rent
2 boy stuff. Other boys had -- were running on the wrong
3 side of the law and were beginning to build up a fair
4 collection of charges and so on. Children's Panel, as
5 well, would ...

6 Q. And you were aware of all this when you were working
7 there? That was the sort of boy that would be likely to
8 be in Ballikinrain?

9 A. Oh yes.

10 Q. What you tell us, at 35, is that the problems you had to
11 face was poor self-regulation, attention deficit, memory
12 issues, learning disabilities, hyperactivity and
13 unhelpful thinking modes. So a number of different
14 types of issue wrapped up in the boys that you had to
15 deal with?

16 A. Yes.

17 MR MACAULAY: Now, my Lady, that's 2 minutes past 3.00.

18 LADY SMITH: Would that be a sensible moment to pause?

19 MR MACAULAY: Yes.

20 LADY SMITH: You remember I said earlier, 'James', that we
21 usually take a break at this point in the afternoon. If
22 that would work for you, we will take 5 or 10 minutes
23 just now and get back to your evidence afterwards.

24 A. Sure, thank you.

25 (3.04 pm)

1 (A short break)

2 (3.12 pm)

3 LADY SMITH: 'James', is it all right if we carry on with
4 your evidence now?

5 A. Yes.

6 LADY SMITH: Thank you very much.

7 Mr MacAulay.

8 MR MACAULAY: My Lady.

9 In paragraph 46 of your statement, 'James', you tell
10 us that clothes were kept in a communal cupboard in the
11 unit.

12 Now, we have heard evidence to the effect that there
13 was a communal place where clothing was kept, but it was
14 first come, first served as to what you got; is that the
15 way it was?

16 A. When the boys came in on a Monday, they would have been
17 wearing their own clothes.

18 Q. Yes.

19 A. And those clothes would have gone to the laundry to be
20 prepared for them leaving again on the Friday. So, yes,
21 there was communal clothes cupboards.

22 Q. And so really it was, depending on the size of the child
23 would depend on what a boy picked to wear?

24 A. Yes, yes.

25 Q. Now, in relation to the normal day, you tell us, at

1 paragraph 47, that the morning would start with a whole
2 school assembly?

3 A. Yes.

4 Q. And how would that be conducted?

5 A. It would be conducted by **KKM**. As I have said
6 in my statement, he would raise anything topical for
7 that day. The teachers would go out with the six boys
8 who were in their class, so that there wasn't 48 boys
9 all trying to get to school at the same time.

10 Q. Yes. I think you tell us that your classroom was in
11 what you referred to as the old stable block; is that
12 correct?

13 A. That's correct.

14 Q. So would there be six in your class at a given time?

15 A. Yes.

16 Q. And was that the position across the board, essentially?

17 A. Yes.

18 Q. I will come back to your class in a moment. But if
19 I can just focus on the education that was being
20 provided at Ballikinrain. I will read this out to you.
21 It is from one of the statements, but this has been
22 a common theme:

23 'There was no schooling. There was a timetable for
24 each day for first period, second period, third and
25 fourth. Any class we walked into the teacher would

1 offer tea, coffee and biscuits and then we sat watching
2 films for the whole of the class. These films included
3 Rambo, Top Gun, Rocky and Predator. I have seen these
4 films a million times. This could happen in any one of
5 the four periods of lessons each day.'

6 Now, does that ring any bells with you, that
7 description of the schooling? And I am looking at
8 the -- I am not looking at your class at the moment;
9 I am looking at other classes.

10 A. Okay. Films would have been shown, but not at the rate
11 they are saying there.

12 Q. Okay.

13 A. Would a science teacher, maths teacher, English teacher,
14 social studies teacher, computing teacher, and a primary
15 teacher in the kind of main block of the school and, in
16 the other places, we had art and ceramics, woodwork, and
17 sign writing. And those three practical classes were
18 always very busy. We were separate from the kind of
19 classroom block.

20 Q. And I will come to your own class in a moment, if I may.

21 But, in relation to the other classes, the more
22 academic-type class; are you able to say whether what
23 I have read out to you is a reasonably accurate
24 description as to what went on in these classes?

25 A. I would have to say that education is transactional, and

1 if one party is not willing to participate, not a lot's
2 going to get done.

3 Q. Is that your sense, then, of the way things were in
4 these other classrooms, and in particular the attitude
5 of the boys, to being taught?

6 A. Er, no, because each boy would have had an Individual
7 Education Plan with aims to try and achieve. The
8 teachers would try their best to use different methods
9 to introduce them and interest them in the subject.
10 But, as some of these boys say in these statements, 'We
11 were not interested in school'.

12 Q. And that was your sense for some of these boys?

13 A. Oh, some of them were very disinterested, yes.

14 Q. The person who gave this statement was in fact somebody
15 who wanted to be educated, but because of the attitude
16 of others --

17 A. Is this 'George'?

18 Q. No, it is not. He is not on your list. I am just
19 reading from a statement that's been taken from another
20 applicant.

21 A. Okay.

22 Q. And he does tell us in his statement that he always
23 wanted to be somebody who wanted to work?

24 A. But never got the chance.

25 Q. He never got the chance.

1 LADY SMITH: It was GIU [REDACTED], whose statement was read-in
2 this morning.

3 MR MACAULAY: It is, it is my Lady.

4 A. All I can say is it was an uphill battle.

5 Q. Very well. GIU [REDACTED] goes on to say -- and this is for
6 your benefit -- 'James', at paragraph 49:
7 'There were some practical classes. There was
8 a woodwork unit and an art unit and a clay unit. There
9 was a man called 'James' who took woodwork classes and
10 he was brilliant.'

11 LADY SMITH: That's you.

12 MR MACAULAY: So he gives you a pat on the back, in that he
13 enjoyed your class and he did some work in your class --

14 A. Yes.

15 Q. -- in contrast to others.

16 A. Mm-hm.

17 Q. Okay. But, in relation to your approach to teaching,
18 then, 'James', you did provide the opportunity for boys
19 in your class to play video games as well. You tell us
20 about that in your statement.

21 A. There was a small video player in the classroom, and
22 there was also a small -- I think it was a Nintendo
23 games machine. And if pupils came into the class and
24 were definitely not going to be doing any work, they had
25 an option of watching a video, usually a -- it wasn't

1 Rambo. It was something generally instructional. Or
2 playing a video game until they felt they could join the
3 class or whatever. But, no, we weren't there to fight
4 with them, to make -- to put them in a worse mood.

5 Q. So might you have, perhaps, this individual playing
6 a video game while the other five participated in the
7 class?

8 A. Correct.

9 Q. You also tell us, 'James', that you organised trips and
10 holidays for the boys in different places, and you talk
11 about this at paragraph 60.

12 At 61, what you say is this -- I just want to ask
13 you about this:

14 'In terms of selection of boys for trips and
15 holidays, I suppose you would avoid the nutters.'

16 A. Correct.

17 Q. So clearly there was a selection process as to who would
18 go on trips and who would not?

19 A. Mm-hm, mm-hm, yes.

20 Q. What does that -- perhaps it is obvious, but what was
21 the reasoning behind that?

22 A. Because, I mean, the word 'nutters' refers to a very
23 small percentage of the boys, but some boys' behaviour
24 could be unpredictable.

25 Q. And I take it, therefore, they would be potentially

1 disruptive and ruin the trip --

2 A. Yes.

3 Q. -- for other boys; is that the thinking?

4 A. Well, we did have a holiday to Denmark, where the whole

5 party was deported from the country.

6 Q. Yes.

7 A. Due to boys' behaviour.

8 Q. You also go on to say, 'James', that visitors were

9 allowed at Ballikinrain?

10 A. That?

11 Q. Visitors were allowed. Visitors were allowed to come to

12 the school?

13 A. Oh yes, yes.

14 Q. And you point to an example where a journalist had the

15 free run of the place for a week?

16 A. Yes.

17 Q. And I think you have made available one of the articles

18 that this journalist produced as a result of that?

19 A. Yes.

20 Q. You talk about two BBC documentaries, at paragraph 67.

21 But was that after your time there that these documents

22 were made?

23 A. Yes.

24 Q. And the 'Friends of Ballikinrain' group that you

25 mention; what did they do?

1 A. When I went there, at first it was still possible for
2 Ballikinrain School to accept secondhand furniture,
3 et cetera. And being the type of area where the school
4 was, there was some very good secondhand furniture that
5 became available. So it was given to the school, and
6 quite often the 'Friends of Ballikinrain' would alert
7 the school if there was a nice three piece suite going,
8 or a nice piece of carpet or something. But, with the
9 introduction of far reaching EU regulations into child
10 care, I think secondhand furniture, et cetera, became
11 a no-no.

12 Q. Okay.

13 LADY SMITH: One of the hardest things may have been fire
14 certificates.

15 A. Correct, yes.

16 LADY SMITH: And if the furniture didn't have a valid,
17 up-to-date fire certificate on it you couldn't take it.

18 A. Correct, yes.

19 LADY SMITH: That was particularly for soft furniture.

20 A. Mm-hm. Yes.

21 MR MACAULAY: And you also tell us that the school was HMI
22 inspected during your time.

23 A. Yes.

24 Q. And you also say that 'Who Cares? Scotland' would also
25 visit the school?

1 A. I would estimate they were there twice a year.

2 Q. Yes. So there are these external sources that the boys
3 at the school would have, would be able to speak to when
4 they were there?

5 A. Yes. When we were talking about morning assemblies,
6 KKM would announce that 'Who Cares? Scotland'
7 would be coming today, a particular room would be set
8 aside and, if any of the boys wanted to speak to 'Who
9 Cares? Scotland', they could make the trip, staff would
10 speak to them as well.

11 LADY SMITH: 'James', how would the boys know what 'Who
12 Cares? Scotland' were, and what they could talk to 'Who
13 Cares? Scotland' about?

14 A. Because 'Who Cares? Scotland' would do a presentation to
15 the boys, and there would be flyers left around with a
16 'Who Cares? Scotland' telephone number on it, stuff --

17 LADY SMITH: Mm-hm. Would the presentation be at the
18 assembly?

19 A. Er, no. I think the presentation would have been
20 a special event --

21 LADY SMITH: Okay.

22 A. -- in there.

23 LADY SMITH: Thank you.

24 MR MACAULAY: You have already mentioned that you are not
25 aware of any physical punishments being handed out at

1 the school; is that right?

2 A. That's correct.

3 Q. Was there bullying?

4 A. Aye, yeah. Yeah.

5 Q. Was there a culture of bullying?

6 A. Erm, I don't know if there was a culture of bullying.

7 The top unit boys, which were generally the older ones,

8 would, yeah, apply pressure on the younger ones.

9 As I say, when I went there at first there was

10 a cohort of boys there who were bullies, and certainly

11 a couple of them came from notorious Glasgow families.

12 Q. And how were they dealt with, the bullies?

13 A. Well, the bullies would be told that the staff knew what

14 was going on. They would try to keep them separate from

15 the younger boys. But the cohort of boys which I am

16 talking about were all halfway out the door, you know.

17 They were all moving on to secure establishments or

18 wherever.

19 Q. Did you require to restrain a boy at any time?

20 A. Yes.

21 Q. And was there a policy on restraint?

22 A. Yes.

23 Q. And if you could have in front of you WIT-3-0000005715.

24 If you could just scroll up to the top, this is

25 discipline -- sorry, it is page 5. Again, this is one

1 of the policies that you have made available to the
2 Inquiry?

3 A. Yes.

4 Q. We can see, like the discipline policy, it is headed:

5 'Ballikinrain School policy statement on restraint.'

6 Again, the date is 1997. Were there any policies
7 that predated this policy, on restraint?

8 A. Er, yes, because the staff were trained in TCI,
9 Therapeutic Crisis Intervention.

10 Q. And had that training taken place by this time?

11 A. Yes.

12 Q. So does this policy, then, reflect that particular --
13 the TCI training?

14 A. Er, mostly, yes.

15 Q. But, for example, if we just pick up one or two points,
16 after the first paragraph:

17 'If the young person is in danger of
18 harming/damaging himself;

19 'If the young person is in danger of harming/damage
20 other people;

21 'If the young person is committing serious physical
22 damage to the living areas of the school.'

23 Then we read:

24 'The management team believes that under these
25 circumstances, staff may apply physical restraint.

1 Whenever possible two or more members of staff should be
2 present. It is recognised that it is not always
3 possible, but help from a second member of staff should
4 be sought whenever possible. At all times the minimum
5 amount of force should be used.'

6 And you are given advice as to how the restraint
7 should be undertaken.

8 A. Yes.

9 Q. For example, at 7:

10 'Staff should endeavour to ensure the dignity of the
11 young person is maintained at all times.'

12 A. Yes.

13 Q. Okay. If I could take you to this document:

14 COS-000000393, at page 19.

15 LADY SMITH: 'James', can I check one thing while this
16 document is coming up? The previous one, which was the
17 1997 policy, is that the first written policy on
18 restraint that you remember there being?

19 In your time, obviously, because I think you started
20 in 1991, didn't you?

21 A. I started in 1991. No, there was probably one before
22 that. That was probably an update.

23 LADY SMITH: Okay. Because we can't tell.

24 A. TCI, I think, was coming in, in kind of '94.

25 LADY SMITH: Mm-hm. So there might have been one some time

1 around then?

2 A. Yes.

3 LADY SMITH: Followed by that 1997 document?

4 A. Yes.

5 LADY SMITH: And I know I am taxing your memory, because

6 this is a long time ago: do you recall whether there was

7 any significant change between the first policy and the

8 1997 policy?

9 A. Er, I think it would have been minor changes.

10 LADY SMITH: Okay. Thank you. That's very helpful.

11 MR MACAULAY: I am putting this document to you. It is

12 COS-000000393, page 12, because it seems to suggest that

13 you, the Mr is 'James':

14 'Attended the first TCI course held at Geilsland

15 in October 2000 and received his full certificate at

16 that time.'

17 So could it be that the training you had in TCI was

18 a bit later than the policy we looked at in 1997?

19 A. Er, there was a forerunner to TCI, but I can't remember

20 what it was called.

21 Q. Yes.

22 A. But, no, I think my TCI training -- is this document

23 saying this is the first one?

24 Q. I am just reading what's in the document.

25 A. I mean, it was groups of staff who went to go to -- who

1 went to the TCI training, so people were trained at
2 different times.

3 LADY SMITH: It says this is the first one, the one you went
4 to; do you see on the first line?

5 A. Oh, I would say that is the second one I went to.

6 LADY SMITH: It says it is the first one:

7 'Mr [blank, and it's you] attended the first TCI
8 course held at Geilsland, October 2000, and received his
9 full certificate.'

10 A. I had been trained in the forerunner of TCI as well
11 then.

12 LADY SMITH: Thank you.

13 MR MACAULAY: It is perfectly understandable that there
14 might be some confusion about that. But is it the case
15 that the TCI course was held at Geilsland?

16 A. Yes.

17 Q. I will read on a bit:

18 'The process of TCI begins with de-escalation
19 techniques and, if that does not work, the option opens
20 up to remove the aggressive young person from the group,
21 if there is one ...'

22 And so on and so forth. And physical intervention
23 is being put forward as a last resort?

24 A. Yes.

25 Q. That's your understanding of the way that particular

1 policy worked?

2 A. Yes.

3 Q. Did you, during your time at Ballikinrain, ever witness
4 restraint that you considered to be excessive?

5 A. Er, no, but, I mean, I didn't -- I would have seen
6 a small percentage of restraints.

7 Q. Was most of the restraint carried out by those on the
8 care side, rather than the education side?

9 A. Yes.

10 Q. What you say in paragraph 90, under the heading,
11 'Concerns about the institution', you are not aware of
12 any concerns about the school, and you thought it was
13 held in high regard by the Social Work Department?

14 A. Yes, I did.

15 Q. Were you getting that feedback from the Social Work
16 Department?

17 A. Yes. And if there was some concern that a child had
18 about their treatment, as we have said, 'Who Cares?
19 Scotland' could have been contacted at any time, because
20 there was phone numbers available. There was also
21 a pro forma which a child could ask to have filled in
22 with their social worker, and they would give their side
23 of the incident which had upset them, the member of
24 staff would give their side of the incident and what had
25 happened. There is a bit where they call it a 'life

1 space' interview. Who was it conducted by; residents'
2 view; description of events leading up to this;
3 description of events during it; description of events
4 after it. And at the bottom of the page, it asks the
5 resident:

6 'Are you making a complaint? If yes, what is your
7 complaint?'

8 So the pupils had free run to fill in this pro forma
9 and give it to the Social Work Department.

10 Q. And I perhaps should have asked you earlier: were you
11 a key worker for children during your time there?

12 A. I was a key teacher for, probably, five or six boys at
13 a time.

14 Q. And what did that involve?

15 A. That involved attending their reviews, discussing things
16 with their social worker, updating the reviews on
17 educational aims that had been set at the last review,
18 were meet -- were they on target?

19 Q. Okay. And did a boy ever approach you and tell you that
20 he was being bullied by other boys?

21 A. Yes, probably more than once.

22 Q. And how would you manage that?

23 A. Er, if it was happening in the unit, it would probably
24 be referred to by unit -- to unit staff.

25 Q. Would the boy then be -- would the boy doing the

1 bullying then be spoken to by somebody?

2 A. Er, yes. The very nature of bullying, some of it would
3 have taken place when they thought they were out of the
4 view of the staff.

5 Q. In any event, you repeat, at paragraph 99, that there
6 was no staff on children abuse going on in Ballikinrain?

7 A. There was no staff on children abuse, no. I don't
8 believe there was.

9 Q. But, in terms of verbal abuse, what you say is there was
10 also banter?

11 A. Oh, banter morning to night.

12 Q. Can you -- but friendly banter?

13 A. Yes, friendly banter.

14 LADY SMITH: What type of things would be said?

15 A. Slagging. Slagging off others and trying to get a rise
16 out of people. They would make fun of staff.

17 LADY SMITH: What about the staff? What would they say?
18 What sort of things?

19 A. I don't know. They might comment on the boy's hair cut
20 or something.

21 LADY SMITH: Would they slag off the boys in return?

22 A. Aye, in a friendly kind of way.

23 MR MACAULAY: Was swearing allowed?

24 A. The air was blue, morning to night.

25 Q. What about from the staff's perspective? Would staff

1 swear at boys?

2 A. No, no.

3 Q. You never heard a member of staff swearing at a boy?

4 A. Possibly 'You wee bugger'.

5 Q. But that's the extent of it, you would say?

6 A. Aye, yes.

7 Q. What you tell us at paragraph 101, 'James', is:

8 'Looking back, I can be confident that if there was

9 any abuse going on at the school it would have come to

10 light at the time it was occurring. I am confident that

11 as there were a lot of good people who worked there,

12 also, the connections between the education department

13 and the Social Work Department were very strong because

14 the teachers were working in the units.'

15 Now, you make a very strong statement there,

16 'James'. But it is the case, isn't it, that your own

17 line manager, Gregor, or Greg Dougal has been convicted

18 of abuse?

19 A. Correct, mm-hm.

20 Q. And a number of the charges -- four, I think -- on which

21 he was convicted relate to Ballikinrain?

22 A. Mm-hm.

23 Q. Were you aware of that?

24 A. Was I aware that he has been convicted?

25 Q. Yes?

1 A. Yes.

2 Q. And that charges relate to incidents at Ballikinrain?

3 A. I know of one charge.

4 Q. So there were in fact four charges.

5 A. Mm-hm, there was one charge relating to a supposed
6 broken arm.

7 Q. I don't see that charge on what I am looking at, but
8 that's by the by. I think Mr Dougal had been working at
9 St Ninian's, Gartmore, before he moved to Ballikinrain?

10 A. Correct.

11 Q. And he had been there before you. I think he came to
12 Ballikinrain in 1982?

13 A. Yes.

14 Q. Quite some time before you. And he was also convicted
15 of charges relating to St Ninian's?

16 A. Yes.

17 Q. So although he has been convicted of these four charges,
18 and for example, two of the charges talk about 'on
19 various occasions' and 'various assaults took place';
20 you are totally oblivious to any of that going on during
21 your time there?

22 A. Yes, it is beginning to make me sound like I went around
23 with my head in a paper bag.

24 Q. Was there any child protection policy in place during
25 your time at Ballikinrain?

1 A. Really just the policies I have given you.

2 Q. Yes.

3 A. I would say that Ballikinrain was ahead of its time in
4 that respect.

5 Q. Now, when you came to leave Ballikinrain; had there been
6 an incident that had been sparked off that you were
7 involved in?

8 A. Er, with a boy who doesn't have a pseudonym?

9 Q. He doesn't have a pseudonym. But, as you can see, he
10 does have a cipher, and as you will see the cipher is
11 IWH?

12 LADY SMITH: Quite a number of the boys, for reasons of the
13 way we organise this, don't have pseudonyms, but if they
14 don't have a pseudonym they do have a cipher.

15 MR MACAULAY: Is that the boy that was involved in this
16 incident that you became involved in?

17 A. Yes.

18 Q. Can you tell me what happened?

19 A. Well, there it is in 110, is it? He had stolen a DVD
20 from HVZ's maths class. I couldn't tell you
21 what the DVD was. And he put it in his tracksuit
22 bottoms. I removed it. And the chant was, 'I will get
23 you done for sexual assault', which was -- that's not
24 the first time that threat was used.

25 Q. Was there an incident -- and that may have been part of

1 the same incident -- when a boy came into your class and
2 was disruptive?

3 A. Was that the same incident?

4 Q. Yes. It's a different incident.

5 A. I can't --

6 Q. Can I ask --

7 A. Are you talking about the same boy, no? The same boy
8 being disruptive in my class?

9 Q. Can I just ask you this: if you could look at
10 a document, it is COS-000000386, at page 2. This
11 relates to you, 'James'. It is a disciplinary hearing
12 held on 4 July 2001. It begins by saying:

13 'Having heard 'James's' response to the accusations
14 made I am of little doubt that he in effect lost control
15 of his class. He appears to accept an additional
16 non-registered pupil within his class, making no effort
17 to accretion why he was there or who had sent him.'

18 Does this ring a bell with you?

19 A. No.

20 Q. Was there an incident, as it is set out in the
21 documents, that the tone of the day seemed to have been
22 set at assembly, when there was misbehaviour?

23 LADY SMITH: Can I just pause for one moment on that line,
24 where it says 'No effort to accretion' that must be
25 intended to be as 'ascertain'.

1 MR MACAULAY: Yes.

2 LADY SMITH: It looks like a typo for ascertain or it
3 doesn't make sense; do you see what I mean, 'James'?

4 What was being said was an additional non-registered
5 pupil was accepted into your class by you and you didn't
6 make any effort to ascertain why he was there or who had
7 sent him.

8 I will hand back to Mr MacAulay. That, I think, is
9 the context for what follows.

10 MR MACAULAY: And perhaps I should have read on, about three
11 or four paragraphs down:

12 'Regarding the allegation that 'James' kneed [and we
13 are looking at IWH] it is possible that 'James' used his
14 knee to steady himself or the boy as he deliberately
15 tried to fall to the ground.'

16 Does that begin to make some sense to you?

17 A. In regarding the allegation that so and so kneed so and
18 so?

19 Q. Yes, I think you can read that: 'James' --

20 LADY SMITH: That's you.

21 MR MACAULAY: -- kneed IWH.

22 That's the boy we have already been talking about.

23 LADY SMITH: So that was the boy with the DVD down his
24 tracksuit bottoms that we referred to a moment ago. The
25 same boy.

1 A. Okay, okay.

2 LADY SMITH: It doesn't need to be the same occasion, but
3 I think it is the same boy.

4 MR MACAULAY: It is the same boy, but possibly not the same
5 occasion. I am just asking: does this make any sense to
6 you, that there was some fuss involving this boy who
7 came into your class? For example, I think we read that
8 rubbers were being thrown about in the classroom?

9 A. No, I don't have very much memory of this.

10 Q. Okay.

11 A. 'This therefore jeopardises the validity of their
12 statement in an extract from the school log.'

13 Q. I mean, do you have a recollection of being accused
14 of -- in connection with this particular boy, of
15 assaulting him by twisting his arm up his back, kicking
16 him, kneeling him in the back, and causing his head to
17 hit off the corridor wall?

18 A. No.

19 Q. Okay.

20 A. He may well have been restrained.

21 LADY SMITH: By who?

22 A. He may well have been restrained by me, but I have no
23 recollection of it.

24 LADY SMITH: We recognise that this dates back to more than
25 20 years ago, I think; is that right?

1 MR MACAULAY: 2001, yes.

2 LADY SMITH: 2001. Yes, more than 20 years ago.

3 MR MACAULAY: Can I then ask you to look at the first
4 document in this group of documents? It is page 1.
5 That's COS-000000386.

6 This is a letter written to you, 'James', from -- if
7 we scroll down -- Archie Henderson, divisional manager.
8 I will just read it to you:

9 'Further to the disciplinary hearing held on
10 4 July 2001, I write to advise you of my decision.

11 'In relation to the allegation of assaults, I find
12 having considered the information contained in the
13 investigation and your response that these cannot be
14 upheld. My reason for arriving at this is the
15 inconsistencies in the statements and the opportunity
16 for collusion, given that the statements were undated.'

17 Is this beginning to make any sense to you?

18 A. No. No.

19 Q. You will see the letter -- I think I may have taken you
20 to it -- it is dated 24 July 2001. How close to when
21 you left Ballikinrain would July 2001 be?

22 A. Er, I believe I left in August 2001.

23 Q. And when you came to leave; had you been under
24 suspension?

25 A. I had been suspended. But I don't believe I was

1 suspended when I left.

2 Q. But was the suspension in relation to another incident?

3 A. It must have been in relation to this.

4 Q. This incident. I think what you are saying is -- and

5 I think you explained to me earlier on why your

6 recollection may not be particularly perfect at the

7 moment -- this may well have happened, but you don't

8 really remember anything much about it?

9 A. No, no. I must have received that letter, obviously.

10 Q. Yes.

11 LADY SMITH: I wonder if your suspension did continue,

12 'James', judging by what's said in the last paragraph:

13 'Your suspension on full pay will continue until

14 your notice period is completed or the police matter is

15 resolved.'

16 Unless you have a memory that a police matter was

17 resolved earlier than the expiry of your notice?

18 A. I don't know.

19 LADY SMITH: Okay. It maybe doesn't matter. And your

20 recollection would perhaps go back more to the fact that

21 you didn't have a period that they stopped paying you,

22 and they paid you up to the end of your notice, whenever

23 that was.

24 A. Mm-hm.

25 MR MACAULAY: Part of the material in this bundle of

1 documents relates to an interview with yourself and also
2 Archie Henderson, a man by the name of Norman Bissell,
3 who was an area officer for EIS, obviously representing
4 you or there to assist you.

5 A. Okay.

6 Q. If we turn to page 6 of the interview, if we move down
7 towards the bottom of the page -- can we just scroll
8 down? Is this page 6? COS-000000386, page 6. Yes,
9 okay. If we look just about three quarters of the way
10 down, we have:

11 'NB asked what the general context was to this
12 incident.'

13 And you are noted as saying:

14 'There had been a marked dilution of discipline
15 within Ballikinrain.'

16 You are asked in what way, and you say:

17 'The behaviour and language of the boys is a lot
18 worse. The incident here really started in assembly.
19 'James' went on to explain that an assembly like that
20 would never have been allowed to take place in his first
21 nine years at Ballikinrain.'

22 And then you go on to say:

23 'There was now an atmosphere of them and us at
24 Ballikinrain, between the staff and the pupils.'

25 Was that the position at this time, shortly before

1 you left?

2 A. I believe at that time Chris McNaught would have been
3 the headmaster; is that correct?

4 Q. Well, I think you told us earlier that Mr McNaught
5 became headmaster before you left, and this is very
6 shortly before you left.

7 A. Okay, okay. Certainly discipline was on the slide, yes.

8 Q. Now, you are then asked in your statement, 'James',
9 about a number of fellow staff members who were there at
10 the same time as you, and I don't propose to dwell on
11 these. You go on to look at a section in your statement
12 where you talk about allegations from named pupils. The
13 first -- this is in paragraph 157 -- the first person
14 mentioned there, he is number 4 on your list, with the
15 pseudonym 'Jason'; do you see that?

16 A. No.

17 Q. Paragraph --

18 A. Oh, yes. Yes, sorry, yes.

19 Q. I will just read what he said:

20 'There was a member of staff called 'James' who was
21 the woodwork teacher. He would carry a conker tied to
22 a piece of string which he called "the bobble" and kept
23 it tucked in his belt.'

24 Did you have an implement or item that was called
25 'the bobble'?

1 A. Yes.

2 Q. And:

3 'He would walk up behind people in class and smack
4 them over the head with the conker. He dished that out
5 as a punishment every day in his class for little
6 things, like if a boy came back from the toilet smelling
7 of smoke or just for small daft things.'

8 And he goes on to say it was really hard and very
9 sore and it made him cry; what's your response to that?

10 A. Er, my response is that they were never hit on the head
11 with it. The bobble caused a fair bit of hilarity
12 amongst the boys. Sometimes I was like a sheepdog
13 trying to get them into the room if there was plans
14 afoot to head for the woods or abscond. And several of
15 the boys -- because wood turning was part of the
16 activities in the room, several of the boys made bobbles
17 as well.

18 Q. And I think you have brought the bobble along today?

19 A. I have, yes.

20 Q. If you don't mind letting her Ladyship see it. And
21 while it is being retrieved: what is it? It is on
22 a string.

23 A. It is a small turned wooden marble, which went through
24 my belt loop on my trousers because you could not really
25 afford to be separated from your keys.

1 Q. And your position is that you used the bobble, but you
2 did not strike children on the head with the bobble?

3 A. That's correct.

4 Q. There has been evidence from other individuals also
5 saying that you did. For example, if you look at
6 number 2 on the list, 'Ryan'.

7 A. Yes.

8 Q. And you deal with him in paragraph 176 onwards. He also
9 accuses you of hitting it off your head; so he is wrong
10 about that?

11 A. Yes, yes, he might have got it on the rear end.

12 Q. And number 3 on the list, 'William', at paragraph 182,
13 he also calls it a conker.

14 A. Yes.

15 Q. 'He used to hit you over the head with a solid conker if
16 he thought you weren't listening to him.'

17 Again, that's not correct?

18 A. That is not correct. 'William' -- I could only describe
19 'William' as being off the wall. Members of staff would
20 describe 'William' as not being wired up correctly.

21 Q. But the use of the bobble; do you consider now, at least
22 with hindsight, that may not have been an appropriate
23 thing to use?

24 A. It may not have been appropriate, but it certainly
25 caused a fair bit of hilarity. And it was done in the

1 vein of boys in the units would flick each other with
2 their towels and try and sting each other with the
3 corner of the towel. I mean, that went on daily. And
4 it was done in that vein.

5 LADY SMITH: Did you ever make bobbles out of conkers?

6 A. There were chestnut trees in the grounds, yes, and
7 sometimes the boys did use conkers, yes.

8 LADY SMITH: Did you?

9 A. They would have done it in my class, because they would
10 have drilled the whole through the chestnut in my room.

11 LADY SMITH: I was just wondering if you had ever done it
12 with a chestnut. Chestnuts are beautiful, and you can
13 harden them up in vinegar if you want to, to make them
14 last.

15 A. Yes, when I was at school, yes, we did that.

16 LADY SMITH: So did you make any conker bobbles for
17 yourself?

18 A. No, only the one that I kept on my key string.

19 LADY SMITH: And that one; was it always wood?

20 A. Oh yes, yes.

21 LADY SMITH: Okay. Thank you.

22 MR MACAULAY: Can I ask you about what I can refer to as the
23 treehouse incident.

24 A. Oh yes, yes.

25 Q. And you deal with that at paragraph 165 onwards. This

1 is again coming from 'Jason', who tells us, at 165, he
2 was up on the treehouse one day and refused to come down
3 because:

4 'I was upset and I can't remember why. The
5 treehouse was built on three skinny trees. 'James' came
6 out and started swearing at me, calling me a wee
7 bastard, and threatened to cut the tree down if I didn't
8 come down. I didn't come down, so he went back in and
9 got an axe and started hacking the tree with it. I just
10 sat up there crying. I came down because I was
11 terrified and it would have all collapsed in on me if
12 I hadn't. When I came down I was dragged upstairs.'

13 Now, you deal with that in your statement; what is
14 your position there, 'James'?

15 A. I would love to read the Ballikinrain diary account of
16 that, because I am not actually -- I believe there was
17 three boys involved initially, who were smoking drugs up
18 in the treehouse.

19 The first person to deal with that incident was SNR
20 SNR, who was trying to get the boys down. Now,
21 I am not sure at what stage the first two came out of
22 the treehouse.

23 Mr IKE, SNR, relates to this
24 incident on Ballikinrain, and he said --
25 he says in that incident that he took over from

1 Mr **KKM**, who had been -- he said in the report it was
2 after a couple of hours. He then wanted to go home for
3 his tea, so one of the activities I did with the boys
4 was chainsawing trees which had fallen down. And
5 **IKE** sent for me and I came out with a chainsaw,
6 and revved the chainsaw underneath the treehouse, to try
7 and get the boy down.

8 Now, the other problem I have with this is I am not
9 actually sure if 'Jason' was even involved. I think
10 'Jason' may have appropriated this story. But the
11 Ballikinrain diary would confirm that.

12 Q. And appropriated through some sort of social media
13 outlet; is that what you are thinking?

14 A. Yes. There is a fair bit of talk. I think there is
15 about 200 plus members now **[REDACTED]**
16 **[REDACTED]**. I am not a member on it, but I do see the reports
17 that come up. And there seems to be appropriation of
18 stories, yes. Now, there is one particular boy who is
19 **[REDACTED]** who is inciting other boys
20 to go and see lawyers and get involved in the Redress
21 claims.

22 Q. But, in relation to the treehouse incident, however, you
23 say 'Jason' may have acquired that information. I think
24 you do tell us, at 168, that he was not on the
25 particular **[REDACTED]** where this might appear?

1 A. Okay, but that incident would have been written in the
2 school diary, either by IKE or possibly even
3 KKM.

4 Q. Okay. We have spoken about restraint --

5 LADY SMITH: Sorry, 'James', just before we leave this
6 incident, just confirm this for me -- two things,
7 actually. First, what you tell me is you did come out
8 revving your chainsaw.

9 A. Yes.

10 LADY SMITH: Secondly, you mention Redress. Do you realise
11 the Inquiry is nothing to do with Redress?

12 A. Yes.

13 LADY SMITH: And I have no powers to award any money,
14 whether by way of redress or compensation.

15 A. I understand that.

16 LADY SMITH: Thank you.

17 A. But it is being talked about on .

18 LADY SMITH: Okay. This diary -- what is it, this
19 Ballikinrain diary?

20 A. That was a daily logbook which both social workers and
21 teachers wrote in.

22 LADY SMITH: I have heard of a reference to the logbook,
23 right.

24 A. So if you came on shift, say at 2 o'clock, you knew what
25 had been going on in the morning.

1 LADY SMITH: Thank you. Mr MacAulay.

2 MR MACAULAY: I was going to move on just to touch briefly
3 again on the question of restraint, because there is
4 an allegation in that connection made against you, again
5 by 'Jason' and it is at 171 that we can read what he
6 says. He says:

7 'The staff used to restrain boys if they needed it.
8 Other staff did it to stop you running away and did it
9 normally. When 'James' did it, he would bend your arm
10 behind your back and then your thumb back to cause you
11 as much pain as he could. He did that to me and to
12 other boys. It was really sore.'

13 What's your reaction to that?

14 A. We were not in the business of riling boys. If he had
15 been restrained, his arms would have been pinned to his
16 side and I would have got my head out the road.

17 Q. Can I look at something that's been said by another
18 applicant? This is number 6 on your list with the
19 pseudonym 'George'?

20 A. Yes.

21 Q. This is dealt with at paragraph 194, and it is
22 essentially a suggestion that 'George' was being bullied
23 by another boy, and I think although he refers to you
24 with a different name, it is the woodwork teacher he is
25 talking about. And I think the suggestion was, from

1 'George', that you advised him to take hold of the other
2 boy and hit him repeatedly on the side of the head. You
3 will see that's towards the bottom of page 31. You go
4 on to tell us you have a vague memory of this?

5 A. I do, yes.

6 Q. Can you tell us about it?

7 A. I believe **HHY** -- I believe --

8 Q. 'George'.

9 A. -- 'George' was being bullied when he came to the
10 school. I would have a recollection of telling him to
11 stand up for himself, but that's as far as my
12 recollection would go.

13 Q. Would you go as far as to advise him to hit the other
14 boy in that process?

15 A. Er, I don't think so, no. Sometimes, sometimes bouts
16 would have been organised by staff between two boys, but
17 it would have been done in a controlled fashion, with
18 boxing gloves on.

19 Q. Okay.

20 LADY SMITH: When you use the words 'To stand up for
21 himself' that you have a recollection of using; what did
22 you mean?

23 A. To give as good as he was getting.

24 LADY SMITH: Okay, thank you.

25 MR MACAULAY: I think one of the messages you are seeking to

1 convey in your statement, 'James', is that some of
2 what's being said by these boys is to support them in
3 claims for Redress.

4 A. Er, yes. Oh yes, yes.

5 MR MACAULAY: Can I then come to the final parts of your
6 statement, 'James', the heading 'Lessons to be learned'.
7 At paragraph 204, you mention three of the boys that we
8 have looked at, and that's 'William', 'Jason' and 'Ryan'
9 is the other one. You have read that they have all said
10 that they didn't want to go to school; was that your
11 understanding at the time? They weren't interested in
12 school.

13 A. Very much so.

14 Q. You go on to say:

15 'What has happened in their lives certainly needs
16 some kind of recognition and correction.'

17 What are you seeking to recognise there, and what
18 should be corrected?

19 A. Well, the boys who came to Ballikinrain were damaged,
20 and it is very probable that damage started at the
21 foetal stage. So Ballikinrain was trying to get them
22 off the track they were on and help them to start making
23 good decisions which would affect their lives, because
24 some of these pupils were leaving Ballikinrain on
25 a Friday, going back to their home areas, and consulting

1 with boys who were five or six years older than them,
2 who they idolised, so it was almost as if they were
3 getting groomed for gang life.

4 Q. What you say next is:

5 'There was a limited amount we, as a school, could
6 do to help.'

7 A. Yes.

8 Q. We have already looked at the type of problems that the
9 boys who came to Ballikinrain would have had; were the
10 staff at Ballikinrain trained to deal with these
11 problems?

12 A. Well, something like 44 of the staff were -- 35 of the
13 staff would have been on the social work side. So you
14 would think in their social work training there would
15 have been a fair bit of education regarding these
16 problems. And I suppose social workers who moved into
17 this line of work -- because they felt they could do
18 some good work here.

19 For the education staff, the education staff had
20 a training day annually with a child psychologist called
21 Johnny, and a lot of these situations that the boys find
22 themselves in would be discussed and Johnny would offer
23 his advice about how the boys could be helped.

24 Q. One thing you say at paragraph 213, and this is going
25 back to Greg Dougal, you say quite specifically there:

1 "Greg Dougal is in prison because of false
2 testimony.'

3 A. I believe that.

4 Q. Why do you believe that?

5 A. Because I worked with this man for ten years. And the
6 incident which I am talking about, which is the claim
7 for the broken arm, the boy who claims to have his arm
8 broken by Greg Dougal came to my classroom after the
9 incident.

10 Now, there had certainly been an incident between
11 Greg Dougal and this boy. I think it may have been over
12 smuggling drugs into the school. This boy did not have
13 a broken arm when he came to my classroom, and hospital
14 records would show if he had.

15 Now, because of testosterone flying and antagonism
16 towards any kind of authority boys could get hurt during
17 a restraint. But, if they didn't fight, the restraint
18 would stop.

19 Q. Well, there you are talking about a particular boy. But
20 I think, as I put to you, Mr Dougal was convicted of
21 other charges relating to Ballikinrain, and indeed
22 St Ninian's, by jury.

23 A. Yes, yes, I can't comment on St Ninian's, because I know
24 nothing about his time there.

25 I believe Mr Dougal was accused also of some kind of

1 sexual misdemeanours, which I certainly don't believe.

2 Q. Again, you are correct, and he was convicted of

3 an indecent assault.

4 LADY SMITH: Mr MacAulay, just for the record, you obviously

5 have the document in front of you, which I haven't,

6 should we summarise the charges?

7 MR MACAULAY: Yes, we will do that.

8 LADY SMITH: And the convictions on those charges.

9 MR MACAULAY: Yes, we will do that.

10 LADY SMITH: Thank you.

11 MR MACAULAY: Can I just take you then, finally, 'James', to

12 the second last paragraph of your statement, 215, you

13 say:

14 'What terrifies people who have been in my line of

15 work is false testimony. How can I defend myself

16 against that?'

17 A. Mm-hm.

18 Q. And I think your position today is that much of what is

19 said against you is not true?

20 A. It is not true, no.

21 Q. And you have come here to defend yourself?

22 A. Yes.

23 Q. 'James', is there anything else you would like to add to

24 what you have said so far to the Inquiry?

25 A. Yes, I would like to read a statement.

1 LADY SMITH: Please do, 'James'.

2 A. I am also aware that the jury at Mr Dougal's trial knew
3 absolutely nothing about the criminal history of the
4 accused.

5 MR MACAULAY: Okay.

6 A. It is a sad fact that many of the boys who arrived at
7 Ballikinrain had already been abused by the environment
8 and people they had trusted to care for them.

9 The Church of Scotland Board of Social
10 Responsibility had set up these schools in a genuine
11 effort to try and alleviate the effects of social
12 deprivation experienced. Ballikinrain, in many ways,
13 was ahead of its time in terms of child protection
14 policies and staff configuration. The doors were open
15 to journalists, film crews, parents, and child
16 protection monitoring organisations. Many ex-pupils
17 testify to the positive influence it had on their lives,
18 which is heartening. It was part of an already broken
19 system, as ex-pupils speak of scant follow up.
20 Maltreated ex-pupils from any care establishment deserve
21 to be heard and have their experiences acknowledged.
22 Many deserve to be commended for the efforts they have
23 made to break the generational cycle of abuse. But many
24 are victims of a system which promises them payment and
25 punishment for the perpetrators at the expense of

1 keeping horrible experiences at the forefront of their
2 minds. It is still a broken system. For them, the
3 punishment is never enough and the money is all too
4 quickly spent. In my opinion, greater effort should be
5 made to reconcile these men to their pasts and to
6 engender hope in the future.

7 A good proportion of the boys went on to make good
8 life choices. Sadly, some didn't. And about ten of the
9 boys from my time at Ballikinrain are now dead.

10 MR MACAULAY: Well, 'James', thank you for that, and for
11 coming here to give your evidence today. Thank you.

12 A. Thank you.

13 LADY SMITH: 'James', could I add my thanks for coming here,
14 for having given us a written statement, and obviously
15 for the care and thought you have put into giving your
16 evidence, both in the course of giving it and preparing
17 for it as evidence, for example, by the statement you
18 have just read to us.

19 I am grateful to you for all that. I am sure you
20 are pretty weary now after everything we have put you
21 through, so please feel free to go.

22 A. Thank you.

23 (The witness withdrew)

24 MR MACAULAY: So, my Lady, that's it for today.

25 LADY SMITH: Yes.

1 MR MACAULAY: Tomorrow there is a possibility that there may
2 be one live witness. It is just a possibility at the
3 moment.

4 LADY SMITH: Mm-hm, yes.

5 MR MACAULAY: But, in any event, we plan to show a video
6 film of Ballikinrain, and read-ins.

7 LADY SMITH: Yes, and whatever happens about the live
8 witness or not, the video was due to be shown at 10.00;
9 is that right? Is that the plan?

10 MR MACAULAY: Except if the live witness appears then we
11 will probably deal with that first.

12 LADY SMITH: Yes, I think he was due probably later if he
13 does come.

14 MR MACAULAY: Oh yes, he is due at 11.00, so we will do the
15 video first.

16 LADY SMITH: If we aim to do the video at 10.00, then we can
17 take it from there, as to whether we go into read-ins or
18 other evidence.

19 Thank you very much. Until 10 o'clock tomorrow
20 morning.

21 (4.20 pm)

22 (The Inquiry adjourned until 10.00 am the following day)

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