

1 Wednesday, 25 September 2024

2 (10.00 am)

3 LADY SMITH: Good morning and welcome back to Chapter 9 of
4 this phase of our Inquiry hearings.

5 As we said last night, we start with two oral
6 witnesses this morning and I think they're ready to give
7 evidence, is that right, Mr Peoples?

8 MR PEOPLES: Yes, good morning, my Lady.

9 The next witness is an applicant who wishes to
10 remain anonymous and has chosen the pseudonym 'Matthew'.

11 LADY SMITH: Thank you.

12 'Matthew' (sworn)

13 LADY SMITH: 'Matthew', thank you for coming along this
14 morning to provide evidence to me in this setting.

15 I'm very grateful to you for being able to do that.

16 I do already have your written evidence in your written
17 statement, and it's in that red folder that's on the
18 desk in front of you there. We'll take you to some
19 parts of that, the parts that we'd like to explore with
20 you this morning.

21 If you want to use it, you can. We can also bring
22 parts of it up on the screen and that will be there for
23 you too. But, 'Matthew', those practicalities apart, if
24 there's anything I can do to make the whole process of
25 giving evidence in these circumstances more comfortable,

1 do let me know. I know it's quite daunting,
2 particularly when we're asking you about things that
3 happened a long time ago and you might find some of it
4 quite stressful to deal with. If you need a break, just
5 say, if you just want a pause, say and if you don't
6 understand what we're asking you, that's our fault not
7 yours. With our legal backgrounds we're sometimes not
8 so good at communicating the way that people who are not
9 lawyers can understand. We shouldn't do that. So do
10 speak up if that's a problem.

11 Otherwise, if you're ready, I'll hand over to
12 Mr Peoples and he'll take it from there.

13 A. Yes.

14 LADY SMITH: Mr Peoples.

15 MR PEOPLES: My Lady.

16 Questions by Mr Peoples

17 MR PEOPLES: Good morning, 'Matthew'.

18 A. Good morning, Jim.

19 Q. As her Ladyship has said, this red folder in front of
20 you which you are free to use or alternatively to use
21 the screen in front, which has at the moment a copy of
22 the statement you have provided. Can I perhaps just ask
23 you to begin by going to the final page of the statement
24 in your red folder and can you confirm that you've
25 signed and dated the statement?

1 A. I have signed and dated it, yes.

2 Q. Can you also confirm that you have no objection to your
3 statement being published as part of the evidence to the
4 Inquiry and that you believe the facts stated in your
5 statement to be true?

6 A. I do, yes.

7 Q. Can I go back to the beginning of the statement and
8 first of all, I don't want your date of birth, but can
9 you just confirm you were born in 1952?

10 A. Yes, I was, yes.

11 Q. I'm just going to briefly ask you about what you've told
12 us about your life before care. It's not because it's
13 not important, it's just that I'll pick some matters
14 out. It's already evidence we have and have read.
15 You tell us that you were part of a large family?

16 A. Yes, we were, yes.

17 Q. I think in fact you had three brothers and four sisters?

18 A. I did, yes.

19 Q. Four were older and three younger, if I'm right?

20 A. Yes.

21 Q. You tell us that your father, when he had a lot to
22 drink, could be violent towards your mum?

23 A. He was violent to my mother and, er, some of us kids
24 too.

25 Q. Okay, and was that when he was drinking?

1 A. Yes, uh-huh.

2 Q. I think you do say that your mum got regular beatings
3 from your father; is that right?

4 A. You could honestly say mebbe nearly every weekend when
5 he went to the pub and then come home after. He come
6 home from his work, went straight to the pub, and would
7 come home after that, steaming drunk.

8 Q. As you say, and as you have told us, and you tell us in
9 your statement, he was violent at times to his own
10 children and did that include yourself?

11 A. It did, yes, uh-huh.

12 Q. By the time you reached secondary school, I think this
13 is something you deal with in paragraph 9, you were
14 starting to steal but you were doing it to provide food
15 for the family, is that right?

16 A. Yeah, because we didn't have any money at that time
17 really and I was the only sibling in the house ever been
18 in trouble (Inaudible) he was getting fed, he was
19 bringing his friends home from the pub at the weekend,
20 they were getting the food. We were getting left wi'
21 none.

22 Q. He was drinking quite a lot of it as well, the money he
23 was earning?

24 A. We were lucky if my mother got in them days maybe £10
25 a week off him.

1 Q. With a large family to support?

2 A. A large family, yeah.

3 Q. So you tell us that as a result of your stealing for
4 that reason, you ended up in court a few times?

5 A. I did, yes.

6 Q. Initially, I think, court dealt with the matter by
7 putting you on probation; is that right?

8 A. That's correct, yes.

9 Q. However, in late 1965 you appeared in the Sheriff Court
10 and you were sent to Oakbank Approved School?

11 A. I was, yes, uh huh.

12 Q. At that stage you were 13 years of age?

13 A. 13 years.

14 Q. You tell us that when you were age six, you had a spell
15 in hospital with, is it TB meningitis?

16 A. I did, yes, uh-huh.

17 Q. You were there for a substantial period?

18 A. Between eight and nine months I was in King's Cross
19 Hospital in Dundee.

20 Q. You would be excluded to some extent physically from
21 family members because of what you had?

22 A. Yeah, they weren't allowed to come in to see me because
23 I contagious of, meant to be contagious or something,
24 I don't know.

25 LADY SMITH: 'Matthew', could I ask you to be a bit closer

1 to the microphone, maybe we need to move it a little bit
2 closer to you.

3 A. That better?

4 LADY SMITH: Yes, try that.

5 A. That better?

6 LADY SMITH: That's better, thank you.

7 MR PEOPLES: You are quite softly spoken and it's just to
8 make sure we hear what you have to say and that the
9 transcript can get the evidence you are giving us, so
10 thank you.

11 'Matthew', apart from that spell in hospital, was
12 going to Oakbank the first time you'd been away from
13 your family?

14 A. Yes, it was, yes.

15 Q. In fact it was some distance from your own home, because
16 I think you came from the Perth area?

17 A. Er, 80-odd miles to get to Aberdeen.

18 Q. Had you ever been to Aberdeen before then?

19 A. I had not, no.

20 Q. Did you know anything about Oakbank before you went
21 there?

22 A. Knew nothing about any schools at all, apart from the
23 one I was at, Goodlyburn.

24 Q. You had been attending local schools before that?

25 A. Yes, uh-huh, yes.

1 Q. If I can take you to Oakbank, which is if we go to
2 page 4 of your statement, paragraph 12, starting, you
3 tell us a bit about life at Oakbank Approved School and
4 just at the beginning, I think you were there from about
5 [REDACTED] 1965 through to about [REDACTED] 1967?

6 A. Yes, uh huh.

7 Q. That is the period we're looking at.

8 You tell us a bit about it. I am not going to go
9 through all of the stuff, the material you have told us
10 about, the place itself, but I will ask you some
11 questions about that. You tell us that SNR [REDACTED],
12 when you went there, was a Mr GZH [REDACTED]?

13 A. It was, yes, uh-huh.

14 Q. I'll deal with it a little bit later on about what he
15 did when people absconded and things, but can I just ask
16 generally, was he someone that you or the boys at the
17 school saw much of, apart from when you had to go to his
18 office?

19 A. Not really, no.

20 Q. What I'm probably trying to get at, if you can remember,
21 is did he spend a lot of time going around the school or
22 talking to pupils or coming to classes or workshops or
23 anything like that?

24 A. I think he was mostly talking to the staff.

25 Q. If he was in the --

1 A. If he was in the areas (Inaudible) just talking to the
2 staff, he wasnae bothered about us.

3 Q. He would have had an office?

4 A. Yes, uh-huh.

5 Q. I presume that, like most SNR [REDACTED], he would have
6 spent quite a lot of time in his office?

7 A. It was an office with a big sort of dining table in it.
8 That was his office. He stayed on the premises. He had
9 a house on the premises.

10 Q. Yes. I think we have seen a layout of Oakbank and
11 I think we were told there was something that might look
12 like a [REDACTED] --

13 A. Yes, uh huh.

14 Q. -- was that SNR [REDACTED] house --

15 A. Stayed there with his family, yes.

16 Q. -- in those days. We were told certainly at some point
17 in Oakbank's history, there were other houses that staff
18 had that were on the big site of the school, do you
19 recall that? No?

20 A. Not really, no, no.

21 Q. You tell us there were other staff, and I'm not going
22 through all the names, you have set them out, but one of
23 them and we'll come to him was a night watchman, he was
24 Mr IMS [REDACTED], is that right?

25 A. Yes, uh-huh.

1 Q. There was a teacher that you recall called Mr [REDACTED],
2 I think?

3 A. Mr [REDACTED], yes.

4 Q. Now, just to deal with this at this stage, I think at
5 paragraph 44 you say that generally the staff were good
6 so far as you were concerned and you didn't have issues
7 with them. We'll talk about the ones you did have, but
8 generally you found them okay?

9 A. The majority were good people.

10 Q. I think you say at paragraph 44 of your statement that
11 there was nothing wrong with the regime, in your view,
12 that you didn't feel it was brutal and you didn't get
13 a serious beating?

14 A. No.

15 Q. If we just deal with this at this stage, paragraph 44,
16 which is on page 11 of your statement, you do say you
17 had lots of clips to the side of the head '... but most
18 I deserved', so it was a fairly usual thing for pupils
19 to get clips to the head?

20 A. Yes, I think it was a case of you've done something
21 wrong --

22 Q. You are gesturing a sort of -- almost like a slap?

23 A. Yeah, like a slap in the back of the head or something.

24 Q. With an open hand?

25 A. Yes, uh-huh.

1 Q. And you say to the back of the head?

2 A. Yes.

3 Q. That was something the staff did sometimes just --

4 A. Some of the staff but you see, I used to get that at

5 home anyway, so it was something I never thought

6 anything about really.

7 Q. No, no.

8 A. In that sense.

9 LADY SMITH: How often would that happen?

10 A. Pardon?

11 LADY SMITH: How often would that happen?

12 A. Er, maybe once, twice a week, depending who was on duty

13 at the time.

14 MR PEOPLES: That's how often it would have happened to you,

15 getting a clip around the head?

16 A. Yeah, mebbe twice, maybe three times.

17 Q. Would that be happening to other boys in the school as

18 well?

19 A. Oh, yes, yes, uh-huh.

20 Q. I suppose it depended how well or badly behaved they

21 were thought to be?

22 A. Or if you were seen doin' something.

23 Q. Or if you were seen doing something.

24 Were you allowed to smoke in those days?

25 A. No, you were not, no.

1 Q. No. Not at all?

2 A. No.

3 Q. Was that because of your age or no pupil was allowed to
4 smoke?

5 A. Because of our age and nobody was allowed to smoke
6 anyway.

7 Q. I think we have heard that later on perhaps some older
8 boys at Oakbank were permitted to smoke with their
9 parents' consent, depending on their age, but in your
10 day smoking wasn't permitted?

11 A. Never even thought about it actually, tell you the
12 truth.

13 Q. Okay. Now, you have a section in your statement about
14 routine and I'm not going to go through the detail of
15 it, but I do want to pick up one or two things that you
16 tell us about. When you were in Oakbank, you were
17 sleeping in a dormitory in the main building?

18 A. Yes.

19 Q. That was upstairs in the main building?

20 A. Yes.

21 Q. I think the place that you were sleeping was called
22 Belmont House in those days?

23 A. Belmont House, yes.

24 Q. Can you estimate the sort of number of boys that were in
25 your dorm at that time roughly?

1 A. Between 40 and 60 roughly.

2 Q. In one dorm?

3 A. In one dorm, aye.

4 Q. Was there any kind of separation between beds?

5 A. No, none at all, no.

6 Q. There was no partitioning or curtains or screens or

7 anything?

8 A. Nothing at all, no.

9 Q. Basically like a row of beds?

10 A. A row of beds wi' a small wooden cabinet in between and

11 that was it.

12 Q. That was it?

13 A. Yes, and a bit on the back to hang your clothes up, you

14 know, for your Sunday best, going to church.

15 Q. These were clothes given to you by the school?

16 A. Yes, they were supplied. All your clothes were supplied

17 by the school.

18 Q. Did you have any sort of personal possessions?

19 A. Not really, no.

20 Q. Did the other boys?

21 A. A few did, like, yes, uh-huh, just small things, like.

22 Q. Small things. I don't suppose you were allowed to sort

23 of personalise your bed space?

24 A. Definitely not.

25 Q. Would that have been an offence?

1 A. I don't really know, I couldn't honestly say.

2 Q. You didn't try it?

3 A. No, no. No, no.

4 Q. It was quite a bare --

5 A. Yeah, it was more or less like, how could you say,

6 a military barracks.

7 Q. You tell us about the numbers and the dorm was quite

8 a lot of people and you tell us at paragraph 14 that you

9 estimate there was maybe around about 120 boys in the

10 school as a whole at that time?

11 A. Yeah, 120, maybe up to 150.

12 Q. It could have been even more?

13 A. Mm-hmm.

14 Q. The age range was around 13 up to 15?

15 A. At 15 you were out the door.

16 Q. I suppose it was a school?

17 A. Yes.

18 Q. I suppose at that stage, if my memory serves me well,

19 the school leaving age was 15?

20 A. It was 15 at that time, yes.

21 Q. I know it went up later on but it was 15 then.

22 Just going back to the dormitories, what were the

23 age ranges of the boys in your dorm? Were they

24 different ages?

25 A. Yeah, all different ages, between 13 and 15 again.

1 Q. You tell us at paragraph 19 on page 6 that you were
2 given a number when you were there?

3 A. I was, yes.

4 Q. And that all your clothes had that number on them?

5 A. Yes.

6 Q. Can I just ask you this: what were you called by staff?
7 Don't give me your name, but did they use your first
8 name, your surname, the number or something else?

9 A. Er, usually your first name.

10 Q. Usually your first name?

11 A. Yeah, or if you were mucking about, it would be your
12 second name.

13 Q. Right. They didn't use the number though?

14 A. No, no, no.

15 Q. You tell us a bit about time outside the school in your
16 day and you say at paragraph 21 that boys were allowed
17 to go into Aberdeen on a Saturday afternoon?

18 A. We were, yes.

19 Q. I take it that if you misbehaved that might be
20 withdrawn, that privilege?

21 A. Yes, it was. It happened on a few occasions.

22 Q. That happened a few times?

23 A. Yeah.

24 Q. But generally if you hadn't been thought to be badly
25 behaved that week, you would get a Saturday afternoon in

1 Aberdeen, is that the way it worked?

2 A. Yes, down to the disco.

3 Q. To the disco. Right. Did you go to other places or was

4 that your general --

5 A. (Inaudible) only allowed out 'til 5 o'clock so we mebbe

6 left at 12, a wander round Aberdeen, went to that -- it

7 was called the Place at the time. Yeah, once that was

8 finished, just back up to the school again.

9 Q. Did boys always return on time or did some stay away?

10 A. Oh, no, some stayed out later.

11 Q. Did they stay at that particular venue or did they go to

12 other places in Aberdeen?

13 A. One of them used to go down the docks to see if they

14 could get cigarettes off the (Inaudible) ships and that.

15 Q. Right?

16 A. They would bring them back to the school.

17 Q. How did they get the cigarettes or how did they manage

18 to persuade perhaps seamen to give them cigarettes?

19 A. Well, you got pocket money at that time, so they

20 probably used their pocket money to buy the cigarettes,

21 so ...

22 Q. It was something that was done by some boys?

23 A. Yes, it was, yes, uh-huh.

24 Q. You tell us a bit at paragraph 26 about home leave and

25 I just want to check what the position was with that.

1 You tell us that you went home at Christmas for two
2 weeks, at Easter for a week and for about two weeks in
3 the summer?

4 A. Two weeks in the summer, yes, uh-huh.

5 Q. You say you didn't get weekend leave?

6 A. We did not, no.

7 Q. Was that just a general situation that boys didn't go
8 for weekend leave at that time?

9 A. I don't think I knew anybody that had weekend leave at
10 that time.

11 Q. I think we have heard later on that there was a system
12 where boys would get to go home at weekends, but that
13 wasn't something that was happening when you were there?

14 A. Not when I was present at the place, no.

15 Q. I take it that the boys that were in Oakbank at that
16 time, they weren't all from -- obviously they weren't
17 all from the Aberdeen area, you are a good example. You
18 weren't from there, but were they from all over
19 Scotland?

20 A. Yeah, they were from Stonehaven, Montrose, Dundee.

21 Q. Were there any from the Glasgow area?

22 A. Very few from the Glasgow area.

23 Q. At that time?

24 A. Very few from the Glasgow area at that time.

25 Q. They are mostly from the east of Scotland?

1 A. East of Scotland, yes, uh-huh.

2 Q. Was there any kind of grouping together of people from
3 particular areas, in terms of almost like a gang-type
4 grouping?

5 A. Yes, people like sorta -- once you got to know people
6 and found out where they came from then you would make
7 associations with these people from your sorta own area.
8 Then you sorta, suppose you would call it gang now, you
9 call it a group at that time of people from the same
10 area, who probably know each other.

11 Q. There might be a Perth group, a Dundee group --

12 A. Yes, uh huh.

13 Q. -- a Montrose group, an Aberdeen group and that?

14 A. Yes, uh-huh.

15 Q. Did that create problems between the boys?

16 A. No, none at all.

17 Q. Not in your time, there was no problem?

18 A. Not in my time.

19 Q. At paragraph 32, you say that when you were at Oakbank
20 no one ever sat down with you and told you how you were
21 getting on or presumably asked you how you were getting
22 on?

23 A. No.

24 Q. I think you say that at paragraph 33 as well, that they
25 didn't ask you what you thought about or what it was

1 like and so forth?

2 A. I think they were there to keep -- sorta keep control of
3 you, they wasnae really interested in how you were
4 progressing within it. It would be a different story
5 nowadays.

6 Q. Yes, I'm just trying to see what it was like then.

7 A. In these days it was a case of, 'Oh, you're here',
8 that's it. 'You're here 'til you go home', that was the
9 way it was.

10 Q. You came from the Perth area. In the time you were in
11 Oakbank did anyone from the Perth area, like a child
12 welfare officer or childcare officer from Perth, come to
13 see you?

14 A. The last person I saw in authority from Perth was the
15 probation officer, Mr Gaffney, who took me there.

16 Q. He took you there --

17 A. ██████████ 1965.

18 Q. Was that the last person from Perth that you saw until
19 you got out?

20 A. It was, yes.

21 Q. Did anyone that came from the Aberdeen social work area,
22 if you like or welfare area, did they come to see you?

23 A. Not to my recollection.

24 Q. Did you ever see an inspector from either the government
25 or a local inspector or any kind of inspector come to

1 the school to see how the school was run, did you see
2 anything like that?

3 A. Not that I can recall, no.

4 Q. If anyone did come when you were there, they didn't
5 speak to you?

6 A. We probably wouldn't know. We wouldn't be informed of
7 that.

8 Q. Just to be clear, Oakbank was a school, an approved
9 school, what was the situation with doors and locking
10 doors. Were any doors locked and if so, when were they
11 locked?

12 A. The outside doors were locked at night. The dormitory
13 doors very, very rarely locked.

14 Q. Why would they be locked then, can you recall why they
15 might be locked?

16 A. Mebbe a wee bit o' trouble in some of them like, I don't
17 know, locked up, but they'd open them -- they'd be
18 opened in the morning by the time you got out
19 (Inaudible/overspeaking) breakfast and that, and your
20 shower.

21 Q. If there was trouble within the dorm, they might lock
22 the door?

23 A. Yeah, just to keep youse in.

24 Q. Just to keep you in?

25 A. Aye.

1 Q. What, and just let you get on with it?

2 A. Aye.

3 Q. You are going to tell us there was a night watchman at
4 night?

5 A. There was actually two.

6 Q. Two, and were they within the dorm?

7 A. No, no. They had their own office in between the two
8 sets of dorms. And they would just come in and check.

9 Q. At times?

10 A. At times, just to see.

11 Q. So it was possible to lock the dorm if there was trouble
12 and be outside, if you were a night watchman?

13 A. Yeah, aye.

14 Q. Did that happen from time to time?

15 A. Not on our side, I know it happened on the other side of
16 the building, but not on our side.

17 Q. You tell us a little bit about discipline when you were
18 there and you tell us that if you did something wrong,
19 that the first sort of punishment would be a loss of
20 privileges, such as getting out to go to Aberdeen on
21 a Saturday afternoon, is that right?

22 A. Yes, uh-huh.

23 Q. You've told us that staff would give a clip round the
24 back of the head from time to time if they thought you
25 were doing something wrong?

1 A. Yeah.

2 Q. That was the sort of general way that it was done, and
3 you tell us that that was something staff would do,
4 quite a lot of the staff. But then you tell us how you
5 might end up in Mr GZH office. What would cause
6 you to be sent there?

7 A. If for instance you were speaking to a member of staff
8 and he clipped you on the ear and then you swore, 'Down
9 the stairs'.

10 Q. That was seen as a serious matter?

11 A. Yes.

12 Q. Because if you went to Mr GZH, it was a more serious
13 offence?

14 A. You were gettin' the belt.

15 Q. Did that have a name?

16 A. Shefters, they called them.

17 Q. Who administered the shefter?

18 A. Mr GZH.

19 Q. Was there anyone else that did that?

20 A. It was always Mr GZH I got anyway.

21 Q. Did he SNR?

22 A. Yeah, I think it was Mr Noble, if I can remember
23 rightly.

24 Q. Yes, I think you mention his name. If for any reason
25 Mr GZH was not there, say on holiday or whatever,

1 would SNR have stepped in to do the shefters?

2 A. If it happened when he was there, yeah, aye, Mr Noble.

3 Q. You did get the shefters, did you?

4 A. I did, yes --

5 Q. Often?

6 A. -- I was no angel.

7 Q. Okay, so were you in his office quite a few times?

8 A. I was, yes.

9 Q. It was always Mr GZH that gave you shefters?

10 A. You see a 13-year-old, you think you're smart.

11 Q. Well, can you just tell us just typically what getting

12 the shefters involved and just describe what happened

13 when you went into the office and how it was done?

14 A. 'You're in here for swearing at such and such,

15 right,(Inaudible) three shefters, right'.

16 I'm expecting -- when I'm first called I'm expecting

17 like the school, you know, Goodlyburn, the school I was

18 at, put your hands out and you get it like that. No,

19 no, bend over the table. Belt, backside.

20 Q. You were told to bend over and it was given on the

21 backside?

22 A. Yeah.

23 Q. Just to explain what was the belt like, can you describe

24 it? In terms of the appearance of it, what was it?

25 A. Maybe about that length, leather, three prongs, a tawse,

1 they call it, a tawse?

2 Q. A tawse?

3 A. Yeah.

4 Q. A leather tawse?

5 A. Yeah.

6 Q. With prongs at the end?

7 A. Yes.

8 Q. I don't know whether -- if I said was it a light tawse

9 or something more substantial?

10 A. I felt it. I don't know, but I felt it.

11 Q. You felt it. When you got it, was it given with some

12 force?

13 A. Yes, aye.

14 Q. And you felt it?

15 A. Yeah, it stung for about maybe about an hour afterwards.

16 Q. Did it leave any marks?

17 A. Very residual, because you had your underwear on plus

18 you had your trousers on top of that. They never done

19 it on bare skin, possibly for the fact it would leave

20 abrasions or whatever.

21 Q. You don't recall any sort of lasting marks?

22 A. No.

23 Q. Or bruising or anything of that type?

24 A. No.

25 Q. To you or even to other boys, did you notice anything?

1 A. Not something you talk about, is it?

2 Q. Hmm?

3 A. Not something you talk about.

4 Q. No, but did you see evidence of boys having marks on
5 their backside, for example when you're showering?

6 A. Probably in the showers, yeah, but you just ignore
7 things like that, didn't you, then, at that --

8 Q. Yes, no, I'm not suggesting you would have
9 a conversation with them about it, but I'm just trying
10 to work out, if you are thinking back, what is the
11 likely explanation for having those marks at the time,
12 if you look back? Why would they have had those marks?
13 Would it be from fighting with other boys? Would it be
14 from activities that involved like football or whatever?
15 Or would it be because they went to Mr GZH office?

16 A. I think it would be the assumption it was because you
17 got the belt.

18 Q. And it did have some force?

19 A. Yeah, uh-huh.

20 Q. How many strokes would he give you?

21 A. Three.

22 Q. Three. But always over clothing, trousers?

23 A. Always over clothing, yes.

24 Q. Were there any other members of staff there when he did
25 this?

1 A. Er, no.

2 Q. No. It was you and him --

3 A. Yeah.

4 Q. -- in the office?

5 You tell us at paragraph 38 about the fact that some

6 boys ran away. You didn't, I think you say?

7 A. No, I didn't, no. I think there was one time in my last

8 year there I think -- the first year there, I got the

9 bus back to Perth. That's how they used to transport us

10 home. Er, and I missed the bus going back, probably

11 meant to miss it, but they held the bus back until I got

12 there, so I had to go back.

13 Q. So you went back. Were you punished?

14 A. No, no. Not at all, no.

15 Q. But boys did run away?

16 A. Yes, uh-huh.

17 Q. Was it quite a common occurrence?

18 A. Not really, no. No.

19 Q. What happened when they were brought back?

20 A. Loss of privileges, belt.

21 Q. Would it usually be the belt as well as privileges?

22 A. Yes, uh-huh.

23 Q. So more shefters?

24 A. More shefters, yes.

25 Q. Your home area was a distance away and did you want to

1 go home at times?

2 A. I did, because I missed my family. Really missed them.

3 Q. Why didn't you think about trying to run away?

4 A. Well, in the back of my mind too was you're going back
5 home to what? Your father mebbe gettin' drunk again and
6 beating you up, so they came to see me once. Er, him
7 and his nephew, and they were both steamin' drunk and
8 I didnae want to see them, but I had Mr GZH, 'You
9 have to see them, you have to see them'. They just done
10 my head in.

11 Q. Was that the only time that they came?

12 A. The only time my father came. My mother came two or
13 three times.

14 Q. I was going to ask about your mum as well. She came
15 sometimes?

16 A. Her and my big sister [REDACTED], they came a few times.

17 Q. Did you enjoy those visits?

18 A. Oh, I did, yes, uh-huh, yeah.

19 Q. They lived a distance away and it's the 1960s and
20 I don't think you were a wealthy family, were you?

21 A. No, not at all, no.

22 Q. Was it difficult for them to make that journey?

23 A. It was mebbe once every two, three month they came to
24 see me. Not very often.

25 Q. No.

1 Can I move on in your statement to a section which
2 deals with -- it's headed 'Abuse at Oakbank', so can
3 I come to that now.

4 First of all, I think you tell us before we get to
5 this section that you at that time were a bed wetter.
6 I think at paragraph 29, I don't need to go back to it,
7 but I think you tell us that there was no punishment or
8 humiliation from staff for wetting the bed?

9 A. No.

10 Q. You don't recall anything like that? But you say that
11 sometimes boys who found out would say nasty things?

12 A. Yeah, because you ended up ... you get the rubber mat on
13 your sheet, on your mattress.

14 Q. So they'd know that?

15 A. So they knew right away.

16 Q. You stayed in the same dorm and some boys would have
17 rubber mattresses and some wouldn't?

18 A. Yes, uh-huh.

19 Q. The boys that had the rubber mattresses would sometimes
20 get things said to them --

21 A. Yes.

22 Q. -- by the boys? Was there any attempt by the staff to
23 stop them saying the nasty things?

24 A. Not really, because the staff were never there at the
25 time, were they? When things are getting said like

1 that? When it's first thing in the mornin', you're all
2 rushing about and everything, 'Oh, there's him pished
3 the bed again, look at 'im', saying things like that.

4 Q. A boy might say something and the staff wouldn't
5 necessarily have heard what --

6 A. Yes, possibly, yes, uh-huh.

7 Q. If we go back to paragraph 40, you tell us about
8 a particular -- one of the two night watchmen, Mr IMS,
9 and he would come into the dorm at night, in the early
10 hours.

11 I suppose was it part of his job to go into the dorm
12 and check on boys during the night or do you know --

13 A. I'm assuming it was his job to check round the people
14 that were there, for their own safety.

15 Q. Yes. You estimate his age. He was around 40?

16 A. 40, summat like that.

17 Q. You give a description of him. Can you tell us, so far
18 as you are concerned, what happened when Mr IMS would
19 come to the dorm? He would come towards your bed at
20 times?

21 A. Aye. I suppose in a way I was quite unlucky, because
22 you came along the corridor and opened the dorm room
23 door, I was right in front. I was number [REDACTED] and I'd be
24 the first person he would see comin' in that door and he
25 knew I was a bed wetter.

1 Then he'd come up and he'd, 'Wet the bed again,
2 aye'. You feel demeaned in a sorta way and maybe
3 a couple of weeks, maybe a month into that, he started
4 putting his hand under the cover. If you were dry, he
5 would rub his hand right across you -- your back end and
6 if you were wet, 'cos sometimes you done it just to keep
7 him away, he would just touch you then, knowin' you were
8 wet, he would then just slap you in the back of the
9 head.

10 Q. You say that initially he didn't do this, but after
11 a time, he started to put his hand under the covers?

12 A. Yeah, one time -- I think -- how can I put it, it was
13 like -- he was looking for your vulnerabilities within
14 the person.

15 Q. So in a sense it might be said that you're describing
16 something when someone is testing the situation out to
17 just see what might --

18 A. To see what he could or couldn't do.

19 Q. What he could and couldn't do?

20 A. Uh huh.

21 Q. If his job was to test whether someone had wet the bed,
22 and it was part of his job to go under the covers, he
23 would have done it from day one, would he?

24 A. Surely it's nobody's job to test it --

25 Q. I'm not saying that that was right --

1 A. Uh huh.

2 Q. -- I'm just saying that if he understood his job to
3 involve testing to see if the bed itself was wet or the
4 covers were wet because they might want to change them,
5 for example, that would have happened from the first day
6 that you were in the dorm?

7 A. Yeah, first day (several inaudible words).

8 Q. But he didn't, he waited for a while?

9 A. He waited for a while, yes.

10 Q. Then he did what you've described?

11 A. Yes.

12 Q. That involved putting his hand under the cover, he
13 touched your backside and that area, whether it was dry
14 or wet at times?

15 A. Yeah.

16 Q. If you were wet, he would clip you round --

17 A. Aye, because he wasnae going to touch you then, was he?

18 LADY SMITH: 'Matthew', you said a few moments ago that
19 sometimes you'd done it -- I take you it you meant you
20 had wet the bed -- just to keep him away.

21 A. Yes.

22 LADY SMITH: Can you tell me a bit more about that?

23 A. It's a sort of fear factor, isn't it, now, do I want
24 this to happen to me again, because you don't know who's
25 actually watching you within the dorm itself.

1 LADY SMITH: Okay.

2 A. And you pee the bed just to keep him away.

3 LADY SMITH: To keep him away?

4 A. To keep him away from you, aye.

5 LADY SMITH: Why would that have kept him away?

6 A. Because then he's just touching you a little bit, right.

7 LADY SMITH: I see.

8 A. Mebbe just caressing you instead of going across.

9 MR PEOPLES: In a sense it was worse when your bed was dry,
10 because his touching would be perhaps more prolonged and
11 he might stroke you rather than simply touch and find
12 a wet pyjama bottom, for example, or a sheet, and at
13 that point he would retreat and hit you?

14 A. Yeah.

15 Q. So in some ways he was almost looking for a dry sheet
16 rather than a wet one?

17 A. Yes, Uh-huh.

18 Q. In your case anyway?

19 A. In my case, anyway.

20 Q. You say in your statement at paragraph 40 that if you
21 did wet the bed, apart from getting a slap, you say that
22 he would just leave you lying in the wet sheets until
23 the next morning?

24 A. Yep.

25 Q. He didn't make any attempt to say to you to take the

1 sheets away or to bring you dry sheets or change them or
2 anything like that?

3 A. No, there was nothing at all, no. Just lie there.
4 Sometimes you woke up in the mornin' and they were
5 actually dry.

6 Q. Sorry?

7 A. You actually woke up in the mornin' and the sheets were
8 actually dry, you'd been lying in them that long.

9 Q. Right, so the wet sheets had dried out during the night?

10 A. Yeah, during the night.

11 Q. Now, I think you tell us that you now look back and try
12 to work out what you think of all this now and you tell
13 us at paragraph 41 that you now believe that he was
14 getting gratification from touching your backside?

15 A. Yes.

16 Q. That's what it now appears to be to you?

17 A. Yes, uh-huh.

18 Q. At the time you tell us quite frankly you just thought
19 he was making a check of the bed and that was it, but
20 now you see it in a different light?

21 A. Yeah.

22 Q. You say at paragraph 42 that once this started to happen
23 to you, that you would lie at night terrified that he
24 was going to come into the dorm and no doubt come to
25 your bed and do what you've described, is that right?

1 A. Yeah, it was always on your mind.

2 Q. Indeed, you say that you lay on your side looking away
3 from the door from which he would be coming in?

4 A. Yeah, I lay on the left-hand side, looking up the back
5 end of the dorm.

6 Q. You curled yourself into a ball to try and protect
7 yourself?

8 A. Mm-hmm, yes.

9 Q. You also tell us that this went on perhaps for, you
10 estimate, about six or seven months, that this was
11 happening?

12 A. Yes, it did, yes.

13 Q. You think it was maybe happening about once a fortnight
14 to you, although you say that he would come into the
15 dorm every night that he was on duty, but he didn't
16 always do what you've said every day that he was on duty
17 and came in?

18 A. No, no. I'm led to believe that there was other people
19 that he was doing it to, like, but, I don't know.

20 Q. There would be other bed wetters in the dorms?

21 A. Yes, oh, definitely.

22 Q. He'd know that?

23 A. Yes.

24 Q. There would be boys of your age?

25 A. Yeah. It seemed to be (Inaudible) all the youngest

1 ones, 'cos the bigger ones (Inaudible) he didn't go near
2 them.

3 Q. You wouldn't want to mess with them?

4 A. That's it, yeah, no.

5 Q. You managed to put an end to it as well. How did you
6 manage to bring this period to an end?

7 A. Well, like I said earlier on, you get associations with
8 other people, within the place, then you start to get
9 that bit braver. Then you can start tryna give back as
10 much as you're gettin'. It was just a case of telling
11 him to, in my words at that time, 'You fuck off, do that
12 again and you will get done, I'm telling you'.

13 Q. And that worked?

14 A. That did work, yes, uh-huh.

15 Q. Because I think you say he didn't come near you again
16 after that confrontation, that's how you responded?

17 A. That's correct, yes.

18 Q. When he was doing this, though, before you had this
19 confrontation, you said he would come in and make
20 remarks if you had wet the bed to you and you got a clip
21 round the ear or the head and that, if you had wet the
22 bed, but apart from that, did he say anything about what
23 he was doing when he was putting his hands underneath?

24 A. None at all, no. Not that I can recall anyway.

25 Q. It's just the physical actions that he was doing that

1 you remember?

2 A. Yes.

3 Q. Can I move on to something else that happened to you.

4 This is again something that happened in the dormitory

5 at night.

6 A. Yes.

7 Q. You have told us you're in a big dorm and there are boys

8 of different ages, you at least, or when you went in,

9 were 13 --

10 A. I was the youngest.

11 Q. You were one of the younger ones in the dorm?

12 A. Yes, uh-huh.

13 Q. At paragraph 46, if we can turn to that, you tell us

14 about something that happened with a boy that was in the

15 bed nearest to you. Can you just tell us in your own

16 words what you recall?

17 A. Well, what had happened was that he had been noticing

18 what this Mr [REDACTED] was doing and him bein' -- he was

19 older than me, I think he was about 14 or just over 14

20 at the time, big strong lad like, erm, and he saw what

21 was happening so one night he pulled my bed across. It

22 was just one of these iron beds with the wooden feet and

23 there was a wooden floor in the dormitory, so he pulled

24 the bed over and, er, grabbed my hand and told me to

25 more or less masturbate him. That happened on a few

1 occasions.

2 Q. I think you tell us that you reckon it happened maybe
3 eight or nine times over a six-month period.

4 A. I think everything really all ended at the same time,
5 once you started gettin' the association let's say with
6 other people, everything seemed to stop then.

7 Q. Was he from a different area from you as well?

8 A. He was in the Perthshire area, he came from.

9 Q. But you say that it stopped after, a bit like the night
10 watchman, you told him to stop and you made some threats
11 of what would happen if he didn't?

12 A. Yeah, because then he knew that I had associations with
13 other people, who were actually bigger than him, so
14 therefore then he sort of backed down.

15 Q. It wasn't just what you might do to him, it might be
16 what some of the people you were beginning to make
17 friends with would do to him?

18 A. Yes, uh-huh, and I said in the statement, it's been
19 reported to the police in Aberdeen and at the moment
20 they're still, er ... enquiries are ongoing about it.

21 Q. That's now a matter that the police are aware of?

22 A. The police are aware of, yes, uh-huh.

23 LADY SMITH: Was it also a matter of six months on or so,
24 you having got more settled and confident and bigger
25 yourself, because you would have been growing all the

1 time then?

2 A. Yes, I was gettin' decent food. Sorry.

3 LADY SMITH: I just wondered whether, after some months, you
4 felt you could stand up for yourself more?

5 A. Yes, you could, but you also knew then, in the situation
6 we were in that, that you had the backing of other
7 people roundabout you, they'd become friends of yours
8 during that period.

9 LADY SMITH: Yes, of course. Thank you.

10 MR PEOPLES: While you were in Oakbank from [REDACTED] 1965 and
11 stayed there until [REDACTED] 1967, what
12 you're telling us about here happened in the earlier
13 part of your stay?

14 A. Yes, it did, yes.

15 Q. As you got older, with the food that you were getting as
16 well, which you weren't getting at home always, you were
17 getting a bit bigger?

18 A. Yes.

19 Q. But the boy at the time, when this was happening, was
20 physically bigger than you and older?

21 A. It was like he was off a farm.

22 Q. Okay. You were new to the place. You didn't know a lot
23 of people at the beginning?

24 A. I knew nobody at the beginning.

25 Q. Nobody?

1 A. Nobody at all.

2 Q. Even though there were people from your area, but you
3 didn't know anyone?

4 A. No.

5 Q. Okay. So they were all strangers?

6 A. Yes.

7 Q. You didn't suddenly say, 'Oh, there's a familiar face.
8 I knew him at school' or anything like that, at that
9 stage, no?

10 A. No.

11 Q. It was quite --

12 A. Daunting.

13 Q. -- a daunting situation for you to come into, in that
14 situation?

15 When you did decide to stand up for yourself against
16 both of them, you had started to be part of groups and
17 know people, some of whom were bigger than the boy you
18 have told us about.

19 You didn't though say to them, did you, what was
20 happening?

21 A. No.

22 Q. No?

23 A. No.

24 Q. So it wasn't their idea to say, 'Look, the way to sort
25 this out is just to stand up to him and say if you

1 continue to do this, me and my pals are going to sort
2 you out'? It wasn't their idea, you just learned from
3 being in this group that that was the thing you had to
4 do to stop it?

5 A. Safety in numbers.

6 Q. Yes. That was how it came about. It wasn't because
7 someone had said to you, 'Look, I know what's happening,
8 the way to stop it is to do this', it's just that you
9 had to think for yourself?

10 A. Yeah. It wasn't really spoken about. Myself, I never
11 really spoke about it until, what, eight, nine years
12 ago? That's the first I'd spoken about it.

13 Q. It's a bit like you told us if you saw marks on
14 someone's backside in the shower, because it was quite
15 open, you wouldn't start having a conversation, 'How did
16 you get that?'

17 A. That was because you knew ...

18 Q. You might know why it was there, but you wouldn't ask
19 questions?

20 A. No, no.

21 Q. That wasn't the way it was done?

22 A. No, it wasn't done that way, no.

23 Q. You have probably answered the next part that you deal
24 with in your statement about reporting of this, you
25 didn't tell anyone?

1 A. I did not, no.

2 Q. You have told us why you wouldn't have told another
3 person, even if it was one of your group, as time went
4 on. But I think you go further and you say you don't
5 feel there was anyone you could tell it to at that
6 stage?

7 A. I felt then if I'd mentioned it to any member of staff
8 that they would have believed -- they would be believed
9 over me.

10 Q. There wasn't any point in trying --

11 A. I felt there was no point, because you get yourself into
12 more trouble, wouldn't you?

13 Q. Yes. Trouble from the staff?

14 A. Probably, yes, aye. 'What are you making this
15 accusation for?'

16 Q. I suppose if you had told about the other boy, you would
17 have trouble from perhaps some of the boys?

18 A. Oh, probably, yes.

19 Q. If he was a pal of another group?

20 A. Yes, uh-huh.

21 Q. So there wasn't really any -- it didn't make much sense
22 to you at the time to start saying too much?

23 A. There would be no advantage in it at all.

24 Q. You could see disadvantages perhaps?

25 A. Yeah, uh-huh, yeah.

1 Q. You tell us at paragraph 49 that you left in 1967 and
2 I think you were just about to turn 15 or thereabouts
3 anyway?

4 A. Just 15 at the time, yes.

5 Q. I suppose what strikes me when reading what you've said
6 there is you tell us there were no goodbyes or
7 handshakes, it was pretty abrupt and you were just gone.
8 You say:

9 'I went in with nothing. I left with nothing.'
10 There was no great --

11 A. I think I mentioned that I'd actually got a prize,
12 a book, for bein' the most industrious person in class
13 without supervision, a book. That was it.

14 Q. Paragraph 50, I think, if we could move on to the next
15 paragraph, yes.

16 So you went away with that at least?

17 A. That it was, yes.

18 Q. That was all?

19 A. Yes.

20 Q. I think you say that you were actually quite keen to go
21 back to school at that stage, because you'd obviously
22 been doing quite well in terms of the schooling?

23 A. I wanted to go back, because I knew then that being 15,
24 what job could you really go into without any
25 qualifications and there was no qualifications at all

1 given at Oakbank. There was just, how can I say, it was
2 like mebbe first year of secondary all the way through.
3 You weren't getting upgraded on anything at all. It was
4 just basic and like I said in the statement too, you had
5 to do some chores in the work spaces outside.

6 Q. Paragraph 23 -- we don't need to go back to it -- you
7 say teaching was very basic, you had the same teacher
8 who taught all the subjects in the class?

9 A. Yes.

10 Q. You didn't have a dedicated English teacher, or a maths
11 teacher or a science teacher, it was just one teacher?

12 A. Just one teacher, that's all it was.

13 Q. You say you recall it was perhaps three days of classes
14 out of a five days --

15 A. Roughly, yes, the average, yeah, uh huh.

16 Q. And you're doing work on the other days?

17 A. On the other days, yes.

18 Q. Yet you were still of school age?

19 A. Yes.

20 Q. Had you been at a mainstream school, you would have been
21 getting five days of education?

22 A. Five days of education.

23 Q. You wouldn't have been working on two days out of five?

24 A. No, that's true.

25 Q. Of course, I think you tell us that it was made all the

1 worse because you had lost a bit of ground from being in
2 hospital when you were younger as well, so it would have
3 benefited you to have had a more intensive education?

4 A. I'd missed my last year in primary school. They just
5 put me straight into -- I think it was primary 6,
6 straight into secondary school, instead of keepin' me
7 back a year in the primary 7. They just sent me
8 straight in after primary 6.

9 Q. So you are going to struggle?

10 A. So I was gonnae struggle right away anyway.

11 Q. Going back to the days before you went into the approved
12 school, were you a reasonably good school attender or
13 did you truant a lot?

14 A. I'm led to believe that, through my mother, when I was
15 younger, she would take me to the school in the morning,
16 the primary school, I'd be back home before she was.
17 That's how much I hated it.

18 Q. You tell us about life after you left Oakbank and
19 I think initially you went back to your parents?

20 A. I did, yes, uh-huh.

21 Q. You found work, I think, after you left, and I think it
22 was mainly in the building trade?

23 A. My first job was an apprentice sheet metalwork engineer.
24 I got that job -- it started -- I was there for about
25 maybe six or nine month then they'd found out I'd been

1 in approved school and let me go.

2 Q. Because they knew --

3 A. Because I'd been in an approved school.

4 Q. That was the only reason --

5 A. Yes.

6 Q. -- you got told that you weren't getting kept on?

7 A. 'We can't have a thief in here'.

8 Q. Sorry?

9 A. 'we can't have a thief working here'.

10 Q. Oh, I see.

11 A. That was the answer.

12 Q. Had you started an apprenticeship then?

13 A. Yes, I did.

14 Q. You couldn't continue it because of when the employer

15 found out?

16 A. Yes, uh-huh.

17 Q. Then I think, to put it shortly, you went off the rails

18 a bit in your teenage years.

19 A. I did, yes.

20 Q. I'm not going into this in too much detail, but the

21 upshot was that you ended up getting a sentence of three

22 months in Glenochil in 1971?

23 A. That's correct, yes.

24 Q. When you would be 19 or --

25 A. 18/19.

1 Q. 18/19?

2 A. Yes.

3 Q. The background to that was, and I know you tell us it
4 wasn't -- you felt that you had been wrongly charged
5 with mobbing and rioting, you explain what happened that
6 gave rise to that charge, but that on legal advice you
7 pled guilty, because I think they were suggesting it
8 wouldn't matter what you said, you were going to be
9 found guilty?

10 A. That was the premise of that trial.

11 Q. You got sentenced to a three-month short, sharp, shock
12 treatment in Glenochil?

13 A. I did, yes.

14 LADY SMITH: By that stage it had been dropped to breach of
15 the peace?

16 A. A breach of the peace, I think we got that summary,
17 wasn't there, if I remember rightly.

18 LADY SMITH: Thank you.

19 MR PEOPLES: It probably would have been dealt with by
20 a sheriff alone.

21 A. Yes, it was a sheriff the second time. It was a
22 High Court the first time.

23 Q. Yes, sorry, it started off as a more serious offence?

24 A. Yes, uh-huh.

25 Q. But by the time it got to disposal --

1 A. Just a summary.

2 Q. -- it had been dropped to a summary complaint that was
3 dealt with by a sheriff, who thought that the
4 appropriate sentence was three months in Glenochil?

5 A. Yes.

6 Q. I think you tell us about Glenochil at paragraphs 55 to
7 58 and you were sentenced to three months, but you
8 served how much?

9 A. Eight weeks, five days and a breakfast.

10 Q. We have heard this expression before, so it's not new
11 territory for us, but, yes, so you served the standard
12 amount, I think, in those days?

13 A. Yes, uh huh.

14 Q. As long as you didn't misbehave when you were in the
15 detention centre?

16 A. That's correct.

17 Q. I think you actually tell us, perhaps in contrast to
18 some of the people who have told us about Glenochil,
19 that you have no complaints about that period in
20 Glenochil and in fact that you feel it was the making of
21 you?

22 A. I felt that that was the making of me, because I knew
23 then that if, after this, I got in trouble again I was
24 going into mainstream prison and then my life could've
25 been entirely different. So I took this as a lesson,

1 a very hard lesson in Glenochil, but ultimately worth it
2 to put me on the straight and narrow.

3 Q. You tell us about your life after that and you do say
4 that in terms of impact, I think you were married
5 a number of times and the marriages didn't last?

6 A. Er, three times.

7 Q. You tell us you became someone who didn't trust anyone,
8 especially people in authority?

9 A. Yes.

10 Q. That was the way it was.

11 You have had some hard times, as you tell us in your
12 statement, recently in particular, and we see that.

13 But you see your grandchildren now and I think that
14 gives you a lot of pleasure --

15 A. Yes, uh huh.

16 Q. -- is that right? For you, has life got a bit better?
17 I know it's not easy from what you've been through, but
18 are you --

19 A. Now I've got a really good focus now you see, three of
20 them.

21 Q. There's something you can -- something good that you can
22 concentrate on?

23 A. Yes, uh-huh.

24 Q. I suppose, if we're looking at what you've told us, this
25 is a situation about a young boy aged 13, who is caught

1 stealing to provide food for his family and the price
2 you pay is being sent to an approved school, with the
3 sudden removal from your family and you're put into
4 Oakbank, where the things happened to you, not just at
5 the hands of members of staff but also another pupil
6 and, I think, as you put it yourself at paragraph 71:

7 'I was vulnerable and was put with strangers.'

8 A. Yes.

9 MR PEOPLES: Okay. Well, 'Matthew', these are all the
10 questions that I have for you today and I would just
11 like to thank you very much for coming today and
12 answering the questions that I've been putting to you.

13 LADY SMITH: 'Matthew', can I add my thanks. It's been
14 really helpful to hear from you in person, so I now have
15 that, and the record of that in addition to the written
16 evidence you'd already given to us. It's enhanced my
17 learning about Oakbank in a way that needs to be added
18 to and I'm grateful to you for that.

19 I'm now able to let you go and I hope you have
20 a safe journey home.

21 A. That's lovely. Thank you.

22 (The witness withdrew)

23 LADY SMITH: I'm guessing that we're going to go on to doing
24 some read-ins, Mr Peoples?

25 MR PEOPLES: I think we can manage to slot in at least --

1 LADY SMITH: Before we do that, can I mention three names
2 that were used in relation to people whose identities
3 are protected by my General Restriction Order;
4 Mr GZH, who is SNR Oakbank, Mr IMS and
5 a Mr IMT. They're not to be identified as being
6 referred to in our evidence outside this hearing room.
7 Thank you.

8 Yes, whenever you're ready, Ms Forbes.

9 'Daniel' (read)

10 MS FORBES: My Lady, the first read in is from an applicant
11 who is anonymous and known as 'Daniel'.

12 The reference for 'Daniel's statement is
13 WIT.001.002.9411.

14 My Lady, 'Daniel' tells us he was born in 1967 in
15 Glasgow. He says that his mother married his father,
16 who apparently was already married and was an alcoholic.
17 His father was convicted of bigamy and spent some time
18 in custody. He never appeared on his birth certificate
19 as his father, but he believes that he was.

20 He had two older siblings and three younger siblings
21 and there was a time when he went into foster care and
22 this was after his younger sister was born, when he was
23 about six or seven years old, and that was along with
24 his younger brother and they were both put into foster
25 care.

1 At paragraph 5 he talks about the time being in
2 foster care and says that there were punishments. His
3 brother wet the bed and there were punishments for that
4 and there was humiliations.

5 After they left foster care, he went back to live
6 with his parents and this time they were in a flat in
7 Newarthill. His mum was working and his dad was also
8 working as a taxi driver and his sister took over as the
9 mother figure and he says that his sister used to
10 assault him and she would hit him with a plastic golf
11 club on the back.

12 He went to primary school and was bullied there and
13 was sent home for smelling of urine. He was asked a lot
14 at school whether he was being abused, physically
15 assaulted at home.

16 He goes on to talk about the fact that his dad was
17 bad to him and it was just him that he was bad to and
18 that he would assault him, but also there was some
19 psychological abuse. He would pretend to hit him to
20 scare him and he would hide from his father under the
21 stairs to get away from him.

22 His father would also lock him in wardrobes and take
23 the handles off the doors so that he couldn't get out
24 and he said that he was left with his younger brother
25 and sister and that he once ate excrement because he was

1 so hungry.

2 He talks about a time when he was 12 or 13 where his
3 father beat him up in front of his girlfriend and she
4 ran out the house and that was the end of that
5 relationship.

6 They moved around to different places and it
7 seemed -- he describes a chaotic upbringing and there
8 were issues with neighbours, who at one time signed
9 a petition to get rid of them. He went to another
10 school and was badly bullied at this school there and at
11 one point they fled to Perth without his father and they
12 were then close to his grandfather, squatting in a flat
13 upstairs, but this was discovered and they were put into
14 care.

15 However, he says that in his social work records,
16 they say they were put into care because of stealing and
17 he says that is something that hurts him.

18 'Daniel' talks about being taken into care when he
19 was in primary 4 or 5. He tells us about three
20 different homes and he talks about them between
21 paragraphs 11 and 77.

22 Secondary Institutions - to be published later
23
24

25 He then, after the first home, moved with his

1 brother to another home and was there for a couple of
2 years, from 1977 to 1979. Secondary Institutions - to be published later

3 Secondary Institutions - to be published later
4
5

6 Going forward to paragraph 59, he talks about
7 leaving one of the homes and he says at that time he was
8 first year of high school and was doing well:

9 'I was [REDACTED] football team at that time.'

10 He made a decision to go back to live with his mum
11 and dad and to go to school there. And so he left that
12 home and went back to his parents, but his younger
13 brother stayed at the home.

14 However, he says that when he was back home, he was
15 bullied by older boys, who were making him steal things
16 and he was missing school because he was scared of them
17 and he was home for about three months and then there
18 was a panel and he was put into another home.

19 Secondary Institutions - to be published later
20
21

22 He thinks he was at that last home for just under
23 a year and he says then the decision was taken to put
24 him into an approved school and put him under
25 a residential order, Secondary Institutions - to be published later

3 He then tells us about going to Oakbank, List D
4 school from paragraph 78. He says he was about 13 or 14
5 when he went there. He tells us about the set-up at
6 Oakbank at paragraph 78.

7 At 79 he says there were different houses within
8 Oakbank, housing boys from between 12 to 17, and there
9 were at least 40 boys there. He talks about there being
10 violent boys and boys who had committed sexual offences,
11 including a boy who had murdered a woman and would talk
12 about it.

13 At paragraph 80, 'Daniel' says the regime at Oakbank
14 was fairly relaxed and he talks about being allowed to
15 smoke, being given six cigarettes a day, but that was as
16 a result of a consent form having to be signed by his
17 mother to allow that.

18 At paragraph 81, he talks about some of the staff
19 members and I'll read from there:

20 'Mr Dumphy was in charge overall. He drove a Jaguar
21 car and he came from Edinburgh. He had been in a famous
22 running group called Powderhall Harriers. I remember
23 one time I asked him if he liked Al Jolson and he swore
24 at me, telling me he was nothing but a Jewish bastard.
25 There was a staff member called Jim Shand, who was

1 brilliant. The building was locked all the time so we
2 never got outside, except when we went to see
3 Mr [EJW], who we called "[EJW]", at the joiners way
4 up at the top of the grounds. Mr [ILG] also worked
5 there. As you got older they trusted you to go there
6 and work.

7 'They were building a swimming pool in the grounds
8 at the time and I helped out with that because I was
9 nearly 16. There was a man who had a shop in Aberdeen
10 and he worked in Oakbank as well. He drove a pick-up
11 truck and I used to go along with him to collect things.
12 We completed the pool before I left and it was
13 beautiful. There was a man called Mr Patterson, who was
14 a painter. They were tradesmen who were employed by
15 Oakbank. Mr [KZD] was the gardener. Ma Finley and
16 Ma Christie were the matrons. They were both on duty at
17 the same time.

18 'When we were in the recreation area we weren't
19 always supervised. Boys were battering each other and
20 smashing the television. The majority of the time
21 someone would sit in the snooker area and supervise.
22 I once managed to escape from there. Although the
23 windows had mesh outside them, I put the window in and
24 kicked the mesh off.'

25 'Daniel' then goes on to talk about the routine at

1 Oakbank and says he ran away as soon as he arrived and
2 got a train from Aberdeen, changed at Dundee and went
3 home and he was caught and taken back.

4 He then goes on to tell us a bit more about mornings
5 and bedtime and the fact that there was a dormitory
6 shaped like a T and in the middle would be the night
7 watchman.

8 At paragraph 86 'Daniel' says:

9 'The drug takers slept closest to the night
10 watchmen. There were two night watchmen called
11 Uncle ILF and Uncle Amos. Uncle Amos used to let us
12 sit up at night and smoke. You had a tin with your
13 number on it and this contained your tobacco. He would
14 bring these up at night. About eight of us would steal
15 tobacco from other boys' tins and cigarette papers and
16 hide them.

17 'We went to bed at 8 pm, but before that we had to
18 line up and hand in all our clothes, including your
19 underwear. We did this in the downstairs shower room.
20 You gave them your number and it was put into a box and
21 you were given pyjamas to put on. We stood naked in
22 a line while we were waiting to be given our pyjamas.'

23 'Daniel' talks about washing and bathing at
24 paragraph 89 and says there was a shower room downstairs
25 and there being five showers in a row, then three more,

1 then five more separated by partitions and 'Daniel'

2 says:

3 'We were supervised by Mr EJP and Mr EJQ.
4 Mr EJP used to stand in the showers staring at us.
5 There was no need for him to do this. Eventually both
6 of these men just disappeared. They were bad men and
7 they both hit us. We heard there was an inquiry and
8 they lost their jobs. We were given a black comb to
9 groom ourselves and other boys used to swipe it across
10 your naked buttocks when you were in the shower. It was
11 really sore. Boys got bullied all the time. One of the
12 boys, who had a brother in the Falklands War, tried to
13 take his own life in this shower room and I found him.
14 I heard he survived but I'm not sure what happened to
15 him.'

16 'Daniel' talks about going to school within the
17 building at paragraph 91 and he says that Mr EJR was
18 the teacher. He goes on to say:

19 'He hurt me one time when a boy [he names the boy]
20 said that I had hit him. This wasn't true and he had
21 been bullying me. Mr EJR hit me with his hand across
22 the side of my head. I liked him before that. I never
23 spoke to him again after he did this and I didn't
24 participate in class any more.'

25 'Daniel' says at paragraph 92 in relation to going

1 home that he hardly ever got home and there were a panel
2 of six made up of boys and staff and they would vote for
3 the number of weekends you had to stay in.

4 In relation to visits or inspections at
5 paragraph 93, 'Daniel' says that his mum came up once
6 and they gave her dinner, but he goes on to say:

7 'There was always a member of staff present when
8 I was talking to her. You couldn't say anything because
9 of the person that was present and they always had
10 a warning look.'

11 He doesn't remember any formal inspections. He says
12 that his social worker visited now and again, but he
13 thinks there was always someone from the home present
14 during these visits.

15 'Daniel' says that he'd turned into a thief by the
16 time he was in Oakbank and that just before he left
17 Oakbank, he had used heroin a couple of times.

18 In relation to running away, 'Daniel' says from
19 paragraph 96 that as he got older, he ran away from
20 Oakbank for three or four months at a time and he talks
21 about what he would do when he was away:

22 'Any chance I got I ran away.'

23 At paragraph 96 he says:

24 'Mr EJS gave me a beating one time because he
25 caught me with a coat hanger which I used to pick locks

1 in order to escape. He punched me in the face and
2 kicked me. He went mad. I'll never forget it.'

3 He then talks about home visits at paragraph 97 and
4 he says:

5 'Any time I got out for a visit I ran away, I ended
6 up in a home called Burnside in Dundee one time. This
7 was instead of taking me to the police station.'

8 At paragraph 99 'Daniel' says:

9 'When I got caught and taken back I would be belted
10 and then I would have the meeting in front of the panel.
11 It was usually Mr EJU who gave me the belting. He was
12 a big heavy man. He used to stand and loosen up before
13 he belted me. I know that other boys were also belted
14 because they told me and showed me their bruises.
15 I never saw the boys getting punished, but I heard them
16 screaming and crying.'

17 'Daniel' then talks about abuse at Oakbank from
18 paragraph 100:

19 'Mr EJU put me across a big boardroom table and
20 gave me the belt. He was a big, fat man. When you were
21 getting the belt they would allow you to put pyjamas on
22 or else your pants and then they would hold you across
23 the table. Mr EJU would hit you four or five times
24 with a two-thonged tawse. It left terrible bruises.
25 Mr EJV and Mr EJW held me down. It was

1 horrendous. I used to be bruised and sore for weeks.

2 'EJT a member of staff whose surname I cannot
3 remember, battered me one time. I was playing snooker
4 and I started to fight with one of the other boys. EJT
5 grabbed me by the hair and threw me into the shower room
6 and beat me about. All I remember was he was the PT
7 teacher.

8 'I think older boys were doing things to younger
9 boys, but it was never done to me. I never saw
10 anything. It was just a suspicion.

11 'Mr Dumphy used to make us all do exercise before
12 bed and we had to hold our legs up for ages. It was
13 really sore. This was part of how he tried to keep us
14 fit.'

15 In relation to reporting abuse 'Daniel' says at
16 paragraph 104:

17 'Jessie Young was my female social worker after
18 Alex Miller. I told her that I was getting battered in
19 Oakbank and she didn't believe me. She later denied
20 I had said it.'

21 Then he talks about the fact that his sister got
22 four years for assaulting the social worker and she was
23 15 at the time. He says that he assaulted a police
24 officer at that time and he got three months' detention
25 in Glenochil. He says at paragraph 104 in relation to

1 Glenochil:

2 'It was torture. I was battered every day.'

3 Leaving Oakbank then he goes on to say at
4 paragraph 105 that he left on his 16th birthday. He had
5 to go to a panel and that he was prepared for release
6 a couple of months before that by being taken into
7 Aberdeen and being given clothes. He says that when he
8 went home his mum was working in a Chinese restaurant
9 and his dad came to the door and asked him what he
10 wanted. 'Daniel' says:

11 'I just decided to disappear and I went to London.'

12 He then talks about life after being in care from
13 paragraph 106, and he says at that time you could sign
14 on in Scotland and in London so he went back and forward
15 between the two places.

16 He was caught shoplifting when he was 16 and a bit
17 and he was put into hospital in Perth by a sheriff and
18 was sectioned under the Mental Health Act due to drug
19 addiction. He says at that time they didn't know what
20 else to do. That was in 1983, and he was there for five
21 or six months.

22 He talks about staying in London at paragraph 107
23 and says that whilst there he would steal tourists'
24 wallets and purses and was injecting heroin two or three
25 times a day. He was in London on and off for two or

1 three years.

2 'Daniel' says he ended up in a relationship with
3 someone and they were both using drugs and they had two
4 daughters, but he stopped injecting heroin just before
5 his first daughter was born.

6 He talks about various jobs he did working in
7 a hotel and working as a tree planter and also working
8 at [REDACTED] and living in a caravan, but
9 still at that time getting drugs from the doctor.

10 He talks about a time in 1999 when he thought about
11 committing suicide and was taken to
12 Perth Royal Infirmery and ended up being remanded in
13 custody and being given a sentence.

14 After that, he went to Liverpool, sought help and
15 went into rehabilitation and was in rehabilitation for
16 18 months the first time, but relapsed and was back in
17 again within three months.

18 He talks about some health problems that he's had
19 and been treated for, but then he talks about starting
20 about to learn how to use a computer whilst in rehab.

21 He then says he was drug free for a period of time
22 and worked with people who had HIV and AIDS and he
23 attended college for a time and did pre-access to
24 humanities.

25 There was then issues with his family and he talks

1 about his mum dying of cancer, his brother committing
2 suicide and then also the death of his grandfather and
3 he'd been staying clean until a period in 2006 when he
4 lost these people and he ended up back on heroin.

5 He talks about having a son from another
6 relationship.

7 'Daniel' then says about impact that he's been
8 a registered drug addict from the age of 16, but was
9 using solvents from the age of nine.

10 He says that when he looks at it he started using
11 the glue to escape and then started using cannabis. He
12 was assaulted with a bottle about 20 years ago and that
13 affected the vision in one of his eyes.

14 At paragraph 116 'Daniel' says:

15 'I got involved in crime as a result of what
16 happened to me in care. I've walked around for years
17 homeless talking to cars, shouting and keeping people
18 away, that was my way of protecting myself. I've done
19 years in prison for breaching the peace, police assault
20 and shoplifting to fund my drug problem. Until I got to
21 my 30s I didn't realise a lot of the stuff I thought was
22 normal wasn't.'

23 He then talks about trying to take his own life
24 a couple of times and the fact that he's been on
25 methadone for 25 years. At the time of giving this

1 statement he was still on methadone and takes it twice
2 a week, but says he's been clean of illegal drugs for
3 the last four or five years.

4 Up until about five years ago at the time of this
5 statement 'Daniel' says he was in and out of prison and
6 his life hadn't been good except for the last four or
7 five years, but that he stayed out now and he's been
8 doing voluntary work. He has contact with his son, who
9 is ten years old, and social services oversee that,
10 although they're supportive of his relationship with his
11 son.

12 At paragraph 120 'Daniel' says he would love to
13 complete his education but his health isn't good and he
14 has some mental health problems. But he says that he
15 has three children and six grandchildren and that he's
16 happy about that but he feels that he's wasted his life.

17 Going forward to paragraph 126 'Daniel' talks about
18 lessons to be learned and he says:

19 'People working with children in care should be
20 rigorously checked. Sex offenders manage to get jobs
21 working with children because there is a breakdown in
22 communication between agencies. Children were put into
23 care to get looked after and they weren't. They were
24 mentally, sexually and physically abused. I am still
25 suffering to this day. I don't want what happened to me

1 and my brother to happen to anyone else. There are
2 things I've told you that I haven't ever told anyone.
3 When I saw the advert about the
4 Scottish Child Abuse Inquiry on television, I just
5 wanted to help. I am aware that these people could
6 still be working.'

7 Then at paragraph 131 'Daniel' has given the usual
8 declaration and he's signed his statement and it's dated
9 11 October 2019.

10 LADY SMITH: Thank you very much.

11 I think we'll stop there for the morning break and
12 we should have another witness ready to give evidence at
13 11.45 am.

14 Just before I rise, let me mention names now. Some
15 have been mentioned before yesterday I think. But names
16 we have used of people whose identities are protected by
17 my General Restriction Order; Mr EJW ,
18 Mr ILG , Mr KZD , ILF or ILF , Mr EJP ,
19 Mr EJR and a Mr EJU . They're not to be identified
20 as being referred to in our evidence outside this room.

21 Thank you.

22 (11.26 am)

23 (A short break)

24 (11.45 am)

25 LADY SMITH: Mr Peoples.

1 MR PEOPLES: My Lady, before I call the next witness,
2 I've just remembered that I don't think I gave the
3 reference for the first witness this morning, 'Matthew',
4 so perhaps I can just for the transcript --

5 LADY SMITH: This is the statement reference?

6 MR PEOPLES: Yes. It just crossed my mind. I don't
7 remember doing it, and I don't think I did.

8 LADY SMITH: I don't think you did.

9 MR PEOPLES: If I could do that now, 'Matthew', his written
10 signed statement which he spoke to is WIT-1-000001272.

11 LADY SMITH: Yes, thank you very much.

12 MR PEOPLES: Thank you.

13 With that, can I move on. The next witness is
14 another applicant who wishes to remain anonymous and has
15 chosen the pseudonym 'Cameron'.

16 LADY SMITH: Thank you.

17 Pseudonyms do change, I thought this was 'John'.

18 MR PEOPLES: I think that is my mistake then if it is.

19 LADY SMITH: The statement that ends 1181?

20 MR PEOPLES: Yes, sorry, about that, my apologies.

21 'John' (sworn)

22 LADY SMITH: 'John', thank you for coming along this morning
23 and to help us with your evidence. I'm very grateful to
24 you for doing that.

25 I already have your written evidence in the

1 statement you provided to us and it's been really
2 helpful to have that in advance, but what we'd like to
3 do this morning is explore some particular parts of it
4 with you and Mr Peoples will take you through that
5 shortly.

6 But your written statement is in that red folder
7 there, so it will be available to you. We'll also be
8 able to bring up parts of it on that screen in front of
9 you. You don't have to look at either of them but you
10 might find it helpful to have them there.

11 'John', other than that, importantly, do let me know
12 if there's anything I can do to help you give your
13 evidence as comfortably as you can. I know what you're
14 doing isn't easy. You've agreed to come into a public
15 forum to talk about things that are very personal to you
16 and about things that happened a long time ago when you
17 were a child and that's far from straightforward at the
18 best of times, let alone when we get to asking you about
19 things that you might find upsetting.

20 If you want a break, that's not a problem. If you
21 want us just to pause, that's not a problem either. If
22 we're not explaining things properly, please ask. It's
23 our fault, not yours if you don't understand any
24 questions. That's the general pattern. If it works for
25 you, it will work for me, whatever it is. So let me

1 know if I can help.

2 A. Thank you.

3 LADY SMITH: If you're ready, I'll hand over to Mr Peoples
4 and he'll take it from there.

5 Questions by Mr Peoples

6 MR PEOPLES: Good morning, 'John'.

7 Can I begin by referring to the statement you have
8 provided already to the Inquiry and a copy's in the red
9 folder. I'll just for the record give our reference for
10 that statement, which is WIT-1-000001181.

11 'John', can I ask you to perhaps take the folder in
12 front of you and if you could turn to the final page of
13 your statement. Can you confirm that you have signed
14 and dated that statement before giving evidence today?

15 A. Yes.

16 Q. I think you say that you've no objection to your witness
17 statement being published as part of the evidence to the
18 Inquiry and that you believe the facts stated in your
19 statement are true?

20 A. Yeah.

21 Q. Perhaps, if you're using the statement perhaps we can go
22 back to the beginning of the statement now and I'll ask
23 you some things in the statement. Obviously the
24 statement itself is all evidence and I'll ask you about
25 some matters today.

1 First of all -- I don't want your date of birth,
2 I just want your year of birth -- can you confirm for me
3 that you were born in 1965?

4 A. Yes.

5 Q. In your statement at paragraphs 2 to 19 you have
6 a section headed:
7 'Life before care.'

8 I'll just ask you a few things about that if I may.
9 I think that you were the youngest of five children?

10 A. Yes.

11 Q. You had four brothers and one sister?

12 A. Yeah.

13 Q. You tell us that your mum died when you were maybe about
14 four years of age?

15 A. Yeah, I think I was three or four.

16 Q. I think you tell us that you had dyslexia and were
17 a hyperactive child when you were young?

18 A. Yes, it wasn't diagnosed back then. I was just seen as,
19 er -- they put it down to bad behaviour.

20 Q. Yes, so it was undiagnosed --

21 A. Not paying attention, or -- yeah.

22 Q. But you went to school locally in your area and you went
23 to primary and secondary school for a while?

24 A. Yes, aye.

25 Q. You tell us quite a bit in your statement about how you

1 ended up in Oakbank School and we have all of that in
2 the statement, but I'll just perhaps say this, you were
3 involved, I think you tell us, with a group of boys who
4 were breaking into schools?

5 A. Well -- oh, sorry --

6 Q. You tell us you were involved -- you were involved with
7 a group and you tell us how that group was made up and
8 who I think, to put it shortly, were the ringleaders of
9 that group, is that right?

10 A. Yes.

11 Q. You were about age 13 at the time that this was
12 happening?

13 A. Yes.

14 Q. Your involvement led to you being arrested and you had
15 to appear in court with some other boys, including, if
16 I could call them, the ringleaders?

17 A. Yeah.

18 Q. And you appeared before the local sheriff?

19 A. Yes.

20 Q. You were sent initially to Saughton Prison on remand; is
21 that right?

22 A. Yeah, yeah.

23 Q. You tell us a bit about your time in Saughton Prison
24 between paragraphs 20 and 36 of your statement and
25 perhaps we can just go to that on the screen. You

1 reckon you had at the most about six weeks there,
2 perhaps a bit less, you're not sure?

3 A. I'm not sure. I'm -- finding like dates and times and
4 that, I'm bad at.

5 Q. Don't worry. We're more interested in what happened at
6 a place that we know you were in and you can just tell
7 us about that. But before you went to Oakbank you were
8 in Saughton --

9 A. Yeah.

10 Q. -- for a period of weeks, let's put it that way.
11 I think you were 13 and you were basically in a prison
12 with adult prisoners?

13 A. Yeah.

14 Q. I think you were given a single cell when you were
15 there, but as you tell us in your statement, it wasn't
16 really a prison designed for 13-year-olds, because
17 I think they didn't even have clothing that would have
18 fitted you, is that right?

19 A. Yeah, they were very surprised when I arrived.

20 Q. I think you spent a lot of your waking time in
21 a hospital wing in the prison, is that right?

22 A. Well, I assume it's a hospital wing. It was separate
23 from the bit and there was like a couple of people in
24 like -- I suppose it's like a ward, well, the beds
25 (Inaudible) so it had a table as you went in, so it was

1 bigger.

2 Q. It doesn't matter whether it was a hospital wing or not,
3 but the point was you were 13 and you were in this
4 place, this room, whatever it was, and there were adult
5 prisoners in the same place?

6 A. Yeah.

7 Q. You were mixing with them during the day?

8 A. Yeah.

9 Q. You tell us at paragraph 34 that you weren't assaulted
10 or hurt by anyone when you were in Saughton; is that
11 right?

12 A. No.

13 Q. No, but you were given some advice by I think a person
14 who was on remand on a serious charge and that was
15 I think something about not being a grass?

16 A. No, the person was, er, doing time there.

17 Q. He was actually doing time, okay.

18 A. Yeah. He was -- well, he told me he was done for murder
19 and his time was just about comin' up.

20 Q. I see.

21 A. The other members -- the other members -- the other
22 prisoners, when I went into that room that mornin', it
23 was strange because no one was talkin'. They were just
24 dead silence and it was like when they was looking at me
25 as if sort of sayin', 'Don't come in', sort of thing.

1 I understand now, but at that time I didn't really pick
2 up on it, if you know what I mean, eh. And then when
3 I went in and sat down at the table and I was asking if
4 anybody wanted to play Snap, er, and then nobody wanted
5 to get up out of their beds to do it, sort of thing,
6 and, er, the guy was standin' -- well, no standing,
7 sorry, he was sittin' on a chair at the -- not on the
8 table but away from the table and then I asked him if he
9 wanted to play and he goes 'No' and then we got into
10 a conversation.

11 Q. I think before that conversation, had you not seen
12 someone with scars on their face?

13 A. Yeah.

14 Q. I think you had also given information about your
15 address to someone, is that right, one person --

16 A. Well, anybody that asked me, I was brought up --

17 Q. Just to tell them?

18 A. -- if anybody asks your address, to tell them. Well,
19 I was taught to remember my address in case I got lost
20 or anything, so if anybody asked, I could tell them
21 where I stayed and then they could take me home.

22 Q. I think you got this advice, and if we go to
23 paragraph 32 of your statement, basically he said,
24 'Don't tell anyone in prison details like your address
25 or information'?

1 A. Yes, he asked me my address and I told him it and he
2 told me not to -- don't tell people your address.

3 Q. He explained why the man had scars on his face?

4 A. Yeah.

5 Q. I think that was because he was a grass, he said?

6 A. Yeah, and he didn't anyway have a face, eh.

7 Q. That was why he had the injuries on his face --

8 A. Yeah.

9 Q. -- that you saw? And he sort of explained what a grass
10 was and what happened to people who grassed?

11 A. Yeah. It's when you tell on someone else which has done
12 a crime or anything, when you go to prison then you pay
13 the price for doing that.

14 Q. 'John', I understand your position about what happened
15 at the school, and there was a lot of damage through
16 water, and you've explained it in some detail what
17 happened and who was responsible, but I think, having
18 had this conversation with this man in prison, you went
19 back to court and you kept silent about what you've told
20 us in this statement. You didn't say it was this person
21 who was the ringleader who did the damage to the school,
22 is that right?

23 A. Yeah. All I could say is, eh, I was innocent.

24 Q. I know you've got -- you are very upset with this,
25 because I think you go into the matter and you explain

1 why you're upset and why you feel that justice wasn't
2 done. You ended up in an adult prison and you ended up
3 in Oakbank because of your silence, but we do know that
4 and we can read it for ourselves.

5 A. I'm not meaning that. I'm meaning it's hard when you're
6 now talk about then, all you can say is that word,
7 because you're frightened if you end up in prison,
8 that's gonna happen to you.

9 Q. Because you've seen those experiences of what might
10 happen if you say something?

11 A. Yes.

12 Q. Even if it's the truth?

13 A. Sorry?

14 Q. If you know something is the truth, you still can't say
15 it in a prison context because of what happens to people
16 who grass, is that what the man was telling you?

17 A. Yeah.

18 Q. So you keep your mouth shut?

19 A. Yeah.

20 LADY SMITH: 'John', I do understand that. I have heard
21 from many people sitting where you are sitting now who
22 have been in all sorts of different forms of residential
23 care, different schools or homes or whatever, saying
24 exactly the same thing. They didn't dare tell anybody
25 what was happening to them or what had happened at

1 a particular time, because they were so frightened of
2 just making things worse for themselves. Horrible to
3 experience at the time, yes? I'm sure the memory of it
4 must be dreadful. Are you okay?

5 MR PEOPLES: Are you okay if I carry on?

6 A. Yes.

7 Q. You had been in Saughton, 'John', and then you went back
8 to court, because the matter about the school hadn't
9 been dealt with at that stage. When you went back to
10 court you were still on remand and you were sent for
11 a period of time to an assessment centre called
12 Howdenhall, is that right?

13 A. Er, yes.

14 Q. You tell us about your time there at paragraphs 40 to 58
15 and we can read some of the detail, but one of the
16 things that you raise that you felt was abusive, in your
17 case, was that you say your family weren't allowed to
18 visit you while you were in Howdenhall and you believe
19 that was due to some form of court order, is that right?

20 A. Yes, now that's what they were told when they came to
21 visit me on my birthday.

22 Q. They tried to visit you and they were turned away?

23 A. Yes, turned round and says -- the guy turned round and
24 says that it was a court order that they weren't allowed
25 to come in and that's when I overheard that, because

1 I didn't know there was a court order there.

2 Q. The other thing you tell us about Howdenhall was that
3 you admit you were quite hyperactive?

4 A. Yeah, I've always been hyperactive.

5 Q. You say that while you were there you were regularly
6 taken from the TV room because you weren't sitting still
7 and you had to stand for long periods in a corridor, is
8 that --

9 A. Yeah, well, I used to sit on the chair but I would have
10 ma feet up on the chair so when something exciting
11 happened on the telly, I would like raise myself a wee
12 bit, then back down again.

13 Q. Then you would get sent out?

14 A. Yeah.

15 Q. But it was worse than that, you say, because if you
16 misbehaved when you were in Howdenhall, you tell us
17 that -- was staff would put a cone with the letter D on
18 your head?

19 A. That was later on. Er, I used to stand in the hall and
20 every day when I went -- because they put us in the TV
21 room, everybody in the TV room and left one member of
22 staff there. So every time I then done something on the
23 chair he would just automatically take me out and
24 I would stand there and then it was bedtime before I got
25 away. But, er, they must have realised that no matter

1 what they done, I still couldn't stop it, so they then,
2 they opened up another section and then they put us in
3 that bit, so it was more, you could sort of run about
4 a wee bit and then that's when they put -- you weren't
5 listening or doing what you were told, they would then
6 put me at a corner at that part of it.

7 Q. Did they put something on your head?

8 A. Yeah.

9 Q. With the D?

10 A. With a D, it was like a cone sort of thing.

11 Q. I think we know what the D stands for, it is 'dunce' or
12 it could be what they were signifying.

13 A. Yeah.

14 Q. Then after Howdenhall, you came back to court on the
15 matter of the school and you were committed to Oakbank
16 List D school, is that right?

17 A. Yeah.

18 Q. Were you around about 13 then or 14?

19 A. Er, no, I was 14 --

20 Q. 14?

21 A. 14 and a bit maybe?

22 Q. You were around 14?

23 A. Yes, I had my birthday -- er -- the other one, it was --
24 the one in Edinburgh, the place you were just talking
25 about, I can't remember the name, sorry. Er, I had my

1 birthday there and then I had Christmas there and then,
2 er, it was Oakbank.

3 Q. If I can take you forward then to paragraph 70 of your
4 statement where you tell us about Oakbank and the time
5 that you were there.

6 We have that on the screen to help you if you need
7 it. I'll just ask you a little bit about Oakbank, some
8 general stuff about Oakbank, and maybe ask you also
9 about some of the experiences that you've come here
10 today to tell us about.

11 You tell us that the outside doors of Oakbank, you
12 remember, always being locked, is that right? I think
13 paragraph 70 you said something --

14 A. All the doors were locked.

15 Q. The doors were locked. The outside?

16 A. All of them.

17 Q. All of them?

18 A. Yeah.

19 Q. The doors inside as well?

20 A. Yeah.

21 Q. So if you wanted to go from one bit of the building to
22 another, you had to get someone to unlock the door?

23 A. Yeah.

24 Q. Can you help me with this, 'John'. You say that
25 upstairs, apart from the dorms where boys slept, there

1 was something called, what you call an isolation room,
2 that's in paragraph 70 of your statement?

3 A. Yeah, yeah.

4 Q. I just wondered if could you help us with what it's
5 purpose was, what was it used for?

6 A. I think if somebody was, er, not well or had like
7 measles and things like that, er, they were put
8 separately from --

9 Q. Right, so it was isolation because of something they
10 had?

11 A. If that's the right word for it. I don't know --

12 Q. No, that's fine. I just wanted to check what it was
13 being used for. I think we --

14 A. I'm assuming that, eh.

15 Q. Did you ever go into that room?

16 A. Yeah.

17 Q. Why did you have to go in it?

18 A. Er, because, er, I burnt ma foot.

19 Q. I see, so it's because you had had an injury?

20 A. Yeah. I was also in it, er, for measles as well.

21 Q. Okay. You stayed in a dorm upstairs in the school,
22 a dormitory. You slept in there at night?

23 A. Yeah.

24 Q. Just to be clear, were you sharing with other people the
25 area that you were sleeping in? Did you share a space

1 with other boys or did you have a space of your own?

2 A. It was a cubicle. Well, it was just at the end of the
3 corridor.

4 Q. So you had effectively a cubicle to yourself, if
5 I understand what you're describing, in a much larger
6 room that was partitioned off into sections and you were
7 in one section on your own?

8 A. Yeah.

9 Q. Each section was partitioned off from the next one?

10 A. Yeah.

11 Q. For example, if you were in your section, and I was in
12 the section next door, if you wanted to try and signal
13 me for example, you could knock on the partition?

14 A. Yeah.

15 Q. I think we've heard from earlier in this hearing that at
16 one stage Oakbank had very large dormitories with no
17 partitions?

18 A. I don't know.

19 Q. I know you don't know. But it looks as if what you're
20 describing is that what had been a big dormitory,
21 someone had put partitions up to create sections and you
22 had one section of that, is that right, does that appear
23 to be?

24 A. I assume so. I don't know.

25 Q. Can I just ask you this though, the partitions, did they

1 go from floor to ceiling?

2 A. No.

3 Q. So if I was in the section next to you, could I see
4 over, if I was at the top of the partition, could I see
5 over into your section?

6 A. I suppose, yeah, if you were, well, big enough to climb
7 over.

8 Q. You tell us that you were given a number when you went
9 to Oakbank. I don't need to know the number today, but
10 you were given a number. Can I just ask you this
11 though, although you had a number, and don't give me
12 your name, but what were you called by the staff
13 generally, were you called by your first name or your
14 surname or something else, can you remember?

15 A. No, I can't remember.

16 Q. You don't remember. It's okay.

17 While you were sleeping in a section that you've
18 described, that was partitioned off from other sections,
19 if a boy in another section had wanted to come to see
20 you for whatever reason, they could just have come out
21 of their section and walked to your section without
22 having to go through a door, is that right?

23 A. No -- well, there was curtains, but there was
24 a doorframe on every curtain.

25 Q. A doorframe with curtains to close it?

1 A. Yeah.

2 Q. If I was in the section next to you and I had a curtain,
3 if I opened my curtain and walked out of my section
4 I could walk round to yours, open your curtain and say,
5 'Hello, 'John''?

6 A. Yeah.

7 Q. You tell us about what happened at night, but before we
8 get to what you remember happening and what did happen
9 to you, there was a night watchman or night watchmen, is
10 that right?

11 A. Actually, I didn't realise there was two, er, until
12 later on, if you know what I mean, but yeah, there was
13 two.

14 Q. The night watchman or watchmen, did they have a little
15 office of their own?

16 A. Yes, yeah, a cubby bit.

17 Q. Did it have a door?

18 A. Yeah, it would have had, aye.

19 Q. Did it have a window that they could look out to see
20 what was going on outside?

21 A. Yeah, I think so.

22 Q. If the watchman was in the watchmen's office and wanted
23 to come out and come to see you or some other boy where
24 you were, they came out of their door and did they have
25 to go through any more doors or could they just walk

1 along a corridor to reach your section?

2 A. Just walk.

3 Q. Okay. Now, you tell us that when you were there boys,
4 I think, tended to gather together or group together in
5 distinct groups based on where they'd come from, is that
6 right? There was Glasgow boys, Dundee boys, Fife boys,
7 wherever?

8 A. No. What would happen was you would have like a good
9 fighter and he was maybe from Glasgow, so Glasgow boys
10 would be the head sorta -- in that sort of group sorta
11 thing, depending on -- you know what I mean.

12 Q. So at any one time --

13 A. It just depends on the person who was --

14 Q. If the person from Glasgow was seen as the best fighter
15 whatever or the strongest whatever, he might be the
16 leader for the time being?

17 A. Yeah, then you see that as Glasgow boys were in charge,
18 sort of thing.

19 Q. Of the whole place?

20 A. Well, in a sense.

21 Q. I don't mean literally, but they appeared to be in
22 control of what was going on?

23 A. They could do whatever they wanted sort of thing, yeah.

24 Q. They were the top dogs as it were at the time?

25 A. Nobody sort of questioned it (Inaudible).

1 Q. It might come sometimes that someone from either Dundee
2 or Fife might be in that position too and they became
3 the strongest group?

4 A. Yeah. Well, I suppose it was like a form of -- it's
5 hard to say -- maybe not -- well, I might be saying the
6 wrong word, it's like if you had like somebody from
7 Glasgow and you were from Glasgow, you would have less
8 chance of being bullied.

9 Q. If they were the strongest group?

10 A. If they -- yeah.

11 Q. Or if the Glasgow boy was the leader?

12 A. Yeah, picked on sorta thing.

13 Q. It gave you a sort of protection?

14 A. I suppose it did, aye.

15 Q. If you were from Glasgow and the top boy in the school
16 was from Glasgow, you had more chance of getting a bit
17 of protection from, say, something happening?

18 A. You didn't need protection because having somebody like
19 that there, you know what I mean, so it was like nobody
20 sort of messed with that sorta group because you knew
21 that boy was from where they were from.

22 Q. Because if you messed with a boy from Glasgow you
23 might -- the leader of the Glasgow group --

24 A. That's the perception I got. I could be wrong.

25 Q. I get the picture. Although you say at paragraph 101 in

1 your statement that, although there were these groups
2 and leaders, there wasn't a lot of fighting between the
3 different groups, the Fife boys and the Glasgow boys or
4 whatever?

5 A. You had a -- like -- there was a time where there was
6 a person obviously the bigger boys, they got the same
7 portion as the smaller boys, so when you went up for,
8 er, like seconds at the canteen, er, they were always
9 wanting to go up and one guy spilt his stuff and another
10 guy laughed at it and then he put his plate in his face
11 and then all, like, his group from that area picked up
12 all their stuff and started throwing it across the
13 walls, sort of thing, eh.

14 Q. That sort of thing would happen?

15 A. Yeah, minor disagreements.

16 Q. There wasn't a lot of -

17 A. No.

18 Q. -- what I might call gang fights in the place, if you
19 like?

20 A. No, no, no, no. I never seen it anyway.

21 Q. You do say, I think, that you can recall a boy from the
22 Aberdeen area being beaten up by another group of boys,
23 that was something you remembered?

24 A. No, when I first went in there was an Aberdeen person
25 with me and when the social worker was -- it's like --

1 it's -- it's intimidating or tryna get him to, like
2 answer him, it's like, 'Eat your food. The food's good
3 there', and he was like trying to put it right back and
4 then he was like trying to be smart wi' me about the
5 food and then I pushed my plate away and the boys seen
6 this and they seen the other person not showing any care
7 about him being there sorta thing, so when we were
8 walking back, they all got a -- a sorta jab at him as
9 they were all walking past and it was like down the
10 line, you know what I mean, all the folk fae Glasgow,
11 they would all gi' him a dunt in the arm or whatever, as
12 they were walking by, but the guy what, er, got beat up,
13 he went in and he had a necklace wi' a sort of karate
14 symbol on it and when somebody went up to ask about the
15 necklace, he goes, 'Don't mess with me, I know karate',
16 so when he went up to the dorms, when they were sleeping
17 in the group of four or whatever it was, they were
18 waiting in the place and they put the pillow over his
19 head and they beat 'im up.

20 Q. I think you tell us that you knew of an occasion when
21 a boy had a pillow over his head in a section of the
22 dorm and a group of other boys beat him up.

23 A. Yeah.

24 Q. That was a boy with a karate-type necklace.

25 A. It was like a necklace thing, aye.

1 Q. You say that you weren't beaten up by any of the boys
2 when you were there, fortunately?

3 A. I was, er, kicked and punched.

4 Q. By other boys?

5 A. By one boy.

6 Q. One boy?

7 A. It was the mornin' and, er, you had to give your hands
8 and oxters and face a wash, sort of thing, er, and
9 I think the guy, because ... picked that side
10 deliberately, er, where he was and then he says that
11 I had splashed him with water, so he kicked and punched
12 but the -- not guard, but the member of staff was
13 standin' there watching it and, er, I looked at him and
14 the guy was still kickin' at me and I just looked at the
15 member of staff and he just never bothered doing
16 anything about it sort of thing, eh.

17 Q. When you're washing, this other boy kicked and punched
18 and the member of staff just looked on?

19 A. Yeah.

20 Q. But he saw what was going on?

21 A. Yeah.

22 Q. But he didn't try to stop it?

23 A. No, he was just like us, sorta standing, if you know
24 what I mean across, but he just stared.

25 Q. Can we move on in your statement to -- you have

1 a section headed 'Abuse at Oakbank'. I'd like to be
2 able to hear from you what your experiences were and
3 what you saw.

4 Can we maybe move on to that if you're okay with
5 that? If we move to paragraph 119 --

6 A. Sorry, what do you mean? Do you mean --

7 Q. I'm going to move on to ask you some questions about
8 that --

9 A. Yeah, yeah, aye. I thought you were asking me what --

10 Q. No, no, don't worry, it's my fault.

11 LADY SMITH: No, 'John', Mr Peoples was just explaining
12 which section he'd like to focus on next.

13 A. Got you.

14 LADY SMITH: Can I just remind you, don't worry about the
15 sections that we're not exploring with you. I have that
16 all in writing from you and it's given me a good picture
17 before we even started today, but there are some
18 particular points that I think he's going to pick up
19 with you.

20 As I said, don't worry about asking, it's our fault
21 not yours, if we don't make ourselves clear.

22 MR PEOPLES: I think it was a good example of a bad question
23 from a lawyer, which often happens. It's not your
24 fault, it's my fault.

25 We have the section in front of you, 'John', if you

1 need to look at the screen or the statement on this
2 matter.

3 Can I ask you first about one matter you tell us
4 about, which involved a member of staff who was in
5 charge of a boiler room. I think you know what
6 I'm asking you about. I think there was an occasion
7 when that person took you to the boiler room in the
8 school; is that right?

9 A. Yeah. What it was, was, er, you were to experience
10 different types of jobs, er, say for instance, er,
11 bricklaying and it gave you a taster, so at night, for
12 a couple of hours or whatever it is, you went and you
13 were meant to have that sort of experience for a week
14 and see if that's what you wanted to do as a career.

15 Q. It was giving you a taste of different things, whether
16 it was working with boilers, whether it was working in
17 a kitchen, working in a garden or a joinery shop or
18 something like that, that was the sort of thing?

19 A. When I went there what happened was I hadn't proved or
20 I wasn't worthy enough to go down to the -- with the
21 other guys because they took us to like a classroom
22 environment sort of thing. It was like -- in my head
23 it's like wooden, separate from the building, but it was
24 up past the big court thing, like a tarred court or
25 something like that.

1 Q. Don't worry about it. Are you saying you went at one
2 point to a classroom-type building?

3 A. Yes, to start with.

4 Q. But they didn't keep you there?

5 A. No, he kept me there first and says I wasn't worthy
6 enough or proved myself enough to go down to the boiler
7 bit to start with.

8 Q. Oh, I see, sorry.

9 A. So what he done was he had a couple of bits of metal and
10 he gave me some, er, like cotton wool but it had some
11 stuff on it and he told me tae clean the brass. It was
12 brass metal. So I cleaned that, er, trying to prove
13 myself worthy enough to go down with the rest of them
14 and the next day he brought his -- his pit lanterns in
15 for me to clean and then he brought summat else in and
16 then the last day, he took me down to the boiler room.

17 Q. Something happened there which you tell us about at
18 paragraph 123, if you need to look at the statement you
19 gave. You say it was the fifth day and you came down to
20 the boiler room with the person, the member of staff,
21 but something happened, is that right?

22 A. Yeah.

23 Q. Can you just tell us in your own words what you
24 remember?

25 A. Er, we were all standing there and he turned round and

1 he brought a packet of cigarettes out and he went like
2 that, counted them out and he went like that around
3 everybody, probably everybody smoked. I don't know for
4 sure if it was everybody, but, er, then he said that,
5 er, the, er -- he was going to put poles through it.

6 Q. Poles into the boiler?

7 A. To the boiler. There was -- there was one sort --
8 looked like they were working on it, er, and they needed
9 somebody to look at the other side for when they put the
10 poles through to make sure it got all the way through to
11 it.

12 Q. To look at the other side meant someone had to go into
13 the boiler?

14 A. Yeah.

15 Q. And it was you?

16 A. He picked me, aye.

17 Q. You went into the boiler, so what did he do next?

18 A. Then they shut --

19 Q. The door?

20 A. The cab thing and it was like, er, I couldn't talk or,
21 er, breathe.

22 Q. He shut the door of the boiler with you inside?

23 A. Yeah.

24 Q. I think you say it was completely dark and smokey, is
25 that --

1 A. I couldn't see my hands in front of me.

2 Q. I think you tell us in your statement, 'John', that you
3 heard something outside when you were in the boiler, is
4 that right, can you remember?

5 A. They were laughin' at first and then it all went quiet.
6 Then I didnae ken what time passed, but eventually I got
7 out, but I actually thought I was gonna die.

8 Q. I think you tell us, 'John', that you actually saw this
9 happen to someone else?

10 A. No. Er, one of the boys was wondering what it was like
11 and he went in after me to see what, er, the experience
12 was and, er, he started screamin' straightaway, the
13 minute they shut the thing on 'im, and then they opened
14 it back up and let 'im back out and he was still
15 screamin' as they were all walking out and then I asked
16 'im if I could wash my hands and that, because they was,
17 er, dirty and he turned the water on, but it was too
18 hot.

19 Q. For your hands?

20 A. For my hands. He says, 'It's hot but it's not hot
21 enough to burn you', or something like that. Then he
22 took the cigarette packet out, but it was empty, it was
23 like, now thinking back, he was like showing me they had
24 passed the cigarettes about and left me out, sort of
25 thing. And then he opened up another packet of

1 cigarettes but he had -- it was like he was pleased with
2 himself with what he'd done.

3 Q. So having let you out and also your hands were put under
4 very hot water and then he denied --

5 A. I couldn't wash ma hands.

6 Q. He denied you a cigarette -- he taunted you by having
7 a packet?

8 A. Yeah, he was showin' me that they had passed the
9 cigarettes about, sort of thing, eh, but ...

10 Q. 'John', can I move on to something else that you tell us
11 about as well, that you tell us in paragraph 126, going
12 on to 129, I think it it, that you can recall getting
13 the belt on maybe at least two occasions after you'd run
14 away, is that right?

15 A. Yeah.

16 Q. You tell us that on both occasions you remember that
17 there were three members of staff there, including SNR
18 SNR, that's what you tell us at 126.

19 A. The first occasion there was another guy there,
20 I'd never seen him before, wi' a suit on. Er, but he
21 had sort of curly bit sort of thingy but he just stood
22 there, but the three members of staff, like -- yeah.

23 Q. You tell us that one was SNR --

24 A. Yeah.

25 Q. -- at that time, another one you say was a gym teacher?

1 A. Yeah, well, the way I look at it is, you know, when
2 I was saying that you experience, er, like, being
3 a joiner or a bricklayer or whatever it was, he took us
4 to a sort of gym area, which I never even realised what
5 was there, but, er, there was one guy, he was doin' the
6 weights, so he was actually in there himself when we
7 arrived. He concentrated on that sort of side and the
8 other ones, we were just, er, sort of -- well, some folk
9 were lifting weights up and just sort of standin' about
10 and that, eh.

11 Q. 'John', if I go back to -- you are in a room with --
12 there are three people --

13 A. I assume he was a gym teacher --

14 Q. You had seen him in a place where people were using
15 weights and things?

16 A. Yes.

17 Q. There are three people and are they all involved in you
18 getting the belt, the three people?

19 A. Yeah.

20 Q. Maybe on one occasion there was someone else possibly in
21 the room?

22 A. They were there to help.

23 Q. Just sticking with the three guys or males that were
24 there, I think they were males, were they?

25 A. Yeah.

1 Q. You tell us what they did and you tell us they pulled
2 your pants down and you had to bend across a table; is
3 that right?

4 A. Yeah. You turned down your trousers and they pulled
5 your trousers down and then walked you round the side of
6 the table and then lifted you up on to ... it was like
7 a big boardroom table, no boardroom table, er,
8 conference -- a big table sort of thing, er, and then
9 one had your feet and the other two had each hand.

10 Q. So you were held down on a table. Were you face down?

11 A. Yeah.

12 LADY SMITH: 'John', you say they would have pulled your
13 pants down, so were your buttocks naked?

14 A. Yeah.

15 LADY SMITH: Thank you.

16 MR PEOPLES: Because you describe that that **SNR**
17 then used the belt on you?

18 A. Yeah.

19 Q. And hit you on the bare backside a number of times?

20 A. Yeah, but he -- when I first arrived at Oakbank, I seen
21 people wi' scars -- no scars, er, bruises on their
22 backside.

23 Q. You saw this?

24 A. When you went to the -- have a shower at night, er, and
25 where I was, I was like away from the other guys there

1 was a guard what stood next to the door where I was, er,
2 and I think I asked what had happened to that guy and he
3 says that's an example to deter other people from doin'
4 what he done. When the guy took me down, it wasn't
5 a case of just like hittin' you once or twice, he was
6 wanting to bruise you when he was doing it.

7 Q. So SNR hit you quite forcibly a number of
8 times?

9 A. Yeah.

10 Q. I think you say he did that with a thick, leather belt
11 with prongs?

12 A. Yeah, there was no limit to what -- you know what
13 I mean -- of what he was doin'.

14 Q. When this happened to you, I think you would say that
15 certainly there was one occasion, when this happened to
16 you where you say SNR wanted to leave bruises
17 on your backside?

18 A. That was the purpose, yeah.

19 Q. So that boys could see the marks in the shower?

20 A. Yeah.

21 Q. That's something you had already been told about --

22 A. Yeah.

23 Q. -- that when you had seen marks on boys, another member
24 of staff said, well, that's what's going to happen to
25 stop --

1 A. Deterrent from -- stop you doin' --
2 Q. Running away?
3 A. -- misbehavin' or shoutin' at staff or doin' something
4 that they weren't meant to be doing.
5 Q. I understand exactly what you're saying. You say that
6 certainly on one of the occasions, your backside and
7 testicles ended up being bruised?
8 A. Because I was squiggling -- no squiggling, er,
9 wriggling.
10 Q. Now, can I move on to another matter that you tell us
11 about now and you deal with this at paragraph 131 and
12 following. This concerns one of the night watchmen that
13 was at the school when you were there.
14 I think what you tell us, and I'll ask you to tell
15 us what happened, but I think the situation was one
16 where you became aware that the night watchman would
17 come to where you were sleeping, your section, and would
18 stand beside your bed watching you, is that right?
19 That's what you started to notice.
20 A. Well --
21 Q. That's how it started?
22 A. No. Er, he came ... I seen him as the only friendly
23 person there at first. Er, he came and he was nice and
24 he asked me if I wanted a juice or -- and if I needed
25 anything, I were just to come to see him, sorta thing,

1 er --

2 Q. Did he say this to you when you were in your section or

3 did he say this somewhere else, he was nice to you and

4 did you want a drink and so forth?

5 A. What do you mean, section?

6 Q. Were you in your bed area when he said this?

7 A. Yeah, he came in to the curtains, er, and spoke to me.

8 Q. Seemed to be nice and offering you a drink of something?

9 A. It was like, er, the other staff was like, er, people

10 like me, been in prison a time, it was like the only

11 person what didn't have, er, what is it, a bad view of

12 me.

13 Q. He seemed to take a good view of you and seemed to be

14 trying to be nice to you?

15 A. Yeah.

16 Q. Offering you something to drink?

17 A. Yeah.

18 Q. You tell us that --

19 A. Sorry, can I --

20 Q. Yes, go on?

21 A. The occasions was like later on, it was like some parts,

22 but thinking about it now, it's like I used to try to

23 stay awake because I knew what he was doin' and

24 I thought if I keep awake and I bang against the door or

25 the wall, er, I could stop 'im, but for some reason

1 I kept on just wakin' up next morning and I couldn't
2 understand why I kept on goin' to sleep.

3 Q. You were trying to stay awake but you found you couldn't
4 stay awake after this person started to want to do
5 things to do you; is that right?

6 A. No, it's when I knew he was in the room, I was -- I had
7 my eyes closed and it was like, er ... I was trying to
8 wait to see if he was going to do something, but the
9 next thing I remember, I just woke up. So I don't know
10 if I had been asleep and got sort of woken up or it's
11 just in my head, it was like, er, if you're goin' do
12 something, I'm goin' to bang against the wall, because
13 I had said to the guy next -- in the next cubicle, 'If I
14 bang against the wall', I says, 'Can you come into my
15 room?'

16 But what I done was I went to the wrong side first
17 and realised my bed wasnae at that side, and then I went
18 to the other side and said to the guy there and he says,
19 aye, if he hears me bangin', he would come to my room.

20 Q. 'John', you tell us in your statement that after this
21 person appeared to be trying to be nice to you, that
22 there was an occasion that you woke up, you think one
23 night, and he was lying at the back of you. Now, I take
24 it you mean he was lying on your bed at the back of you?

25 A. Just at the back.

1 Q. You remember an occasion when that happened and you
2 say -- you just tell me what you want to tell me, but
3 you tell us that on that occasion, when he was lying at
4 the back of you, that he sexually assaulted you, is
5 that --

6 A. He was fiddlin' about.

7 Q. Fiddling about.

8 A. And then the next, I closed my eyes and I just wanted it
9 to be over, I've had enough.

10 Q. 'John', can I ask you about another of these occasions
11 which you've told us about in your statement, when there
12 was one night when you remember that the night watchman
13 gave you a drink of hot chocolate and you shared that
14 hot chocolate with another boy, do you remember that
15 one, you told us about it in your statement?

16 Are you okay to talk about this?

17 A. Yeah.

18 LADY SMITH: 'John', don't just say 'yeah' because you think
19 you have to. We have your written statement. If it's
20 too much for you, we can just go with what's in your
21 written statement already, but if you want to tell me
22 about it, it's quite all right and you can take as long
23 as you need to take. Your choice.

24 Would you like to have a break just now, 'John'?

25 Would that make it easier?

1 We could have a break now and see how you get on and
2 either come back in a few minutes, if that helps, or if
3 you would prefer to break and have the lunch break, and
4 we would come back at 1.45 pm or something like that,
5 that would be all right. You think about that, okay?

6 I'll break now and just keep in touch with me.

7 (12.46 pm)

8 (The luncheon adjournment)

9 (1.45 pm)

10 LADY SMITH: 'John', welcome back.

11 A. Thank you.

12 LADY SMITH: Are you ready for us to carry on?

13 A. Yeah.

14 LADY SMITH: Once again, do say if it gets too much or if
15 there's anything I can do to help. Don't force yourself
16 to go on to a state of distress, will you not? Thank
17 you.

18 Mr Peoples.

19 MR PEOPLES: Thank you.

20 Good afternoon, 'John'.

21 Before the break, I was asking you if you could help
22 us with an occasion, and don't worry about exactly when
23 this happened, I just want to know what happened on
24 a particular occasion that you tell us about in the
25 statement. It's an occasion, you say, that started with

1 you being given a cup of hot chocolate by the night
2 watchman that you told us about this morning and you
3 told us that you shared that drink with another boy and
4 you deal with it from paragraph 133 and going on --
5 sorry, at 134.

6 So you have this chocolate, and as I understand it,
7 you had some hot chocolate and so did the other boy.
8 Then during the night something happened involving the
9 night watchman. If you're able, can you tell us about
10 that occasion, if you can help us.

11 It's in your statement, so don't worry.

12 A. I woke up, er, erm, and I couldn't understand -- it's
13 like ma brain was awake but ma body wasn't. He was
14 moving his hand towards him and I couldn't physically
15 like try to draw it away. It was like -- in my mind, it
16 was like I was acceptin' it. I then sorta lost --
17 I suppose I went out again and then the next thing
18 I wasn't lying down, I was at the bottom of the bed, er,
19 and I was slumped over, er, and then I remember somebody
20 was shoutin', er, for the person and the -- he looked to
21 see who it was and then he threw me back onto the bed
22 again and then the next thing I was like, er, in the
23 mornin', I was like lying there and I knew what he'd
24 done and it was like, er, he had no remorse. He was
25 like just chattin' away to the guy and the guy was

1 actually trying to shut(?) me up and I was awake, er, in
2 the head, but I just wasn't movin' and he said I had
3 a rough night.

4 And then I could see panic in his face when --
5 because I was like lyin' and they had drew curtains
6 open, tryin' to get me up and I could see down the
7 corridor, and he was standing at the bottom of the
8 corridor wi' another member of staff and somebody else
9 shouted for the other -- from the other side and said,
10 'Did this boy have a rough night?' 'Cos he didn't
11 respond as well.

12 That's when I seen panic in his face. And then
13 the -- er, he then said he had to go and then I lay
14 there and then later on that day or that night -- well,
15 the day sort of passed and then I got up, they came for
16 me, er, and then took me down the stairs, they put me in
17 the line to go back up the stairs again to the bed, sort
18 of thing.

19 I don't know if it was that time, but I was
20 trying -- I knew I only had a couple of months, but
21 because I wasn't -- what is it -- because I couldn't
22 tell, the only thing I thought about is if I killed
23 myself, that they would be able to find out it was him,
24 you know. It was the only thing in ma head, I seen the
25 only option I had left, 'cos whatever I was tryin' to

1 do, I couldn't stop 'im.

2 Q. Right. 'John', you don't need to say any more about
3 this. I think you tell us at paragraph 135 what
4 happened when you were at the end of the bed and I'm not
5 going to ask you to repeat that. Then you tell us about
6 the next day and you've told us that just now. Just to
7 be clear, the other boy that had trouble waking up was
8 the boy who shared the hot chocolate?

9 A. Yeah.

10 Q. I think you're telling us that after this occasion,
11 I think maybe when you were at home, did you make
12 an attempt to take your life?

13 A. Yeah, my dad caught me.

14 Q. Your dad caught you.

15 Okay. Just going on in your statement at 139,
16 I think you are not sure if the things that you've told
17 us about happened more than maybe a few times, because
18 you say there may have been other occasions that you
19 can't either recall --

20 A. I just keep on remember him bein' -- comin' in and
21 hearing the breathin' and I was like trying to stop him
22 or catch him before he done it, er, but when it come to
23 the hot chocolate it was like, er, it didn't matter what
24 I'd tried to do, there was no -- er, nothin' would work
25 in ma head.

1 Q. I think you say that at 138 of your statement that now,
2 looking back, with a bit more knowledge about these
3 things, that it's your belief that the watchman had in
4 some way drugged you with something in the hot
5 chocolate, that maybe made it difficult for you to react
6 on the occasion that you've just told us about, that you
7 think that was part of the reason why you were finding
8 it difficult to do any movement and so forth, that is
9 what you think is the likely --

10 A. At first I thought I just allowed it. It wasn't until
11 I was talking to somebody and they said they were
12 drugged, er, when they were abroad and the person could
13 say to him, 'I'm goin' take your wallet and I'm going do
14 this' and he says he just accepted it and then -- I know
15 it's years after it, but I thought to myself, maybe ...
16 because in my head I couldn't understand why I kept on
17 just acceptin' it, if you know what I mean, it was
18 like -- and then I thought maybe I was drugged, you know
19 what I mean, because my body wasn't functional but ma
20 head was wide awake.

21 Q. I think you have been getting some help recently, and
22 hopefully those who are giving you help will explain
23 that, whatever the situation about the drink, you didn't
24 do anything wrong and even if you weren't able to react
25 in a way that you might have tried to do, it's not in

1 any way something that you have to feel any guilt or
2 shame about. This was --

3 A. That's how I felt.

4 Q. At the time, I know, and you said you felt it for a long
5 time because you didn't have any other explanation. You
6 felt: oh, well, why didn't I do something? But whatever
7 the situation with the chocolate, then hopefully the
8 people that you are seeing now are doing their best to
9 tell you that you shouldn't have any feelings of guilt
10 that you didn't behave differently on that occasion or
11 any other occasion when the night watchman was doing
12 what you have told us.

13 A. We've not got to that bit yet, it's. They are just
14 helpin' me talk about it, because we're not -- I'm not
15 at that -- er, we're just talking about other things,
16 because I was gettin' confused wi' other things.

17 Q. Okay.

18 You tell us that obviously when these things were
19 happening, you did your best to keep out of the way of
20 the night watchman and, indeed, I think you told us
21 today, before the break, that you also asked other boys
22 to come to your aid if you were banging on the wall of
23 the partition, so these were things you were trying to
24 do, at least to prevent the night watchman doing the
25 sort of things you've told us about?

1 A. Yeah.

2 Q. We have your statement about what happened after care,
3 and we have read it, and we'll take that as evidence and
4 it's been a difficult morning and early afternoon for
5 you.

6 I'm not inclined -- I don't really have more
7 questions I think I want to ask you today. I think we
8 have the picture from your statement and obviously we
9 know the impact that all of this has had on you, but at
10 least we know that you are now getting some help to try
11 and deal with some of the things that happened and
12 I take it that's ongoing help?

13 A. Yeah. It's to help me talk about it.

14 Q. Yes, and to get rid of any feelings that you might feel
15 that in some way you had a responsibility for things
16 that happened. I think they're trying to tell you that
17 that's not the way you should see things. I take it
18 that's what's happening.

19 You tell us in your statement that the person who is
20 here today to support you, you have been together for
21 quite a long time now and I think you are getting a lot
22 of support from her as well as others, is that the case?
23 I hope that you are in a better place for both that
24 support and the support you are getting from the
25 professional support as well. I hope that's the case

1 and that it will continue.

2 A. I don't know.

3 Q. I'm just hoping that that is the case.

4 A. Sorry.

5 MR PEOPLES: These are all the questions, 'John', that
6 I have today and I'm most grateful for you coming today.
7 I know it's been difficult, it's not been easy, but
8 thank you very much for coming and telling us what
9 happened and letting us hear your voice.

10 A. Thank you.

11 LADY SMITH: 'John', let me add my thanks to you. As
12 I explained earlier, I already have your written
13 evidence, but it's been so good to hear from you in
14 person and see you in person to add to that.

15 As Mr Peoples has already explained, we do realise
16 what an effort it has been and it will have taken its
17 toll of you today, but I'm now able to let you go and
18 I hope the rest of the day is more restful for you than
19 the first part has been.

20 You go with my thanks.

21 (The witness withdrew)

22 MR PEOPLES: My Lady, I wonder if we can have a short break
23 to switch over, because I'm not going to be doing the
24 read-ins this afternoon and it might just give us
25 a little chance to ... it shouldn't take very long.

1 LADY SMITH: That's fine. You get sorted out and let me
2 know when you're ready.

3 (2.05 pm)

4 (A short break)

5 (2.09 pm)

6 LADY SMITH: Ms Forbes.

7 MS FORBES: Good afternoon, my Lady.

8 'James' (read)

9 MS FORBES: The next statement is from an applicant who is
10 anonymous and is known as 'James'. The reference for
11 his statement is WIT-1-000001263.

12 LADY SMITH: Thank you.

13 MS FORBES: My Lady, 'James' tells us he was born in 1972
14 and says that until the age of two, he was brought up in
15 the Linwood area of Glasgow. There was his mum, his
16 dad, an older brother, an older sister and a younger
17 sister. He doesn't have a great memory of being in the
18 house with them as he moved around a lot, and he doesn't
19 know exact dates or order, but when he was quite young
20 his mum and dad separated and later divorced and his mum
21 took them to a new house in Fife.

22 It was around this time that he's been told by his
23 mum that he was playing up and there were some dealings
24 with the social work. They moved again and stayed in
25 Blairgowrie and when they were there, they were in

1 a bedsit and he was going to the local primary school
2 and then his mum met his stepfather, who, he says, was
3 always going out and getting drunk.

4 They moved again back to an area in Fife and his mum
5 and the stepfather were working in a local farm and
6 a couple of years later something happened, he doesn't
7 know what, but they had to move again and this time they
8 moved to an area near Brechin and went to the local
9 school there. He would have been about five or six at
10 that time.

11 They stayed there until he was in primary 5 or 6,
12 then they moved to Old Meldrum near Aberdeen and he went
13 to primary school there. When he was at that primary
14 school, he was getting himself into trouble at school.
15 He doesn't know whether that was through lack of
16 interest or that he had dyslexia, but he remembers [REDACTED]
17 [REDACTED] hitting him for something [REDACTED]
18 believed he did wrong and when [REDACTED] hit him,
19 'James' retaliated and headbutted him in the groin and
20 ran off. There was then an investigation and he was
21 blamed for assaulting [REDACTED].

22 Social work then became involved because of issues
23 at the school and he remembers going to a panel and it
24 being recommended by his social worker that he be sent
25 to an assessment centre.

1 He thinks at that time he was about 11 or 12 and he
2 was sent to an assessment centre and told that he'd be
3 going there for a six-week assessment, but ended up
4 spending six months there.

5 He talks about the assessment centre between
6 paragraphs 11 and 27 of his statement **Secondary Institutions - to be p**
7 **Secondary Institutions - to be published later**

8 Moving forward into his statement, down to
9 paragraph 28, 'James' says at the end of the six months
10 there, there was another panel to decide what would
11 happen to him and the social work wanted to send him to
12 another care home and his dad objected, saying that he
13 would take him to stay with him. He went to stay with
14 his dad and his dad's partner and started going to high
15 school in their area.

16 However, there were issues with his dad's partner.
17 She would drink and he said she would end up buying him
18 thrift shop clothes to wear to school and he would end
19 up leaving the house for school wearing those clothes
20 and change into different clothes on the way to school
21 and then have to change back on the way back.

22 He says that worked for a while until one day he
23 came back and his clothes had been stolen. He lived
24 with his dad for about four months and at that time,
25 there hadn't been contact again with the social work,

1 but life at that time wasn't great with his dad and his
2 dad's partner. His dad had a single-decker bus that he
3 would use and he decided he was going to take his dad's
4 bus and drive to see his gran.

5 He drove it from Glasgow to Perth and ultimately he
6 got as far as Scone and hit a parked car. He was then
7 picked up and he ended up spending the night in
8 Perth Prison in the women's section and he says that he
9 knows at that time he was only 13.

10 As a result of that incident with the bus, and
11 spending the night at Perth Prison, he recalls being in
12 court and the social work being involved again and there
13 was then a panel and it was decided he would go to
14 a children's home and he talks about the children's home
15 between paragraphs 37 and 46 of his statement.

16 During his time at that children's home, he was only
17 there 30 days, Secondary Institutions - to be published later
18 Secondary Institutions - to be published later
19 Secondary Institutions - to be because of the running away it was
20 decided that he had to be moved somewhere else. There
21 wasn't another panel. He was just moved within the
22 system and it was decided he was being sent to
23 Brimmond Assessment Centre. He talks about that from
24 paragraph 48.

25 This part of 'James's' statement hasn't been read in

1 before. I won't go through it in detail, my Lady, but
2 it's there for us but he was only there for about a week
3 and he does talk about some abuse at Brimmond that he
4 has set out from paragraph 51. He talks about being
5 locked in a dark cupboard and locked in a weights room
6 and he ended up smashing out of one of the rooms and
7 seeing that there were two boys locked in another room,
8 who he then broke out with, took them on a motorbike
9 away and ultimately, I think, he formed the view from
10 information he got later that those boys were being
11 sexually abused in Brimmond, but that information came
12 from third hand.

13 Because of the circumstances of him running away, he
14 told the police about it at the time, but he doesn't
15 know if anything was ever done about it, but he was then
16 back in front of a panel and it was agreed that he would
17 go to Oakbank.

18 He remembers that this was [REDACTED] 1985. 'James'
19 is of the view that he thinks Oakbank was chosen because
20 he'd run away so often and it was a more secure place.

21 He talks about Oakbank then from paragraph 57 and he
22 says that he was introduced to SNR [REDACTED] on
23 arrival, who was Mr HMY [REDACTED], and was told he would not be
24 known by his name but referred to by a number and he was
25 allocated a number and it would be at least six weeks

1 before he would be considered for home leave.

2 At paragraph 58 he talks about the staff having
3 houses near to Oakbank and he names a number of staff
4 members in that paragraph who he remembers. He sets it
5 out in that paragraph, my Lady.

6 LADY SMITH: Yes, thank you.

7 MS FORBES: He then goes on to talk about routine at
8 Oakbank. At paragraph 59 he says:

9 'As soon as I arrived at Oakbank, some of the boys
10 saw me as an easy target for bullying. After all that
11 had happened to me, I was not going to let that happen
12 and ended up fighting with one boy because of it.'

13 At paragraph 61 he talks about the fact there were
14 three houses in Oakbank; Scott House, Lister and Kelvin,
15 and he was allocated to Scott House. There was
16 an office next to the dormitory where the night
17 watchman, ILF, would be based. He says that in his
18 dorm there were maybe about 65 in there.

19 At paragraph 62 he describes the beds in the rooms
20 and he says the beds in the rooms were divided with
21 a wooden partition that did not reach all the way to the
22 ceiling:

23 'At night we could climb on top of the partition and
24 make our way around the room and also the rooms next
25 door. Because the rooms were basically open, you could

1 hear some of the boys crying at night.'

2 He goes on to talk about the morning routine and
3 having to strip the beds and fold everything into a bed
4 pack before going to the showers and then getting
5 dressed at the allocated number.

6 At paragraph 64, he talks about being allocated the
7 six cigarettes a day.

8 At 65 'James' says that each morning there were
9 parades and they were told what they were to be doing
10 for the day. He goes on to say at paragraph 65:

11 'We would all have to head to the play ward where we
12 had to sit on the floor cross legged. We would be sat
13 in separate rows, one for education and the other one
14 for activities.'

15 He then says in the evening they would have their
16 night bun about 8 pm and a last cigarette about 8.30 pm
17 and after that, might have been allowed in the TV room
18 and there might be a recorded film or video for them to
19 watch and lights would be out about 9.30 pm.

20 At paragraph 67 'James' says that the status of
21 Oakbank changed from List D to residential and they
22 opened up a new building whilst he was there. He was
23 allowed to go into what they called 'the Unit'. There
24 were some girls staying in that unit and these were all
25 people who were being prepared for leaving and he was

1 behaving at this time and getting regular home leave.

2 He thinks that he was there from the [REDACTED] until he
3 had what he comes to tell us about, an accident, later
4 that year in [REDACTED].

5 Going down to paragraph 69, 'James' describes the
6 washing and bathing situation and he says:

7 'We would have a shower each morning and there would
8 be maybe 12 or 14 of us able to shower at one time. The
9 rest would still be standing in a queue waiting for
10 someone to finish. Staff would be standing observing us
11 while we were in the showers and walking around naked.'

12 He then names an individual and says that this
13 person's father was a member of staff and this person
14 would hang around the showers watching them. 'James'
15 says:

16 'He had no reason that I knew of to be there.'

17 At paragraph 70 he talks about there being a hatch
18 for a storage room where staff would hand out clothes
19 each day and in the morning they would hand in their
20 pyjamas and be handed their clothes for the day.

21 'James' says:

22 'While we waited on the clean clothes being issued,
23 we would stand naked in front of everyone. We would
24 only get our clothes when we told the staff our
25 allocated number. One of the staff that worked there

1 was the partner of EJT and she was really helpful.'

2 At paragraph 71 'James' goes on to say:

3 'One time I was at the hatch to collect fresh
4 clothing and Mr [REDACTED] was doing that job. He asked
5 for my number before he would issue my clothing. I knew
6 my docket was right next to where he was standing.
7 I was just worn out with all the abuse and I refused to
8 give my number and asked for my clothes. Because I was
9 refusing, Mr ILG and Mr EJT came from behind and
10 started hitting me. It was all body blows.'

11 He then goes on to talk about the fact that they had
12 this allowance of six cigarettes a day and they could
13 only smoke in the smoke room but his mum had to sign
14 a letter authorising him to have cigarettes. But there
15 was a tuck shop that they were able to buy cigarettes
16 from in Oakbank.

17 At paragraph 74 'James' says there was this room
18 known as the play ward, which was the size of two tennis
19 courts and there was also a separate TV room and when
20 you were in the play ward, the staff locked the doors
21 and there would just be a skeleton number of staff
22 looking after them.

23 'James' goes on to talk about a couple of trips
24 outside of Oakbank, to Tomintoul, where they stayed in
25 an old cabin, and a holiday to Bulgaria for skiing.

1 He then says that the education at Oakbank was all
2 held within the home. That's at paragraph 77.

3 Paragraph 78 he says:

4 'There was one day Mr Ross, teacher, I called him
5 "Rosco", was aware that I was refusing to go into
6 classes. He took me into his class and he said he would
7 teach me to play chess. I really enjoyed that. He told
8 me that I just need to come to his class and that would
9 count as attending school and we would play chess.'

10 He then goes on to tell us about an accident that he
11 had, this is at paragraph 80, and he says that it was on
12 Christmas Day:

13 'When my sister's man was driving to pick her up.
14 He lost control of the car at high speed. After losing
15 it on black ice, I was knocked out and when I came round
16 I was in hospital. I think I spent about eight weeks in
17 the hospital after the accident. I was using
18 a wheelchair as my legs had to be kept raised all the
19 time. Only when I got used to the crutches was
20 I allowed to return to Oakbank.'

21 'James' goes on to say that when they weren't in
22 a teaching class, there were some life skills at
23 Oakbank, this is at paragraphs 81 and 82, and there was
24 a teacher that they called 'Jelly' Rae, who was
25 a mechanic and he would show him how to fix lots of

1 different things and although they got paid for doing
2 some of the work they were carrying out, it wasn't in
3 cash, they just marked on a sheet how much you earned
4 and whoever was doing the tuck shop would then know how
5 much you could spend.

6 At paragraph 83 'James' talks about having to do
7 some chores in Oakbank, such as cleaning and mopping the
8 floors, including the gym, and clearing up the dining
9 room after meals and the kitchen. There were no outside
10 cleaners, they did it all.

11 At paragraph 84, 'James' mentions that the boys were
12 used to build a swimming pool at the home but he wasn't
13 there at that time. He states they were just used as
14 cheap labour.

15 'James' mentions that after the first six weeks he
16 was there, his mum was allowed to visit, this is at
17 paragraph 87, and there was a member of staff called
18 Mr EJP and his mum didn't like him. 'James' says
19 sometimes he would tell her not to come to visit me and
20 forget about me while I was in there. That was not
21 something she was going to do.

22 In relation to running away, from paragraph 89
23 'James' says that it was hard to run away from Oakbank
24 as it was secure and the doors were locked. He states:

25 'One time I can remember I had ran away and EJT

1 made me strip naked in front of the other boys in the
2 play ward and then he beat me. When we were in the play
3 ward, that was when I had the opportunity to get away.
4 I would run away and when I was back the punishment was
5 I was not allowed [I think that should say "any leave"]
6 for six weeks. When I did run away, I might have been
7 away for a couple of days at a time. I would sleep
8 overnight in sheds. I would also sleep under a bridge
9 at the side of a river. It showed how bad I had to be
10 feeling, wanting to run away in the middle of a cold
11 winter.'

12 'James' comments that when the police took him back
13 to the home, they never asked why he was running away.
14 They just sent him back and treated him as a problem
15 child.

16 In relation to discipline, from paragraph 92 'James'
17 says:

18 'LIM [REDACTED] was a member of staff who taught
19 painting and decorating and was [REDACTED]
20 Oakbank. If he was having trouble with you, he
21 sometimes grabbed hold of you, but he would never hit
22 you. He would try to get you to adhere to the rules.

23 'Mr HMY [REDACTED] would give you the belt sometimes. He
24 would jump in the air to make sure he inflicted more
25 pain.

1 Some of the discipline might also include a loss of
2 privilege such as cigarettes or home leave.'

3 Talking about bed wetting from paragraph 95, 'James'
4 said that he did suffer for a while with bed wetting and
5 when staff found anyone who had wet the bed they would
6 tell everyone, who would in turn call them names. And
7 in the morning, if they were lined up at assembly and
8 had wet the bed, the staff would shame them by telling
9 everyone and taking them out of the line.

10 'James' then talks about abuse at Oakbank from
11 paragraph 97:

12 'EJT [REDACTED], SNR [REDACTED], was a really brutal
13 man. He was an [REDACTED] soldier, if we were in trouble
14 with him he would hit us. He knew where to hurt you
15 without it showing. On some occasions he would use
16 pressure points and when he pressed them, you would bend
17 over in pain and as you were bent over, he would punch
18 you. He was not afraid to hit you in front of the other
19 residents or in front of other staff.

20 'EJT [REDACTED] would also take some of the swimming
21 lessons and he would make me jump into the pool at the
22 deep end, fully clothed, and wearing a boiler suit over
23 my clothes. I also had to wear steel-toe-capped shoes.
24 He would then make me tread water for about an hour
25 before he would let me out again. He only did it the

1 once, as I don't think he believed I could tread the
2 water for that long.

3 'Mr ILG [REDACTED] was head of education. If you did
4 not behave in class or work hard enough he would beat
5 you about the body with his hands. He beat me on
6 an almost weekly basis. He would knee me in the back
7 and press his thumbs into your back.

8 'LIL [REDACTED] was a PE teacher and again, if you were
9 not working to his satisfaction he would punch you in
10 the ribs. Another one who would use his knees in your
11 back. He never hit you in the face, always body blows.
12 He had a trainee [he names her] and if she was in the
13 class, he would calm down and ease off from hitting you.

14 'Mr EJV [REDACTED], who we nicknamed "EJV [REDACTED]", which he
15 loved, who taught bricklaying at the home, got upset
16 with me one day. He threw a trowel at me. I managed to
17 duck out of the way but it lodged into the doorframe
18 where I'd been standing. He was also a [REDACTED] for
19 football matches and I can remember him running [REDACTED]
20 [REDACTED].

21 'AB [REDACTED], a member of staff, would be friendly
22 with some of the older boys. He would give them extra
23 fags and would send them to bring me back to him when
24 I had ran away. He would tell them to beat me. There
25 were other times he would hit me as well. During some

1 of the restraining, he would have your hands up your
2 back and punch me.

3 'ILF', the night watchman for our house, had been
4 taught karate. He would often use those martial arts to
5 beat kids during the night. If he caught you smoking at
6 the window at night, he would give you a doing. There
7 was a lot of sexual abuse carried out on boys at night.
8 I don't know whether it was staff or other boys who were
9 abusing the younger ones.'

10 Then he names a boy who he says was a former
11 resident at Oakbank and he says that he committed
12 suicide because of the sexual abuse he suffered.

13 At paragraph 105 'James' goes on to say:

14 'One night a couple of us were crawling along the
15 top of our partitions when we saw [he names
16 a resident -- a male resident] sexually abusing another
17 boy. This resident was using a Beano comic to abuse
18 this boy. The next day we were all out in the grounds
19 playing football and most of the boys knew what he had
20 been up to. At one point the ball was kicked towards
21 him, but no one went for the ball and they all went for
22 him.'

23 He says the young boy who had been abused was
24 transferred to another home. He doesn't know where.
25 But that the boy, the resident who had abused him, was

1 also moved to a separate home.

2 In relation to reporting of abuse at paragraph 106

3 'James' says:

4 'You could not report anything as most of the staff
5 were involved. Some of the excuses we were given for
6 hitting us was to stop us hitting them, which was
7 absolute nonsense.'

8 He then goes on to describe how he came to leave
9 Oakbank and he says that when he was back after being in
10 hospital, some of the boys there decided they would take
11 advantage of him being on crutches and started fighting
12 him. He was unable to fight them off. He says that
13 Mr [REDACTED] saw what was happening and pulled them off
14 and Mr HMY [REDACTED] decided it was not safe for him to be
15 there and he was allowed to recover at home. Whilst he
16 was back at home with his mum, he was released early
17 from Oakbank's care and there was no more involvement
18 with social workers and this was just before he turned
19 16.

20 'James' says he was then back with his mum and he
21 was stuck in the house in a wheelchair and then he had
22 operations to fuse bones at the hospital. When he could
23 get about, he was using drugs and getting into bother
24 and he got compensation from the accident, which is what
25 he used to pay for it all.

1 'James' then talks about the fact that he ended up
2 in trouble and was before the court and went to Polmont
3 and then to Castle Huntly. After that, he was no longer
4 in the social work system.

5 He says there was no abuse at Polmont or
6 Castle Huntly, just the usual strict prison regime.

7 'James' then talks about life after being in care
8 from paragraph 110 and says that after being in care, he
9 started working with his brother-in-law in roofing. He
10 also worked with lorries and went from job to job. He
11 met a girl who is older than him and had a son, but he
12 ended up involved in drugs and spent a lot of time in
13 and out of the prison system.

14 He went to Ireland in his late 20s and met someone
15 and had a daughter with her. He also started his own
16 roofing business there.

17 At paragraph 113, 'James' said that his mum got in
18 touch and told him that there was some sort of inquiry
19 looking into abuse taking place in Oakbank and that
20 brought all of the memories flooding back and he went
21 off the rails. He left Ireland and ended up back in
22 Aberdeen. He was back on drugs, sleeping in homeless
23 accommodation and then was on a methadone programme and
24 spent years trying to break his drug habit.

25 'James' goes on to say that about nine or ten years

1 ago at the time of this statement, his son was born by
2 then, and through a clinic he was attending he was
3 prescribed methadone. And he says that he was able to
4 then control his drug habits since that point.

5 He states that his partner and him are separated but
6 they still live in the same house as a unit for the sake
7 of their son.

8 In relation to impact, 'James' talks about this from
9 paragraph 117, and says:

10 'Being in the care system controlled all aspects of
11 my life with what they did, how they spoke to me. It
12 all impacted on how my life turned out. It led to my
13 life of drugs, trying to bury the memories. Now that
14 I have things under control, I don't want it affecting
15 my life with my son.'

16 He goes on to say that he has discussed things with
17 his psychologist and explained how nearly 40 years of
18 his life were ruined because of the care system.

19 He's been diagnosed as suffering from PTSD, he was
20 attacked by someone with a knife. However, I think he
21 says that his psychologist diagnosed his PTSD as
22 a result of him being in care and she was the one who
23 recommended he come and tell his story to the Inquiry.

24 In relation to lessons to be learned, at
25 paragraph 125 'James' says:

1 into care and he thinks that all of his siblings, apart
2 from one, were in care at some time. He was in primary
3 school but didn't go all the time and says he was hyper
4 as a child and regularly got into trouble.

5 This is at paragraph 5, 'Colin' says he remembers
6 being caught pinching a milk float once and giving
7 everyone free milk and that he'd been actually been
8 driving the milk float.

9 His father was a drinker and his mother didn't
10 really look after him and he says he was doing stupid
11 things and was mixing with older boys who were stealing
12 motorbikes and mopeds.

13 Then he ended up in front of the Children's Panel in
14 Aberdeen and the next thing he knew, he was put into
15 care and he went straight from the Children's Panel to
16 a children's home. He talks about that from paragraphs
17 8 to 23. He was eight years old at the time and he says
18 he was in the children's home for about two years,

19 **Secondary Institutions - to be published later**
20

21 Going forward to paragraph 24, he says that after
22 this period in the children's home, he was moved to
23 Oakbank in Aberdeen and he thinks that this was
24 a decision of the Children's Panel and he comments:

25 'I had no say in where I was going.'

1 He talks about Oakbank from paragraph 25 onwards and
2 says initially:

3 'I liked Oakbank School.'

4 They would take them out on field trips and for runs
5 in the minibus and there was a lot of good things at
6 Oakbank. He says he spent time at home but always ended
7 up going back to Oakbank.

8 At paragraph 26 'Colin' says:

9 'I was one of the youngest boys at Oakbank but I was
10 always misbehaving by running away and playing with
11 motorbikes.'

12 He remembers there being girls there who had their
13 own rooms and their own area, they mixed with the girls
14 but at night they lived in their own area and were
15 separate from the boys.

16 LADY SMITH: Do we have dates that confirm his time there?

17 I know that the estimate is him going there when he was
18 about ten and may be there for a few years?

19 MS FORBES: I checked, my Lady, and we don't have dates for
20 him. We don't have records.

21 I think in relation to him, if I can just check.

22 (Pause)

23 LADY SMITH: That would fit if he was right about initially
24 going into care when he was about eight and then about
25 two years later he went to Oakbank, but that seems quite

1 young for Oakbank.

2 MS FORBES: It does seem young, my Lady.

3 LADY SMITH: I'm not saying it's wrong.

4 MS FORBES: We don't have any records to confirm his dates.

5 I think I'm reminded that those dates would accord with

6 when girls would be at Oakbank.

7 LADY SMITH: Of course, yes, because this is into the second

8 half of the 1980s, isn't it?

9 MS FORBES: Yes.

10 It might be that his dates are slightly out, because

11 it might be a bit later than the mid-1980s that that

12 would have happened.

13 LADY SMITH: Right.

14 MS FORBES: 'Colin' goes on to talk about sleeping in

15 a dormitory in the main Oakbank building and states at

16 paragraph 27:

17 'I recall that if you ran away from Oakbank, you

18 would be placed in a locked room next to the television

19 room.'

20 At paragraph 28, he says:

21 'If you behaved while you were at Oakbank you would

22 get privileges like extra pocket money or being allowed

23 home at the weekends. SNR [REDACTED] at Oakbank was

24 called Mr ZHMY and he always announced to everyone what

25 grade they had achieved. Level 1 was the lowest and

1 I think level 6 was the highest. Getting to the highest
2 level meant you got more pocket money and you would also
3 be allowed home at the weekends.'

4 'Colin' says he was always getting mixed messages
5 about the level he was at at the school, he would
6 misbehave by running away and would be on Level 1 for
7 most of the time, but they would let him go home at the
8 weekends and he felt the more that he played up the more
9 privileges he received.

10 In relation to education at paragraph 30 'Colin'
11 says:

12 'You had to go to classes in Oakbank, although
13 I didn't participate much with the classes which covered
14 educational subjects. The teachers knew this and let
15 you do other things. I would play the computer or play
16 games. If you kept your head down you would be moved to
17 Oakhill House, which was part of Oakbank. It was
18 a house that sat on its own and you had much more
19 freedom when you were there. There were much fewer boys
20 there and that's where the girls were as well. I always
21 wanted to be a mechanic and I was able to learn
22 mechanics when I was at Oakbank. You could even work in
23 the garden.'

24 He talks at paragraph 33 about doing joinery and
25 making a table for his sister and that he enjoyed

1 working with the teaching staff and being taught joinery
2 and mechanics which interested him.

3 At paragraph 34 he talks about the swimming pool at
4 Oakbank and recalls being taught by the PE teacher how
5 to swim and there was a gym as well as them being able
6 to play football or netball and they also did some
7 trampolining.

8 He recalls at paragraph 37 swinging on a football
9 goalpost and it collapsing and hitting him in the face
10 and breaking his nose, for which he had to go to
11 hospital and get the bone pushed back in and receive
12 stitches.

13 At paragraph 38, 'Colin' says:

14 'I do recall that the staff used violence against
15 you at Oakbank. They would shout and swear and try to
16 intimidate you. There was one pupil who had his leg
17 broken by a member of staff, I don't know what happened
18 to the boy, but he ended up in a stookie all the way up
19 his leg. I think the boy made a complaint and the
20 member of staff was sacked. I do know staff were
21 definitely sacked at Oakbank for hitting children.
22 I'm just not sure if that one was.'

23 Then he names the boy involved but says he doesn't
24 know the name of the member of staff.

25 At paragraph 39 'Colin' says that his relationship

1 with the staff was okay. The real problem was that he
2 kept running away and getting into trouble with his
3 friends in Aberdeen and he was wondering why he was in
4 care in the first place, but he was aware that his
5 sister had started legal proceedings to try and get
6 parental guardianship rights to have him at her house
7 whilst he was in Oakbank.

8 From paragraph 41, 'Colin' talks about abuse at
9 Oakbank and says:

10 'I was regularly hit by members of staff all about
11 my body. They would shout and swear at you and
12 intimidate you, they would slap you or hit you with the
13 back of the hand or a slap or clout to the ear. I do
14 remember an incident at Oakbank when one of the
15 teachers, whose name I can't recall, but he had red hair
16 and a beard, lost the plot and assaulted one of the
17 boys. They were on an excursion in the minibus and one
18 of the boys jumped into the driver's seat in the minibus
19 and drove off in it. The boy either crashed it or put
20 it on its side. Something happened anyway and the boy,
21 whose name I can't recall, got a doing from the teacher.
22 I remember that teacher was sacked for that, for lifting
23 his hands to a pupil.'

24 'LIL [REDACTED] was a care worker at Oakbank. He was
25 in his 30s when I was there. He was tall with a local

1 accent. He had short brown hair with a moustache. He
2 was able to take us out on trips without any of the
3 other staff questioning him on where we were going.

4 LIL [REDACTED] sexually abused me. He also abused another
5 pupil [who he names]. It was well known amongst the
6 boys that [he names the boy] was his pet.'

7 He says that boy would wash LIL [REDACTED]'s car and
8 would go out on trips with him and was treated a lot
9 differently than the other boys. He was spoilt by
10 Mr LIL [REDACTED] and got gifts from him.

11 He recalls an occasion when that boy stole
12 Mr LIL [REDACTED]'s car, which was a white Ford Sierra, and he
13 thinks that he pranged it.

14 At paragraph 45 'Colin' says:

15 'I was groomed by Mr LIL [REDACTED]. He would give me
16 money for sweeties. He had the run of Oakbank and he
17 sexually assaulted me there and also on the occasions he
18 took me out in his car. I find this very hard to talk
19 about.'

20 Secondary Institutions - to be published later
21 [REDACTED]
22 [REDACTED]

23 At paragraph 46 'Colin' says:

24 'It was because of the sexual abuse that I was
25 running away. LIL [REDACTED] had the keys to the place and

1 there were other boys being taken out of their beds at
2 all times of the night. He could go anywhere in Oakbank
3 because he had these keys. I couldn't stay at Oakbank
4 because of LIL [REDACTED],'

5 He then talks about the fact that he was put into
6 a locked room on one occasion to stop him from running
7 away and he managed to smash the window and a friend of
8 his came with a ladder and helped him to abscond. He
9 was in his pyjamas when he ran away:

10 At paragraph 48 'Colin' says the Children's Panel
11 took a different view of his absconding and decided he
12 should go to a more secure place. He'd also been in
13 trouble with the law and had a number of outstanding
14 petty offences to answer for.

15 He appeared before what he describes as
16 a juvenile court and was given a section 216, which he
17 understood to mean that he was to be detained at
18 Rossie Farm for a period of two years and describes it
19 being like a prison sentence.

20 At paragraph 50 'Colin' says:

21 'I had no one to tell about what was happening to me
22 at Oakbank. I was running away so that I would not be
23 sexually abused by LIL [REDACTED]. I tried to tell my
24 mother about what was happening, but she told me to stop
25 telling lies or I would be in worse trouble. My own

1 mother wouldn't believe me and that was very hard to
2 take. I couldn't tell any other adults, as I didn't
3 trust them. That was it for me. I wasn't going to tell
4 anyone else if my own mother didn't believe me.'

5 He then talks about Rossie Farm between
6 paragraphs 51 and 65. I'm not going to go all through
7 that, my Lady, but he does tell us some things about
8 abuse at Rossie at paragraph 65 and he says there were
9 occasions when staff laid hands on them, but they would
10 back off -- I'll just read what he says there:

11 'There were occasions when the staff laid hands on
12 you, but I would back off as they would and I was not
13 going to stand for what had happened to me in the other
14 homes, so there was a mutual understanding and although
15 I was subjected to some physical abuse, it was not very
16 often.'

17 He then says that he got to 16 and his sister had
18 succeeded in getting legal guardianship for him and he
19 went to stay with her, but that was around the time he
20 says that the section 216 had expired. He comments it
21 was a tough regime at Rossie but it wasn't as bad as **Seconda**
22 **Secondary Institutions - to be pu** Oakbank.

23 He then talks about life after being in care from
24 paragraph 67 and he says that he became addicted to
25 methadone, he went on to abuse heroin. When he was 18,

1 he was in Polmont, he had a six-month sentence. That
2 was his first conviction and then went on to Glenochil.

3 Over the next few years he continued to take drugs
4 and spent time in prison due to petty crime, mainly to
5 do with motorcycle and car thefts, and he had a very bad
6 motorcycle accident in the late 1990s and has been
7 physically disabled ever since. He was seriously
8 injured in the accident and he was in hospital for about
9 two months after that.

10 He says that he had a daughter in 2008 and he was
11 present at her birth. He had a partner but no longer
12 sees her and he doesn't see his daughter.

13 In relation to impact, from paragraph 71, he says:

14 'When I was a wee boy I was very happy and easy to
15 get on with. When I was put into the care system
16 everything changed, including me. I was no longer
17 a happy and care-free child.'

18 At paragraph 73 he says that after being in care he
19 has no trust with people in authority, he has difficulty
20 sleeping and flashbacks and nightmares about his time in
21 care. He has diazepam to help with anxiety and
22 depression from his doctor. He feels angry about what
23 happened to him. He's felt suicidal and nearly
24 overdosed [REDACTED] on one occasion.

25 He has other health problems that he talks about in

1 paragraph 75, and he's been diagnosed with PTSD.

2 At paragraph 76 'Colin' says:

3 'My life has been a mess and I feel that the care
4 system has completely destroyed me as a person and has
5 let me down when they should have been caring for me.
6 There was no need for me to be in care and I've always
7 wondered how that happened. I had no choices of my own,
8 the system just failed me.'

9 In 'Lessons to be learned' at paragraph 79 'Colin'
10 says:

11 'People have to learn from the mistakes that were
12 made and the way I was treated when I was in care.
13 I would also like to see the people that abused me being
14 punished for what they did to me.'

15 Then he's made the usual declaration and he has
16 signed his statement and it is dated 8 December 2022.

17 LADY SMITH: Thank you very much.

18 MS FORBES: My Lady, I have another statement. It would
19 take more than ten minutes, but it shouldn't take more
20 than half an hour.

21 LADY SMITH: Let's take a short break now and then we'll
22 come back and do that statement afterwards.

23 Just to catch up on names of people whose identities
24 are protected; there's a Mr HMY, again we mentioned
25 him yesterday, EJT, IAB and LIL,

1 'Calum' says at paragraph 4 that he was brighter
2 than they gave him credit for and when he was seven or
3 eight, he delivered one of his little brothers when his
4 mum was in labour and his dad was upstairs passed out
5 drunk.

6 He remembers his parents splitting up, this is at
7 paragraph 5, but he doesn't know how old he was at the
8 time. They moved to new-build houses in Kilmarnock, but
9 it wasn't long after they moved in there that everything
10 got worse.

11 He says his dad was an alcoholic, a heavy drinker,
12 and had to have a liver or kidney transplant because of
13 it and he was also extremely violent and volatile, he
14 was violent towards everyone. He says that as he got
15 older, he would take the beatings for his younger
16 brothers and his family situation he describes as
17 horrendous.

18 'Calum' says his mother took them to various
19 temporary accommodations to get them away from his dad
20 and they stayed in various different places. He says he
21 had ADHD and it would have been difficult for his
22 mother. He says he was wild and it couldn't have been
23 easy.

24 He says that he knows he was bad, but it was
25 difficult to maintain his balance when he was sinking at

1 school. He went to a primary school and the
2 headmistress there was good with him. He calls her
3 fantastic and she fought to keep him in the school,
4 despite his behaviour. He says he was difficult as
5 a child, was volatile and had a short temper and
6 struggled academically.

7 At first he says he was good at school, but things
8 started to deteriorate at home. He would refuse to wear
9 shorts for PE as his body was covered in bruises from
10 his father's violence. And he says then that this
11 headmistress saw the bruises and he told her that his
12 dad had assaulted him and she contacted social work and
13 they came and interviewed him and the police also became
14 involved.

15 After that, his dad was evicted from the family home
16 and a restriction order placed on him. 'Calum' does say
17 though that social work were involved right from the
18 start, he thinks since he was a baby, and he says that
19 after his dad left things were better for a while but
20 his mum fell off the wagon and things spiralled. She
21 had a lot of boyfriends who were very much like his dad
22 and the family fell apart.

23 He went to Child and Adolescent Mental Health
24 Service and Rainbow House when he was pretty young and
25 he says he was diagnosed at Rainbow House with ADHD and

1 medicated when he was about ten or a little bit younger
2 and given Ritalin, but that didn't seem to help and he
3 says that the tablets he was given made him like
4 a zombie.

5 He thinks he was in care when he was very young but
6 he doesn't remember it. Perhaps foster care or respite
7 carers and he was maybe around six the first time he
8 went into care. He was in a children's home as
9 an emergency placement.

10 He then goes on to talk about time in foster care
11 from paragraph 13 and this evidence was read in during
12 the Foster Care Hearings on 21 September 2022. That was
13 Day 324, the reference for that is TRN-10-000000065.

14 He says he was maybe with the foster carers for
15 a couple of months and he might already have been in
16 a children's home by this time for a couple of years and
17 describes them as being horrible and being bullies.

18 Later in his statement at paragraph 20 he says in
19 particular the foster father was cruel and took great
20 pleasure in being cruel. He then had to leave that
21 placement quickly and was put into a temporary foster
22 care. He then goes on to talk about this emergency
23 foster care from paragraph 23 and he says there that the
24 foster mother was quite nice but the foster father was
25 hideous and was verbally aggressive and shouty. He

1 doesn't know how long he was in that placement for, but
2 went back to the children's home afterwards, because the
3 local authority had nowhere for him to go.

4 Then talks about the children's home between
5 paragraph 27 and 73 and he thinks he was quite young
6 when he went there, maybe about six or seven. **Secondary Institutio**

7 **Secondary Institutions - to be published later**
8
9
10

11 Going forward then into paragraph 74, he says that
12 he was supposed to go to secondary school at
13 Grange Academy in Kilmarnock and they were going to try
14 normal mainstream schooling and he had gone for a visit
15 and loved it. However, it was decided that he was going
16 to go to Oakbank and this was because he was running
17 away.

18 He was told that Oakbank was a last resort before
19 a secure unit and it was the only place that would take
20 him because of his file.

21 At paragraph 76 he says when he finished primary
22 school, they shipped him off to Oakbank, even though he
23 fought against it.

24 He went on a visit to Oakbank shortly before he went
25 there and he says at paragraph 76:

1 'When I went to see it, I was terrified. It was
2 huge. I remember driving through the gates and it
3 looked like an old haunted castle. There was so much of
4 it that it was a lot to process. I hated it. I ran
5 away the morning they were supposed to escort me to
6 Aberdeen.'

7 He then talks about Oakbank from paragraph 77 and
8 says that his memory is rusty with age, but he knows he
9 was still quite young when he went to Oakbank and thinks
10 it was maybe [REDACTED] 2004, just as he was due to go
11 to secondary school. He names the principal who was in
12 overall charge of the school at that time as
13 Jane Arrowsmith.

14 He then describes Oakbank at paragraph 78 and talks
15 about the built-in school there, swimming pool, gym,
16 laundry, gym hall, a music room, and there being what he
17 calls a techy block for home economics classes, art
18 classes, English and woodwork. He says there was also
19 a garage where they fixed cars and where they were
20 taught mechanics. There was a football field and they
21 had their own Olympic-sized swimming pool. There were
22 also intra-unit football and softball matches, which he
23 says were messy.

24 He describes Oakbank at paragraph 79 as being
25 absolutely huge, with 13 buildings. He talks about

1 there being about 300 children there, he says ranging
2 from six to 16 years old.

3 He talks about being put into Oakhill, which was the
4 biggest unit, which had 19 children, and he says that it
5 functioned like an independent community.

6 At paragraph 80, 'Calum' says there were seven
7 independent units that functioned as their own houses
8 and he names them and he talks about the different units
9 and the types of people who would be in there and that's
10 for us to read at paragraph 80.

11 He says:

12 'I was in Ythan, LAJ [REDACTED] was in charge of my
13 unit. She isn't somebody I would hire to put in charge
14 of a children's unit. There were six children and six
15 staff members. You had a staff member shackled to you
16 24 hours, seven days a week. Everywhere you went, you
17 were shadowed by a member of staff. Ythan was very
18 intense. You could work towards being in Oakhill, where
19 there was less supervision. Oakhill was low support,
20 low risk and low effort. That was everybody's goal to
21 be there. I got transferred to Oakhill after LAJ [REDACTED]
22 left.'

23 He says at the end of that paragraph:

24 'There were great facilities at Oakbank but it was
25 poorly ran.'

1 At paragraph 82 he mentioned someone called
2 Bill Cooper who worked nightshift at Ythan. He was
3 a legend, he says, and one of the best nightshift
4 workers he ever had.

5 At paragraph 84, 'Calum' says:

6 'We called the teachers by their first names.
7 Everybody loved the home economics teacher, Irene, she
8 was a sweetheart. The woodwork teacher was called
9 **EJW**, he had been at Oakbank for decades. In
10 all the years **EJW** and Irene had been at the school,
11 there had never been an incident in their classrooms.
12 **EJW** was married to the head of education **█**, she was
13 lovely as well.'

14 He goes on to say that the school catered for
15 children with behavioural difficulties and there were
16 very small classes of four or six children.

17 Later in paragraph 85, 'Calum' says:

18 'I wanted to be a doctor. Oakbank and Seafield
19 didn't cater for that kind of child, the curriculum
20 wasn't great. They had fully qualified teachers in each
21 subject, but trying to teach kids with behavioural
22 difficulties English or maths while two kids from
23 a different unit are arguing can be challenging.'

24 He talks about being a good painter and that
25 Jane Arrowsmith commissioned him to do two paintings for

1 her and she still has them. And that they weren't
2 really encouraged to follow their passions.

3 At paragraph 88, 'Calum' says he didn't have any
4 contact with his family when he was at Oakbank and his
5 social worker came to visit twice a year. He says she
6 didn't care. She thought she was too good to be
7 a social worker. He goes on to say:

8 'I was spoken to by the Care Commission when they
9 came to interview the kids. I told them it as it was.
10 Oakbank was not a safe facility and LAJ was not
11 a manager that I would hire.'

12 He talks about having a burst nose during
13 a restraint at paragraph 89 and was given medical
14 treatment at the school and he said they didn't take him
15 to hospital because they had to fill out lots of
16 paperwork to say that he'd been involved in an incident.

17 Going over to the next page, still at paragraph 89
18 he says:

19 'The vast majority of incidents dealt with by first
20 aiders followed restraints. I was taken to the hospital
21 when I injured my knee in a restraint and chipped the
22 bone, but the staff lied to the hospital about how I had
23 come about the injury. They told the staff at the
24 hospital that I had fallen off a motorbike.'

25 He goes on to say that he absconded in his first

1 week and was terrified of Oakbank. He tells us about
2 that at paragraph 90.

3 At paragraph 91, he says:

4 'There was no emotional support or treatment at
5 Oakbank. It was a last-stop shop to a secure placement.
6 LAJ was in charge of my unit, she had been in the
7 Police. A lot of people loved her, but
8 I never understood why. In all the years that I was at
9 Oakbank, LAJ would never get involved in a restraint.
10 She'd always be there, micromanaging, when two staff
11 members were restraining a child. She liked to
12 interfere and make herself seem important. She was
13 particularly nasty to the kids. She was always shouting
14 at kids, giving them a hard time and accusing them of
15 things. She was just a bitch in general. The type of
16 woman who had never seen fun in her life. She was not
17 a nice person to be around.

18 'We were all given hamsters. I had never seen
19 a hamster before, let alone handle one. I was given
20 a cage, food and bedding and told it was nocturnal.
21 That was it. I loved the hamster a little too much.
22 Unfortunately, the hamster didn't survive. I didn't
23 know that hamsters were so fragile and I tried to hug
24 it. I'd only been in Oakbank for a few days.
25 I panicked because I was new and I didn't want people to

1 think that I was a killer. I told people it must be
2 sleeping. LAJ was particularly cruel to me about it.
3 She was nice when other people were around, but she used
4 to pull you into her office and she would be quite
5 horrible. She accused me of doing it to the hamster
6 deliberately and then concealing it. It had been
7 a genuine accident.'

8 He talks about a key worker he had there who was
9 legendary and he names him and says some of the staff
10 were great but some of them weren't.

11 At paragraph 94, he says:

12 'About a year before Oakbank closed down, it got to
13 the point that the kids had had enough. The straw that
14 broke the camel's back was when one of the kids went up
15 on the roof and threatened to jump off because he
16 couldn't cope. I can't remember his name. Up until
17 that point, I very rarely got to speak to
18 Jane Arrowsmith, the principal of the school. The staff
19 kept kids away from her as much as possible. There were
20 ways to get to speak to her. She still had to park her
21 car. When things were kicking off and the old guard
22 were fired, all the kids surrounded her Bentley to
23 demand a meeting. The staff couldn't do anything about
24 it. She looked terrified. We took her into her office
25 and told her what had been happening. There were about

1 30 of us in that room. She hadn't known the half of
2 what was going on. She asked to see every manager. The
3 staff then went on strike. Jane had to go on the floor
4 as a staff member for the day. She knew what she was
5 doing because she had been a PE teacher before she
6 became principal.

7 'Jane went into the living room of every unit with
8 a notepad. She asked kids to tell her their grievances.
9 One child from every unit was selected to speak for that
10 unit. I was chosen from my unit. I got to know her
11 really well. She cared. She had pages of complaints
12 all over her desk from every kid. She said she was
13 going to change things and the staff would no longer
14 keep her away from the children. She asked for every
15 file and report from every unit. She told staff that if
16 there were inconsistencies, they would have to find
17 another job. Seven staff members resigned within
18 20 minutes.

19 'Jane took action quickly. She got rid of staff and
20 replaced them overnight. We had a batch of new agency
21 staff within 24 hours. When LAJ, LAK and the other
22 member of staff were fired, the old guard fell. They
23 didn't fire a lot of them. They made them re-apply for
24 their jobs and they didn't get them back. Jane did all
25 the hiring and firing after that and interviewed every

1 new member of staff. It was very effective and Oakbank
2 ran very differently, but it was too late by then.'

3 He then says that LAJ was replaced by a guy called
4 Stuart McKenzie and his approach was very different from
5 LAJ's and he sets out his approach at paragraph 97,
6 saying he was very chilled and he would ask you how
7 things were going at school and whether anything was
8 bothering you.

9 He goes on at paragraph 97 to say:

10 'The building was falling apart and he squeezed
11 every penny out of Jane that he could. He painted and
12 recarpeted the whole unit. He replaced the windows with
13 double glazing.

14 'Behaviour radically changed in the unit after
15 Stuart McKenzie took over. He wasn't shouting at people
16 and barking orders at his staff. There was more money
17 in the petty cash for activities. He really turned
18 Oakhill unit around completely, 350 degrees. If two
19 boys got into a fight he would sit them down at opposite
20 ends of the room and ask them what happened. There were
21 no restraints.'

22 He goes on at paragraph 100 to talk about personal
23 infrared transmission security and safety system at
24 Oakbank and it was nicknamed PIT and that staff would
25 have a PIT pager. At the end of the paragraph he says:

1 'If things got very serious, the staff member could
2 pull a pin out of the top of the PIT and it was classed
3 as an emergency. It was mandatory that every staff
4 member attend.'

5 He goes on to say:

6 'I was really difficult because I didn't want to be
7 at Oakbank. I was restrained on average three times
8 a week. There were staff at Oakbank who loved to use
9 restraint. They lived for a restraint. I witnessed
10 them instigate an argument with a child for them to
11 bite. Before you knew it, there was a restraint. They
12 loved it. They used restraints so much and they were so
13 heavy-handed. De-escalation didn't happen. Their
14 de-escalation was a quiet room, which was something to
15 be feared. The quiet rooms were a mean weapon. There
16 was one in every unit and in every vicinity. You
17 couldn't go anywhere in any of the buildings without
18 a quiet room being nearby. It was a room, a little
19 bigger than a broom closet, with a sofa, a telephone and
20 a file. How long you were in the room for was
21 discretionary, but they loved using that room.

22 'The staff used Calms techniques when they were
23 restraining children. If a figure of four was being
24 used, there would be a staff member on either side of
25 you. They would put their arm through your arm and hold

1 you down. They needed more staff members for bigger
2 children.'

3 He then talks about a T40 form that had to be filled
4 out after a restraint and the fact that staff would have
5 to say what had happened in a box.

6 He goes on at paragraph 102 to say:

7 'The staff would sugarcoat what had happened and
8 leave details out that they thought they might get their
9 knuckles rapped for. Some staff ended up with black
10 eyes, burst noses and broken jaws. Sometimes a kid
11 would end up with a split head or a burst lip. That
12 would be omitted from the report, because it would make
13 the staff look bad. Every time a restraint was used, it
14 was supposed to be supervised, but that never happened.'

15 He goes on to say:

16 'The quiet rooms, the restraints and PIT were
17 threats used to control the kids.'

18 And if you disagreed with a staff member they would
19 threaten to push their PIT.

20 He then goes on to say when Stuart McKenzie took
21 over from LAJ the use of restraints rapidly dropped in
22 Oakhill. He says:

23 'On average there used to be over 200 restraints
24 every month, just in Oakhill unit alone.'

25 He says that apparently the number of restraints

1 used in Oakbank School were the highest in the UK, even
2 higher than a secure prison, but that changed when the
3 old guard fell and in the six months that
4 Stuart McKenzie was in charge of the unit, 'Calum' says
5 he thinks there were 13 restraints in total.

6 He then talks about abuse at Oakbank from
7 paragraph 104 and says:

8 'I never saw LAJ hit a child directly. I saw her
9 in the background shouting and being abusive. She would
10 egg other staff members on. She had a temper. It
11 wouldn't have surprised me at all if she'd raised her
12 hand to a child. She was very volatile and angry.
13 Restraints were used frequently when she was in charge.
14 I would often walk past in the corridor and see a swarm
15 of staff. I would hear the shouting, screaming and the
16 swearing and the punching and the kicking when someone
17 was being restrained.'

18 He says he remembers a boy, who he names, being
19 restrained in the quiet room:

20 'There was wire mesh glass on the door and the staff
21 smacked his head off it. The glass cracked and I saw
22 the blood shoot out of his head and splat across the
23 window.'

24 He says he doesn't know what staff were involved
25 because he could only see the boy, and this was a big

1 boy who was six feet tall, and he says he heard the echo
2 through the corridor when the glass cracked.

3 'Calum' goes on to say that he experienced several
4 really bad restraints when he was in Ythan and the staff
5 denied it.

6 Then he talks about an incident at paragraph 106
7 when he was in the quiet room, and he says:

8 'I wasn't allowed to leave the quiet room. There
9 were two staff members present at all times. I was like
10 a prisoner held captive in that room. I couldn't go to
11 the toilet. I wanted to leave and they wouldn't let me
12 leave. I kicked off because they wouldn't let me go to
13 the toilet. I ended up in a restraint and they damaged
14 my leg.'

15 He says that was in his first week in Oakbank and he
16 doesn't know the staff members involved. He had to go
17 to hospital for an x-ray and was taken there and he says
18 he was in agony for a week but the staff denied any
19 wrongdoing.

20 He wasn't aware of the story that staff had
21 concocted at the time, but he says they told the
22 hospital that he had fallen off a motorbike.

23 At paragraph 108 he says he also ended up with
24 a burst nose after a restraint. 'Calum' says:

25 'I got into a fight with another boy. I can't

1 remember which staff member was involved but I was
2 restrained at the top of the stairs. It was dangerous.
3 I hit my head on the top of the stairs and burst my
4 nose. I told the staff member that I was bleeding and
5 they still held me face down on the floor in my own
6 blood. I told them that I was drowning in my own blood
7 and he told me to drown quietly.'

8 He then talks about a girl that he knew who he was
9 friends with at Oakbank and he says that she had
10 a broken collarbone after a restraint at Oakbank and the
11 police were involved and she went to hospital but staff
12 denied it and there was an investigation.

13 At paragraph 110, 'Calum' says:

14 'While I was at Oakbank, LAJ was suspended for
15 hitting children. I was part of the inquiry but
16 I didn't see it happen. Several children had been
17 involved over a couple of years. There were several
18 reports about her. Several other staff members were
19 also suspended, including LAK. I read online
20 that one of the reasons LAK was suspended was
21 that he was responsible for breaking [he names the girl,
22 his friend's name] clavicle, but I don't know that for
23 sure and didn't witness that happen. I did feel sorry
24 for LAJ, the way that she was fired was cruel. They
25 did it in front of all the kids and staff in assembly,

1 they made an example out of them.'

2 He then says that after LAJ was sacked by Oakbank
3 he was spoken to by Aberdeen Police as part of the
4 investigation and had been selected at random.

5 He then talks at paragraph 115 about leaving Oakbank
6 and says:

7 'I was at Oakbank for about four years altogether.
8 I flourished at Oakbank. It was a fantastic place.
9 I had a fair whack of bad experiences at Oakbank, but it
10 broke my heart when they closed it. I was one of the
11 last kids to leave Oakbank in 2008. I wouldn't leave.
12 I think Oakbank closed before its time, things had been
13 changing for the better.'

14 Then he talks a little bit more about the
15 restructuring of Oakbank before it was closed.

16 He then went to Seafield, and he says he was taken
17 there by Stuart McKenzie. He had never been there
18 before but had been shown it online and he was just
19 dropped off and that was it.

20 He talks about Seafield from paragraph 119 to 144,
21 and he says he was maybe about 14 when he went there and
22 he talks about an incident where a boy ended up with
23 a broken arm after an incident with staff.

24 Moving forward to paragraph 145, 'Calum' says he was
25 at Seafield for about two years, including being in

1 Merton House. When he left care then he was afraid of
2 being on his own and he was put into a flat. He says he
3 was dumped in a flat on his own by the council and he
4 was dumped in a flat with nothing.

5 At paragraph 146, 'Calum' talks about the fact that
6 he didn't know how to pay a bill, how to cook. He had
7 just turned 16 and was given a throughcare allowance,
8 but he just sat and watched TV all day.

9 He then was involved in taking East Ayrshire Council
10 to court and he was able to get a move to a flat in
11 Kilmarnock from the council and he got a mortgage when
12 he was 19 to buy the flat and he says that he won his
13 case against the council.

14 He then talks about life after being in care from
15 paragraph 148, and again says the minute he left care he
16 changed his name, his first name, and then he met
17 someone and got married and took his husband's surname.
18 He was only 16 and this husband was a lot older than him
19 and then they divorced amicably but he kept his
20 husband's last name.

21 Then he relinquished the throughcare when he was 20.
22 He could have had it up to 25. He said he had
23 a full-time job, a husband and dogs and he didn't need
24 them.

25 He met his second husband when he was 18 or 19, but

1 that marriage didn't work out.

2 Then he met his third husband and lived in England
3 for a while but moved back to Scotland and he says that
4 he and his husband live in separate flats and it works
5 a little better.

6 At paragraph 151 he talks about the contact with his
7 family and says that he goes on to say that he struggled
8 to see his younger brother. He talks about that at
9 paragraph 152.

10 From paragraph 153, 'Calum' talks about impact and
11 says that he has a reasonably good job that provides him
12 with a stable, secure income but he's of the view that
13 he could have done so much more with the right support
14 and safeguards in place.

15 At paragraph 153, about halfway down, he says:

16 'That never happened when I was in care, because
17 they weren't equipped and they weren't willing to do it.
18 If you don't give a kid a chance, they'll never show you
19 how brightly they can shine. If you tell a kid often
20 enough that they can't do something, they'll start to
21 believe it. I don't know if I'd be able to go to
22 university or college now. It would take a lot.
23 I'm not the same person I was when I was a kid and
24 I wanted to be a doctor.'

25 At paragraph 155, he talks about the fact that his

1 experiences in care have affected his relationships and
2 that he trusts nobody.

3 At paragraph 156, he says he thinks being in care
4 has impacted his mental health. He has severe anxiety
5 and suffers from depression.

6 At paragraph 159, he talks again about the fact that
7 he spent many years concealing who he was, the person he
8 used to be. He says at paragraph 159:

9 'That boy no longer exists, because that boy never
10 became a man.'

11 Paragraph 160, he says:

12 'In order to remain sane, I don't think about my
13 time in care a lot. I radically changed who I was.
14 I buried my past and I never speak about it. I have
15 many good memories of my time in care but I have so many
16 bad memories too. I went to a lot of trouble to delete
17 my identity. I completely changed. I ditched my short
18 fuse and my temper. I changed my whole personality and
19 became a different person overnight because I had to.
20 It was survival of the fittest when I left care and
21 I had to survive. I have a very dark sense of humour
22 and that helped. Because of all the horrendous things
23 that have happened to me over the years, I became very
24 good at detaching myself from my emotions. I have
25 a great life, I have married a great man, have my own

1 car, my own house and I'm happy. That's all that
2 matters. The past is the past and it doesn't matter.
3 The most terrible things might have happened to you in
4 the past, but it's all about your future and how you
5 make that future.'

6 Moving forward to 'Lessons to be learned', at
7 paragraph 166, about staffing and restraints, he says:

8 'There were too many staff who believed that they
9 were bad kids. My theory is there is no such thing as
10 a bad kid, just bad behaviour. You can't call a kid
11 bad. If you continually drill that into the kid, that
12 kid will eventually come to believe that to the point
13 that they will then be deliberately bad. I believe that
14 every kid deserves a chance. They didn't want to move
15 into care. They didn't ask for it. Why shouldn't they
16 get the same opportunities and the same chances as
17 someone who lives at home with their mum and dad? It's
18 not fair.'

19 At paragraph 168, 'Calum' says:

20 'Restraints should be a thing of the past. They are
21 barbaric. I don't think I've ever come across another
22 restraint technique as dangerous as TCI. It always left
23 either the staff or the kids with some kind of injury.
24 You can't expect a teenager to respond positively to
25 being physically held. You cannot expect that to

1 de-escalate the situation, because it's only going to
2 make the child angry. We need to let go of physically
3 containing children. Children shouldn't be contained in
4 any way whatsoever. They should be encouraged.
5 Children's passions should be encouraged. They can put
6 those things to use when they leave care.

7 'Situations aren't de-escalated by restraints or
8 quiet rooms that smell of bleach. Instead, staff should
9 try to understand the problem. You need staff who
10 understand what it's like to be in care.'

11 When talking about Children's Panels at paragraph
12 170 'Calum' says:

13 'My experiences of the Children's Panel were that
14 they had already decided the minute that they got the
15 report from the police, the school, the social worker,
16 and everybody else who did reports. It was a waste of
17 time and money and a pointless and fruitless exercise.
18 They didn't care about the child. I was never heard.
19 Any time I requested something from the panel, I never
20 got it. The panel needs to be made up of professionals,
21 of people who specialise in care making these decisions.
22 These are three random strangers who don't have
23 a background in care. I sat across from them and they
24 told me what my future was. Why did they get to decide
25 my future? They don't have a clue what it's like for

1 a kid to be removed from a family unit and placed from
2 pillar to post. When I was younger, I felt that the
3 Children's Panel didn't care about my view.'

4 He says that he thinks that the child's view is the
5 most important thing to be taken into consideration.

6 In relation to education and training, at
7 paragraph 176, 'Calum' says:

8 'Education is so important. Knowledge is power.
9 Having been involved in Who Cares? Scotland and watching
10 kids in care, I think that education is key. If you can
11 give a kid anything, give them education.'

12 At paragraph 178, he echoes this issue about there
13 needing to be basic lessons in things like paying bills
14 and that he didn't have that when he left.

15 Talking about hopes for the Inquiry, 'Calum' says at
16 paragraph 180:

17 'I hope that every local authority takes note, sits
18 up and listens.'

19 He says at paragraph 181:

20 'They need better vetting for staff and better
21 vetting of placements.'

22 Paragraph 182, he says:

23 'I don't think places like Seafield and Oakbank
24 should be a thing of the past, but they should only be
25 used when there is absolutely no alternative.'

1 He goes on to say more about that, which we can
2 read.

3 My Lady, he's then made the usual declaration and
4 he's signed that and it's dated 30 June 2020.

5 LADY SMITH: Thank you very much, Ms Forbes.

6 What is the plan now?

7 MS FORBES: I think, my Lady, that is all the read-ins we
8 have for today. Then tomorrow we would resume with live
9 evidence in the morning at 10.00 am.

10 LADY SMITH: Thank you very much.

11 Last thing to mention, three names that have been
12 used that I haven't already reminded people about;
13 **EJW**, **LAJ**, maybe **LAJ**, and **LAK**,
14 who may be **LAK**, are people whose identities
15 are all protected by my General Restriction Order and
16 they're not to be identified as being referred to in our
17 evidence outside this room.

18 Otherwise, thank you all very much, and I'll rise
19 now until tomorrow morning.

20 (3.35 pm)

21 (The Inquiry adjourned until 10.00 am on

22 Thursday, 26 September 2024)

23

24

25

1	'Matthew' (sworn)	1
2	Questions by Mr Peoples	2
3	'Daniel' (read)	49
4	'John' (sworn)	65
5	Questions by Mr Peoples	67
6	'James' (read)	109
7	'Colin' (read)	127
8	'Calum' (read)	139
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

