

Tuesday, 1 October 2024

1

2 (10.00 am)

3 LADY SMITH: Good morning. We continue today with our
4 evidence in Chapter 9 of this case study and move on to,
5 I think, three witnesses planned for today, Mr Peoples,
6 is that correct?

7 MR PEOPLES: Yes, I think we're hoping to cover three
8 witnesses today.

9 The first witness this morning is a person who will
10 be known today as 'Peter'.

11 I should say at this stage there are certain
12 allegations against 'Peter', so he would, I think,
13 receive a warning in relation to incrimination.

14 LADY SMITH: Thank you. Very well.

15 'Peter' (sworn)

16 LADY SMITH: 'Peter', thank you for coming along to help us
17 with your evidence this morning.

18 A. Yes, ma'am.

19 LADY SMITH: And thank you for already having provided
20 written evidence in the form of your statement, which is
21 in that red folder in front of you.

22 A. Yes.

23 LADY SMITH: It's been very helpful to have that in advance
24 so that I've been able to study it and we'll be today
25 focusing on some particular parts of it. Don't worry,

1 we're not going through it all page by page, but there
2 are some aspects of it we would like to discuss with
3 you.

4 'Peter', if at any time you have any questions or
5 you want a break, that's perfectly all right. You just
6 let me know.

7 A. Fine. Thank you.

8 LADY SMITH: Or anything else I can do to make the whole
9 process of giving evidence as comfortable as I can. Let
10 me say, I do know this isn't easy. You're in a public
11 forum and you're going to be asked questions about
12 things that happened a long time ago. I know that, and
13 I know that it's sometimes not easy reaching back in
14 your memory to be taken to a much earlier part of your
15 life.

16 A. Mm-hmm.

17 LADY SMITH: 'Peter', in the course of the questions we ask
18 you, it is possible that you will be asked some
19 questions, the answers to which could incriminate you.

20 Although this is not a court, it's a public inquiry,
21 you have exactly the same rights and protections that
22 you would have in a court. That means if you are asked
23 any such questions, you don't have to answer them. It's
24 your choice. Obviously, if you do so, I expect you to
25 give a full answer, but the protection is there just as

1 it would be in a court.

2 If you're in any doubt whether it's that sort of
3 question or not, just check with us. That's perfectly
4 all right. Okay.

5 If you're ready, I'll hand over to Mr Peoples and
6 he'll take it from there. All right.

7 Mr Peoples.

8 Questions by Mr Peoples

9 MR PEOPLES: My Lady.

10 Good morning, 'Peter'.

11 Can I begin by giving the reference to the statement
12 you've provided. It's for our purposes so you don't
13 need to be concerned, but I'll give the reference at
14 this stage for your statement. It's WIT-1-000001491.

15 'Peter', as her Ladyship has said, there is a copy
16 of your written signed statement in the red folder and
17 can I ask you at this stage to look at the folder and if
18 you could, please go to the final page of the statement,
19 page 30. Can you confirm for me that you have signed
20 your statement and also dated it?

21 A. Yes.

22 Q. You say you have no objection to your witness statement
23 being published as part of the evidence to the Inquiry.
24 You believe the facts stated in your witness statement
25 are true.

1 Is that correct?

2 A. Yes.

3 Q. 'Peter', there is a copy of your statement on the
4 screen, but there is also the hard copy and you can use
5 one or both, whichever is easiest for you, but I would
6 like to go through some of the things in your statement
7 and I'll use that as the basis for my questions.

8 I would like to go back to the beginning of your
9 statement and just take a few matters from you.

10 Can you confirm -- I don't need your date of
11 birth -- that you were born in 1945?

12 A. Yes.

13 Q. You have a section headed 'Background' and I don't plan
14 to go through all of that in detail. We can read that
15 for ourselves, but I think so far as care work is
16 concerned, you could be described as a late starter?

17 A. Yes.

18 Q. I think you tell us that before you started doing care
19 work, you had a number of jobs, which were not related
20 to looking after children in a care setting, is that
21 correct?

22 A. Yes, that's right.

23 Q. You say that when you were about 38, you really were
24 looking for a change of direction?

25 A. Mm-hmm.

1 Q. You thought that you would like to go and work with
2 young people?

3 A. That's correct.

4 Q. You tell us at paragraph 5 of your statement, on page 2,
5 that your first employment working with children in
6 a care setting was at a place called Brimmond?

7 A. That is correct, yes.

8 Q. You worked at Brimmond for about 18 months between about
9 1983, or you think it may have been 1985, but was it
10 around that time?

11 A. I can't really remember.

12 Q. You enjoyed your time at Brimmond, is that right?

13 A. Yes, it was fine.

14 LADY SMITH: Do you remember how old you were when you went
15 to work at Brimmond?

16 A. I think I was 38, about 38.

17 LADY SMITH: That would fit with the dates Mr Peoples was
18 suggesting. That's fine. Thank you.

19 MR PEOPLES: Yes.

20 You learned about another place called Oakbank and
21 that's the one I'm going to ask you about today.

22 A. Yes.

23 Q. The upshot of finding out about Oakbank was an interest
24 in working there and indeed you saw, you tell us at
25 paragraph 5, that Oakbank were in fact advertising for

1 staff and you decided to apply for a job?

2 A. That's correct.

3 Q. Indeed, you tell us there that you think you would be
4 around 40 at that --

5 A. I would be about that, yes.

6 Q. Don't worry again. We don't need precise dates.

7 A. Okay.

8 Q. Then from paragraph 6 onwards, you have a section
9 dealing with your period of employment at Oakbank and
10 just to take it from you at this stage, I think you
11 worked at Oakbank from around 1985 to about 2002?

12 A. That's about that, yeah.

13 Q. You tell us, and I appreciate it was a long time ago,
14 that you recall being interviewed by SNR [REDACTED] of
15 the day and you think maybe five or six local
16 councillors?

17 A. That's correct.

18 Q. You don't need to worry too much, we are aware that
19 Oakbank was run by a board of governors and that the
20 majority were local councillors.

21 A. That's correct.

22 Q. Can you remember the name of SNR [REDACTED] that
23 interviewed you?

24 A. [REDACTED].

25 Q. You tell us that you don't recall there being any form

1 of probation period at that time?

2 A. None at all, no.

3 Q. You can't recall whether you had to provide references,
4 it was a long time ago.

5 A. No.

6 Q. Do you think you didn't or you can't --

7 A. No, I didn't.

8 Q. You didn't?

9 A. There was no references, no.

10 Q. As far as the work you were going to be asked to do, you
11 had already worked at Brimmond so you had some idea of
12 what care work with children in care involved?

13 A. Yeah, mm-hmm.

14 Q. Were you given any form of induction or training at that
15 time?

16 A. No, sir. No, no.

17 Q. Was it a case of learning on the job?

18 A. Yes.

19 Q. And learning from others?

20 A. Yes.

21 Q. If I can move on, 'Peter', in your statement, to
22 paragraph 8, you tell us about your first impressions in
23 a section starting at paragraph 8.

24 You tell us that you loved the job during the time
25 you were there?

1 A. Yes, yes, when I first started, yes.

2 Q. Did you love the job for the whole time you were there
3 or did you become disillusioned or did you continue --

4 A. Latterly, part of it, erm, I wasn't as keen. Erm, it
5 was different -- the youngsters were different. They
6 were younger and a few of them had difficult problems.

7 Erm, sorry, I can't --

8 LADY SMITH: Don't worry, I get the idea.

9 MR PEOPLES: When you started, you think maybe the children
10 that you were dealing with were perhaps, if I could put
11 it this way, less challenging than the children towards
12 the end of your time?

13 A. No. No, I think they were more challenging the last
14 part of it.

15 Q. Yes, the last part of your employment you felt they were
16 more of a challenge?

17 A. Yes.

18 Q. Going back to your early days at Oakbank, 'Peter', if
19 I could go to paragraph 9, you tell us that there were
20 some things that you didn't like about Oakbank and one
21 of them was that you felt that the boys were never taken
22 out or taken on trips?

23 A. Correct.

24 Q. I'm not going to read that whole section, but you tell
25 us that you decided that it would be a good idea if they

1 got to see some places other than the school itself?

2 A. I think so, yeah.

3 Q. Indeed, you tell us in that section that you took them

4 to places, including the beach at Aberdeen?

5 A. Yes, yeah.

6 Q. You trusted them not to run away, because they were

7 given the freedom?

8 A. Yes, yes, certainly did.

9 Q. Was that trust in any way --

10 A. I think they trusted in themselves that if they had run

11 away, they wouldn't get it again, or maybe for a long

12 time before they would be able to get out again.

13 Q. Did you have any problems with them when you took them

14 out?

15 A. No.

16 Q. Did they seem to enjoy going out for trips?

17 A. Yeah, of course they did, yes.

18 Q. If I move on to page 4 of your statement, 'Peter', you

19 tell us a bit more about the place itself, Oakbank, and

20 the general culture. You tell us that you were aware,

21 when you went to Oakbank, that in the past a lot of boys

22 had come from the Glasgow area?

23 A. Before I started, yes, yes.

24 Q. But that by the time you got there, you think that it

25 was, at least mainly, boys that were from the Aberdeen

1 area; Perth, Dundee?

2 A. Peterhead, Fraserburgh.

3 Q. Inverness you mention as well?

4 A. Yes, yes.

5 Q. There were some boys as far away as Shetland, I think

6 you say?

7 A. Yes, yes.

8 Q. So they were mostly boys from what I would call the east

9 of Scotland rather than the west of Scotland?

10 A. Yes.

11 Q. You tell us that your recollection is that the majority

12 of the boys, this is at paragraph 13, 'Peter', were aged

13 between 14 and 16?

14 A. That's it.

15 Q. But you do tell us that you have a memory that there was

16 one boy, and I don't need his name, you remember he was

17 only 12 years of age?

18 A. That's right.

19 Q. You say in paragraph 13, 'Peter', in your view he was

20 too young to be with the other boys, but he always

21 wanted to be with them?

22 A. With them, yeah.

23 Q. Why did you think he was too young to be in that

24 environment with boys that were a bit older?

25 A. He wasn't -- he wasn't in the same bracket as the

1 14/15/16-year-olds. He was very young. I remember
2 taking him out, out into the country, and when we was
3 going out to the country, he was shouting me, 'IAB',
4 look, look, bunny rabbits, bunny rabbits', and all the
5 boys were laughing at him, but he was just too young to
6 be with them at that time.

7 Q. He wasn't as mature as the older boys?

8 A. No, he wasn't, no.

9 Q. I think you tell us at paragraph 15, and I won't go into
10 it at this stage in too much detail, but there came
11 a time when girls were admitted to Oakbank School?

12 A. That's right, yes.

13 Q. You can take it -- we know historically Oakbank was
14 an approved school, then it became a List D school, and
15 latterly it became a residential school --

16 A. Yes.

17 Q. -- and had boys and girls?

18 A. Girls, mm-hmm.

19 Q. Paragraph 16, 'Peter', if I could just ask you one thing
20 about that, that you have told us that you started to
21 take boys out and they enjoyed the experience of going
22 out with you and were appreciative of that.

23 You say you're not sure why other staff didn't take
24 the boys out, but you suggest it might have been because
25 of the relationships between the staff and the boys at

1 that time. Can you help us with that? What are you
2 meaning in terms of relationships?

3 A. I think the staff before me had been there quite a long
4 time and they never used to take the boys out. I think
5 in the summer time, they used to take them into the
6 hills and, I forget what they used to do, but they had
7 a bothy there that they stayed just in the summer for
8 a couple of weeks, but nothing like what I was doing.
9 I used to take them up out to the country and take --
10 play baseball, erm, go into the hills and let them run
11 free, er, go down to the beach, but they never used to
12 do that.

13 Q. You are describing I think, 'Peter', that you were
14 trying to give them as normal a childhood as possible,
15 doing things that children ordinarily do as youngsters,
16 is that right?

17 A. Yes. I just didn't like the idea of them being locked
18 up all the time.

19 Q. That's the feeling you had, that until you came, that
20 they were very much locked up or contained in the
21 school?

22 A. Yes, yeah.

23 Q. If I can go on in your statement, 'Peter', you say in
24 all the time that you were at Oakbank you never saw
25 yourself as a social worker, you were a care worker?

1 A. That's right.

2 Q. The reason that you make the distinction, you tell us,
3 is because you didn't have any qualifications to entitle
4 you to be called a social worker, that was your view?

5 A. That's right.

6 Q. Am I right in thinking that for a lot of the time that
7 you worked at Oakbank, there were a lot of care workers
8 who didn't have social work qualifications? Am I right
9 in thinking that?

10 A. That's correct. I think there was two that was youth
11 and community and I think one had done CSS and there was
12 nobody else.

13 Q. So the majority of what I would call the frontline care
14 workers, at least, didn't have childcare or social work
15 qualifications?

16 A. That's right.

17 Q. In your case, you hadn't had a lot of prior experience
18 of childcare for children in a residential --

19 A. Just about 18 months at Brimmond.

20 Q. You tell us that there came a time when there were some
21 changes at Oakbank and I think three units were created,
22 called Rosemount, Ashgrove and the other one was not in
23 the main building, but was called Oakhill?

24 A. Oakhill, that's right.

25 Q. Does that jog a memory?

1 A. That's it, yeah.

2 Q. Before that it had been a rather different arrangement?

3 A. It was all in -- just in the school.

4 Q. You remember that when this change happened, you were
5 given a role at Rosemount unit?

6 A. Yes.

7 Q. You say there were two people, you being one --

8 A. Yes.

9 Q. -- who went to Rosemount and that what I call the unit
10 leader --

11 A. Yes.

12 Q. -- was a man called KFJ ?

13 A. That's correct.

14 Q. You became his deputy?

15 A. That's right.

16 Q. The only reason that KFJ seems to have got the
17 position of leader was he had been there longer than you
18 had, is that what you think?

19 A. Yes, aye.

20 Q. You tell us, 'Peter', that when these changes happened,
21 you didn't have to actually apply for the post, you just
22 became the deputy?

23 A. Yes, yes.

24 Q. You tell us about the -- the unit that was called
25 Oakhill, we know already, was not in the main building,

1 but was separate from it in the grounds?

2 A. Yes, it was.

3 Q. You tell us that your recollection is that the separate
4 unit, the Oakhill unit, was for children who didn't
5 cause problems in the school and were seen as being easy
6 to look after?

7 A. That's right, yeah.

8 Q. Is that your recollection?

9 A. That's it.

10 Q. I suppose it follows from what you say is that the
11 Rosemount unit may have been given children that were
12 less easy to look after and more challenging?

13 A. It was, yes, definitely.

14 Q. I'm not going to take you to this document, but we have
15 seen an inspection report by a local inspector, who paid
16 a visit to Oakbank in 1992, 'Peter'. The inspector
17 said, when he was reporting, that it was said that
18 Rosemount, the place you worked in, tended to receive
19 young people who were labelled as -- and he used the
20 terms -- either 'a handful' or 'violent' or
21 'unmanageable'.

22 He made the observation -- I'll just finish what he
23 said and you can comment. He made the observation that:

24 '... most of the new staff who came to Oakbank were
25 started off in Rosemount.'

1 He said:

2 'If this was all true [I mean he wasn't passing
3 judgment, he was just reporting what he understood was
4 the situation] the school needed to revise its policy of
5 putting new staff with the most difficult or challenging
6 pupils.'

7 Do you get what he's saying?

8 A. Mm hmm. Yes, yes, yes.

9 Q. You didn't seem to agree entirely with what he wrote at
10 the time?

11 A. No. At the -- when I first went in, nearly all,
12 I think, the boys used to come into Rosemount unit, then
13 after a while they would go into different units, erm,
14 but they weren't any more difficult than other boys that
15 had gone into Ashgrove or into Oakhill.

16 Q. From your point of view, you didn't find that they were
17 in general terms difficult, although they would have
18 occasions, I suppose, when they would have their
19 moments?

20 A. No, not all the time, no, definitely not all the time.

21 Q. But you think that they maybe started off, many of them,
22 in Rosemount and moved to the Oakhill unit, for example,
23 as time went by?

24 A. Yes. I think it was mostly they would go to Oakhill,
25 because that was a quieter unit.

1 Q. Was that partly or mainly because it was felt that they
2 were behaving themselves and would continue to do so if
3 they moved to the Oakhill unit?

4 A. Yes, yes, if they were not problems or quiet, kept
5 theyselves to theyselves, they would ask to go to the
6 Oakhill and we would put them there.

7 Q. If there were boys who -- whether rightly or wrongly --
8 were thought to be a bit of trouble or were badly
9 behaved, were boys that were seen in that light, were
10 they kept in Rosemount longer and not moved to Oakhill?

11 A. No, they'd stay in Oakhill -- in Rosemount, sorry.

12 Q. It was to some extent based on their behaviour in the
13 school?

14 A. Yes.

15 Q. That --

16 A. Well, not really. When a lot of boys come right away
17 into Oakhill -- into Rosemount, they would stay until
18 they leave. Lots of them did. There was very -- there
19 wasn't a lot of boys taken from Rosemount up to Oakhill,
20 there was just the occasional one.

21 Q. Okay. Now, if I can move on, 'Peter' --

22 A. Yes.

23 Q. -- to your time as a deputy in Rosemount at
24 paragraph 20. If I could ask you about something you
25 say there.

1 You say you weren't given any training for the role
2 of deputy unit leader?

3 A. No, no.

4 Q. Although I think you say you didn't really find it very
5 different to what you'd been doing before that?

6 A. No, not really.

7 Q. You tell us also, 'Peter', at paragraph 21, that when
8 you were in Rosemount, you also had a role as a key
9 worker to some of the boys in the unit?

10 A. Yes.

11 Q. You tell us that you would speak to them about how they
12 were getting on, but you say:

13 'If I had time.'

14 You say that that didn't happen a lot because there
15 were only about two or three staff in the unit?

16 A. That's right, there wasn't many staff, erm, and most of
17 the time was outside in the unit itself, away from the
18 office to supervising them, so we didn't have a lot of
19 time to do anything else.

20 Q. So there wasn't much opportunity to establish
21 a one-to-one relationship?

22 A. No, no, there was never a time to do that.

23 Q. Did you think that was a weakness of the system?

24 A. A big weakness.

25 Q. Did it make forming relationships where the boys would

1 speak, would that make it more difficult, that you
2 didn't have the time to give them individually?

3 A. Oftentimes if somebody wanted to speak, they would come
4 and speak to you in the unit itself, you'd stand
5 somewhere else or sit down with them, but not for long,
6 because you had another ten boys to look after.

7 Q. So they weren't really getting a lot of individual
8 attention?

9 A. No.

10 Q. You say that there came a time when, as you put it, you
11 were a bit fed up with the school. This is at
12 paragraph 22. You didn't want to remain or be in the
13 unit as such and you went to see the headmaster and he
14 asked if you wanted to go to the separate unit. Was
15 that Oakhill?

16 A. Yes.

17 Q. Was that a smaller unit?

18 A. No, not really. It was mixed.

19 Q. That's the difference?

20 A. Yes.

21 Q. Rosemount was all boys?

22 A. All boys.

23 Q. Oakhill was mixed?

24 A. I think latterly there was a couple of girls went into
25 Rosemount.

1 Q. But that wouldn't be a common thing?

2 A. Sorry?

3 Q. It wasn't common for girls --

4 A. No.

5 Q. -- to be based in Rosemount for very long. It did

6 happen, you say?

7 A. It did happen. I'm sure it did, yes.

8 Q. But the idea of Oakhill was it would be a mixed unit?

9 A. That was, yes.

10 Q. So obviously this happened, this change, when girls were

11 admitted, so it wasn't when you started at Oakbank. It

12 was some years after you started?

13 A. Yes.

14 Q. You tell us that you enjoyed working in Oakhill unit

15 and, indeed, you enjoyed working in a mixed unit?

16 A. Yes. Because I had worked -- before I come into Oakbank

17 at Brimmond, I worked with boys and girls there, yes.

18 Q. It's maybe hard to make comparisons, 'Peter', but did

19 you think that one of the reasons perhaps that Oakhill

20 was easier to manage was because it was a mixed unit

21 rather than a single sex unit with only boys?

22 A. Maybe so, yeah, possibly. But it wasn't always an easy

23 job to do with boys and girls.

24 Q. There were potential problems and no doubt there would

25 be problems from time to time you had to deal with?

1 A. Yes, yes.

2 Q. Can you help us with the sort of problems that you did
3 have to deal with. Are we talking about problems of
4 relationships between boys and girls or what boys were
5 doing or disturbances?

6 A. No, not -- no. If you were going to go out somewhere
7 the girls would want to go somewhere and the boys would
8 want to go somewhere else and -- there never used to be
9 a lot of problems.

10 Q. Was that sort of problem rather than having to, for
11 example, deal with fights or disturbances --

12 A. That's right.

13 Q. -- or children acting up?

14 A. No, there wasn't a lot of bothers. Problems, sorry.

15 Q. When you went to Oakhill, am I right in thinking that
16 SNR [REDACTED] at that time was a Mr HMY [REDACTED]?

17 A. Yes.

18 Q. You tell us that you were a deputy in Oakhill?

19 A. Yes.

20 Q. And your line manager at the time was a person called
21 LIM [REDACTED]?

22 A. That's correct.

23 Q. Had he previously been [REDACTED] Oakbank?

24 A. Yes.

25 Q. Then you say that a new person took charge of the school

1 and that was [REDACTED], there came a time?

2 A. Latterly [REDACTED] took over, yes.

3 Q. I think we know from other records in evidence that [REDACTED]

4 came in in 199[REDACTED].

5 A. I can't remember, yes.

6 Q. Don't worry. I'm just offering that. I think we're

7 fairly sure that was about the time that [REDACTED] became SNR [REDACTED]

8 SNR [REDACTED] of the school.

9 A. Yes. That's right.

10 Q. You say that when [REDACTED] did take over, this is

11 paragraph 23, 'Peter', that you were given a change of

12 role?

13 A. Yes. I was asked by [REDACTED] if I would go and work into

14 the school, in the school itself, with one of the

15 ladies, my colleague, er, that the both of us would work

16 in the corridors in the school.

17 Q. So you were in the school area?

18 A. In the school area, yeah.

19 Q. But not necessarily in the classroom always?

20 A. Not in the classrooms, no.

21 Q. Did you spend any time in the classroom?

22 A. On times, yes. Erm, not so much with -- before

23 [REDACTED] came, I spent quite -- not quite a bit,

24 but I did spend time in the classrooms to look after the

25 boys, but with [REDACTED], I didn't go in the

1 classrooms, erm, unless there was a problem or one of
2 the boys or girls had to go back to the units to -- for
3 some reason.

4 Q. If we take the time before [REDACTED] took over,
5 you spent more time in the classroom when Mr HMY [REDACTED] was
6 SNR [REDACTED] ?

7 A. Yes. We had -- SNR [REDACTED], who was in touch
8 with the school. He was a SNR [REDACTED] and one
9 was a SNR [REDACTED], but when the SNR [REDACTED]
10 SNR [REDACTED], he would quite often say -- come up to the
11 classrooms and, 'Could you look after the boys?'.
12 Q. When you say, 'Peter', 'Could you look after them?', was
13 that to look after them in the class or to take them
14 from the class because, for example, they might have
15 been creating problems?

16 A. No, in the classroom.

17 Q. In the classroom.

18 A. There might be a teacher short.

19 Q. Oh, I see. So it wasn't simply to go from the unit to
20 pick someone up from the class to remove them because of
21 bad behaviour or did you do that sometimes?

22 A. If there was a problem, we would phone down and get
23 somebody from the unit to come and take them down to the
24 unit.

25 Q. On those occasions, was there occasions when the boys

1 didn't always go back to the unit willingly, that they
2 needed some assistance to get there?

3 A. Erm, maybe on times if they wouldn't do what we wanted
4 to do. Maybe we'd get somebody from the unit to come up
5 and give us a hand to remove them to the units.

6 Q. You talked about this SNR [REDACTED], who would ask
7 you to come up and spend time in the classroom in
8 Mr HMY [REDACTED]'s time as SNR [REDACTED]. Was that
9 Mr ILG [REDACTED], was he SNR [REDACTED]?

10 A. Yes.

11 Q. SNR [REDACTED] at that stage was LIQ [REDACTED]?

12 A. Yes, it was LIQ [REDACTED], yes.

13 Q. Had he taken over from someone called EJT [REDACTED], who had
14 died?

15 A. Yes.

16 Q. Was there another person who had a role as SNR [REDACTED]
17 something, was that Mr LIL [REDACTED], do you remember
18 LIL [REDACTED]?

19 A. Yes.

20 Q. What did he do?

21 A. He was SNR [REDACTED] --

22 Q. SNR [REDACTED]?

23 A. I don't know.

24 Q. Or SNR [REDACTED], is it, some sort of SNR [REDACTED] role?

25 A. He was of sport.

1 Q. I think -- you can take it -- I can tell you, I know
2 that Mr LIL, his background was as a PE teacher?
3 A. Yes.
4 Q. But at some point, I think, he also assumed some sort of
5 role as SNR Mr HMY; do you remember that?
6 A. No, I didn't know he was SNR.
7 Q. To you he was a PE teacher?
8 A. He was a PE teacher, yes.
9 Q. Did you have many dealings with him?
10 A. For a while, when I first started, I was in his team at
11 the weekend and on nights, erm, but besides that, no.
12 Q. You tell us in paragraph 23, and I won't go into this in
13 detail, but I think you say that when you did move to
14 the classroom area, after took over --
15 A. Yes.
16 Q. -- you're not really sure what your precise role was at
17 that time. You weren't entirely clear what you were
18 expected to do?
19 A. Well -- when come to speak to me about doing the
20 job, said I would become same as the teachers.
21 I would have the same holidays et cetera, and that was
22 all summer holidays, and Easter and all that, and that
23 offered me, which I fancied, you know, but after
24 a while, I said it was coming up to summer, I think it
25 was, and I said I'll be off for eight weeks and

1 said, 'Oh, no, we can't do that, we cannae give you
2 that'.

3 And [REDACTED] knew I wasn't happy about that and then
4 later [REDACTED] come to speak to me and [REDACTED] says, well, if you
5 want to get extra holidays, you're going to have to work
6 until 6 o'clock at night instead of 4 o'clock. I used
7 to finish at 4.00. I'd have to work until 6 o'clock.

8 Q. So whatever had been said at the beginning, it didn't
9 work out for you that you got the same holidays as
10 teachers?

11 A. No, I enjoyed the job that I was doing, but I wasn't
12 very happy about the conditions that [REDACTED] was -- offered
13 me.

14 Q. You do tell us again that in terms of training, you
15 didn't get any training for that role either?

16 A. No.

17 Q. Moving on in your statement, 'Peter', you have a piece
18 about staff structure on page 8 and I'm not going to
19 read that out. You have told us already that [REDACTED]
20 was SNR [REDACTED] when you arrived.

21 I think it wasn't long after you arrived that

22 Mr HMY [REDACTED] took over; is that correct?

23 A. I'm not sure just how long. It must have been a year or
24 two.

25 Q. You think it was maybe a year or two.

1 Then [REDACTED] took over from Mr. HMY [REDACTED]?

2 A. That's right.

3 Q. You have a section that's headed 'Recruitment of staff'
4 on page 9 of your statement. I just want to ask a few
5 things about what you tell us there.

6 You tell us you weren't involved in recruiting staff
7 at all?

8 A. No, none at all.

9 Q. You didn't have responsibility for that. Indeed, you
10 don't really know precisely how people were recruited,
11 is that --

12 A. No.

13 Q. Although what you do tell us is that when
14 [REDACTED] took over as SNR [REDACTED], this is
15 paragraph 31, 'Peter', you say that the care staff
16 seemed to you to be -- is it more qualified than they
17 had been previously?

18 A. That's correct, yeah.

19 Q. Did that explain your move from the units to the
20 classrooms?

21 A. I think so, yes.

22 Q. You also tell us that Mr. ILG [REDACTED], SNR [REDACTED]
23 SNR [REDACTED], was a [REDACTED] player and you think he was quite
24 pally with [REDACTED], is it, through [REDACTED] and
25 sport?

1 A. No. That they were friendly?

2 Q. No, when I say 'friendly', in a sense that that's how
3 they knew each other or is that not --

4 A. No, [REDACTED] used to -- [REDACTED] worked in another school.

5 Q. Rossie?

6 A. No, in [REDACTED].

7 Q. Okay. [REDACTED] Academy?

8 A. I think it was, yes, [REDACTED] used to work there, and on
9 certain times [REDACTED] used to come at the weekends or at
10 nights and do extra work at Oakbank.

11 Q. Because I think we know, 'Peter', from other evidence,
12 that [REDACTED] did work at Oakbank in a part-time
13 capacity before [REDACTED] became SNR [REDACTED] of the school.

14 A. Yes.

15 Q. Did Mr ILG [REDACTED] have a connection with [REDACTED] Academy
16 as well then? You don't know?

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

18 Q. What you say is that [REDACTED], in paragraph 31,
19 made changes and you believe that the changes were
20 an improvement on what was there before and one of the
21 improvements was that more qualified care staff were put
22 in to work in units, is that --

23 A. That's correct.

24 Q. You tell us a bit more about staff and you say that,
25 certainly in your latter part of your time at Oakbank,

1 there were quite a lot of family members working
2 together at the school?

3 A. There was.

4 Q. I think we've heard about Mr **KFJ**, for example. Did he
5 have two sons working at the school, **FZR** and someone
6 else?

7 A. Yeah, another son, he was a painter.

8 Q. At the school?

9 A. Not -- he come in and done jobs, but he wasn't employed,
10 and he had **FZR** who worked up at Oakhill and his
11 brother and sister-in-law were -- the woman is ...
12 Mr **KFJ**'s sister-in-law worked at nights.

13 Q. So the family had quite a lot of involvement?

14 A. Yeah, yeah.

15 Q. Did you think that many people of the same family
16 working in the same place was a good thing?

17 A. I didn't like it, no.

18 Q. Did you have any particular reason why that didn't seem
19 to you to be a great idea?

20 A. But there was another family, besides **KFJ-FZR**, who had
21 newly come and there was the father, two -- three sons
22 that worked together, then there was another woman that
23 come into -- which was the headmaster's house turned
24 into a small unit and she was in charge of that and she
25 had two brothers working too.

1 Q. I suppose it's possible that if someone had any concerns
2 about a member of staff and they had a lot of other
3 family members in the same place, it might be difficult
4 to raise concerns?

5 A. I think so, yeah.

6 Q. Would that have been a deterrent, do you think, speaking
7 up against a colleague or speaking about a colleague?

8 A. I think it would be, yes, mm-hmm.

9 Q. Can you remember whether, in any meetings that you might
10 have been involved in, whether staff did tend to comment
11 critically about the performance of other staff members
12 or did that not happen?

13 A. No.

14 Q. It didn't happen?

15 A. No, I don't remember, no.

16 Q. I'm not going to go into the next part of what you tell
17 us in paragraph 32 in too much detail, but I think we
18 have some evidence to the effect that when
19 [REDACTED] came in, we'll find out there was quite
20 a few changes and some people who had been there a long
21 time left, is that right?

22 A. Yes.

23 Q. Do you remember that?

24 A. There was quite a few.

25 Q. In fact, quite a lot of the senior management team left?

1 A. That's right.

2 Q. After [REDACTED] took over?

3 A. Aye.

4 Q. Can you remember who in particular may have moved on?

5 A. Er, Mr ^{LIG} [REDACTED]. I remember him telling me that he

6 wasn't going to work there because [REDACTED] used to

7 work underneath him, right, so he didn't like that.

8 [REDACTED] ^{LIL} [REDACTED].

9 Q. He moved on as well?

10 A. ^{LIQ} [REDACTED].

11 Q. He moved on?

12 A. Oh, I can't think.

13 Q. So there was quite a lot of change at the top?

14 A. Yes, there was.

15 Q. I don't know how much you knew of the background to it,

16 who was driving this change?

17 A. No idea.

18 Q. You don't know. In any event, it did change?

19 A. Yes, it did.

20 Q. You talked about a meeting after [REDACTED] became

21 ^{SNR} [REDACTED] and you say there was a bad

22 atmosphere between staff before that meeting. Can you

23 just help us, what was the problem that created the bad

24 atmosphere when a meeting was held?

25 A. I think it was to do with the families, and religion,

1 I think, was brought in a bit.

2 Q. Really. I don't know if you can help us, but did

3 [REDACTED] want to address the family member

4 situation of having too many family members in the one

5 place, do you know if that was a --

6 A. No. [REDACTED] took 'em all in [REDACTED]. Erm, [REDACTED] knew

7 them all.

8 Q. So was [REDACTED] content that people who were members of the

9 same family would continue to work in the school?

10 A. Yes.

11 Q. [REDACTED] didn't have a problem with that?

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

13 Q. You weren't quite obviously as happy about that state of

14 affairs, I think you've told us already?

15 A. Yeah, things had changed, yeah.

16 Q. But certainly whoever was responsible, [REDACTED] senior

17 management team was removed fairly quickly?

18 A. Yes.

19 LADY SMITH: These were people who chose to leave or were

20 they pushed out?

21 A. I'm not sure, ma'am.

22 LADY SMITH: It maybe wasn't clear at the time.

23 A. I think --

24 MR PEOPLES: For example, 'Peter', normally when people

25 leave an organisation, who have been long serving, the

1 person in charge may give some explanation to the staff
2 just to say either --

3 A. No --

4 Q. -- that they were retiring or they're going to another
5 post or whatever?

6 A. No.

7 Q. You didn't get anything of that?

8 A. No, no.

9 Q. In terms of moving to another part of what you say about
10 another matter, 'Peter', paragraph 34 of your statement
11 on page 10, it's under the heading 'Supervision and
12 appraisal'. Just taking this short, you tell us that
13 you don't think there was anyone supervising you in any
14 of the roles that you did?

15 A. Never did.

16 Q. You didn't receive any kind of appraisal?

17 A. No.

18 Q. You tell us that when it came to communication with
19 senior management, you think you can remember going to
20 one or two meetings and that was all?

21 A. No.

22 Q. Is that right? You only went to maybe the odd meeting
23 with senior management?

24 A. I never went to a senior management, no.

25 Q. Sorry, I was reading from your statement. I was just

1 reading the passage that said: 'When it came to
2 communication with senior management, I think I can
3 remember going to one or two meetings and that was it.'

4 The impression I'm getting is you didn't go to lots
5 of regular meetings with senior management?

6 A. No, no, no.

7 Q. You say you weren't asked to comment on the performance
8 of other staff?

9 A. No, never.

10 Q. This situation about communication with senior
11 management, was that the situation both in HMY
12 time as SNR and in time as
13 SNR ?

14 A. Not with HMY .

15 Q. Did it change after took over? Was
16 there more communication with the senior management?

17 A. I think it was with the senior management.

18 Q. There was a change?

19 A. I think had meetings above unit managers.

20 Q. But not with you?

21 A. Not with myself, no.

22 Q. So you wouldn't have too many direct dealings with
23 at all then. You had none with -- or
24 did you have very few with HMY and his senior
25 team?

1 A. No, I didn't.

2 Q. Can I move on again 'Peter' to paragraph 38, which is
3 where you tell us a bit about the general matter of
4 training and you say you don't recall much training at
5 Oakbank?

6 A. That's right.

7 Q. You tell us about a first aid course that you did and
8 you say the only other training you remember getting was
9 in relation to restraint?

10 A. That's right.

11 Q. The first training you say you received was from prison
12 officers who were working at Peterhead Prison?

13 A. That's correct, yes, sorry.

14 Q. That training, you say, took place at a school in Dyce
15 when Mr HMY was SNR ?

16 A. Yes, I think it was, yes.

17 Q. You tell us it didn't last all that long, but you went
18 maybe more than once?

19 A. Yes. I can't remember how much. It wasn't a lot that
20 we attended to.

21 Q. 'Peter', I don't know how much you remember about it,
22 but you tell us in your statement you didn't enjoy it?

23 A. Sorry?

24 Q. You didn't enjoy that training?

25 A. No, I didn't enjoy it.

1 Q. Can you tell us why?

2 A. Because it was -- it wasn't for youngsters, it would
3 have been for big prisoners, strong prisoners, erm, and
4 I wouldn't have wanted it used on any of the boys at
5 Oakbank.

6 Q. In your view it wasn't appropriate training --

7 A. No.

8 Q. -- to restrain -- to use that term broadly --

9 A. That's right.

10 Q. -- to restrain young people if they needed restraint?

11 A. That's correct.

12 Q. Indeed, I think you tell us that you practised holds on
13 colleagues and you can actually remember being hurt in
14 the process?

15 A. Not being hurt physically, but when they were showing us
16 what to do it was hurting you, rather than being hurt.

17 Q. You weren't enjoying it?

18 A. Sorry?

19 Q. Are you saying you weren't enjoying it?

20 A. No, I didn't enjoy it.

21 Q. Did you experience pain?

22 A. Yes.

23 Q. Because of the type of holds?

24 A. Yes.

25 Q. Were these pressure holds?

1 A. Yes.

2 Q. You, as an adult, were finding them painful?

3 A. Yes.

4 Q. I suppose in those days, you would be a lot bigger than
5 some of the boys that were in Oakbank?

6 A. Yes.

7 Q. Indeed, I think you remember, as you tell us in your
8 statement, being on the floor with one prison officer,
9 so you are being taught presumably how to put a person
10 to the floor?

11 A. Yes.

12 Q. Can you help me with this, 'Peter': whose idea was it to
13 get training from prison officers from Peterhead?

14 A. I wouldn't know.

15 Q. Before you received this training -- you tell us you had
16 more training later on, I'll come to that -- from the
17 officers at Peterhead, did you get any form of restraint
18 training at all?

19 A. No.

20 Q. Had you ever received any training yourself?

21 A. No.

22 Q. How would you know what to do if you needed to restrain
23 a young person?

24 A. I can't answer that.

25 Q. You tell us you did restrain. Did you choose to

1 restrain in the way that you thought was appropriate?

2 A. I think I would have just at that time just put my hands

3 around the front of them and put them down on their

4 backside.

5 Q. Do you remember doing that?

6 A. Yes, but not hurting them. I've never hurt any

7 youngster.

8 Q. The way you did it, without any training --

9 A. Yes.

10 Q. I think you're describing a situation where you're at

11 the back of the young person?

12 A. Yes.

13 Q. It might be termed you put your arms round them and hug

14 them in a sense almost?

15 A. That's right.

16 Q. Then are you saying you're drawing them backwards?

17 A. Just walk backwards and just put them down on their bum.

18 Q. If you did put them to the ground, you would be putting

19 them down on their backside, as it were?

20 A. Yes, yes.

21 Q. You weren't putting them in a prone position with their

22 face down?

23 A. No, no.

24 Q. Did you ever see other staff do it that way, put young

25 people to the ground with their face down?

1 A. No, I can't say I have.

2 Q. You are not suggesting that you can say for certain that
3 that didn't happen?

4 A. I can't say because I didn't see it.

5 Q. You didn't see it?

6 A. No.

7 Q. I think we have even seen records which say that on some
8 occasions young people at Oakbank were put into what is
9 called the prone position using a method of restraint,
10 and I think we have evidence to that effect from
11 a number of young people, or former young people, who
12 say that there were occasions when they ended up on the
13 floor with their face down and sometimes with their arms
14 up their back and sometimes with a member of staff
15 kneeling on them. You didn't see that?

16 A. No.

17 Q. Okay.

18 You then tell us, 'Peter', I think, that when
19 [REDACTED] took over, you received further restraint
20 training?

21 A. Yes.

22 Q. But this was a different form of training to the one you
23 had at Dyce?

24 A. Yes, that's correct. No, that was happening in
25 Oakbank School.

1 LADY SMITH: 'Peter', just going back to this time before
2 you had any training, and you've explained what you did
3 to restrain a youngster, would the young person
4 struggle?
5 A. Not many. I mean, it wasn't dozens and dozens of --
6 LADY SMITH: No, I'm not suggesting it was. I'm just
7 thinking of any occasion on which you did restrain.
8 There must have been struggling, mustn't there?
9 A. I'm sure, yes.
10 LADY SMITH: Did they make a noise?
11 A. More than likely swearing.
12 LADY SMITH: How would you know whether or not it was
13 causing them pain?
14 A. Because I know I wouldn't have been putting pressure on
15 them to hurt them.
16 LADY SMITH: That's looking at it from your perspective.
17 You really wouldn't know what it felt like for them,
18 would you?
19 A. No. Okay, no.
20 LADY SMITH: No. Thank you.
21 Mr Peoples.
22 MR PEOPLES: You have told us, I think, and you'll tell us
23 in your statement, you didn't restrain very often
24 personally?
25 A. No, no.

1 Q. Although I think we have people who will tell us that in
2 Mr HMY's time, there may have been as many as 1,500
3 restraints in the school. Now that may be news to you,
4 but -- so you can't say what happened in the other 1,497
5 restraints, because you weren't there?

6 A. That's correct, aye.

7 Q. You don't know?

8 A. No.

9 Q. Looking to the restraints you did yourself, can you
10 recall any occasion when, using the method you've
11 described, a young person said to you, 'Please let go,
12 you're hurting me'?

13 I don't necessarily say they would say it in quite
14 that language.

15 LADY SMITH: I'm just wondering what the language would have
16 been, Mr Peoples.

17 MR PEOPLES: You know what I'm saying.

18 A. Yes.

19 Q. Did they make it known, by whatever language they chose
20 to use, that something like, 'Well, get off, you're
21 fucking hurting me', or something like that?

22 A. It could have been, I can't remember.

23 Q. Had you thought, either from what a young person was --
24 how they were reacting or otherwise, that you were
25 causing them pain, what would you have done in that

1 situation?

2 A. I would have let them go.

3 Q. Go back to the training you received when [REDACTED]

4 was SNR [REDACTED]. You say that wasn't like the first

5 training you had. Do you remember, did it have a name?

6 A. No.

7 Q. You can't remember?

8 A. No. It was a gentleman that come from a home in

9 Fraserburgh or Peterhead, erm, and I really can't

10 remember exactly what we did.

11 Q. We have heard in this Inquiry about two types of

12 training for restraint that were used in some places in

13 the past. One was called CALM, does that ring a bell?

14 A. Could have been.

15 Q. Another is TCI, therapeutic crisis intervention, does

16 that ring a bell?

17 A. No, that doesn't.

18 Q. In any event, you did receive training, it was

19 different, and in what way was it better than the

20 previous --

21 A. The second one was better, it wasn't so nasty.

22 Q. Do you know what the purpose of the training was in

23 terms of was it how to bring a child to the ground or

24 did it have a broader purpose of how to de-escalate

25 a situation where a child was, to use the expression,

1 'kicking off'?

2 A. I'm sorry, I can't remember.

3 Q. You can't remember?

4 A. No, I can't remember it.

5 Q. Once you had received the training, 'Peter', can you

6 recall whether you applied it when you went back to

7 Oakbank or when you were in Oakbank?

8 A. No, can't remember, really.

9 Q. Did you continue to use the method that you told us

10 about, the holding a child from behind?

11 A. When -- I think I just used the same thing. I think --

12 yeah.

13 Q. Okay.

14 Can I move on to another form of training that you

15 tell us about, that you didn't receive, you say, at

16 paragraph 41, 'Peter'. You say you have no recollection

17 of getting training in relation to care and protection

18 of children. You don't remember anything along those

19 lines?

20 A. No.

21 Q. You do tell us that you were the first member of staff

22 to go to a course in County Durham.

23 You tell us that you started but didn't complete

24 a Certificate of Social Services course. Was that the

25 course at Durham or was that a different course?

1 A. No, I went on a placement to Newton Aycliffe.

2 Q. To do a CSS course?

3 A. A CSS course, yes.

4 Q. You didn't finish the course?

5 A. I didn't finish the course, no.

6 Q. Do you know if any other staff went on the course to

7 Newton Aycliffe?

8 A. Erm, there was another lad and he died, [REDACTED].

9 Q. Was he a care worker?

10 A. No, sorry, [REDACTED] -- he was a care worker at Oakbank and

11 another -- sorry, I --

12 Q. I'll come back, then 'Peter', because I think

13 I'm going --

14 A. It's all right, IAA [REDACTED].

15 Q. Well, I'm going to ask you about him. You remember he

16 was put on that course?

17 A. He went on a course there, yeah.

18 Q. I'll come to him shortly. Just going on about training

19 you participated in. You also say you went to Stirling

20 and a local college in Aberdeen to do some training; is

21 that right?

22 A. Yes, yes.

23 Q. But that was your idea, not because it was being

24 suggested to you. You say --

25 A. It was part of the course, the CSS.

1 Q. And what --

2 LADY SMITH: Can one of you remind me what CSS stands for?

3 A. Certificate in Social Studies.

4 LADY SMITH: Thank you.

5 MR PEOPLES: Basically what you were trying to do, it seems

6 to me is -- tell me if I am wrong -- you were trying to

7 attain some social work qualification to move you from

8 being what you term a care worker to someone that is

9 a social worker, a residential social worker?

10 A. Yes.

11 Q. Is that the idea?

12 A. Yes.

13 Q. If I can move on to the section headed 'Living

14 arrangements', 'Peter', I'm not going to ask you, we can

15 read a lot of this for ourselves, but there's a couple

16 of questions I was going to ask.

17 At paragraph 44, you say when you first started

18 there would be one member of staff on duty overnight,

19 but, after a while, that was increased to two. You

20 think that the increase to two began around the time

21 that girls started to arrive at Oakbank, is that your

22 memory?

23 A. I think it was, yes. I can't --

24 Q. Initially there was just one night care officer?

25 A. There was originally, just one staff.

1 Q. Did there come a time, I think you tell us, when the
2 night staff ... there was at least one female member of
3 staff who was on the night staff, did that come to pass?
4 A. Yeah, she was -- I think she was in charge of night
5 staff then.
6 Q. Was that when girls started to stay in Oakbank?
7 A. Yeah.
8 Q. If I go on to discipline, 'Peter', page 14 of your
9 statement, you recall at paragraph 49 that when you
10 first started, they used the strap. I think it's
11 sometimes called a tawse?
12 A. Yeah.
13 Q. Is that a term you've heard, a tawse?
14 A. Yes, when I first started, yeah.
15 Q. You tell us there was an occasion when one of SNR
16 SNR asked you to come to the boardroom and he
17 wanted you to assist in belting a boy, is that right,
18 and you refused?
19 A. That's right.
20 Q. And just said point blank you're not going to do it?
21 A. I just told him no, I wasn't going to do that. He told
22 me that I would have to do it, otherwise I can go
23 through the door and I says, 'Well, I know what I
24 shan't do'.
25 Q. Okay, so you were prepared to walk out of Oakbank?

1 A. Yes, I would have.

2 Q. If he insisted on you doing it?

3 A. Yes, and it didn't happen.

4 Q. I think you tell us he was wanting you to hold the boy's
5 arm as he was being belted?

6 A. I think it was, yeah.

7 Q. Something like that. I think you tell us he didn't
8 actually belt that boy --

9 A. No.

10 Q. -- as it turned out? But who was going to belt the boy
11 that day, was it EJT ?

12 A. No. It was the person that was SNR
13 before ILG .

14 Q. The person before ILG ?

15 A. Yes.

16 Q. Not SNR ?

17 A. I don't think it was SNR , because I'd never
18 seen it happen, but I was told it was going to be the
19 SNR .

20 Q. Before Mr ILG ?

21 A. Before Mr ILG , yeah.

22 Q. Who was going to give the belt?

23 A. Who was going to give it, yeah.

24 Q. You never saw Mr HMY give the belt?

25 A. No.

1 Q. Do you know if he had a belt?

2 A. No.

3 Q. Did he have a cane?

4 A. No.

5 Q. He didn't have one or you don't know?

6 A. I don't know. No, I don't think he did.

7 Q. You tell us that shortly after this occasion, when you

8 were asked to assist in belting, that in fact corporal

9 punishment was stopped?

10 A. Mm-hmm.

11 Q. It wasn't long after you started at Oakbank?

12 A. That's correct.

13 Q. Who put a stop to this? Who was SNR [REDACTED] when it

14 stopped?

15 A. It was [REDACTED].

16 Q. [REDACTED]?

17 A. [REDACTED], yes.

18 Q. Not Mr HMY [REDACTED]?

19 A. No, it was [REDACTED].

20 Q. You tell us about what happened if boys ran away, you

21 say they would lose leave?

22 A. They would lose leave, yeah.

23 Q. This is at paragraph 52. You say that when they were

24 brought back, they would be put in pyjamas and they

25 weren't allowed out until they had leave again, so they

1 lost their home leave?

2 A. They would lose home leave. Some were put in pyjamas
3 overnight, but would get their clothes back to go back
4 to school the next morning.

5 Q. If it was a weekend and there was no school, and they
6 had absconded and came back, would they be in pyjamas
7 the whole day?

8 A. Yes.

9 Q. Would they wear slippers instead of shoes?

10 A. Slippers, aye.

11 Q. I think there was an occasion, we may have heard about,
12 where some boys absconded in pyjamas? Having previously
13 been absconders, they were put in pyjamas and then they
14 ran away with their pyjamas on?

15 A. Yes, they ran away.

16 Q. But that was intended to be a deterrent?

17 A. Yes.

18 Q. Although obviously on that occasion it wasn't entirely
19 successful?

20 A. No, it wasn't.

21 Q. Okay. You have the section on restraint and I'm not
22 going over that again. You have told us about how you
23 dealt with restraint and you've told us about training.

24 The only thing I will just say is you say you didn't
25 personally use restraint very often, that is at

1 paragraph 56?

2 A. No.

3 Q. In fact you estimate that over 18 years, you maybe used
4 it a handful of time, three or four times?

5 A. Maybe a bit more.

6 Q. Maybe a little more?

7 A. Uh huh.

8 Q. When you say -- you mention one particular boy that you
9 had to use ... you use the expression 'take down and
10 hold' on a number of occasions'. Can I just be clear
11 about when you say 'taking down'?

12 A. Just sit him down on his backside and just hold him
13 around. He had a problem, erm, and he would always
14 upset the classrooms, and I was always asked by the
15 teacher if I would take him out of the classrooms and he
16 would be jumping all over the place and I would have to
17 take him out and as soon as he sat down, he would say,
18 'I'm okay, [REDACTED], I'm okay now'.

19 Q. You tell us at paragraph 57 that you never saw staff
20 using restraints in a way that you thought was
21 excessive?

22 A. No.

23 Q. I made the point earlier, you wouldn't have been present
24 on every occasion that someone had to restrain a boy.
25 You wouldn't know what they did if you weren't present?

1 A. No.

2 Q. If we go on to paragraph 58, you tell us that if abuse
3 had taken place at Oakbank in your time, you don't know
4 whether it would have come to light at or around the
5 time that it would --

6 A. Sorry, I missed that one.

7 Q. Paragraph 58, 'Peter', you tell us there that if abuse
8 had taken place:

9 'I don't know whether it would have come to light at
10 or around the time it was occurring. I wouldn't have
11 known about it.'

12 It's the same point as restraint, if you weren't
13 there to witness something, you wouldn't know what had
14 happened?

15 A. No, no.

16 LADY SMITH: 'Peter', when we use the word 'abuse', what do
17 you think it means?

18 A. Doing bad to someone or doing something wrong to someone
19 else.

20 LADY SMITH: Okay. Thank you.

21 Mr Peoples.

22 MR PEOPLES: Would a slap be an abuse?

23 A. Maybe so, yes.

24 Q. A punch?

25 A. Yes.

1 Q. A kick?

2 A. Definitely.

3 Q. Using excessive force to restrain a boy causing them
4 pain?

5 A. Yes.

6 Q. These would all be examples of what you would regard as
7 abusive conduct?

8 A. Yes.

9 Q. Okay. You tell us at paragraph 62, 'Peter', that you
10 never received, as far as you can now recall, any
11 complaints from children about other members of staff
12 and you personally didn't have any concerns about other
13 members of staff. You will tell us a little bit about
14 some staff members and I'll come to that shortly, but,
15 generally speaking, you weren't concerned with the
16 behaviour of staff when you saw them --

17 A. No, no.

18 Q. -- interacting with children?

19 A. No.

20 Q. Again, the point I made earlier --

21 A. If I wasn't there, yes.

22 Q. You wouldn't see them interacting 24/7?

23 A. That's correct.

24 Q. As far as reporting of complaints by children is
25 concerned, you say you don't remember a child coming to

1 you to complain about the way they'd been treated by
2 a member of staff. You don't remember any?

3 A. No.

4 Q. But you accept, 'Peter', I think, in paragraph 63, that
5 they could have felt intimidated by staff and maybe not
6 felt confident about reporting?

7 A. I would have thought so.

8 Q. I think we've heard in this Inquiry more generally that
9 that sometimes has been what people who were in care
10 have told us. It was difficult for them, for one reason
11 or another, to feel confident about saying this
12 happened --

13 A. About somebody else, yeah.

14 Q. You can see that, can you?

15 A. Yes.

16 Q. Just going on at 65, on the matter of reporting, you
17 tell us about a boy whose mother made a complaint via
18 you that ended up with SNR [REDACTED]. I'm not wanting
19 to go into the detail of the complaint, but you passed
20 the complaint on to SNR [REDACTED] and, as you tell us
21 in paragraph 65, in Oakbank if you said anything or
22 raised a concern, nobody came back to you?

23 A. That's right, no.

24 Q. You never heard what happened?

25 A. No, never.

1 Q. Going on to paragraph 68, which is headed 'Abuse at
2 Oakbank', 'Peter'. You recall one incident at Oakbank
3 which you would regard as abuse, when you were in
4 a classroom and you say that you saw a particular member
5 of staff with his arms out towards a boy and moving.
6 You told the member of staff just to leave it and you
7 could see hands going from both the boy and the member
8 of staff and it occurred in some corridor area near the
9 classrooms?

10 A. Yes.

11 Q. You say that the person involved was a PE teacher. You
12 say that the boy later said he'd hurt his arm and that
13 the teacher had been responsible for that?

14 A. So it's said, yes.

15 Q. Indeed you think the boy may have broken his arm?

16 A. I think it was, yeah, his arm or his wrist.

17 Q. I'm not going to go too far on this one, but you say
18 that it was in [REDACTED]'s time that this
19 happened?

20 A. Yes.

21 Q. And you had to go to a meeting with, you say the
22 councillors, would these be members of the board --

23 A. The board, yes.

24 Q. -- and SNR [REDACTED], and that you were asked to recount
25 what had happened?

1 A. Mm-hmm.

2 Q. And you told them?

3 A. Yes.

4 Q. And that was the end of your involvement. The person
5 didn't remain at Oakbank, you can remember, he didn't
6 remain on the staff, that person?

7 A. No.

8 Q. But you were aware, I think, that there appeared to have
9 been some form of payment made to him subsequently?

10 A. Yes.

11 Q. Connected with --

12 A. Yes.

13 Q. -- his departure from Oakbank?

14 A. Yes.

15 Q. Moving on to Mr IAA, that you mentioned earlier. You
16 tell us, at paragraph 70, that he was on the course at
17 Newton Aycliffe that you mentioned and you say that
18 someone phoned Newton Aycliffe to speak to Mr IAA and
19 they were advised that he hadn't been there for a period
20 of three days?

21 A. I think it had been three days, I cannae be sure.

22 Q. At the same time, you tell us a boy from Oakbank had
23 been missing for several days. The upshot, I think, is,
24 and taking this short, but you, at a weekend, were with
25 your daughter in a vehicle and you saw a car and you

1 recognised it was Mr IAA's car?

2 A. That's correct.

3 Q. You say that the driver of that car was the boy who was

4 missing from Oakbank?

5 A. That is right.

6 Q. And that Mr IAA was in the passenger seat?

7 A. That's right.

8 Q. You tell us that you contacted LIQ?

9 A. That's right.

10 Q. Who I think was SNR at that stage?

11 A. Aye.

12 Q. Then I think you went in search of the vehicle?

13 A. Yes.

14 Q. To take it pretty short, and you say that you think that

15 IAA lost his job and you certainly didn't see

16 him come back to Oakbank after?

17 A. I think that was right, yeah.

18 Q. Moving on to paragraph 74, 'Peter', it's to do with

19 external inspections. You think you can remember maybe

20 inspectors did come to the school from time to time?

21 A. I remember once there was inspectors there, but --

22 Q. You say that you don't remember reading any reports of

23 the inspections?

24 A. No.

25 Q. You say:

1 'I was a care worker, so those things weren't shared
2 with me.'

3 A. No, it wouldn't have come to me, no.

4 Q. So if they were raising concerns, 'Peter', when you were
5 at Oakbank about the school, that wasn't relayed back to
6 you?

7 A. No.

8 Q. You have a section at page 22 headed 'Other staff', and
9 I'm not going to take you through that. I think you
10 have already said that you had no personal concerns
11 about the behaviour of staff?

12 A. No.

13 Q. There's only one person I want to ask you about in this
14 section and it's EJS [REDACTED]. You say that he was
15 a member of the care staff?

16 A. Yes.

17 Q. Indeed, he was in the unit where you were working, is
18 that Rosemount?

19 A. Yes. That's right, yes.

20 Q. You tell us that EJS [REDACTED] hadn't come to work for
21 several days and you were asked if you knew where he
22 lived?

23 A. Yes.

24 Q. You were asked by LIQ [REDACTED] to take him --

25 A. Take him to the house.

1 Q. -- to the house?

2 You went to the house with Mr LIQ and

3 EJS came to the door and the upshot was he

4 was asked why he wasn't coming to work, is that right?

5 A. That's right, yes.

6 Q. What you tell us is that EJS said he had gone

7 somewhere out of the country, had come back with

8 pornography, and had been caught with it, and said he

9 wasn't coming back to Oakbank, and that was really the

10 end of the matter --

11 A. Aye.

12 Q. -- your involvement in the matter?

13 A. That was the end of it.

14 Q. Did he say what sort of pornography he had come back

15 with?

16 A. Videos, I think he said, at that time.

17 Q. Did it involve children?

18 A. I've no idea what it was. He just said --

19 Q. The only other thing you tell us that you recall about

20 EJS is that he would take young people out on

21 the school bus at night for runs?

22 A. Yeah.

23 Q. Do you know where he went?

24 A. No idea.

25 Q. Because we've heard --

1 LADY SMITH: That was the school minibus that he took them
2 out in, was it?

3 A. Yes.

4 LADY SMITH: Thank you.

5 MR PEOPLES: I think it's a matter that I can tell you that
6 we know that a minibus, at least on one occasion, went
7 to the red light district of Aberdeen and that young
8 people, and possibly staff, shouted at prostitutes. Was
9 that something you ever became aware of?

10 A. No.

11 LADY SMITH: I think we have heard evidence that happened on
12 more than one occasion, Mr Peoples.

13 MR PEOPLES: We have heard the evidence, but I think it's
14 been admitted, but we'll find out, that it did happen.
15 Yes, we have heard it wasn't a single occurrence.

16 A. Sorry, I think I did hear boys saying that they'd gone
17 past down that area.

18 Q. Okay.

19 Can I turn lastly to -- there are some allegations
20 that have been made directly to you. Can I remind you
21 again of the warning about incrimination that
22 her Ladyship gave you at the beginning. You are not
23 obliged to answer any questions that might tend to
24 incriminate you in the commission of some form of
25 criminal offence. I think you are aware of what that

1 warning involves?

2 A. Yes.

3 Q. You have every right here, as elsewhere, to remain
4 silent if you choose to.

5 A. Mm-hmm.

6 Q. I think you are prepared to respond to the allegations?

7 A. Yes.

8 Q. We'll come to that.

9 There is one young person who has come to the
10 Inquiry and said something relating to you. I don't
11 need the name and I'll just read out what the allegation
12 is. It's a young boy at Oakbank and one of the things
13 he says is that you would be friendly with some of the
14 older boys and would give them extra cigarettes and send
15 them to bring this boy back if he ran away and would
16 tell these older boys to beat him and in fact there were
17 times when you would in fact hit him as well. And that
18 during some restraints, he says, you would put his hands
19 up his back and punch him.

20 Can you give me your response to that?

21 A. No, never. To put boys out to look for him, I would
22 have been in trouble, because if they'd have gone away
23 and found him, he might have been doing anything. They
24 might have joined in with him. And the boy you are
25 speaking about, he was a lovely lad. Always had a smile

1 on his face, always had a joke, and I can never, ever
2 remember having cross words with him, but never, ever
3 believe that I'd restrained him.

4 Q. If you did restrain a boy, you say, you've told us how
5 you'd do it?

6 A. Yeah.

7 Q. You wouldn't put their hands up their back and you
8 wouldn't punch them?

9 A. No, no. Definitely wouldn't have.

10 Q. I think you find the fact that the allegation has been
11 made a surprise to you, that this boy, this particular
12 boy --

13 A. I am surprised, because I got on very well with him. He
14 come back after he left to see us.

15 MR PEOPLES: My Lady, I don't have much longer but
16 I'm conscious of the time.

17 LADY SMITH: I'm wondering, we have been questioning 'Peter'
18 for an hour-and-a-half.

19 'Peter', I would normally take a morning break at
20 this point for about a quarter of an hour. Would it
21 help you if we did that just now?

22 A. No, I'd prefer to carry on.

23 LADY SMITH: You want to carry on?

24 A. Yes.

25 LADY SMITH: Well, that's okay. If you change your mind,

1 just tell me.

2 A. Right, thank you.

3 MR PEOPLES: I'm going to be quite short, so I'll try and
4 deal with it as shortly as I can.

5 Can I move on from that particular person to another
6 young person who has come to the Inquiry and has said
7 something about you and one of the things that has been
8 said is that you came into a classroom, a teacher's
9 classroom, when the young person was there.

10 I'll just read what the allegation is, that you
11 burst into this classroom, grabbed the young person by
12 the scruff of the neck. You struck that young person
13 across the face with the palm of your hand and shouted
14 at the teacher that the young person was 'a manipulative
15 little bastard'.

16 How do you respond to that?

17 A. No.

18 First of all, I would never have gone rushing into
19 a classroom and dragging anybody out of the classroom,
20 where there would have been other pupils there, that
21 would have possibly caused more problems and I wouldn't
22 have swore and definitely I wouldn't have called --
23 called him a 'bastard', because I didn't like that word.

24 Q. Why did you not like it?

25 A. Because I'm one.

1 Q. Just to be clear, 'Peter', I think the suggestion is
2 that on this occasion, when this young person was in the
3 classroom, it was at lunchtime and it may well have been
4 just the teacher and young person in the room. But
5 whatever the situation, you are saying this just didn't
6 happen? Whatever is being said, that didn't happen?

7 A. As far as I'm concerned, no.

8 Q. Indeed you say that --

9 A. If it had been over the dinner time, the teacher would
10 have gone down for lunch too.

11 Q. Well, I think --

12 A. We had a staff room.

13 Q. Certainly what the person is telling us is that there
14 was an occasion when that young person was with
15 a teacher over lunchtime. It was perhaps thought that
16 the young person wasn't in the place that the young
17 person ought to have been and that this happened and you
18 were involved, but you're telling us -- I think you
19 describe it's just rubbish really?

20 A. I didn't, yeah.

21 Q. You explain that you wouldn't have used the language
22 that they said --

23 A. No, not that. I wouldn't have called them.

24 LADY SMITH: 'Peter', can I just ask you one thing, it's
25 said that sometimes you would give boys cigarettes. Did

1 you do that?

2 A. Could have, yeah. I mean, not on a regular basis. But

3 we used to have what they call a smoking room and there

4 used to be boys that really wanted a smoke and

5 occasionally I would give them a smoke, but definitely

6 not for doing what the boy is saying, that I gave them

7 cigarettes to go out and look for him.

8 LADY SMITH: I was just interested in whether you helped

9 them to smoke. I'm not saying that was wrong, it's just

10 whether as a matter of fact you helped them with

11 cigarettes?

12 A. No, they just needed a cigarette.

13 LADY SMITH: Where did they get them otherwise?

14 A. They'd bring them back when they'd been on leave.

15 LADY SMITH: Thank you.

16 MR PEOPLES: We've heard, 'Peter', there was some

17 arrangement where boys of a certain age got to smoke up

18 to six cigarettes a day at different times. Was that in

19 operation during your time?

20 A. Oh, I can't remember.

21 Q. You can't remember?

22 A. No. I know they had a smoke room -- a smoke -- after

23 breakfast, after lunch, after tea and after supper.

24 Q. That was permitted by the school?

25 A. Mm-hmm.

1 Q. It wasn't just a sly smoke behind a bicycle shed or
2 something like that?

3 A. Could have been, yes.

4 Q. No, but there was a smoking room?

5 A. Yes.

6 Q. And young people could smoke at certain times?

7 A. Aye.

8 Q. Just before I leave that and deal with a couple of other
9 matters, can I just see in paragraph 99, 'Peter', I just
10 want to be clear what you're saying here:

11 'I would never have abused [the young person] in
12 front of a woman.'

13 Why have you added 'in front of a woman'? Some
14 might say, well, you could read that as saying well,
15 'I might abuse a young person, but not in front of
16 a woman', but I want to know what you're intending to
17 say there?

18 A. No, I -- just an old-fashioned way, I wouldn't swear in
19 front of a woman.

20 Q. You also say in fairness, you would not hurt any child,
21 you wouldn't hit any child, whether in front of a woman
22 or a man or otherwise?

23 A. No. I wouldn't have hit -- used my fists to hit any
24 man -- boy, whether in front of a man or a woman.

25 Q. I think that is your response to what else is said by

1 this young person, I think the young person that we have
2 been talking about, who talked about the classroom
3 incident, says that you were a person who hit
4 a particular boy, I don't want you to name the boy, but
5 your response is you never abused that boy by hitting
6 the boy and, indeed, you say he was 'like a little
7 lamb', as far as you were concerned?

8 A. Yeah.

9 Q. Was he much in the same category as the first boy that
10 we're talking about?

11 A. Yeah.

12 Q. He didn't give you problems and you didn't hit him?

13 A. No.

14 Q. Lastly, if I may, there was a suggestion, I think we
15 heard some evidence last week from the person that said
16 you were hitting this other boy and had rushed into the
17 classroom. We heard one other piece of evidence about
18 you and I just want to put that to you to get your
19 response.

20 I think it was to the effect that this person, young
21 person, had been absconding and that in April, I think
22 it was possibly 21 April 1992, the young person didn't
23 return to Oakbank when the young person should have come
24 back and was recovered from outside the young person's
25 father's flat.

1 That's the background of what we're told. It is
2 said that you were on duty that day when the young
3 person returned and the evidence was to the effect that,
4 in an office at Oakbank, you threatened the young person
5 by saying:

6 'If you run away, if you fucking run away again,
7 you're going to be in for [then I think it was] another
8 three months.'

9 The evidence was that you said this in an aggressive
10 manner, you were in the young person's face shouting,
11 and it was said that this was meant to intimidate the
12 young person.

13 Can I ask for your response to that evidence?

14 A. I don't remember any of it. I don't remember of any of
15 it.

16 Q. Did it happen?

17 A. I've no idea, I can't remember.

18 Q. Is it the sort of thing you could have said?

19 A. I might have told him that he could be kept in Oakbank
20 for three months if he kept absconding, not by Oakbank,
21 but if he had to be in front of a panel, they would keep
22 him longer in Oakbank, not nastily, telling him that,
23 'Don't run away, the panel won't let you go home'.

24 Q. You told us the term 'bastard' wouldn't be a term you
25 would use. In a boys' school, presumably swearing

1 wasn't an uncommon thing. Would you have ever used the
2 term 'fucking' in a sentence when talking to a young
3 person?

4 A. Like, I wouldn't --

5 Q. Is it possible?

6 A. It could have been possible, yes.

7 Q. I take it that, while you didn't see anything that
8 caused you concern from other staff, language could be
9 quite choice at times, could it, from staff as well as
10 pupils?

11 A. Possibly.

12 Q. 'Fucking' is the sort of thing that some people use
13 almost invariably in each sentence they use. It's not
14 an uncommon thing in certain environments?

15 A. Possibly, I wasn't around with them all the time.

16 MR PEOPLES: No, okay.

17 These are really all the questions I have for you
18 today and I would just like to thank you for coming to
19 give your evidence today, 'Peter'. Thank you very much.

20 LADY SMITH: 'Peter', can I add my thanks for your help
21 today and for bearing with us with what, as I said at
22 the outset, and I'll say again, I appreciate was
23 difficult questioning for you, both in terms of pulling
24 your mind back all these years and in terms of facing up
25 to allegations that have been made against you.

1 I'm very grateful to you with the patience with
2 which you've done that. Please don't worry about not
3 remembering names, it does get difficult when you get
4 older.

5 A. Thank you, ma'am.

6 LADY SMITH: Do feel free to go.

7 A. Thank you.

8 (The witness withdrew)

9 LADY SMITH: I'm about to rise for the break but I should
10 mention a number of names, all of which I think
11 I mentioned last week as people whose identities are
12 protected by my General Restriction Order.

13 Mr KFJ [REDACTED], [REDACTED], Mr ILG [REDACTED], LIL [REDACTED],
14 LIQ [REDACTED], IAA [REDACTED], Mr HMY [REDACTED], EJT [REDACTED] and
15 EJS [REDACTED]. They're not to be identified as
16 referred to in our evidence outside this room.

17 Thank you.

18 (11.42 am)

19 (A short break)

20 (11.58 am)

21 LADY SMITH: Ms Forbes.

22 MS FORBES: My Lady, the next witness is someone who is
23 anonymous and is known as 'Graham'. He is someone,
24 my Lady, who would require a warning.

25 LADY SMITH: Thank you.

1 'Graham' (sworn)

2 LADY SMITH: 'Graham', before I hand over to Ms Forbes,
3 there are one or two things that I would like to say.

4 First, thank you for coming along today to help us
5 with your evidence. I do, of course, already have your
6 written evidence in your detailed statement. It's been
7 really good to have that in advance, to study what you
8 have to say.

9 We won't go through it word for word, or even page
10 by page. Don't worry about that. There are particular
11 aspects that we'd like to explore with you in person, if
12 that's all right.

13 Separately from that, 'Graham', sometimes when
14 people are appearing in a public forum, as this is, to
15 talk about things in their own life that are quite
16 stressful to go back to, in addition to being asked to
17 take their memory back a long way, it can feel tough.
18 I understand that.

19 If you need a break at any time, just say. We can
20 give you a break, whether just having a pause here or
21 leaving the room for a short while. You just help me if
22 you feel that's what you need.

23 A. Okay.

24 LADY SMITH: Or if there's anything else that would help you
25 give your evidence really as comfortably as you can.

1 A. Okay, thank you.

2 LADY SMITH: Before I hand over to Ms Forbes, there is one
3 other thing, 'Graham'. You may appreciate that we're
4 likely to ask you some questions, the answers to which
5 could potentially incriminate you. You have exactly the
6 same protections here as you would in a courtroom. This
7 is not a courtroom, it's a public inquiry, but you do
8 have those protections. That means that you are quite
9 entitled to say, 'I'd rather not answer that', if that's
10 what you choose to do. It's your choice. Of course, if
11 you do answer, I do expect you to answer the question in
12 full.

13 Otherwise, the red folder that's there, Ms Forbes
14 will take you to in a moment, it has your statement in
15 it and it will be available to you as we take your
16 evidence and we'll also bring bits of the statement up
17 on screen as we're going to them. That might help you
18 as well. All right?

19 A. Thank you.

20 LADY SMITH: Ms Forbes.

21 MS FORBES: My Lady.

22 Questions by Ms Forbes

23 MS FORBES: Good afternoon, 'Graham'.

24 A. Good afternoon.

25 Q. As her Ladyship says, the statement that you have given

1 to the Inquiry is in the red folder in front of you. It
2 has a reference number and for our purposes we need
3 a record of it, so I'm just going to read that out. It
4 is WIT-1-000001500.

5 'Graham', if I could ask you to go to the very last
6 page of the statement. It is page 37. All the
7 paragraphs are numbered and the very last paragraph is
8 198 and it's where there's a declaration that says:

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

11 I believe the facts stated in this witness statement are
12 true.'

13 That's something that you've signed and it's dated
14 19 September of this year?

15 A. I never read that bit, but, yes.

16 Q. Is that the position?

17 A. Yeah. As long as it's published for -- you know, to
18 make things better for the future, yes.

19 Q. You can go back to the beginning of your statement,
20 'Graham', or you can put it to one side, it's up to you.

21 I'm just going to start by asking you some questions
22 or going over some information that led up to you coming
23 to work in Oakbank.

24 I think, 'Graham', you tell us you were born in
25 1952, is that right?

1 A. Mm-hmm.

2 Q. You were born and brought up in Glasgow?

3 A. Yeah.

4 Q. You go through your work history after leaving school
5 and you tell us about that in the following paragraphs,
6 but I think ultimately, that led you a little bit later
7 in life to a job at St Andrew's School in Shandon, is
8 that right?

9 A. That's right.

10 Q. I think from what you tell us a little bit later to date
11 that, it's probably about 1985 or so when you start
12 there, does that sound right?

13 A. Er, it would be approximately that time, yeah.

14 Q. You say you spent about a year there?

15 A. It was only for a year, because the school closed down.

16 Q. Then you went to Rossie and I think you say you went to
17 Rossie in 1986, so probably around 1985 or so?

18 A. Yeah.

19 Q. In relation to St Andrew's, I think you say that you got
20 a job at St Andrew's and there was an offer of a house
21 there, where everyone lived on campus at the school?

22 A. Yes, everybody lived on campus.

23 Q. This was when you were in your early 30s and the job was
24 a residential worker?

25 A. That's correct.

1 Q. Up until that point, you hadn't been working with young
2 people in residential care?

3 A. No, prior to that, I was -- I started off as -- it
4 was -- oh, what was it -- people -- it was a new law
5 about disabled people, the Disabled Persons Project,
6 erm, and I started off as an interviewer, I became
7 the field supervisor and then I became the manager of
8 that, er, process. And then, when that finished, I was
9 asked to take on the hypothermia campaign in Dumbarton.

10 However, I chose not to do that, because I wanted --
11 it sounds terrible to say -- I wanted a job that would
12 be a career and while all those other jobs, they weren't
13 a career as such. It would be every year they'd come up
14 and say, 'Oh, do you want something else or not?' And
15 that was -- but that's how I ended up at St Andrew's,
16 applying for St Andrew's.

17 Q. Did you see the job starting as a residential worker as
18 something that you could have a career in?

19 A. I thought so. Erm, yeah, I thought that that is
20 something that I could go for and actually hopefully do
21 quite well.

22 Q. You do tell us about your time at St Andrew's, 'Graham',
23 from paragraphs 7 onwards. I think you say at that time
24 it was all boys and the ages were about 13 to 16?

25 A. Yeah.

1 Q. You tell us the types of things you were involved in.
2 Some of them, at paragraph 9, were that you would help
3 get the kids up in the morning, ensure that they did all
4 their daily jobs, they had jobs to do at St Andrew's,
5 which included polishing the floors and cleaning and
6 stuff like that?

7 A. Yeah.

8 Q. Then you would assist with breakfast and after, when
9 they came back to the unit for their lunch?

10 A. Yeah.

11 Q. I think you say that at that time, when you started, you
12 had no experience, training or qualifications in
13 relation to working with children?

14 A. No.

15 Q. From what you say, you didn't obtain any whilst you were
16 at St Andrew's?

17 A. No. It was -- as I say, it was only for that year and
18 had it been a longer, you know, term, but the school
19 closed down and that was that.

20 Q. You say that you picked up what to do really from
21 watching other people and listening to what they said?

22 A. Yeah, that's right.

23 Q. Really learning on the job as you went?

24 A. It was mainly learning on the job and -- yeah.

25 Q. I think you tell us in particular at paragraph 14,

1 'Graham', that you were only there three weeks when you
2 were left on your own to get all the boys up and ready
3 for breakfast in the mornings?

4 A. That's right.

5 Q. Sorry, I've gone too quickly there, perhaps. At
6 paragraph 14, this is the last two sentences of that
7 paragraph, you say:

8 'I was only there three weeks when I was left on my
9 own to get all the boys up and ready for breakfast in
10 the mornings. That could happen quite a lot and
11 of course it was very wrong.'

12 A. Yeah, yeah. As it happened, you know, a senior member
13 of staff did come into the unit at the end of that.

14 LADY SMITH: Why do you think it was wrong?

15 A. Because I think that if anything had happened, you know,
16 what could I do, because there was no one else there to
17 sort of say, 'Well, what do we do here,' or vice versa.
18 I could have been attacked. One of the boys could have
19 been attacked or something like that and I could only do
20 so much. So I just felt that there was supposed to be
21 a minimum of two members of staff.

22 Now, I know the other one couldn't help it that he
23 was off sick, but I don't think it was right at that
24 particular time, and considering the length of time
25 I'd been there.

1 MS FORBES: 'Graham', there is really two things you're
2 saying. You're only in St Andrew's for three weeks at
3 that point and you're working on your own with the
4 children. There's nobody else there to help you.

5 A. No.

6 Q. So inexperienced and a sole worker essentially?

7 A. Yeah.

8 Q. You tell us, 'Graham', that St Andrew's closed after the
9 year and the land was sold off, I think you tell us, is
10 that right?

11 A. Yes, it was sold off to Ministry of Defence.

12 Q. But because of a shift leader, I think you say, at
13 St Andrew's, who knew someone at Rossie, you got
14 a reference and you went for an interview to be a shift
15 leader at Rossie School?

16 A. I think it was just a residential worker at the
17 beginning.

18 Q. You tell us about Rossie from paragraph 16 in your
19 statement. You tell us you started there in 1986. But
20 that meant a move for you and your family from Glasgow
21 up to Montrose?

22 A. Yeah.

23 Q. Then you were there for the next six years or so?

24 A. I was in Rossie for six years, yeah.

25 Q. You comment, 'Graham', at paragraph 18, that it was

1 quite an experience working at Rossie, very different to
2 St Andrew's. Then you go on to talk about the fact that
3 Rossie had locked rooms?

4 A. Mm-hmm.

5 Q. When you say it was quite an experience working at
6 Rossie, was do you mean by that?

7 A. Well, I think it was that fact that there were locked
8 rooms, that there were -- they couldn't go out the unit.
9 The unit was locked. They had to go out with a member
10 of staff. Erm, and that was quite a culture shock for
11 me, because I'd never thought anything like that. But
12 within the unit it was much easier, if you know what
13 I mean. They had -- we had a television room, we had
14 seating areas and all that sort of thing, so it wasn't
15 just as stark as it sounds, maybe.

16 Q. A difference at Rossie was that there were boys and
17 girls at that time?

18 A. There were boys and girls, yes.

19 Q. But the ages were similar to St Andrew's?

20 A. Yeah.

21 Q. I think you say between 12 and 16?

22 A. Yeah, just before I left, they were gradually going up
23 to 17.

24 Q. There were three secure units, you tell us, and one open
25 unit and you say that you worked in all three of the

1 secure units whilst you were there?

2 A. Yes.

3 Q. During your time there, 'Graham', you qualified as

4 a social worker?

5 A. Yes.

6 Q. And you were living in a residential block. Was that at

7 Rossie?

8 A. No, I wasn't living -- I was living in -- they had

9 houses in Rossie, so I was living in a bungalow-type

10 house.

11 Q. It was a house that was within the grounds --

12 A. Within the grounds and supplied by the school.

13 Q. I think you did your certificate in social service?

14 A. Yes, it was the very last certificate in social service

15 that went on to become the -- become the new social

16 work -- because it was -- I think it took about three

17 years and it was -- it went on to become the new social

18 work course for social workers and therefore that's how,

19 when I qualified, I could have been -- I could be

20 a social worker, you know, not a residential one but

21 a field social worker.

22 Q. That was a qualification that would allow you to be

23 a social worker outwith of a residential environment?

24 A. Outwith residential, yeah.

25 Q. You say that whilst you were at Rossie as well, you

1 received training in restraint?

2 A. Yes.

3 Q. That would be the first time that you received training
4 in restraint?

5 A. Yes.

6 Q. You say, 'Graham', that you can't remember if that was
7 CALM training or not?

8 A. I think it was mostly CALM training.

9 Q. Are you aware of the phrase TCI or therapeutic crisis
10 intervention?

11 A. Yes, I am.

12 Q. Was that something that you received --

13 A. I think that might have been used prior to me being in
14 Rossie. I think that was quite widely used. I think
15 I've heard it used in prisons as well. But I think it
16 may well have been used in Rossie before, aye.

17 Q. I think you say, 'Graham', that this training, it was
18 more -- more of your time at Rossie, it was more placing
19 kids in rooms and locking the doors to let them calm
20 down and let off steam rather than lots and lots of
21 restraints?

22 A. Yes.

23 Q. That is how you saw it when you were there?

24 A. Yes.

25 Q. I think you mention there was only really one incident

1 that caused you concern at Rossie, where some boys
2 caused a bit of a riot and were arrested by the police
3 and taken away?

4 A. That's correct.

5 Q. You tell us then that after you get this social work
6 qualification, there was a question whether you would be
7 taken on as a child protection officer within Rossie?

8 A. It was recommended by the board, you know, who had
9 assessed my work and they sent a recommendation back to
10 Rossie to the headmaster saying that it would be
11 worthwhile considering me as a -- doing something in
12 child protection at Rossie School.

13 Q. That didn't happen?

14 A. No.

15 Q. You took the decision then to leave Rossie?

16 A. Yeah. I mean, I think for that and other things,
17 I wanted to. But we'd moved -- we moved because my
18 youngest son was going to school, we moved into the
19 town, because if he had gone to primary 1 when we lived
20 at Rossie, he would have been away all day, because they
21 didn't bring them back at lunchtime, so we felt that was
22 too much. So we wanted him back at lunchtime, so we
23 moved into the town where he would -- that could happen.

24 Q. I think you say then you took up a post as a field
25 social worker?

1 A. I did. I applied for a post with Dundee City as a field
2 social worker, yes.

3 Q. You did that for about four years?

4 A. Yeah. It was between there and Angus, 'cos I moved
5 between the two.

6 Q. That led you up to the point where you took up a job at
7 Oakbank?

8 A. Yeah, but prior to that, I'd done my child protection
9 training as well with the Social Work Department and was
10 doing the investigations with the police.

11 Q. You then tell us in the following paragraphs, 'Graham',
12 about your experiences at Oakbank.

13 I'm just going to move on to that now. You do say
14 though firstly at paragraph 25 that you couldn't compare
15 Rossie to Oakbank. They were two very different
16 establishments accommodating very different young
17 people?

18 A. Yeah.

19 Q. You make the point that in Rossie most of the young
20 people had committed serious crimes, or some of them at
21 least?

22 A. Yes, that's true.

23 Q. But with Oakbank it was children who had chaotic
24 lifestyles, is how you've described it?

25 A. Chaotic lifestyles and -- yeah, yeah.

1 Q. 'Graham', just moving on then to your time at Oakbank.
2 I think you say you worked at Oakbank from 1996 to
3 2008, was that when it closed?
4 A. Yes, it did.
5 Q. You say also that your brother worked there at the time
6 and when a residential post came up, he suggested you to
7 them?
8 A. Yes, that's correct, yes.
9 Q. You went for an interview with SNR
10 Mr HMY ?
11 A. Uh-huh.
12 Q. SNR at that time, Mr ILG ?
13 A. Yeah.
14 Q. And LIL , who was SNR ?
15 A. That's correct, yes.
16 Q. You provided references and then you got a job as
17 a shift leader; is that right?
18 A. No, again, I went in as a residential worker.
19 Q. Sorry.
20 A. It's all right.
21 Q. That's my mistake. Sorry, 'Graham', you do say that.
22 You started as a worker and then you became a shift
23 leader?
24 A. It took a while to become a unit manager.
25 Q. I think you say then that you were a worker, a

1 residential worker, from 1996 to 2001 or 2002, and then
2 you became a shift leader until about 2005, when you
3 became unit manager?

4 A. Yeah.

5 Q. Thereafter you go on to tell us about your role as
6 a practice development officer?

7 A. Practice development manager, yeah. That was just
8 towards the end.

9 Q. Just going forward in your statement, 'Graham', at
10 paragraph 30 you tell us that you don't think there was
11 a specific induction training when you first started,
12 but you remember shadowing somebody for a couple of
13 weeks or a month and learning how things worked?

14 A. Yeah.

15 Q. From that point of view, was this again, despite the
16 fact you had your experience of working at St Andrew's
17 and Rossie, and you had your qualifications at this
18 point, was this sort of learning on the job?

19 A. Yes, to an extent, yes, because obviously I was
20 qualified as a social worker, so I knew what I was
21 doing, as such, but, yes, it was. I mean learning all
22 the different systems and those sort of things that were
23 going on at the time, yeah.

24 Q. Induction training did come later?

25 A. It did, yes.

1 Q. I think you say that as unit manager, you were
2 responsible for induction training of new staff, later
3 on?
4 A. Of my staff, yeah, and we had a book which showed them
5 what to do.
6 Q. Was that --
7 A. You could refer to.
8 Q. Was that a handbook?
9 A. Yeah, it was a handbook, yeah.
10 Q. You mention that later on. You say that training
11 involved all realms of what staff would be doing as
12 a worker in the unit?
13 A. Uh-huh.
14 Q. Did the induction training include any training on CALM
15 training or training on restraint?
16 A. I think it was only mentioned and, er, workers would
17 then at some point, when the CALM instructors came in,
18 because initially it was -- they came in from the
19 outside and -- but after a while, they actually trained
20 certain staff in CALM, you know, so that they could do
21 initial stuff with new staff and things like that.
22 Q. So there came a point when there were people who worked
23 within Oakbank who were trained --
24 A. CALM-trained, yes, instructors.
25 Q. -- to then pass that training on to other staff?

1 A. Yes.

2 Q. You tell us, 'Graham', that when you became a unit
3 manager, your role was to manage a unit of eight young
4 people and then you also had responsibility for
5 management and supervision of a staff group of about 13?

6 A. That's correct, yeah.

7 Q. Then there would be a rotational basis of running the
8 school, is this being the sort of person in charge?

9 A. In charge, yes. That was mostly at night.

10 Q. This would be a sort of duty manager-type role?

11 A. Yeah.

12 Q. You say that part of your role was overseeing the
13 assessment of young people and ensuring that their care
14 plans and risk assessments were living documents?

15 A. That's correct, yeah, as the unit manager, not as the
16 senior.

17 Q. Yes.

18 I think you say that you went on to do some further
19 training at Oakbank and this related to autism --

20 A. That's correct, yes.

21 Q. -- because it was recognised that some people who came
22 to Oakbank --

23 A. Some -- a lot of young people were coming in with
24 autism, as they were coming in with ADHD as well.

25 Q. That was a certificate that you undertook; is that

1 right?

2 A. That's correct, yeah.

3 Q. That was in 2008, I think by that point, were you

4 perhaps moved on to your practice development role?

5 A. That's right. I think I would have -- had Oakbank

6 stayed on, I would probably have went on to get a degree

7 but that didn't happen.

8 Q. 'Graham', you tell us about the layout of Oakbank, and

9 we've had some evidence about that already, but

10 essentially there were two units in the main school

11 building, Rosemount and Ashgrove?

12 A. That's correct, yeah.

13 Q. Then there was the separate unit called Oakhill?

14 A. That's right.

15 Q. You worked mostly in Oakhill unit during your time

16 there?

17 A. Mostly, yes.

18 Q. I think you say that there were some other units that

19 weren't there when you first started, there were Dee and

20 Esk and a sixth one that you don't remember the name of?

21 A. There was Dee, Clover and Esk, so if that brings it

22 up --

23 Q. That is the last three?

24 A. I think so.

25 Q. But allocation of a young person to a particular unit

1 you tell us was random and just down to availability?

2 A. Yeah. I would -- yeah. If we had a space we would --

3 obviously, you know, any person that was coming in would

4 be sort of worked out whether it was for -- which unit

5 it should go -- the child should go to or the young

6 person.

7 Q. From what you're saying, 'Graham', it wasn't the

8 situation where there was some sort of assessment of

9 that young person beforehand to decide which unit they

10 would be best suited to?

11 A. Yeah, that would have been done by senior management,

12 I think.

13 Q. Just moving on, 'Graham', you tell us a little bit about

14 the kind of culture at Oakbank whilst you were there.

15 You say that you had a very committed staff group who

16 wanted to do all the things that you were trying to do?

17 A. Yeah.

18 Q. But eventually they were split up and moved to other

19 units?

20 A. That's correct, yeah.

21 Q. When you say wanted to do the things that you were

22 trying to do, what type of things are you talking about?

23 A. I think it's there. We were -- we were -- our unit, the

24 young people went down, we would walk down to the likes

25 of breakfast, lunch, evening meals, we would walk down

1 with the young people. The young people would talk to
2 the staff. They would, er, you know, they would do all
3 these things and it was just a very relaxed atmosphere
4 that we were trying to do. And, as I say, when we did
5 the care plans and things like that, young people -- the
6 young person was involved in that and, you know, even
7 with the CALM, you know, when -- when there was
8 an incident, there was always an episode where -- not
9 necessarily right away, because obviously things could
10 be quite difficult, but we would always go into
11 a situation where we would try and chat with the young
12 person and find out what's wrong, what can we do to stop
13 this happening. So that basically we could get away
14 from this, you know, confrontation sort of behaviour.

15 And, er, we just tried to create a really good
16 atmosphere, where young people could thrive, and many of
17 them did.

18 Q. From what you're saying then 'Graham', that wasn't
19 necessarily the situation in other units in Oakbank?

20 A. Erm, I think it was different in other units, because
21 they had -- I mean, we had -- I think we had the first
22 mixed unit with boys and girls. So obviously it was
23 very different from that point of view. But I think
24 once they started getting the girls into the other
25 units, I think they started at looking at, you know,

1 things a bit differently, but we were always at the
2 forefront.

3 I mean, we had very particular ideas. I had a very,
4 very good staff group and they were committed to
5 everything that I wanted to do with the unit and in
6 making things better for the young people.

7 LADY SMITH: 'Graham', you mentioned that basically you
8 wanted to try and get away from what you referred to as
9 'confrontation behaviour'. So was confrontation
10 behaviour a problem in any of the units?

11 A. Erm, no, I mean, it was dealt with the same way.
12 I mean, it would always be -- if you couldn't talk
13 the young person down, then it would inevitably -- they
14 would either run or they would end up in a restraint of
15 some sort. Not always a prone restraint, but in
16 a restraint of some sort.

17 LADY SMITH: Who was confronting who when you talk about
18 confrontation behaviour?

19 A. Well, that would be dependent on the sort of situation,
20 because a lot of young people just wouldn't -- they
21 wouldn't back down and you can understand that in some
22 instances, but, erm, there would have to be some control
23 taken by the staff group at some point.

24 LADY SMITH: Thank you.

25 MS FORBES: 'Graham', just on that point as well, you say

1 that some of the staff that you had who were committed,
2 who were then split up and moved on to other units, you
3 tried it with the staff that you ended up with and you
4 make the comment:

5 'It didn't work but we continued to try with the
6 staff that we got.'

7 A. That's right, yeah.

8 Q. When you say it didn't work --

9 A. Well, I mean, it worked to a degree, but we didn't get
10 the commitment that the other staff had, the other staff
11 group had, because I had a group that would really sit
12 down at staff meetings and discuss every single child
13 and how we could, you know, how we could make things
14 better for them, what could we do that would ease things
15 for them. That's how we tried to do. We tried to work.
16 But when the other staff come in from other units, they
17 didn't always have that ethos, you know, that ethos,
18 yeah, I suppose is the word.

19 Q. From that, do you mean that they then had a more
20 confrontational approach than you would have liked?

21 A. Er, I suppose -- I mean, if you consider -- I couldn't
22 be there 24 hours, seven days a week and I wasn't, you
23 know. So I couldn't control what was going on when
24 I wasn't there. When I was there, I could control it.

25 So, yeah, erm, maybe they were more controlling than

1 the likes of -- and maybe not as tolerant as some of the
2 other members of staff.

3 Q. Just to focus a little bit, 'Graham', on the staff
4 structure that you tell us about. You have already said
5 who SNR [REDACTED] was at the time you were in Oakbank,
6 Mr HMY [REDACTED], and [REDACTED] SNR [REDACTED] was LIL [REDACTED], and we have
7 mentioned Mr ILG [REDACTED], SNR [REDACTED], and then
8 there was also LIM [REDACTED], who you say was the
9 principal unit manager and also ran Ashgrove unit. Then
10 there was your brother who ran Oakhill?

11 A. He ran Oakhill before I --

12 Q. Then KFJ [REDACTED] who ran Rosemount unit?

13 A. KFJ [REDACTED], yeah.

14 Q. But then there was a time when Mr HMY [REDACTED] retired and
15 [REDACTED] became SNR [REDACTED]?

16 A. That's correct.

17 Q. That was about 200 [REDACTED], you say, something like that?

18 A. I think so, yeah.

19 Q. [REDACTED] was someone who had previously been a teacher at
20 Oakbank, left, and then came back as SNR [REDACTED]?

21 A. I think so, yes.

22 Q. Was [REDACTED] a --

23 A. I think [REDACTED] also taught at Rossie.

24 Q. Was [REDACTED] a [REDACTED] at Oakbank at one time?

25 A. I think that may be the case, yes.

1 Q. You give us the kind of numbers of staff that you had
2 when you started, this is at paragraph 49. You say that
3 there would have been about three staff to each unit, so
4 six staff to 24 boys in Rosemount and Ashgrove, Oakhill
5 had less boys and maybe two or three staff. That
6 changed as more boys and staff came?

7 A. Yeah, they changed the names of the units. They changed
8 them from -- they changed some of them to close support
9 units, so the three other units, they were all close
10 support, which meant there was one staff for one young
11 person.

12 Additional support was supposed to be -- no, I think
13 they had two staff to each young person in close
14 support. We had one staff member to each child.

15 Q. That was in Oakhill when it changed?

16 A. Oakhill, yeah. That's when it became an additional
17 support unit.

18 Q. Do you know roughly when that was?

19 A. I honestly can't remember.

20 Q. 'Graham', you also say there were night care officers,
21 specific individuals who only did nights?

22 A. Yes.

23 Q. There could be only two of them per unit?

24 You tell us that again we mentioned the fact that
25 you would sometimes do this senior duty and be on call

1 during the night, so you could be -- I think when you
2 were doing that you would actually stay locally so that
3 you could be --

4 A. Initially, I did that, yes.

5 Q. You tell us a little bit about what boys might be doing
6 or young people might be doing at night. This is at
7 paragraph 56. You say young kids would sometimes be
8 running about the school or might get out of windows or
9 try and cause difficulties with other units and things
10 like that.

11 There was a time when latches went on the windows,
12 because a girl had jumped out of a window and broke her
13 ankle?

14 A. That's correct, yes.

15 Q. That prevented the windows being opened beyond a certain
16 distance?

17 A. Yeah.

18 Q. You describe a time, 'Graham', where things changed and
19 that's when [REDACTED] came along. I think you
20 tell us at paragraph 58 that there was a certain step
21 change to doing things and you talk about the old regime
22 had kind of done its thing:

23 'We were in a new regime where people viewed things
24 very differently.'

25 We have heard, 'Graham', some evidence about sort of

1 old guard disappearing after [REDACTED] took up [REDACTED]
2 position. Is that how you saw it?

3 A. I don't know. I mean, I don't think I saw it like that.
4 I mean, it was an old -- I suppose if you look at the
5 history of Oakbank, I think it was an old List D school,
6 which was very different, you know, and there was still
7 sort of bits of that hanging about, you know, that
8 inevitably that would hang about.

9 But when [REDACTED] came in, there was a change
10 in the sense that Mr HMY [REDACTED] left. I think LIL [REDACTED]
11 stayed on, and I think ILG [REDACTED] stayed on as well
12 as SNR [REDACTED], but [REDACTED] was very much in
13 control of what was happening in the school and [REDACTED]
14 brought in the social work manager, er, which again
15 changed things, you know, from that point of view,
16 because that hadn't been the case before. There had
17 been no social work management at all, other than unit
18 managers and that sort of thing.

19 Q. I think from what you're saying, 'Graham', the change
20 was one for the better, from your point of view?

21 A. Yeah, I think so. It became more social-work
22 orientated, as opposed to educationalist.

23 Q. The way you've put it at paragraph 58 is you say:
24 'Children were viewed as children, not young adults, who
25 were shaped by their upbringing and things like that'?

1 A. Yeah.

2 Q. Is that in relation to the new approach or the old?

3 A. No, that would be in the new approach, the new era. It
4 was always my kind of approach, that's how it was --
5 but, yeah, that was the new approach.

6 Q. So the change then was something that you were more
7 comfortable with?

8 A. Yes, yes, very much so.

9 Q. In relation to the question of punishment, I think you
10 tell us that that wasn't really a word that you used at
11 all, but there could be loss of privileges. You say,
12 this is at paragraph 62:

13 'Someone would maybe lose the ability to go on
14 a trip to the pictures or something like that, but that
15 was very rare.'

16 A. It was very rare. I mean, we did -- I mean, you -- to
17 do something like that, you know, sometimes it would
18 be -- I mean if it's a very serious offence then ... not
19 offence, but if it was a very serious thing then
20 obviously you would have to consider whether they should
21 go to the pictures or not, but, I mean, we had plenty
22 things inside. We had a swimming pool. We had a sports
23 ground. We had all these other things that you could do
24 with young people.

25 Q. What about a loss of home leave, would that be something

1 that could happen?

2 A. No.

3 Q. No. From your point of view that wasn't --

4 A. No, the only time home leave would be was when a parent

5 phoned up and said, 'I can't have them this week'. That

6 would be -- or the social worker said no, they can't go

7 home. We would never stop home leave. We couldn't.

8 That would be wrong.

9 Q. When you say that, 'Graham', do you mean from your unit

10 in Oakhill, that was your experience, or are you talking

11 about Oakbank in general?

12 A. I would have thought Oakbank in general, but, I mean,

13 certainly not. We wouldn't have went out our way at all

14 to stop anybody's home leave.

15 Q. Because we have heard evidence that home leave was

16 something that would be stopped, perhaps if a child had

17 absconded, they then wouldn't get home leave for

18 a period of time?

19 A. No --

20 Q. It's not something you were aware of?

21 A. Well, I certainly wasn't aware of that, no. Honestly,

22 not in my unit, anyway.

23 Q. I'm not going to go through everything that you tell us.

24 We have that there and it is very interesting about what

25 you tell us about the complaints procedure and record

1 keeping.

2 We know from some of the records that we've
3 recovered that there were quite a lot of records kept at
4 certain times on young people who were in Oakbank.

5 I think you say this was something you would have to do
6 is write up case notes for your key child every day?

7 A. Yeah.

8 Q. There was sort of a daily log --

9 A. There was a daily log, yes. The early shift and the
10 late shift would do a case note.

11 Q. You have mentioned the fact that there was a time when
12 girls started to come to Oakbank during your period
13 there and it became mixed, but each child had their own
14 separate room?

15 A. Yes.

16 Q. I think you say that they would sometimes be in Oakbank
17 once they came until they turned 16, because there were
18 very few other places for them to go?

19 A. That seemed to be the case, yes.

20 Q. In relation to any moves, it would be the
21 Children's Panel obviously that would make that decision
22 in relation to the child?

23 A. Yeah.

24 Q. Just going forward, I think there is a point where you
25 tell us that essentially the decisions by the

1 Children's Panel would be either to send them back home
2 or back to Oakbank for a period of time, is that right?
3 Would there also be decisions --
4 A. Or if they were going to another establishment.
5 Q. Rossie, for example, could be one place that they could
6 go to --
7 A. Or a children's home, yeah.
8 Q. Or a children's home?
9 A. Yeah.
10 Q. What about placements down in England?
11 A. I'm not aware of that at all. I never dealt with
12 anything that I can think of. Er, I'm trying to think.
13 No, I never dealt wi' anybody or anything to do with
14 England.
15 Q. You weren't involved in those decisions?
16 A. No.
17 Q. Or arranging things like that?
18 A. No.
19 Q. You go on to tell us, 'Graham', that children couldn't
20 lock their rooms at Oakbank. This is at paragraph 75.
21 There was a policy about children going into other
22 young person's rooms and that if a child ever wanted to
23 go into another child's room, there would or should have
24 been a member of staff there keeping an eye on things?
25 A. There should have been and the door was kept open. They

1 were informed that if they wanted to go into another
2 room, someone else's room, you know, or invite somebody
3 in, the door would remain open at all times and a member
4 of staff would be in the corridor and up the stairs
5 sitting outside.

6 Q. Would that sometimes cause confrontation or be a bone of
7 contention with other young people, that they wanted to
8 go into a room and they wouldn't be allowed?

9 A. I don't think so. I mean, I think they would ask the
10 question if it was a boy going into a girl's room or
11 a girl going into a boy's room, they should ask the
12 question there as to why would a boy and girl want to be
13 in the same room and have any privacy, in that sense.
14 Whereas, they would have -- downstairs they could sit
15 beside each other on the sofa and that sort of thing,
16 watch telly and that, so there was no need for a girl
17 and boy to be in the same room, and it shouldn't happen.

18 Q. You tell us, 'Graham', that there were some organised
19 trips but there might not have been a lot of them.
20 There was limited transport within the school and you
21 mention two minibuses that would have to be shared
22 between all the units; is that right?

23 A. That's correct. Some of the staff would use their cars
24 and take a number of young people. They couldn't take
25 a whole lot out, but they could take two or three maybe

1 shopping or to the cinema and that sort of thing.

2 Q. We have heard evidence about the minibus being used to
3 take young people out of Oakbank and into Aberdeen on
4 trips in the bus. Were you aware of that happening on
5 occasion?

6 A. To where in Aberdeen?

7 Q. We have heard evidence that on occasions they would be
8 taken to the red light district in Aberdeen?

9 A. That was way before my time.

10 Q. That's not something that happened when you were there?

11 A. No, no.

12 Q. As far as you're aware?

13 A. Not as far as I'm aware, certainly.

14 LADY SMITH: The other explanation I heard, 'Graham', was
15 that a member of staff might, for example, be collecting
16 a child from, say the end of leave, or something, and
17 would take other children in the minibus for a run and
18 in the course of the journey, they'd go through the red
19 light district and shout at prostitutes.

20 A. I really, honestly, don't know that one, my Lady.
21 I wasn't there. Well, I certainly wasn't involved in
22 that and I wasn't -- if that was happening, I wasn't
23 there at the time.

24 I do remember an occasion where that was said by
25 a young person who had seen his -- a relative there or

1 something like that, but that was all. But I was never
2 involved in anything like that at all.

3 LADY SMITH: Nobody is suggesting you were, 'Graham'.

4 A. Oh, no, that's quite a sick thing to do.

5 LADY SMITH: Yes. But this business of saying to some
6 children, 'Do you want to come for a run, I'm going to
7 collect whoever at the end of their leave' --

8 A. I can only speak for myself. I wouldn't do that and
9 I don't remember -- er, I certainly didn't do that --
10 allow my staff to do that either, because that's not --
11 er, that wouldn't be -- it wouldn't be a suitable thing
12 for other young people to go and see where someone else
13 stays, because that's not fair.

14 LADY SMITH: Thank you. Ms Forbes.

15 MS FORBES: 'Graham', just moving forward in your statement
16 to a section where you talk about discipline and
17 punishment, and we have spoken a bit about this already.
18 You have said that there could be loss of privileges.
19 That was what was used at Oakbank, but we have your
20 position on whether or not you were ever involved in
21 someone being stopped from going home and your position
22 is you wouldn't be involved in that and that's not
23 something you were aware that happened.

24 You say in relation to loss of privileges, it would
25 have to be something extreme like running away or

1 upsetting other people, something like that, and that
2 was a decision made by the deputy manager or whoever was
3 on duty and in charge, if it was at night, and the
4 person misbehaved.

5 You also mention, 'Graham', the quiet room and you
6 say that that was used for visits and staff meetings and
7 training, but it was also a room where you could take
8 the young person and it's a room where young people
9 could go in certain instances if they wanted to be on
10 their own and quiet and it could also be used -- I think
11 this is at paragraph 100 -- to take the young person who
12 had been involved in something to calm them down.

13 I think the way you describe it is:

14 'If things went too far and we had to use restraints
15 then the quiet room would also be where we would take
16 the young person involved to calm them down.'

17 A. That's correct.

18 Q. Going on to talk about restraint, you talk about that
19 from paragraph 102 and you say:

20 'We only ever restrained somebody if they were in
21 danger or if a member of staff was in danger. That was
22 only after CALM came in, which was the method of
23 restraint that was approved and that we were trained to
24 use.'

25 A. Uh-huh.

1 Q. What happened in relation to restraint before CALM came
2 in?

3 A. Erm, I think it was just -- I'm trying to remember.
4 I think if somebody was being restrained, they would
5 just be sort of taken a hold of, similar to CALM, you
6 know, it wasn't exactly CALM, but it was similar to
7 CALM. But I think the difference with CALM was that
8 there were more staff involved when CALM was used as
9 opposed to prior to that, and I think it would just be
10 that somebody would take an arm each and take someone
11 into -- take them away from where they were.

12 Q. Was it the case with CALM that there would be certain
13 types of ways of restraining a young person that would
14 be taught?

15 A. Mm-hmm.

16 Q. Depending on what type of restraint was going to be
17 used, depended on the number of people you would need to
18 be involved in that?

19 A. Not once CALM -- when CALM was involved, you had to have
20 -- they had to have a minimum of three people.

21 Q. 'Graham', you say that you only restrained somebody if
22 they were in danger or if a member of staff was in
23 danger. Were young people ever restrained for refusing
24 to comply with instructions?

25 A. No.

1 Q. What about if they were asked to go to the quiet room
2 and they refused to do so?

3 A. I think we would try and find out, well, why don't you
4 want to go to the quiet room. That would be my first
5 question, 'Why not?', you know, what's the problem? Is
6 there a problem with the quiet room? And trying to talk
7 them round and -- but, I mean, when it's not a violent
8 situation, you would try not to involve CALM or
9 restraint in any way.

10 Q. From your point of view, was it de-escalation rather
11 than moving to restraint?

12 A. It's always, yeah, yeah.

13 Q. Was restraint something that you used as a last resort?

14 A. It was a last resort, restraint. I think I gave --
15 I can't remember now, I think there was something in my
16 -- where I was sitting with a young boy and another
17 staff on each side, nobody -- he was sitting there.
18 We'd asked -- we'd been asked to come in and sit with
19 him while SNR [REDACTED] had to go out and do
20 something. And during that time, the young man turned
21 round and, er, punched the other member of staff and at
22 that point we did have to take a hold of him in order to
23 sort of stop anything from going -- escalating further.
24 But that was it and he sat with us and later he
25 apologised to the member of staff, but it was just

1 a thing he did.

2 Q. From what you tell us, 'Graham', in your statement and
3 today, that restraint was something that you would
4 become involved in with young people whilst you were at
5 Oakbank?

6 A. If I was on duty and it was part of my --

7 Q. If you were involved, it's something that would be
8 recorded, is that right?

9 A. Yeah, I believe so, yes.

10 Q. I think you tell us at paragraph 107 that 'staff
11 recorded all uses of restraints' and then if it was
12 after CALM came in, then they should also complete
13 an incident form.

14 A. There should be an incident form for every -- yeah.

15 Q. Also the case notes for the young person for that day?

16 A. It should be recorded, yeah.

17 Q. There should be at least two separate recordings of
18 a restraint after CALM came in?

19 A. I think so, yes. It was a long time ago. I don't
20 remember. I've done a lot of things since then.

21 Q. I appreciate that, yes. But from what you can recall?

22 A. Yes.

23 Q. You say, 'Graham', that it wasn't a daily occurrence and
24 the way you've put it is:
25 'A lot of the young people just didn't get

1 involved.'

2 Do you mean the --

3 A. A lot of the young people just were not interested in
4 getting involved in restraints or even -- they dealt
5 with things differently, as they matured, and as we
6 worked with them. We tried to help them get other ways
7 of dealing with things, you know.

8 Q. I think you do say that you would talk to a young person
9 after restraint had been used?

10 A. We did that, yes.

11 Q. And try to go through how it had come to that point?

12 A. We tried hard to go through -- how -- you know, what
13 happened. Why did it happen. And, 'How can we do
14 better in the future, so that you don't get so angry and
15 upset and we don't have to become involved in, you know,
16 physically' ...

17 Q. You say, 'Graham', that with CALM, people had to put
18 some thought into it. What do you mean by that? Was
19 that in relation to how you were going to go about
20 restraining the person or de-escalating the situation?

21 A. I think you had to put thought into how could you --
22 could you de-escalate before, you know, it wasn't a case
23 of, 'Right, grab them', and that's it, you know. We did
24 have to think carefully about how -- what -- how we went
25 about things and we didn't -- we didn't want to go

1 about, you know, restraining young people. It's not
2 good for us, it's not good for them, it's not good for
3 anybody actually.

4 Q. I think we've seen from records that we've recovered
5 that quite often restraint could result in the young
6 person lashing out and assaulting staff members in
7 response; is that right?

8 A. It could prior to the -- prior to anything and after,
9 yes. Well, not after, but during.

10 Q. Also, if that happened, then there was the possibility
11 of the young person being charged by the police and
12 assault charges being brought?

13 A. That was a senior management decision, that children who
14 assaulted staff should be reported to the police as
15 an assault on a member of staff.

16 Q. Did that come about at a particular time?

17 A. Er, I honestly can't remember. I think it was probably
18 the -- if I remember right, it would have been the
19 social work manager who made that dictate and would have
20 taken it to ██████████.

21 Q. Would that then be after 200█ or thereabouts?

22 A. After ██████ was here, yeah.

23 Q. But you don't remember it being the position throughout
24 your whole time at Oakbank?

25 A. No, no.

1 Q. How did you feel about that, about children being
2 charged with assaults?

3 A. I mean, if it was happening during a CALM restraint then
4 I didn't feel -- if people were doing the CALM restraint
5 properly, it shouldn't have happened.

6 Q. I think we have heard the phrase 'flight or fight' from
7 several witnesses in the course of the Inquiry in
8 relation to Oakbank and this is in relation to
9 a situation of being restrained, where you either flight
10 or you fight and if there's nowhere to go then the other
11 thing to do is lash out. Is that something you can
12 understand from the young person's point of view?

13 A. Yeah, I suppose so, yes. Yeah.

14 Q. You do tell us, 'Graham', at paragraph 112 about not
15 receiving any complaints of abuse from a child or young
16 person whilst you were at Oakbank, but you tell us about
17 an episode involving a temporary member of staff, who
18 was getting too close to a young girl, and was sacked?

19 A. Yes.

20 Q. From your point of view, that relationship led to that
21 person being let go from Oakbank?

22 A. Yeah.

23 Q. The concerns were raised because he hadn't been
24 discouraging this young girl's attentions towards him?

25 A. That's correct.

1 Q. I think that's the only issue you raise?

2 A. That's the only issue I ever came across with a member
3 of staff.

4 Q. You go on to talk about the police being involved from
5 paragraph 115 and you say that the police would be
6 phoned quite regularly, sometimes -- mostly for boys and
7 we've talked about the decision that came in, whereby if
8 a member of staff was assaulted, the child was to be
9 charged?

10 A. If a member of staff was assaulted, yeah, the child was
11 to be charged, yeah.

12 Q. When they were charged, would the child be taken away to
13 the police station and charged?

14 A. Er, in most instances, yes.

15 Q. Would the staff member have to go with them or would
16 they just be taken by the police and brought back again?

17 A. In some instances, it depends on how they appeared when
18 the police arrived.

19 LADY SMITH: How old would these children be?

20 A. Erm, mostly the older group. It was mostly older group
21 that would -- 14, 15, 16.

22 LADY SMITH: Thank you.

23 MS FORBES: You give us an example of when you were the duty
24 manager and a young person was taken away by the police,
25 this is at paragraph 117, and you say that that was

1 a particularly brutal situation and the young person was
2 taken away by the police with restraints on his legs.

3 A. Yeah. He was very violent towards them as well when
4 they came in.

5 Q. You talk about another situation at paragraph 118, where
6 you and another member of staff were discussing things
7 with a young man and he turned round and punched the
8 other member of staff.

9 A. That's the one I spoke about earlier. That was, yeah.

10 Q. Is this the boy who was taken away in restraints, no?
11 This is a different --

12 A. No, he wasn't taken away.

13 Q. Just going forward, in your statement, then, 'Graham',
14 you talk about definitions of abuse and we have that
15 there.

16 Just going down to paragraph 131, you say:
17 'I honestly believe that if a child was being abused
18 or ill-treated at Oakbank then it would have come to
19 light.'

20 A. Yeah, I would have thought so. We've had young people
21 who would come and tell us if they had been abused in
22 some way by other males and things like that outside, so
23 ...

24 Q. When you say that, are you talking about abuse or
25 ill-treatment from staff at Oakbank or something else?

1 A. No, that was generally something else.

2 Q. That's fine. You then go on to talk about child
3 protection arrangements and we have that there so
4 I'm not going through that in detail with you. You
5 mention the handbook as well that you talked about
6 earlier and that was something that was available in the
7 office of every unit.

8 You say at paragraph 138 that you've never had any
9 personal involvement in any investigations into abuse at
10 Oakbank?

11 A. No, not at Oakbank, no.

12 Q. That wasn't part of your role, is that right? I think
13 you say it was the social work manager --

14 A. It just may not have happened when I was there, but it
15 would have went to the senior management again.

16 Q. You then go on, 'Graham', to tell us about individual
17 staff members. I'm not going to take you through that
18 in any detail, we have it there and we can read that.

19 You do mention LAJ, who was a manager of one of
20 the close support units at Oakbank, was that

21 LAJ?

22 A. Yeah.

23 Q. I think you say that she started at Oakbank about three
24 or four years after you did and she was there until it
25 closed?

1 A. Yes.

2 Q. Was there a time before Oakbank closed where

3 LAJ [REDACTED] left or lost her job in relation to

4 allegations that were made?

5 A. At Oakbank?

6 Q. Yes.

7 A. Oh, goodness me, I think she was off for a while, but

8 I honestly -- I don't know what that was about. It may

9 be one of my memories that's gone.

10 Q. It's not something that you have knowledge of?

11 A. No, because LAJ [REDACTED] worked at Rossie as well.

12 LAJ [REDACTED] worked at Rossie, prior to going to

13 Oakbank.

14 Q. I think we have heard evidence that she was at Rossie

15 before she came to Oakbank.

16 I think we have also heard evidence that there came

17 a point when [REDACTED] became aware of certain

18 allegations that were being made by young people at

19 Oakbank and at that stage certain staff members either

20 left or were let go, and a new head of unit came in to

21 replace LAJ [REDACTED] from her role. That's not something that

22 you recollect?

23 A. No, I remember her being off for a while but, I mean,

24 she went on to -- [REDACTED], when the school

25 closed, [REDACTED] opened a place further --

1 I can't remember what it was called, [REDACTED] opened a place,
2 and as far as I know, LAJ [REDACTED] went to work for
3 [REDACTED]. So I'm kinda bemused by that.

4 MS FORBES: My Lady, I don't have too much more, it's
5 perhaps about 15 minutes.

6 LADY SMITH: You're about to move into a different chapter,
7 I think.

8 I would normally take the lunch break just now,
9 'Graham', and sit again at 2 o'clock. You are probably
10 wondering how your afternoon is going to pan out. We
11 don't think we will take too long after 2 o'clock to
12 finish your evidence, is that okay?

13 A. Yes, I suppose, yeah. I had hoped to get away, because
14 I want to get home.

15 LADY SMITH: We'll get you home after that, we will get
16 going at 2 o'clock again.

17 A. That's fine.

18 LADY SMITH: Thank you.

19 A. Okay, thank you.

20 (1.00 pm)

21 (The luncheon adjournment)

22 (2.00 pm)

23 LADY SMITH: Welcome back, 'Graham'. Is it all right if we
24 carry on?

25 A. Yes, it is.

1 LADY SMITH: Thank you.

2 Ms Forbes.

3 MS FORBES: My Lady.

4 Good afternoon, 'Graham'. Just before we broke for
5 lunch, I was about to move on to another part of your
6 statement, that deals with an allegation that had been
7 made against you. This is from paragraph 152 of your
8 statement.

9 You have been told the name of this female who has
10 made the allegation, but for our purposes, we're using
11 a pseudonym and we're using a pseudonym, it's 'Jasmine'.

12 A. Mm-hmm.

13 Q. I think you were told that 'Jasmine' had given
14 a statement to the Inquiry with an allegation and that
15 allegation was put to you when you were giving your
16 statement.

17 I think, first of all, 'Graham', your position is
18 that you don't remember this young lady at all?

19 A. I have no recollection of this young lady at all.

20 Q. What she says, from paragraph 73 of her statement, is
21 this:

22 'On one particular occasion, I was being restrained
23 in the quiet room by the manager of the unit, 'Graham'.
24 There were, I think, two other female staff members in
25 the room. 'Graham' sat on top of my legs, I'm not sure

1 what restraint was used but he was hurting me to the
2 point I was crying and begging him to move himself off
3 my legs. He continued to sit on my legs for some time
4 whilst I was shouting and crying for him to get off and
5 the two female staff members watched on. He eventually
6 got off me. I don't remember much of what happened
7 after that, but I remember feeling extremely wary of
8 'Graham' after that incident. I wanted to stay away
9 from him.'

10 I think, 'Graham', you've been made aware that this
11 person has since given evidence, so in relation to the
12 evidence that she gave, that's in a transcript that for
13 the record -- I will give the reference -- is
14 TRN-12-000000109.

15 A. Sorry, where would --

16 LADY SMITH: You don't need to worry about that. You
17 appreciate there is a transcript being made of the
18 evidence and it's to get that reference written down for
19 the transcript. It's just helpful to have it recorded
20 there.

21 A. That's fine.

22 MS FORBES: 'Graham', I've let you know about this to let
23 you know in advance of giving your evidence, but just to
24 summarise really, the further information she gave in
25 relation to that incident, she said that she was being

1 restrained by two other female staff members, and she
2 thinks that they weren't able to get control of her for
3 whatever reason, and then you came in to the room, asked
4 the ladies to step aside, and then took over the
5 restraint and sat on her legs.

6 She said that she told you that you were hurting her
7 legs, repeatedly, and she says it then got to the point
8 where she was in severe pain, screaming, and asking you
9 to get off her legs, screaming at the staff members, the
10 female staff members, telling them to help her and
11 saying that you were going to break her legs and they
12 didn't listen and told her to calm down.

13 She says then that she had to pretend she was okay
14 and then you eventually got off. When she was asked
15 more information about what position she was in, she
16 said she was on a sofa and she describes your
17 involvement as having your legs over her legs and that
18 she couldn't move her legs. She doesn't specifically
19 remember what the position was, but she knows that you
20 were on top of her legs and they were in a severe amount
21 of pain and that you were using your legs and your body
22 weight over her legs. She mentions that she was crying
23 and begging for you to get off.

24 In any way that that's different from the statement
25 and the information that you had before, that's the

1 evidence she gave, so, 'Graham', I just want to get your
2 position on that. What do you say in response to that
3 allegation?

4 A. As far as I'm aware -- I don't remember this incident at
5 all. I would never dismiss two members of staff and
6 then take over a restraint on my own, especially two
7 female members of staff, if it's a female child as well,
8 because that would be opening up all sorts of avenues.
9 But, no, I have absolutely no knowledge of this
10 restraint and I don't remember it one iota, as I don't
11 remember her. And I think the difference when she's
12 saying here, having given evidence, what she wrote in
13 her previous statement was the two members of staff were
14 sitting on the sofa, not holding onto her at all.

15 So I honestly don't have any idea about this, and
16 I can't think of a way where I would be able to exert
17 such extreme pressure on her legs. I honestly can't
18 think of that, when I'm sitting on a sofa.

19 Q. I think you give a little bit more information,
20 'Graham', at paragraph 154 and you say:

21 'I would not have sat on anyone's legs. I would
22 have held their legs together, hooking my arms around
23 both legs at their ankles.'

24 A. Yeah, if they were in the prone restraint, yes.

25 Q. So I just want to ask you about that. In relation to

1 what she's described as being a seated restraint, how
2 would it differ from what you've said?

3 A. It would differ from -- can I give some sort of
4 demonstration? Well, what would happen if -- there
5 would be two people, minimum, and if it was a sitting
6 restraint, one would have each arm and if you were using
7 your legs, you would have one leg over one of the legs
8 of the youngster and the other person would have a leg
9 over the other leg of the youngster. Nobody could do
10 that on their own.

11 Q. What you're describing then, 'Graham', is it one member
12 of staff on either side of the young person?

13 A. That would have been a more likely outcome.

14 Q. I just wanted to take you, 'Graham', to records. You
15 have been made aware that there are some records
16 relating to your involvement in a restraint with this
17 particular young lady.

18 In her evidence, she couldn't say whether or not
19 this record relates to the incident that she recalls, so
20 in fairness she wasn't able to say whether that is the
21 incident that she's recounting, but if I can take you
22 first of all to a document which is ABN-000003558.

23 If I can go to page 8 of that document. We can see
24 at the top, this is a daily case record for
25 an individual and it's redacted out, but it relates to

1 'Jasmine' and it's in 2006.

2 If we can go halfway down the page, we can see there
3 is a date on the left of 17 December 2006. Then further
4 down it starts on the left-hand column, 'NCO' and it
5 says:

6 ''Jasmine' became very unsettled at 22.30. She
7 wanted to go to [then there is the initials of another
8 young person] room but when NCO would not allow her, she
9 started shouting abuse and became aggressive and
10 threatening to assault NCO. 'Jasmine' was taken to the
11 quiet room by 'Graham'...'

12 Then it goes over to the next page:

13 '... and B Lawrie. 'Jasmine' was spoken to about
14 her behaviour and she soon calmed down. 'Jasmine'
15 returned to her room in a better mood and she settled
16 fine for the remainder of the night. Trying to get
17 a cigarette was the issue tonight.'

18 Now, I think those initials to the right of that are
19 redacted out, and I'm not sure they're your initials, so
20 I don't think this is your record, this bit. I take it
21 you don't recognise that as being your handwriting?

22 A. No.

23 Q. That seems to be a record of an incident where you were
24 involved with 'Jasmine'?

25 A. I must have been the duty manager that night.

1 Q. If I can just take you to another record then that talks
2 about -- this seems to be the same incident, it's
3 ABN-000003559.

4 If we can go to page 14 of that document. Again,
5 this is an incident form and the date is
6 17 December 2006. It relates to 'Jasmine' again and
7 this is a form completed by 'Graham', by yourself, and
8 I think it's completed a few days after the incident.
9 It says there:

10 'Both Bruce and myself were in downstairs office
11 when we heard raised voice from upstairs. On further
12 investigation, it was discovered that 'Jasmine' had been
13 trying to come out of her room to get to another young
14 person's room and, when stopped, became loud, abusive
15 and aggressive towards the NCOs.'

16 Then going halfway down the page:

17 'Description of incident/interventions: Bruce and
18 I arrived to find 'Jasmine' shouting abuse at the top of
19 her voice at the NCOs, Glenda and George, furthermore,
20 she was trying to intimidate and bully them into
21 allowing her to get to this other youngster's room.
22 I requested 'Jasmine' to return to her room and stop
23 shouting as she was disturbing the other young people in
24 Oakhill and Ythan. 'Jasmine' moved towards her room,
25 still shouting and screaming abuse. She then aimed

1 kicks at Bruce, which made contact between his legs, at
2 which point we took hold of 'Jasmine' in T9 hold ...'

3 I think if we see to the right-hand side of that
4 document, there's a list. If we go slightly further up
5 the page, from T1 down to T22, goes from different CALM
6 techniques from basic posture, T1, all the way down to
7 T22, which is prone restraint. We can see there that T9
8 is a figure-four hold.

9 So it's referring to T9 hold, and I'll carry on
10 reading out the description:

11 'However, she continued to kick and struggle.
12 I advised 'Jasmine' we would remove her to the quiet
13 room should she continue to scream, shout and struggle.
14 Unfortunately, she was not prepared to heed my advice.
15 We moved out of her room and down the corridor. As we
16 were going down the stairs, she made an attempt to bite
17 my right arm, which I then removed, briefly placing it
18 around her shoulder to avoid any further injury and
19 prevent her biting Bruce. This distraction was enough
20 to enable us to get her into the quiet room with no
21 further injuries being received. Once in the quiet
22 room, we proceeded to a T11 seated hold, where 'Jasmine'
23 tried to kick people's legs with her heel. However, we
24 gave a low emotional response and sat ...'

25 If we go to page 16, the description continues:

1 '... quietly. Glenda Mair was present during the
2 whole incident. 'Jasmine' eventually calmed, enabled us
3 to withdraw from the hold and go on to discuss this
4 incident.'

5 If we can go back to page 14 again, just where it's
6 dealing with the incident. I think what seems to be
7 recorded as your involvement there by yourself is a T11
8 seated hold, which, if we look over to the right, it
9 hasn't been circled, but is there as a T11 seated
10 figure-four hold on the right-hand side, is what that
11 would be if it was a T11?

12 A. Which one are we talking about?

13 Q. I think, when I read that out, you said that:

14 'Once in the quiet room, we proceeded to a T11
15 seated hold ...'

16 If we look over to the right-hand side, we can see
17 in the description of the different types of --

18 LADY SMITH: Can you just show 'Graham' again where T11 is
19 referred to.

20 MS FORBES: The bit on the screen that is now blue, it is
21 T11, seated figure-four hold.

22 A. Yeah.

23 LADY SMITH: In the text T11 appeared, I think, a bit
24 further down, didn't it? Can we just get that up again
25 so 'Graham' sees where it is?

1 A. Yeah, I see it now. That would have been the one I was
2 describing, where one would have one leg and one would
3 have the other leg.

4 LADY SMITH: So initially it was T9 and then it was T11 --

5 A. It was just a leg over --

6 LADY SMITH: Hang on, 'Graham'. If you speak when
7 I'm speaking the stenographers can't write it down.

8 A. Oh, sorry.

9 LADY SMITH: I take from this note and what you say that
10 initially it was T9, the figure-four hold.

11 A. That would have been standing up.

12 LADY SMITH: Then it moved on to being a T11, seated
13 figure-four hold --

14 A. Yes.

15 LADY SMITH: -- once you were in the quiet room?

16 A. Once we were in the quiet room.

17 LADY SMITH: Do you remember that?

18 A. No.

19 LADY SMITH: Right, okay, thank you.

20 A. I'm so sorry.

21 LADY SMITH: No, no, no --

22 A. I have no -- this girl just -- I have no memory of it.

23 LADY SMITH: Don't worry about it. 'Graham', don't worry
24 about it. The reason I asked you was whether you
25 remembered it, was I didn't want you to be taken as

1 saying something from memory about what happened,
2 because I think you are just explaining to us what you
3 read from the note that was made at the time.

4 A. That's right, yes. Yes.

5 LADY SMITH: Thank you.

6 A. Sorry.

7 MS FORBES: Thank you, 'Graham'. It's my fault if I haven't
8 explained that properly, but the two documents we've
9 gone to seem to be a record of the same incident on that
10 date involving 'Jasmine' and explaining how you became
11 involved with her that night and ended up in a restraint
12 with her in the quiet room. But your position is this
13 is something you don't recall?

14 A. I have no memory of -- I mean, I just have -- I have no
15 memory of this child and I have -- I don't understand
16 why, er, but I just have no recollection of her at all
17 and these restraints -- I mean, from the way -- I don't
18 know, I don't even remember them at all.

19 Q. Just to be clear, 'Graham', if you had been involved in
20 a restraint whereby a young girl was screaming or
21 shouting out that you were hurting her, what would you
22 have done in that situation?

23 A. Stopped. I mean, I just wouldnae do that. That's not
24 my -- it's not part of me. Erm, I can't answer that.

25 I mean, out of all the young people who have, in my

1 time, have been through Oakbank School, so many come
2 back saying how good it was for them to have come
3 through that and actually they've done marvellous things
4 with their lives. I mean, two of the girls out of my
5 year went on to be social workers and, you know,
6 I just -- this girl just doesn't -- I don't know, I just
7 can't remember her at all. I'm quite sad about that,
8 but I just can't.

9 Q. I think, to be fair, 'Graham', we have heard evidence
10 that you were well liked by the young people in Oakbank.

11 A. And Oakhill, yeah, it was -- I always -- you know, as
12 I say, it wasn't such a terrible, terrible place. A lot
13 of young people actually made the most of it and
14 actually got an awful lot out of it, er, and that's not
15 because they didn't have problems or they didn't get
16 involved in anger and restraint, because these are
17 normal things for young people growing up, but they made
18 the most of it. They actually listened to the adults
19 around them and they worked through things and an awful
20 lot of them did work through them. I would say most of
21 them, but some just don't.

22 But as I say, I don't -- I can't recall it being
23 a terrible place for young people.

24 Q. I appreciate you can't remember this young lady,
25 'Graham', but just want to take you quickly to another

1 part of this record, at page 21. This is a different
2 date when you became involved as the manager signing
3 off. If we can go halfway down the page, we see that
4 comments from the manager and it says:

5 'Some people need to be aware that behaviour serves
6 a purpose and we need to look beyond presenting
7 behaviour. This is a training issue.'

8 That is something that you wrote in relation to this
9 young lady?

10 A. Yes.

11 Q. I think that this was something that you were
12 recognising and was there a particular -- you can't
13 remember this girl, but it seems that you are trying to
14 say that some people ... I take it by that you mean
15 other staff?

16 A. Yeah, I would think so. I mean, I can't -- as I say,
17 I can't recall -- obviously, I can't recall every
18 incident either, but I would take from that that I was
19 making management aware that there was some concern
20 about that particular restraint, or whatever was
21 happening in that particular incident, that people need
22 to -- they need some training -- in regard to why is it
23 happening and, you know, it's not just the presenting
24 behaviour, it's what behind the presenting behaviour.
25 In some instances you might not have the ability to do

1 that, because the behaviour is so extreme, but in this
2 incident, it would appear that the behaviour wasn't so
3 extreme that I wouldn't make that a training issue.

4 Q. Just to go to the page before that, page 20, again this
5 is a different incident again where you've, as
6 a manager, made a comment on the incident, halfway down
7 the page at the comments part, and the date that's put
8 to that is 27 January 2007. The comment that you've
9 made is:

10 ''Jasmine' has had very limited boundary setting in
11 her life and has learned to deal with conflict by
12 becoming confrontational, never losing control. Need to
13 help her learn a more productive approach.'

14 I think that's a comment that you've made in that
15 document. I appreciate you probably don't remember
16 this, but that's something that is recorded as you
17 having said?

18 A. Yeah. I mean, she was only there for a year, so whether
19 that's had some impact on my memory, but -- well, that's
20 what I've been told, that she was only there for a year,
21 but I honestly have no memory (Inaudible) sorry.

22 LADY SMITH: 'Graham', I'm interested in your earlier
23 comment about the need to try to ascertain what lies
24 behind the behaviour.

25 What I've heard is that this girl, at the age of 12,

1 was very much addicted to nicotine, having started
2 smoking when she was 9, and what she found impossible
3 was that she couldn't smoke in Oakbank. I think at that
4 time a 12-year-old wasn't allowed to go outside the
5 gates and smoke, but a 14-year-old was, something like
6 that.

7 A. Well, there was -- I think at the time she came in,
8 if -- I don't remember her, as I say, but if she came in
9 at the time she came in, that's when there was a ban on
10 smoking and therefore young people and complete young
11 people wouldn't be able to smoke, even within the
12 grounds of the school.

13 LADY SMITH: Yes, that would fit with what we heard.

14 A. So if young people were smoking, they were doing it
15 outwith the school.

16 LADY SMITH: If she couldn't get out to smoke, you see,
17 that, I think, that was her point, 'That if only I had
18 been able to smoke' --

19 A. But that was a school policy, I mean --

20 LADY SMITH: You didn't make the policy, I get that.

21 A. I didn't make the policy and I certainly wasn't going to
22 break it.

23 LADY SMITH: Let me ask you this: were you aware of there
24 being any recognition that the school would be having to
25 handle, address, young people coming in, such as her at

1 the age of 12, who had been smoking for years and
2 suddenly being told, 'You can't smoke'. And what that
3 would be like for them to try and cope with?
4 A. I don't think there was. I mean, I think -- was it not
5 the government that brought in -- was it not
6 a government thing that said --
7 LADY SMITH: I honestly can't remember --
8 A. No, neither can I.
9 LADY SMITH: -- in 2006. It feels like a long time ago, but
10 again, that's not the point, because it may have been
11 brought in, in -- take hospitals, for example, but
12 smoking cabins were provided outside the building, that
13 kind of thing.
14 A. Yes.
15 LADY SMITH: But to expect a youngster, with a dysfunctional
16 background, as I've heard about, regarding this girl,
17 whose refuge was in finding stability through nicotine,
18 to go cold turkey, it's quite a big ask, isn't it?
19 A. Well, I suppose, but I suppose that was the same for
20 everybody, you know. It was the same for every young
21 person coming in regardless, and most of the young
22 people coming in were smokers. It was -- you know,
23 I don't -- I would imagine -- I mean, I suppose if there
24 had been some other way, but the senior management had
25 made that decision and we were supposed to follow it and

1 I think we would have been not doing ourselves any
2 favours by colluding with her to smoke. I think that's
3 the other thing with any of the young people.

4 When I first went into Oakbank School, there was
5 a smoking room and that smoking room would have young
6 people and staff in a room about the size of from that
7 wall to your desk there.

8 LADY SMITH: Small rooms.

9 A. A very small room, and there would be a number of young
10 people and staff in there, all smoking together at the
11 same time, with no windows open. When you opened the
12 door of that room, the smoke was (noise made) and so,
13 yeah, it was -- and I can understand the difficulties
14 with smoking, because I was also a smoker up until I had
15 my operation. I had a triple bypass and at that moment
16 I stopped smoking. I did have pangs after that for
17 a while, but I managed to stick it out and never started
18 again.

19 LADY SMITH: Well done.

20 A. And never have, but yeah, I can understand that, and
21 I smoked from when I was very young as well, back in
22 Glasgow, but I think at that time, I think that was the
23 statement that no young people could smoke within the
24 school grounds at all, and that was how it was.

25 I'm sorry, but that's how --

1 LADY SMITH: Thank you.

2 MS FORBES: I'm not going to take you to this, 'Graham', but
3 there is a record in 'Jasmine's' file where there is
4 a smoking consent form, but it's scored out, because it
5 says it's not applicable any more because Oakbank is
6 a smoke-free school.

7 However, I think her evidence to the Inquiry was
8 that whilst that was the position, some older children
9 would get to smoke and she would see them smoking and
10 that caused her difficulty.

11 I think you recognised that yourself, 'Graham', and
12 again I appreciate you can't remember this, and you
13 probably won't remember making this record, but if we
14 just go quickly to page 15 of the same document, again
15 this is you -- this is the one that you've completed in
16 relation to 'Jasmine' and the incident on 17 December.
17 It says:

18 'Describe any care planning risk assessment issues.'

19 You've said:

20 ''Jasmine' has such an addiction to cigarettes that
21 it seems to permeate almost every minute of her day and
22 night. It's more evident when she becomes inactive or
23 bored.'

24 So it was something that you recognised as being
25 triggering behaviour for her. That's the form. If we

1 go further down the page, we can see it is something you
2 filled in.

3 Again, I appreciate you can't remember this
4 individual but it is something that you seem to have
5 noticed at the time, but one of the things that
6 'Jasmine' said was, whilst she was given help with
7 lozenges and some smoking cessation help, that one thing
8 that was never tried was to allow her to smoke even just
9 minimally.

10 But I think we have your position in relation to
11 that. At the time, that was the policy at Oakbank?

12 A. That was the school policy and, you know, I wouldn't
13 have, even for health-wise, I wouldn't have went round
14 that for her anyway at that age.

15 LADY SMITH: Do I take it from what you said earlier that at
16 that time you were still a smoker?

17 A. No, I had -- no, I had had my operation prior to that.

18 LADY SMITH: You had had it by then. But you had been
19 a smoker?

20 A. I had been, yeah, oh, yeah, from probably round about
21 the same age.

22 LADY SMITH: Were there staff who were smokers?

23 A. There were staff who were smokers, but they had to go --

24 LADY SMITH: Outside the gates?

25 A. Er, yeah, I think so, yeah.

1 LADY SMITH: Thank you. Ms Forbes.

2 A. As far as I can remember.

3 MS FORBES: 'Graham', I think we have your position in
4 relation to the allegation that's made and we have
5 additional comments in your statement, so we have that
6 there as well.

7 I think you told us that you left Oakbank in 2008
8 because the school closed and then you went to work with
9 Barnardo's; is that right?

10 A. Yeah, I was ... Yeah.

11 Q. You did that until you retired?

12 A. Yes.

13 Q. I think you say though that Oakbank had its faults but
14 from your point of view, it wasn't a bad place?

15 A. I don't think so. I mean, every place had their faults
16 and, you know, it was a different time and I've strived
17 -- I think I've said this as well -- all my life -- my
18 working life, to make things better for young people as
19 best I can and, you know, bringing in a lot of these
20 things like ... you know, bringing the children into
21 their own care plans and things. These weren't done
22 before I turned up there and so it was -- all these
23 things, you know, and I've strived all my life to try
24 and do the best thing for young people and I'm really
25 sorry that I can't remember this young lady, but I just

1 Thank you.

2 (2.35 pm)

3 (A short break)

4 (2.39 pm)

5 LADY SMITH: Mr Peoples.

6 MR PEOPLES: My Lady, the next witness today will be known
7 by the pseudonym 'Bill'.

8 LADY SMITH: Thank you.

9 MR PEOPLES: Again, it's a case where a warning would be
10 appropriate.

11 LADY SMITH: Yes. Thank you.

12 'Bill' (sworn)

13 LADY SMITH: 'Bill', thank you for coming along this
14 afternoon to help us with your evidence. Thank you also
15 for providing a written statement in advance. It's been
16 really helpful to have that, I appreciate the detail
17 that it contains, and we won't need to trouble you with
18 much of the detail this afternoon, but there are some
19 aspects of it that we would like to discuss in a little
20 bit more depth if that's all right.

21 'Bill', that apart, I do understand that it's not
22 easy being asked to come to a public forum to talk about
23 things that happened in your life quite a long time ago.
24 I do understand if some things just don't come into your
25 memory. Particularly if names are a problem. That's

1 very usual. I speak with experience, as one gets older,
2 it gets harder sometimes to recall names. So don't
3 worry about that at all --

4 A. Okay, thank you.

5 LADY SMITH: -- I understand.

6 Don't at all be worried if you feel it's stressful
7 to the extent of you wanting a break. No problem. Just
8 tell me and we can have a break, if that would help.

9 Otherwise, there's one thing in particular, 'Bill',
10 I want you to take note of and that is that although
11 this isn't a courtroom -- it's a public inquiry, which
12 is a little bit different -- you have all the rights and
13 protections that you would have if you were in a court.
14 That means that if you are asked questions the answers
15 to which could incriminate you, you don't have to answer
16 them. That's your entitlement.

17 If you do answer them, of course, I expect you to do
18 so fully and if you are in any doubt about any question
19 as to whether it's going in that direction, just say.
20 Just as if you don't understand what we're asking you,
21 or indeed, why we're asking you, just speak up. If it
22 doesn't make sense it's our fault, not yours.

23 A. Thank you.

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

1 Mr Peoples.

2 Questions by Mr Peoples

3 MR PEOPLES: Good afternoon, 'Bill'.

4 A. Good afternoon.

5 Q. My apologies that we are running a little late, so
6 I apologise that we've started later than perhaps you
7 were anticipating.

8 Can I begin by giving, for the benefit of the
9 transcript, you don't need to worry about this, the
10 reference for the written statement you have previously
11 provided, which is WIT-1-000001495.

12 In the red folder in front of you, there is a copy
13 of that statement, and there is also a copy on the
14 screen, and you are free to use either, but at this
15 stage can I ask you to look at the red folder and go to
16 the final page of your statement, on page 38, I think it
17 is. Can you just confirm for me that you have signed
18 and dated your statement?

19 A. I have, yes.

20 Q. I think you also say on that page that you have no
21 objection to your witness statement being published as
22 part of the evidence to the Inquiry and that you believe
23 the facts stated in your witness statement are true.

24 A. Correct, yes.

25 Q. Can I take you back to the beginning of the statement

1 and just take a little bit from you.

2 Firstly, 'Bill', can you confirm, and I only need
3 the year, that you were born in 1937?

4 A. That's correct.

5 Q. Then you tell us in your statement a bit about your
6 background and we have read and can read that for
7 ourselves, but I think that you tell us that you had
8 a period of about 12 years in the RAF after leaving
9 school, that was one of the things you did before you
10 went into care settings?

11 A. On leaving school I was a coal miner, and then I joined
12 the RAF.

13 Q. Sorry, I was just picking up some of the things from the
14 statement. I wasn't seeking to omit anything if you
15 felt it was important.

16 You tell us, I think, that you obtained a teaching
17 certificate and qualification and that after completing
18 your teaching qualification in 1968, you taught physical
19 education at a secondary modern school down south?

20 A. Correct.

21 Q. Where you remained until about 1970 and then you took up
22 a position as a teacher of [REDACTED]
23 general subjects for a reception class at [REDACTED]
24 Approved School in England?

25 A. Correct.

1 Q. Then you tell us that you then took up employment as
2 a third in charge at a residential school for girls,
3 again in England?

4 A. Yes.

5 Q. You remained there until 1976 and while you were
6 employed there, you moved up the ladder and left there
7 as SNR [REDACTED] ?

8 A. That's correct.

9 Q. In 1976 you became SNR [REDACTED] of a community home with
10 education on the premises operated by
11 [REDACTED] Social Services?

12 A. Yes.

13 Q. I hope I have this right, that when you were working
14 there, were you seconded for a year to obtain a CQSW
15 qualification?

16 A. Yes.

17 Q. Would that make you a fully qualified social worker?

18 A. Yes.

19 Q. You say you remained --

20 A. Could I say, sorry, I think that was the qualification
21 at the time. Obviously, there's now got degrees, but it
22 was a Master of Social Sciences course, and also
23 included a certificate in qualification for social work.

24 Q. Yes.

25 Then perhaps just while we're on that, going back to

1 paragraph 2, you do say that subsequently you have
2 attained other qualifications, including a BA from
3 ██████████ University, a masters in social sciences, and you
4 have a masters in education, and you're an honorary
5 Bachelor of Science from ██████████ University?
6 A. Correct.
7 Q. Having been SNR ██████████ at the community home, you were
8 there until 1982 and then you changed jobs and became
9 a team manager in children's services for
10 ██████████ Social Services?
11 A. Yes.
12 Q. Then you, in 198█, made the decision to move to Scotland
13 and you were successful in obtaining the position of
14 SNR ██████████ at Oakbank School in Aberdeen?
15 A. Correct.
16 Q. You started in that role in, you tell us in paragraph 9,
17 ██████████ 198█ and you remained there until ██████████ 199█,
18 when you took early retirement, is that correct?
19 A. Yes, it is.
20 Q. You tell us, from paragraph 10 onwards, about
21 Oakbank School. Again, I'm not going to take you to
22 every paragraph but you can be assured it is your
23 evidence and it will be taken account of. You tell us
24 a bit about the history and we know already quite a bit
25 about the history of the school itself, so I'll not ask

1 you too much about that.

2 Can I just pick up one thing you say at
3 paragraph 13, you tell us that the age on admission was
4 normally at least between 13 and 15 years of age?

5 A. Correct.

6 Q. You say that you believe that Oakbank was often seen as
7 the placement when other resources had been tried and
8 failed; was that how it was perceived?

9 A. Yes, sorry, I think we -- the children that came to
10 Oakbank had more than likely been in a residential
11 children's home, where they couldn't cope with the
12 children's behaviour, and also for those who came from
13 the Children's Hearing for an education issue, it was
14 because of their behaviour. It would be their behaviour
15 in schools.

16 Q. I think we have certainly seen in other cases that
17 skipping or truanting school was often at least
18 a precursor to going to a committal to some sort of
19 residential school?

20 A. That is correct, yes. But more than likely, it was to
21 do with their behaviour. Yes.

22 Q. You tell us that Oakbank, at paragraph 15, had a board
23 of governors and we have already heard evidence about
24 this, but the majority, both when
25 Grampian Regional Council was the local authority and

1 subsequently, when Aberdeen City Council was the
2 local authority from 1996, that the majority were
3 councillors who were members of the board?

4 A. Certainly, as far as when the board members came from
5 Grampian. I'm not very sure what happened with Aberdeen
6 City.

7 Q. Yes, I'm sorry, I'm perhaps asking you some questions,
8 because I think 199█ was just shortly before you
9 retired?

10 A. Yes, that's right.

11 Q. You can perhaps take it from me that that remained the
12 position after you left and you say that the governors
13 in your time would visit the school on a regular basis
14 and that there were monthly meetings that you attended?

15 A. Correct, yes, yes.

16 Q. If I move onto paragraph 17, you tell us that when you
17 arrived first at Oakbank, your recollection is it was
18 very institutional. Can I just ask you to help us, what
19 are you intending to convey by the use of the words
20 'very institutional'?

21 A. Looking at the accommodation, first of all, and I think
22 I've described that in my statement. Erm, I just found
23 it -- I mean, I think back, I just found it appalling
24 that the accommodation consisted of a dormitory area
25 that had been partitioned with cubicles and that these

1 cubicles didn't have any doors on them, they had
2 curtains. And in what we might refer to as the bedroom,
3 it was just a bed. There was no lockers.

4 So -- yes, that's what I meant by institutional.

5 I think I also make reference to when I was at
6 [REDACTED], at the start of my career in the 1970s, the
7 accommodation at [REDACTED] was very similar but it was
8 probably better than it was at Oakbank at that time.

9 And of course, the members of staff, I have
10 mentioned that there were very few members of staff for
11 a very large number of children. The fact that we had
12 some 60 children being looked after by five care staff,
13 and that was the assignment, and so they would be
14 working shifts, but that was supplemented by teachers
15 who were doing extraneous duties and senior staff. So I
16 think that's what I meant by institutional.

17 And also the fact that the children's accommodation
18 was that they were accommodated, as I recall then, in
19 one kind of area, so 60 children living in that kind of
20 accommodation. That's what I meant by institutional.

21 Q. I mean, it has got echoes of a Victorian poorhouse?

22 A. I didn't want to use that phrase but --

23 Q. I'm using it just now and asking you if you agree.

24 A. Sorry, sorry.

25 Q. No, it's not your phrase, but in terms of rows of beds,

1 not very much privacy, spartan surroundings, not modern
2 facilities, shared washing?

3 A. It wasn't so much rows of bed, I mean, there were
4 cubicles, but it was on a dormitory-type sort of space,
5 yes, quite.

6 Q. So there had been an attempt -- at least before your
7 time -- to create sections within the dormitory, but you
8 are describing a partition and I think it didn't go to
9 the ceiling?

10 A. Correct.

11 Q. Did you say there were no curtains at that time?

12 A. I think there were curtains, but there was no doors.

13 Q. No doors, okay.

14 LADY SMITH: Other comparisons could be drawn perhaps with
15 the earlier part of the 20th century, some of the
16 children's homes in Scotland we have looked at, actually
17 some of the places the child migrants went to abroad as
18 well.

19 A. Yes.

20 MR PEOPLES: But it did appal you, I think you said, to see
21 this situation when you first arrived?

22 A. It did.

23 LADY SMITH: Because we're now at 198█?

24 A. Yes, ma'am.

25 MR PEOPLES: It's not the dark ages we're talking about

1 here.

2 A. It was appalling. I mean, if practitioners viewed that
3 from today, they would be of that view, I would
4 anticipate.

5 Q. I take it from what you have said there were effectively
6 insufficient care staff for the number of boys on the
7 premises?

8 A. Correct, and also none of the care staff were qualified.

9 Q. So that was an additional difficulty?

10 A. Yes.

11 Q. You say so far as the situation at night was concerned,
12 there were only two night care officers and therefore
13 there was only one officer on each night?

14 A. Yes.

15 Q. Supervising some 60-odd boys?

16 A. Yes.

17 Q. Another point you make is that when you first arrived,
18 that both the teaching and care staff were all male?

19 A. Yes.

20 Q. Did that concern you?

21 A. Yes, because I had come from [REDACTED], which was a bit
22 more progressive, and, of course, we had qualified
23 social workers or qualified care staff, erm, and the
24 accommodation was obviously much better as well, yes.

25 Q. Going on, you tell us at paragraphs 27, and I don't want

1 to spend too much time, but it was registered when you
2 arrived for, I think about, 66 children?

3 A. Yes.

4 Q. You say you don't think you were ever operating above
5 that capacity. Can I perhaps say that we have seen
6 a record that says around 1992, or thereabouts, that
7 there was maybe a period when the permitted capacity was
8 exceeded for a few months, so if that's the case, are
9 you quarrelling with that?

10 A. I can't remember.

11 Q. It's certainly mentioned, I think, although I think the
12 main point that was perhaps being mentioned was the lack
13 of qualifications, the number of care staff to boys,
14 that these were matters which I think the inspectors
15 were constantly raising --

16 A. Yes.

17 Q. -- in reports, is that your recollection?

18 A. Yes, yes.

19 Q. You tell us, going on to page 6, that you were supported
20 by, in your role as SNR, by three senior staff, a SNR
21 SNR, a SNR and a SNR
22 SNR. Were these three positions something that
23 inherited or did have to put them in place?

24 A. There would be -- there would be a SNR.

25 Q. Before you arrived?

1 A. Yes, but it wasn't the same member of staff, yes.

2 Q. No. I think SNR [REDACTED] from at least the

3 bulk of your time was that a Mr ILG [REDACTED]?

4 A. It was, yes.

5 Q. SNR [REDACTED], correct me if I'm wrong, was it

6 initially Mr EJT [REDACTED] but then became LIQ [REDACTED], after

7 Mr EJT [REDACTED] died, I believe, or was he already deceased --

8 A. I don't think we had a SNR [REDACTED] --

9 Q. Oh, I see, okay.

10 A. -- but obviously EJT [REDACTED] was, I think, seen as a senior

11 social worker and so we wanted ... we wanted three

12 senior members of staff and Mr LIQ [REDACTED] was a later

13 appointment.

14 Q. In a sense, creating the title 'SNR [REDACTED]' was

15 something perhaps that happened in your time --

16 A. Yes.

17 Q. -- rather than your predecessor's, although Mr EJT [REDACTED] --

18 A. I believe that to be true.

19 Q. -- would have been a senior social worker?

20 A. Yes, yes.

21 Q. Am I right in thinking that the position of SNR [REDACTED]

22 SNR [REDACTED], the third member of this supporting SNR [REDACTED]

23 SNR [REDACTED] team, was that a created position for

24 Mr LIL [REDACTED]?

25 A. Yes.

1 Q. LIL ?

2 A. Yes.

3 Q. Was that created by you?

4 A. Yes.

5 Q. If we go on, 'Bill', to a section headed 'Personal
6 influence', where you tell us about some of the changes
7 that I think were made once you had taken up position.

8 One of the achievements which you say you were proud
9 of was to create separate units, is that three distinct
10 units with a smaller number of boys in each?

11 A. Yes.

12 Q. I think we already know that you created -- from the
13 previous arrangements, you created three units
14 initially, called Rosemount and Ashgrove -- which were
15 in the main school building -- and there was a separate
16 unit called Oakhill in the grounds, not far from the
17 main building?

18 A. Yes.

19 Q. I think this did come later, was that you did create
20 an independent training support service --

21 A. Yes.

22 Q. -- where there was a unit?

23 A. Yes.

24 Q. You tell us that the purpose of the changes that you
25 made, you tell us at paragraph 39: 'These changes were

1 intended to provide a more relaxed child-centred
2 environment, creating opportunities for staff to form
3 better relationships with children in their care.'

4 Was that the general intention?

5 A. Yes, having said earlier that the accommodation was not
6 very good, to be able to provide the children with
7 an individual bedroom, one where they could personalise
8 the space and where they could also, in fact -- because
9 it had cupboards and so they had somewhere for their
10 clothes, it was also to have a television in each room,
11 and also a wash handbasin and there was cubbies, so it
12 was pretty attractive accommodation.

13 Q. Can you just help me with this. Initially, when these
14 three units were established, did every young person
15 have their own room or were there some shared rooms?

16 A. There were some shared rooms and also some children
17 wanted to share. That was a kind of personal choice.
18 I mean, bearing in mind the limitations to the
19 accommodation that we had, ideally every child should
20 have their own bedroom, yes.

21 Q. We've heard evidence from one member of staff that was
22 there that he was a deputy unit leader in one of the
23 units, at Rosemount, I think, and he said that while he
24 would have liked to have spent more time with individual
25 children on a one-to-one basis, there just wasn't the

1 time because there weren't enough staff to do the
2 general work, and also to give the planned one-to-one
3 time that perhaps was desired. Would you agree with
4 that?

5 A. Absolutely, yes.

6 Q. I suppose to increase the staff-pupil ratio takes money?

7 A. It does.

8 Q. Can I just ask you to go to paragraphs 42 and 43. You
9 tell us quite frankly that there were always financial
10 difficulties for the school?

11 A. Yes.

12 Q. Whatever budget the school may have thought was
13 appropriate to meet the running costs of running
14 a school of this type, is it your view that really you
15 were never getting as much money as you needed?

16 A. That's correct, absolutely, yes, and I think, when we
17 had the discussions when I came to the earlier visit,
18 because we had care staff and also teachers, that the
19 budget that we had did not -- I mean, the budget we were
20 allocated was to include teachers, but we always had
21 a deficit budget, and we needed it. Certainly at one
22 stage, and I think I mentioned that in the report, that
23 we had to be bailed out to cover the deficit.

24 Q. We have seen with an earlier witness that there was
25 an audit by the incoming council in 1996, probably just

1 about the time [REDACTED] and I think the
2 suggestion was there that there was an attempt to cut
3 the expenditure and that there was a recognition by the
4 council that the school was struggling to meet the costs
5 of running the school?

6 A. Okay, yes.

7 Q. So it was an ongoing problem throughout your [REDACTED]?

8 A. It was for me, and also when Aberdeen City became --
9 took over the board, in fact there were changes.
10 I mean, I understand that they reduced the number of
11 children and they increased the staffing and I would
12 have supported that. That seemed to be the right way
13 forward.

14 When you consider this was the 1990s, when you
15 consider how we look after children today, there's been
16 a tremendous amount of progress that's been made. It's
17 just not practical to be able to look after a large
18 number of children with the staff that we had.

19 What we were actually doing was managing the
20 children. We weren't providing care, which was really
21 much more difficult.

22 Q. Inevitably, I think, from what you're saying, the
23 standard of care that would have been appropriate wasn't
24 being achieved because of the financial constraints?

25 A. Correct, or certainly that contributed to it.

1 Q. A significant factor?

2 A. Yes, yes.

3 Q. Just to be clear, and I don't know how much you're aware
4 of this, you moved to Oakbank in 1988 and it would be
5 [REDACTED] after that, we know from other evidence we've
6 heard, that what was called the direct funding by the
7 Scottish Education Department, that they contributed
8 50 per cent of funding directly to schools, that that
9 was withdrawn, I think, from about April 1986, which was
10 [REDACTED] after you arrived at the school, and that
11 local authorities were then expected to pay directly
12 from their own budgets --

13 A. Yes.

14 Q. -- for care, either care provided by local authority
15 homes or care provided by a third party, such as
16 Oakbank, which was an independent residential school by
17 1987?

18 A. Yes.

19 Q. That was the way it was working?

20 A. Correct.

21 LADY SMITH: 'Bill', I note that what you say is that what
22 Oakbank was actually doing was managing the children and
23 you go on and say:
24 'We weren't providing care.'
25 Tell me about that?

1 A. Well, I think we were, ma'am, we were providing care but
2 it was extremely difficult. The reasons are because
3 initially the children were in large groups. The staff
4 were not identifying -- were not in a unit, so when you
5 move into a unit setting, it's an identifiable staff
6 group and the number of children that they were relating
7 to was much -- was smaller.

8 LADY SMITH: So it was really difficult to do what with
9 adequate resources --

10 A. Absolutely.

11 LADY SMITH: -- you would have provided in terms of care
12 services; is that right?

13 A. Yes, yes. I mean, just to add to that, ma'am, we had
14 very -- the staff were very -- they were caring
15 individuals, they were caring members of staff, they
16 were very interested in the children. The fact that
17 they stayed for so long at Oakbank, long-term
18 employment. Erm, but it does make it much more
19 difficult when you've got a large number of children and
20 you've got a staffing assignment that doesn't cover the
21 number of children.

22 LADY SMITH: Can you give me an example of what, in terms of
23 care, you felt you either couldn't provide or you
24 couldn't provide as well as you would have liked to?

25 A. If you're looking -- I mean, it was mentioned about the

1 sort of one-to-one sort of contact. That was done, but
2 it wasn't done as well as one would have liked.

3 I mean, if I could put it in another way; my wife
4 and I have one daughter and it took us all our time to
5 bring up one daughter. If you've got the number of
6 children that we had, and bearing in mind that these are
7 the children who -- some of them were quite damaged by
8 their experience in life, whether it's been -- they
9 weren't being properly cared for by their parents or
10 beyond parental control. This made it very difficult.
11 We were starting off from a different kind of baseline.

12 So whilst I made those statements, what I would say
13 is that the staff endeavoured to do their best to look
14 after the children and we did it as best as we possibly
15 could.

16 LADY SMITH: Thank you. That's very helpful, 'Bill'.

17 MR PEOPLES: I suppose apart from the one to one, the
18 inability to do that, allowing an appropriate time for
19 that form of engagement, you have said that, at least
20 for a significant part of the period you were **SNR**, you
21 were dealing with a workforce, a direct workforce, that
22 were largely unqualified.

23 A. Correct.

24 Q. I take it that having obtained qualifications yourself,
25 you would say in general terms, it would have been

1 better for care purposes if you had a fully qualified
2 staff to work with?

3 A. Yes.

4 Q. Whatever the numbers?

5 A. Yes, absolutely.

6 Q. Because the danger with unqualified, I suppose, is that
7 they can do things because they don't know any better?

8 A. Yes, that's true. However, I mean, the staff were
9 competent and caring, but clearly, if you provide
10 training and education, it then widens your horizons and
11 you then begin to operate in a different kind of way, so
12 it's --

13 Q. Would you accept that one of the benefits of education
14 and training is that you can look beyond the presenting
15 behaviour of a vulnerable child and you had some clear
16 understanding of why they're behaving in the way they
17 are and therefore you are better equipped to deal with
18 the situation when you see it in practice?

19 A. I couldn't have put it any better.

20 Q. Thank you very much.

21 If we go on in the history of Oakbank during your
22 time. I think you say that at paragraph 47, one major
23 change, when you were SNR [REDACTED], was the decision to
24 admit girls. I think you date it to around the end of
25 the 1980s, probably around about 1989, [REDACTED]

1 [REDACTED] after you had taken up your position?

2 A. Yes.

3 Q. You say that, of course, that, simply by the decision
4 itself, would entail further changes to recognise this
5 new state of affairs, including recruitment of more
6 female staff, including, on the care side, having night
7 staff who were women and, indeed, in the type of
8 education you were providing, because you would be
9 dealing with adolescent female teenagers --

10 A. Yes.

11 Q. -- which is slightly different -- or very different, in
12 some respects, not slightly, from adolescent teenage
13 boys, I think you would agree, having worked in both
14 a boys' school and a mixed school?

15 A. Yes.

16 Q. Is that pretty self-evident stuff?

17 A. Yes. Sorry, it was also what was happening elsewhere.
18 I mean, I think I mentioned earlier that I was -- my
19 school in [REDACTED] was very much in the vanguard of
20 having boys and girls who had previously been in
21 approved schools coming together in one establishment.
22 So when I was in [REDACTED], I think we were one of the
23 third schools in the country that had a mixed population
24 and that was a major change, because prior to that, boys
25 and girls, who were in approved schools, were in

1 separate institutions.

2 Q. I think that, historically, in Scotland as well, they
3 were single-sex schools as approved schools?

4 A. Yes.

5 Q. They remained single-sex schools as List D schools
6 I think, in general terms at least, and then when they
7 became residential schools, I think there was a move to
8 have co-educational placements?

9 A. Correct, yes.

10 Q. I think you tell us that the introduction of girls in
11 the late 1980s and more female staff created a more
12 caring and normal environment within the school and
13 provided learning opportunities for both genders to
14 establish appropriate relationships. So it was a good
15 thing, in your view?

16 A. Yes.

17 Q. But perhaps coming too late in some ways?

18 A. Yes.

19 Q. Now --

20 A. Could I ask a question? What do you mean by that, by
21 'too late'?

22 Q. Perhaps it's something that the policymakers had been
23 applying their mind to, the benefits of single sex or
24 co-educational residential schools, you would probably
25 say that perhaps the arguments favoured the latter,

1 would that be fair?

2 A. Yes, and also the idea about having dual-gender schools
3 was, I think, involved in the 1968 social work
4 legislation. So you're correct, yes.

5 Q. I think, without labouring it, the intention of the
6 Social Work (Scotland) Act was that approved schools, or
7 List D as they became known in 1971, the idea was they
8 would disappear quite quickly and become absorbed into
9 a general provision of childcare resources for children
10 who would mix together in residential environments.
11 That was the broad philosophy, I think?

12 A. Quite, yes.

13 Q. That didn't happen for quite some time, because I think
14 there was some resistance on the part of those who were
15 providing the care, the status quo, and, indeed,
16 local authorities about the prospect of taking on what,
17 in Scotland at least, were mainly schools that were run,
18 not by local authorities, but by private or charitable
19 providers?

20 A. Yes.

21 Q. I don't know how much of that you were aware of, but
22 that certainly is the background, I think, that we are
23 familiar with.

24 A. Thank you.

25 Q. I'm not going to go into some of the other things that

1 happened, but you do tell us, after paragraph 47, there
2 were a number of things that were done to increase the
3 range of meaningful activities, both within the school
4 and outwith the school?

5 A. Yes.

6 Q. You tell us about these. We can read those for
7 ourselves.

8 Moving on to the section on policy. You say that
9 the long-term plan, as you saw it, was to improve the
10 quality of the staff and the quality of care. You
11 wanted to increase staffing levels, in particular the
12 number of female staff, and you were looking to recruit
13 staff with social care qualifications. That was the
14 aim?

15 A. Yes.

16 Q. I think the reality was that that proved very difficult?

17 A. It was a slow progress, yes. Yes.

18 Q. I'll maybe come back to recruitment in due course, but
19 I think it was difficult to get (a) qualified people and
20 perhaps the people that you would like to attract, you
21 had to --

22 A. Yes.

23 Q. I don't mean this in a pejorative way, but you had to
24 take what you could get sometimes?

25 A. Well -- sorry, we were selective, but it's also -- it

1 was a very challenging situation. I mean, these were
2 children who had a wide range of problems, one of them
3 behaving -- or their behaviour was an issue, and so the
4 one thing is getting people with qualifications. The
5 other is getting a member of staff with qualifications
6 who can work in that kind of environment.

7 Q. Yes. I mean, it's not a given that if you have the
8 qualifications, you can work in that particular
9 environment?

10 A. Yes.

11 Q. Indeed, I think, whether that was the reason or not, the
12 reality was that often, when people obtained a social
13 work qualification, when they were in a residential
14 setting, they left quickly to take up a social worker
15 position, such as a field social worker --

16 A. Quite.

17 Q. -- or a position with a local authority
18 Social Work Department?

19 A. Yes, that's correct.

20 Q. That was what you were facing?

21 A. Yes. And also, one of the benefits of being a field
22 social worker is that you had a working day. When you
23 were a residential worker, you worked shifts and you
24 worked weekends, and so it was a much more -- unless you
25 wanted to do that, and there were some who did, but it

1 was very -- it was challenging.

2 Q. I suppose you would have the usual problems that if you
3 had, with a full complement, not enough staff, then you
4 would have the inevitable problems as well of sickness,
5 absences and cover --

6 A. Yes.

7 Q. -- and dealing with that on a short-term basis and the
8 pressures that that brings?

9 A. Yes.

10 Q. These were presumably continuing pressures?

11 A. Yes, yes.

12 Q. As far as corporal punishment is concerned, you say that
13 it was abolished, I think, fairly soon after you took up
14 the position. Was it still being used when you became
15 SNR [REDACTED] ?

16 A. Yes, yes.

17 Q. I think it was maybe suggested by another witness that
18 your predecessor had put an end to it, but it's your
19 recollection that it was still being used?

20 A. It was [REDACTED], yes, and it was shortly after my
21 appointment, yes.

22 Q. Can I just ask on this as well, while it was still in
23 use, before [REDACTED] that decision, did anyone other
24 than SNR [REDACTED] administer corporal punishment,
25 because I think there was some evidence that, certainly

1 in your predecessor's time, a SNR might have
2 administered corporal punishment using a belt to boys,
3 was that --

4 A. I mean, I wasn't aware of that. Certainly during my
5 time, and in the short time that we did use corporal
6 punishment, I used a cane, it was me that did it.

7 Q. I'll just ask you about that just now. You are fairly
8 confident that in the times that you did use corporal
9 punishment, in the short period before the
10 decision to scrap it, that you used a cane?

11 A. Yes.

12 Q. Can I point out perhaps that, even if you used a cane,
13 I think you know what's coming next, that in fact in
14 terms of the Scottish rules, and there would have been
15 then the Approved Schools (Scotland) Rules, I think, if
16 I remember my history of this, that the only implement
17 that could be used either on the backside or on the
18 hands was a light tawse. So if you did use it, then you
19 were not complying with the regulations. Is that
20 something you were unaware of?

21 A. Totally, until you mentioned it to me when I saw you
22 last week. But also, not that I'm an advocate of
23 corporal punishment, but if you're looking at -- as you
24 mentioned the light tawse, the tawse they had at Oakbank
25 was certainly not light, and it's extremely difficult to

1 control the use of that, would be my view, whereas with
2 a cane, it is much -- I mean, it's much easier.

3 LADY SMITH: Was it an old tawse?

4 A. Yes.

5 LADY SMITH: The old Lochgelly tawse?

6 A. I believe it was, ma'am, yes. I hadn't -- I mean,
7 because I had come from England, I had never sort of
8 heard of that. But when I did see it, it was, yes, it
9 was a fairly lengthy leather strap, and with prongs, and
10 it would be extremely difficult to be able to -- how
11 much power or pressure that you wanted to put on to
12 that. Whereas with a cane, it was much, much easier.

13 LADY SMITH: You said it was [REDACTED] decision to stop using
14 corporal punishment?

15 A. Yes.

16 LADY SMITH: Was that something that [REDACTED] had to run past the
17 board of governors first or did [REDACTED] have the power to
18 make that decision [REDACTED]?

19 A. The board of governors were consulted on it, but it was
20 [REDACTED]. Yes, it would have been [REDACTED], yes,
21 because -- and at that time, in 1985, yes, 1985,
22 corporal punishment was being discussed in a whole range
23 of sort of venues.

24 LADY SMITH: It was being discussed in Europe in the
25 Court of Human Rights.

1 A. Yes, and also I think that, because of my social work
2 background, it did not seem the thing for me -- for me
3 to be doing and it was also -- yes, and because, with my
4 kind of experience and that, corporal punishment was not
5 working. I mean, it's not that I was belting the same
6 people, the same children, but in other places where
7 I'd been and know of, it was the same children. So that
8 wasn't the answer. [REDACTED]

9 [REDACTED]

10 LADY SMITH: Just going back to this just being an example
11 of some things you say [REDACTED] did consult the board,
12 because it would be an important, significant decision
13 I suppose --

14 A. Yes, yes.

15 LADY SMITH: -- does that mean that the way things worked,
16 and the vast majority of the board members being
17 councillors, that council policy could lead to
18 influencing Oakbank policy? Do you see what I mean?
19 Whatever the council policy on a particular matter was,
20 was there a likelihood that that would inevitably affect
21 policy decisions for Oakbank?

22 A. I don't think we got into that kind of depth actually.
23 I mean, I explained to the board why we were doing that
24 and possibly the board members were on the same sort of
25 wavelength [REDACTED], that they agreed.

1 LADY SMITH: I wasn't thinking particularly of corporal
2 punishment, but just the general set-up being,
3 I suppose, that the board could make a policy decision
4 that wouldn't have been your choice, but you'd be stuck
5 with it?

6 A. That, no doubt, was possible, but they didn't do that.
7 In fact, it's very similar, ma'am, to how it is in
8 a council setting, is that councillors are there -- [REDACTED]
9 don't get involved in operational decisions. Now,
10 I'm not suggesting that was the same for me, but
11 I reported to the board on a monthly basis with
12 a written report as well and that would be part of the
13 sort of -- part of my report.

14 LADY SMITH: Thank you.

15 MR PEOPLES: I'll stand corrected on this if I'm wrong, but
16 I think, from a legal perspective, the decision should
17 have been by the managers on the advice of [REDACTED] SNR
18 [REDACTED] SNR, rather than the other way round, but that
19 was what the regulations envisioned, the managers were
20 the governing body who would take decisions of that
21 nature. I'm not saying that always happened in
22 practice, because I think we know that [REDACTED] SNR
23 exerted quite a lot of influence on certain boards
24 historically, but I'm just saying that's the position,
25 I think, legally speaking. But it may not have mattered

1 in this case, because it sounds as if [REDACTED] and the board
2 were at one on this one?

3 A. Yes.

4 Q. Just picking up though on the point her Ladyship was
5 making, it has been said in evidence to this Inquiry,
6 and I think you may have touched on this when you were
7 [REDACTED], that there is obvious potential for
8 conflict if your board is composed of largely elected
9 councillors and that one of your service users is the
10 council, because you're going to get into issues
11 potentially where there could be a conflict between the
12 two separate interests, your need for money to run the
13 school, the council's need to use their resources in the
14 best way possible if they're finite. You'll know all
15 about this, I think.

16 Can you see that it's arguably not a particularly
17 sensible form of governance?

18 A. Yes. But can I say in my case, with the board, that was
19 the board that appointed me, that these were never --
20 anything that was happening, these were issues that we
21 agreed on. So if I submitted a report and if they
22 didn't like it, not that I recollect there were parts
23 they didn't like, they kind of approved it, or accepted
24 it.

25 Q. I'm not suggesting or criticising the particular

1 composition, but you see the general issue?

2 A. Absolutely, yes.

3 Q. It might not happen today to have that potential
4 conflict --

5 A. Yes.

6 Q. -- but you would end up with the councillors excusing
7 themselves and you would have no one left to make
8 a decision, if almost everyone is an elected councillor?

9 A. Okay. But the point you made, I don't recollect that
10 ever happening.

11 Q. No, no. We're trying to understand how things were done
12 in the past and whether these were perhaps things that
13 could have been done differently and better and with
14 better results for children.

15 A. Okay. I'm just trying to think that one through. I
16 mean, if that did happen, then what would happen is that
17 if the council were funding a particular service,
18 whether it's residential care for children or the
19 elderly, and there was a disagreement on what action was
20 being taken, there would be officers from the council
21 that would be discussing that situation with the owners
22 and [REDACTED]

23 Q. I'm well aware of how these things operate, both at
24 ministerial level and at local government level, that
25 officials do have quite a say and they make

1 recommendations --

2 A. Of course.

3 Q. -- and they're by and large followed, but not always,
4 but it's just to look at the broader position.

5 I'm not speaking about a local authority-run
6 children's home, because in that situation the
7 councillors are in charge, whereas in the case of
8 Oakbank this was a separate, independent school, in law?

9 A. Yes, okay, yes.

10 Q. So different considerations apply?

11 A. Yes.

12 Q. Going on at paragraph 60, you refer to a statement of
13 values and can I just ask you this. There was no, I
14 think, statement of values or aims and objectives when
15 you started at Oakbank?

16 A. Correct.

17 Q. Am I right in thinking that the statements of aims and
18 values, that the first one that appeared was into the
19 1990s?

20 A. Yes.

21 Q. I think it was pointed out by inspectors to the school
22 that regulations had come into force in 1987 which
23 required a statement of aims and values and objectives
24 to be prepared to inform users of the culture, the
25 ethos, the approach to discipline, and so forth.

1 I think you were made aware of that through inspectors
2 pointing this out. I don't think I need to take you to
3 it?

4 A. Yes.

5 Q. It was a long time in coming?

6 A. That's correct, yes. We certainly benefited from the
7 visit by the inspectors and the recommendations that
8 they made, and that's -- I think that's one of the
9 issues of a residential school that's not under the sort
10 of umbrella of a local authority.

11 Q. I may come back to this, but the inspectors were
12 pointing out quite a number of things that they had
13 concerns about and that was one of them, for example?

14 A. Yes.

15 Q. There were other concerns as well, were there not, about
16 how the school was operating?

17 A. Yes.

18 Q. We have talked about the low numbers of staff, the
19 qualifications issue?

20 A. Yes.

21 Q. Record keeping as well, I think, was a matter that
22 inspectors at least were concerned about in the 1990s,
23 1992/1993, things like that?

24 A. Yes, but also that's one of the issues about having
25 unqualified staff. I mean, we knew what we should be --

1 sorry, we now know what we should be doing, but if
2 you've got -- I mean, staff need to be also part of that
3 and we, as I said earlier, we learnt a lot from the
4 inspection.

5 Q. I suppose that staff, particularly unqualified staff,
6 may have to then get a push from management, and I think
7 the inspectors were concerned at times that the level of
8 supervision and oversight by management at the school
9 was not all it could be, was that not a comment that
10 they raised?

11 A. Yes, but we also -- I mean, whilst we may not have had
12 a statement of values written out, we did have the sort
13 of practice that we were using, but it wasn't -- I
14 acknowledge, it wasn't good enough.

15 Q. I can put it another way. I think it was said, or will
16 be said, that when you became SNR you introduced far
17 more written policies than your predecessor ever had
18 and, indeed, I think the inspectors commented that there
19 was quite an elaborate or sophisticated recording system
20 with lots of different records to be completed. That's
21 how they described it?

22 A. Thank you for saying that.

23 Q. It's not me that's saying that, that's what the
24 inspectors said.

25 Unfortunately they also said in the same breath

1 that, notwithstanding the system and the guidance on the
2 system, that when they actually went to look at the
3 records themselves on inspections, that they described
4 certain important records as either non-existent or poor
5 --

6 A. Okay.

7 Q. -- and they didn't give a complete picture of a child's
8 progress, for example. They didn't give a complete
9 picture about incidents that should be recorded in
10 careful detail. There were gaps, which meant that the
11 inspectors couldn't really test out whether what
12 children were saying was correct or what the staff were
13 saying were correct?

14 A. Yes.

15 Q. I think they pointed that up in various reports that
16 were circulating, certainly particularly in the early
17 1990s?

18 A. Okay.

19 Q. You have a section headed 'Recruitment of staff' and you
20 tell us that appointments were made after various
21 formalities, including references and police checks, and
22 only after these were found to be satisfactory.

23 I don't think that operated entirely in
24 a satisfactory way, did it, because there were problems,
25 were there not? There was the appointment of Mr FZR

1 FZR . That went awry, did it not?

2 A. It did. Can I say that having had -- when I had the
3 briefing with you last week, I went and did a sort of
4 'Press & Journal' sort of check and I was -- and in
5 regards to FZR , what is reported in
6 'The Press & Journal' I now can recollect that, is that
7 FZR filled in an application form. He stated on
8 the form that he had a criminal record. He put that
9 down to he'd been working as a bouncer at a nightclub
10 and the offences related to that.

11 We then sent off the information to get a police
12 check and it came back as 'no trace'. And on that basis
13 he was employed. I know, when we spoke last week,
14 I wasn't very sure as to why we had appointed him, but
15 by that time he had been employed in the school, he was
16 seen as a good member of staff. He was a good member of
17 the team. He related well to the children and there
18 weren't any concerns about his behaviour.

19 It's when it became known that he did have
20 a criminal record, I was in that kind of position where
21 my gut reaction was to terminate his contract, but
22 because he'd been employed with us, and he was well
23 liked by the staff and by the children in particular,
24 and an appeal was made that we shouldn't terminate his
25 contract. So that is the background to that.

1 So whilst you're saying it went awry. It did. If
2 we'd received the police check which said -- or the
3 information that came too late or became available later
4 on, that would have been a different situation.

5 Can I also say, sorry, that I haven't seen the sort
6 of charge sheet, because when it was mentioned to me --
7 I haven't seen it.

8 Q. I can show it to you. I don't obviously --
9 I'm conscious of the time. I don't want to take up
10 time. I can say I've seen it and there is an offence of
11 indecent exposure in around 1989 or 1990, which was not
12 that long before he applied for the job at Oakbank. It
13 wasn't an historical offence. He was found guilty of
14 an offence under the Civic Government Act of 1982, which
15 is to do with perhaps urinating in a public place, but
16 there is a separate offence of indecent exposure --

17 A. Okay.

18 Q. -- which was discovered after the original mistake, when
19 the check came back 'no trace'.

20 A. Okay.

21 Q. So when it was discovered, it became apparent that that
22 was the situation with Mr FZR and can I say that you
23 have been looking at the press, well, so have I, and
24 'The Press & Journal' on [REDACTED] 1993, when this matter
25 received some publicity, were indicating or reporting

1 that -- and I presume this came from you -- FZR
2 would not have been employed, had his criminal record
3 been known to you at the time?

4 A. Quite.

5 Q. Right. I think you're quoted as saying:
6 'We were caught out on this one and I regret that.'
7 That is a quote that's in that article?

8 A. Correct.

9 Q. You then say in that, or at least you are attributed as
10 saying, in that same article on [REDACTED]:
11 'The member of staff has told me that the assault
12 and breach of the peace charges arose from his previous
13 job as a nightclub doorman, when he was put in some
14 difficult positions.'

15 Now, it sounds like he's someone that, when he's put
16 in a difficult position, one situation is that he will
17 strike out and assault and commit breaches of the peace,
18 not ideal material for working in a care home or
19 a residential school?

20 A. Okay.

21 Q. You are also reported as saying that the indecent
22 exposure charge, which had then come to light, was that
23 you had apparently been told by Mr FZR at that stage,
24 when he was employed, that it related to an incident
25 when he was caught urinating in a public place and that

1 he'd never posed a danger to children.

2 What appears to have been said there is that you
3 only found out about the actual offence after he became
4 employed. You spoke to him about it and when you spoke
5 to him about it in 1993, he's telling you, 'It's only to
6 do with urinating in a public place. It's got nothing
7 to do with anything more controversial, like a sexual
8 offence'.

9 A. Yes.

10 Q. So that was the way things unfolded?

11 A. Yes.

12 Q. So he wasn't accurate when he spoke to you in 1993.

13 Then, if we move on, you wrote, around the same
14 time, in a letter of [REDACTED] 1993,
15 to the Registrar of Independent Schools on this matter
16 and others. You said about this member of staff:

17 'The background to the issue is that the member of
18 staff did indicate on his application form that he had
19 offences.'

20 But it was very unspecific, I think?

21 A. Yes.

22 Q. Then you repeated what is said in the press:

23 'I'm advised that the indecent exposure offence
24 relates to urinating in a public place and that this
25 happened on two occasions, 1989 and 1990.'

1 It says, this is your letter:

2 'It's recognised that the initial mistake was on my
3 part, where I should have probed further when the staff
4 member indicated he had a criminal record, although it
5 was explained to me that these offences had happened
6 when the member of staff was in his youth and I wrongly
7 assumed that when I received a "no trace" response from
8 the police, that the conditions were categorised as
9 spent.'

10 I think you're taking responsibility there, although
11 a mistake was made by the Records Office as well,
12 clearly?

13 A. Yes.

14 Q. In the event, the decision of the governors was to
15 continue Mr FZR's employment, is that not correct?

16 A. Yes.

17 Q. They did so in the knowledge that he hadn't been
18 accurate about the nature of the offence, that it was to
19 do with urinating in a public place. That had not been
20 a correct statement when the matter was raised with him,
21 but they still kept him on at that stage.

22 Do you get the point I'm making?

23 A. We didn't -- as you have described it now, I can see it
24 differently, but at the time, what I was told -- I mean,
25 as I said, I haven't seen the charges. I now recognise,

1 from what you've said, what they were.

2 Q. Well, indecent exposure speaks for itself. A breach of
3 the peace, I can forgive someone for saying, well, it
4 could cover a multitude of things, I don't suppose
5 people read the Civic Government Act daily, but indecent
6 exposure, to my mind, is pretty easy. It connotes
7 a certain type of offence?

8 A. Absolutely, but on the basis that it was urinating in
9 public, okay, so --

10 Q. If I can read to you what the governors wrote
11 to the Registrar of Independent Schools on 28 June 1993
12 to explain their decision to continue Mr FZR's
13 employment. They said, among other things:

14 'We are aware that Mr FZR was not truthful in his
15 account and it was not the case of urinating in a public
16 place. We are aware he behaved inappropriately,
17 although we have accepted that he was probably under the
18 influence of alcohol. According to him, he does not
19 remember the incident and it was not intended to have
20 any sexual connotations.'

21 Then they took some comfort from the fact that he
22 only received a fine, and what they thought was
23 a relatively modest fine. They were aware of all that?

24 A. Yes.

25 Q. Yet they still kept him on?

1 A. Yes, on the basis that he was -- I mean, I think when
2 you are a bouncer at a nightclub, maybe that's one way
3 to respond. I think when you're working with children
4 -- and because he had worked with us, we didn't have any
5 sort of concerns about his behaviour.

6 Q. But you accept, you wouldn't have taken him on if you
7 had known all that?

8 A. Absolutely. If I had known -- if I had known -- if
9 a police check had come back and said everything that
10 you've just said, he would not have been taken on,
11 that's correct.

12 Q. There is a record, and I don't want to put it up, but
13 you can take it from me, that there is a record and
14 I'll give this the reference, I'll just tell you what it
15 says, it is SGV-001031946 at page 40. It's part of
16 an inspection report in the early 1990s, part of
17 a series of inspections in the early 1990s by the local
18 inspectors. It says:

19 'A member of staff was recently dismissed following
20 disciplinary action. Inspectors examined his file.
21 There were no issues with the disciplinary process
22 itself, but it was reported that at the time of his
23 appointment, only one reference had been received and it
24 was merely a statement of the period he had worked with
25 a previous employer.'

1 The report goes on:

2 'On checking other files, inspectors found two cases
3 where only one reference had been received. Mr HMY ,
4 SNR , indicated that obtaining two references was
5 frequently a problem. It seemed to be the practice
6 [said the inspectors] to appoint staff whether two
7 references were obtained or not. It is strongly
8 recommended that satisfactory references are obtained
9 before appointments are made.'

10 So they picked the point up, and obviously you were
11 trying -- you have said this earlier, getting staff was
12 a problem, and it looks like there were situations where
13 you didn't get the two references and when you did get
14 a reference, it wasn't necessarily a very satisfactory
15 reference, but these people were nonetheless appointed.
16 That's not a great state of affairs, I suppose?

17 A. No, agreed.

18 Q. I think they also made reference to the case we have
19 just been describing, that they discovered at the time
20 --

21 A. Yes.

22 Q. -- that there was an unspecified conviction that had
23 been referred to in an application, but that the person
24 had been employed.

25 Can I just ask you this, because I think we did look

1 at a ministerial minute where the ministers at the
2 Scottish Office were quite interested in this case,
3 because of the publicity it was generating. One
4 minister seemed astonished about the whole situation
5 and, in particular, that when the matter came to light,
6 on discovery of the convictions, that I think the member
7 of staff concerned wasn't ever suspended, pending any
8 decision on his future employment?

9 A. Could the reason for that have been that I hadn't seen
10 what the charge sheet said?

11 Q. I think by that stage the publicity had been such that
12 the nature of the charges were evident from quite
13 an early stage. So I think the decision that was taken
14 on the employment wasn't immediately taken but was
15 considered, no doubt in conjunction with your views --

16 A. Okay.

17 Q. -- by the board and ultimately notified to the Registrar
18 on 28 June.

19 I don't want to take you through this whole thing,
20 but I'm just pointing out that it did cause concern at
21 the highest level.

22 A. Okay.

23 Q. If we go on, on the issue of recruitment, you do say
24 there, I think it echoes some of the things we have just
25 been discussing, at 69, it was difficult to recruit

1 staff and there were not many who had qualifications
2 when you started.

3 Although you do say that by the time you left you
4 felt that there was a sizeable proportion that did have
5 some form of childcare qualification or social work
6 qualification?

7 A. Yes.

8 Q. Which was obviously a change for the better.

9 Now, on training of staff, you say:

10 'The policy was for staff to attend externally run
11 courses or to attend seminars and opportunities to
12 obtain social work qualifications. They were
13 enthusiastic about that.'

14 And there were various courses that could be
15 attended. One witness said to us, who was on the staff,
16 that certainly in his period of employment, I won't name
17 him, that he didn't really get any training to speak of.
18 He eventually got some restraint training and he went to
19 a first aid course and that was all that happened in
20 terms of training before [REDACTED] became the new
21 SNR [REDACTED]. But he did go to a couple of things, one of
22 which was restraint, when you were SNR [REDACTED].

23 What would you say to that? That's not
24 a satisfactory state of affairs?

25 A. I agree. But can I just say that when you're -- got --

1 on your staffing assignment, you've got low numbers of
2 staff and ... I mean, there were a number of staff who
3 went on training, so for the member of staff who spoke
4 to you that he hadn't had much training other than first
5 aid and the training on restraint, erm, that's --
6 when -- I mean, a number of staff did get training. Did
7 all the staff get training? No, they probably didn't,
8 I would accept that. And we were working towards that,
9 because there was quite a lot of enthusiasm in the
10 latter stages of me being at Oakbank where staff wanted
11 to be trained, there was -- and we tried to do as best
12 we could in the circumstances.

13 Q. Please don't get me wrong, I'm not necessarily putting
14 all of this responsibility at your door, but I think
15 we're trying to bring out some of the difficulties and
16 I'm sure that, if you were asked, you may have
17 an opinion as to who should bear the brunt of
18 responsibility, if it was a matter of resources. You
19 probably feel it's the local authority who should have
20 stepped in with more cash or the Scottish Office when
21 they had the purse strings?

22 A. Yes --

23 Q. To increase staff, to improve facilities and so forth?
24 You had to build -- I think it wasn't in your time, but
25 apparently we heard the school had to build a swimming

1 pool using young people within the school and it was

2 difficult to get cash from central government?

3 A. That was obviously before me.

4 Q. Yes, yes. It's just an illustration of, I think, the

5 continuing difficulties that this school had and the

6 close control that was exercised at that time, certainly

7 by central government?

8 A. Okay. Can we say it wasn't just the children who built

9 the swimming pool, because we had instructors.

10 Q. I'm not for one minute suggesting that, but they

11 certainly played their part?

12 A. Of course, yes. Thank you.

13 Q. I'm not suggesting that it was a three-line whip.

14 I think it's suggested, I think, that they had the

15 option to do it, so it wasn't a compulsory form of work

16 for children --

17 A. Yes.

18 Q. -- at that time?

19 You do tell us, yes, there was training and, indeed,

20 there was restraint training in your time. You tell us

21 at paragraph 73 that there was training given, I think,

22 by prison staff from Peterhead Prison. There were some

23 restraints training sessions that were attended by

24 staff, including yourself?

25 A. Yes.

1 Q. We have heard some evidence about this from a person who
2 went there, and that was 'Peter' that we heard from this
3 morning, and he wasn't impressed by this training. He
4 said it was from prison officers teaching staff at
5 Oakbank how prison officers restrain adult prisoners and
6 the techniques used, including applying pain by pressure
7 holds and so forth, to 'take them down', I think is one
8 expression that's used. And that he felt this was
9 totally inappropriate as a method of restraint of young
10 people and, indeed, he himself, when participating,
11 I think, had -- was concerned about what he was being
12 taught and I don't think he sought to apply it when he
13 went back.

14 A. Yes, okay.

15 Q. Was it your decision to choose Peterhead and prison
16 officers or was that something taken by others?

17 A. It was my decision, but the background to it is that the
18 prison officers were doing a tour of various
19 establishments and we had that kind of relationship and
20 it came about in that way.

21 Could I just add to that? At that time, we had
22 a larger number of children who were being physically
23 aggressive, which was affecting staff morale. And the
24 fact that we went through these restraint training
25 sessions did, in fact, give the staff more confidence.

1 Not to get involved in restraint, but to be able to
2 challenge the children, who were in fact being
3 physically aggressive and clearly the bits -- the
4 restraint that we were shown by the Grampian prison
5 officers implementing pain, that obviously, one would
6 expect our staff would have shown a degree of common
7 sense in that and not imposed pain on the children.

8 Q. This is maybe as good a point as any to ask you, I mean,
9 we have heard a good deal of evidence, and it hasn't
10 just come from people who were former pupils, but from
11 people who were staff members and former staff members,
12 giving evidence as far back as 1993 to the Grampian
13 subcommittee that looked into some allegations about
14 young people heard screaming behind closed doors and
15 coming out of offices with marks on their faces visibly
16 distressed. Boys having their arms put up their backs,
17 their wrists were bent back, knees of staff holding them
18 down in a prone position.

19 What sort of comment do you make about that sort of
20 behaviour?

21 A. I find it difficult to believe.

22 Q. Did you think that was happening?

23 A. No, I didn't.

24 Q. You're not suggesting it didn't happen, are you? You
25 wouldn't be able to say, would you?

1 A. I'm not able to say.

2 Q. No. No.

3 A. I would not have expected staff to have behaved in that
4 way.

5 Q. So if it did happen, you certainly weren't aware of it,
6 you say?

7 A. Correct.

8 Q. You didn't witness it?

9 A. Yes. I mean, you mentioned about screaming and so on.
10 I don't remember --

11 Q. You weren't responsible for it?

12 A. No, no.

13 Q. Obviously you weren't responsible directly either, so
14 that's your position, but obviously you can't be
15 an all-seeing and all-knowing presence at Oakbank and
16 therefore these things --

17 A. Yes.

18 Q. -- you're not suggesting didn't happen?

19 A. Well, if I wasn't aware of it, really, how can I comment
20 on that?

21 Q. Absolutely.

22 The reason I'm asking you that is I think in your
23 statement you say you would be fairly confident that you
24 would have known if abuse was happening. I'm just
25 putting to you the proposition that you can't really say

1 that, unless you were all-seeing and all-knowing, and
2 there are very -- I think only the deity is probably in
3 that happy position, so I think you accept that point,
4 do you?

5 A. Yes.

6 Q. I think others have accepted that too, although they've
7 denied some things against them.

8 A. Yes.

9 Q. If there were things such as skelping and smacking
10 a young person's ear or head, or slapping them with
11 an open hand, or shouting in an aggressive or verbally
12 abusive way, or pulling their hair, or cutting off their
13 ponytail, or punching them on the body, elbowing them in
14 the ribs, or issuing threats to them, is your position
15 the same; you didn't know that was happening, if it was
16 happening?

17 A. That is correct. Can I ask? The one that did shock
18 me -- I mean obviously -- it was the one about cutting
19 off somebody's hair, is that factual?

20 Q. We have heard evidence about it.

21 LADY SMITH: A girl, and I have heard her explain how
22 distressed she was when a member of staff cut off her
23 long ponytail.

24 A. Yes, I mean, I felt shocked as well, ma'am, but --
25 sorry, I would have known about that. That's pretty

1 sort of horrendous.

2 MR PEOPLES: Well, in fairness, we haven't yet heard from
3 the person that was accused of doing this, but we will
4 do.

5 At the moment I think, as they say, the jury is out,
6 so we can perhaps leave it at that. You are expressing
7 shock that -- and if you're saying if it did happen, you
8 find it almost inconceivable that you wouldn't have
9 found out, is that the position?

10 A. Absolutely.

11 Q. I think we understand that.

12 A. I mean, we had a large -- we had staff and some were
13 extremely sort of sensitive and would not have
14 accepted -- yeah, and that information would have come
15 to me.

16 Q. If we can just go on in your statement. You say under
17 'Supervision/staff appraisals/staff evaluation' at
18 paragraph 77 that your supervision policy, you had
19 a policy that was based on supporting staff and staff
20 receiving supervision on both a formal and informal
21 basis.

22 Again, perhaps I can say to you that, certainly when
23 inspectors were closely looking at what was going on at
24 Oakbank in 1992/1993, one of the points they were
25 raising was that there wasn't, or at least they were

1 being told, there wasn't the degree of supervision that
2 you hoped no doubt the policy would provide?
3 A. Yes.
4 Q. You are not seeking to contradict what the inspectors
5 said at the time, are you?
6 A. I'm not, no.
7 Q. As far as running the school is concerned, would it be
8 fair to say that [REDACTED] placed quite a lot of reliance on
9 various matters, including matters of discipline, on
10 [REDACTED] senior management team, these three SNR ?
11 A. Yes.
12 Q. SNR [REDACTED] that were [REDACTED]
13 A. Yes, yes.
14 Q. [REDACTED] expected them to perhaps deal with, on a day-to-day
15 basis, some of the matters we have been discussing?
16 A. Yes.
17 Q. One of these individuals feels that you didn't maybe
18 spend a lot of time outwith your office, getting to know
19 the pupils, going round the school, seeing what was
20 going on. Is that fair comment or do you disagree with
21 that?
22 A. I spent a fair amount of time.
23 Q. I'll put it very sharply. What he says is that he
24 thought that you were very much out of touch with what
25 was going on in the school in general?

1 A. I wouldn't agree with it.

2 Q. You wouldn't agree. I'm just putting it to you, because
3 I think we'll hear that so I want your response,
4 obviously. The same individual says that, after you
5 became SNR [REDACTED], you moved from something that,
6 I think has been described as the boardroom, which was
7 fairly centrally located, and that you moved to a room
8 quite near to [REDACTED] at the time?

9 A. That's correct.

10 Q. I think that individual felt that was a mistake, because
11 you weren't quite in the centre of things any more. You
12 weren't as near to the action.

13 A. Okay. The reason for it was, it was -- the office which
14 was near to [REDACTED], and it meant I could work in the
15 evenings, and if I was in the centre of the school,
16 particularly in the evening, it was extremely difficult
17 with the kind of noise of 60-odd sort of children doing
18 what they normally do at that time of night. They were
19 not part of the school.

20 Q. Moving on --

21 A. Can I also say that I did in fact spend a great deal of
22 time in the school. I took a morning assembly.
23 I walked round the school. I went to the units.
24 I spoke to the children. I'm not suggesting that I did
25 that as much as other members of staff because when

1 [REDACTED] a school which has got education and
2 social work, there was a great deal of other things that
3 I got involved in. Would I have liked to have spent
4 more time walking around the school? Absolutely.

5 Q. I'm just putting what this person is saying so that you
6 have the opportunity to respond, and you have given your
7 evidence on that.

8 On discipline and punishment, I am not going to go
9 through that again, I think you have told us before
10 about [REDACTED] decision to stop it and that before it was
11 stopped, that you used a cane and you developed other
12 approaches, and you can take it we do have
13 an understanding of behavioural management systems and
14 credit systems from other evidence we have had, so
15 I'm not going to trouble you with that today. We can
16 read what you say on this matter.

17 The broad intention of the system, I think you say,
18 was to emphasise positive behaviour and reward it
19 accordingly. I think that you say it didn't work for
20 everyone, at paragraph 95, but you felt it worked for
21 most children --

22 A. Yes.

23 Q. -- who were under that type of system?

24 A. Yes.

25 Q. One of the privileges, as it was described, that could

1 be lost was the loss of home leave. I think that
2 inspectors again said that whatever else you took away
3 as privileges for a temporary period, you should not be
4 taking home leave away as a form of sanction and I think
5 that was picked up by them and I think it may have
6 changed after they raised this issue. Do you remember
7 that?

8 A. No.

9 Q. But it certainly was a form of sanction --

10 A. Yes.

11 Q. -- in your time?

12 A. Yes.

13 Q. It's clearly something that obviously the inspectors
14 didn't warm to?

15 A. Yes. Can I say, that would have been done sort of -- if
16 a youngster kept running away, for example, it doesn't
17 seem to me that because we stopped his home leave
18 that -- we were trying to stop him from absconding, and
19 when we made decisions about that, it did involve the
20 field social worker.

21 So I can understand the -- I can understand the
22 inspector's point of view, but it was -- when you are
23 looking after children, there needs to be some form of
24 sanction, so previously it was corporal punishment and
25 the stopping of leave was not a major sort of issue. I

1 mean, it did happen and I think one of the reasons would
2 be for absconding.

3 Q. I don't think it was suggested that home leave would
4 necessarily be given if it was in the child's best
5 interests to stop it, but I think the point was being
6 made that if it was simply a case of saying that it's
7 a privilege and that you'll lose it if you misbehave,
8 was not acceptable to the inspectors. That's, I think,
9 the way they were putting it.

10 A. Okay. Could I also say that our policy in fact was to
11 encourage home leave as much as possible, because, no
12 doubt, you've got a history of what was happening
13 before, not just in Oakbank, where the children would be
14 placed in a residential school for a fairly long period
15 of time and they'd go home for holidays and at holiday
16 periods.

17 [REDACTED] policy was to encourage home leave and to
18 increase it and so we had children who were living
19 locally, who in fact went home during the week, as well
20 as at weekends.

21 Q. I'm not suggesting that that was not your intention, to
22 try to encourage it and give effect to it, but just that
23 it appears that the inspectors consider that at times it
24 was being used in an inappropriate way and seen as
25 a sanction rather than in best interests.

1 Going on to the section on abuse, if I may, which is
2 on page 24. I think we've covered this, that you were
3 asked about whether staff were engaged in behaviour that
4 you considered might constitute abuse. I think at the
5 time you gave the statement, you talked about at least
6 the dismissal of one person, not because he was found to
7 have abused or ill-treated a child at Oakbank but was
8 dismissed because you had been advised by police that he
9 had been found in possession of indecent images of
10 children. Was that your understanding?

11 A. Yes.

12 Q. I think we had some evidence to suggest that he may have
13 left of his own accord. He wasn't going to come back,
14 but one way or another he didn't come back after that.
15 Did you actually sack him?

16 A. I did.

17 LADY SMITH: You say you had been advised informally by the
18 police?

19 A. Yes, we got a phone call, ma'am.

20 LADY SMITH: At what level in the local police force was
21 this, do you know?

22 A. I'm not sure.

23 LADY SMITH: This was just to tip you off?

24 A. Yes, yes.

25 LADY SMITH: Thank you.

1 MR PEOPLES: Just going forward, apart from Mr EJS ,
2 that you recall being dismissed for the reasons that we
3 have just been hearing, was there a staff member who was
4 involved with a young person in a way that was seen as
5 inappropriate? A young person who absconded from
6 Oakbank at the time and was, I think, found in his
7 company?

8 A. Yes.

9 Q. Can you just tell us about that briefly?

10 A. Yes. The member of staff wanted to go on a course. It
11 was to an establishment in Birmingham. It was a secure
12 unit in Birmingham. I can't remember the name of it, my
13 apologies for that.

14 So it was me that arranged the sort of placement.
15 He travelled to that place over the weekend and on the
16 Monday, I had phoned up to find out had he arrived and
17 was everything okay, to be told that he hadn't arrived.

18 Then certain things seemed to come together and we
19 realised that he had one of our youngsters with him and,
20 yes, I thought that was just appalling.

21 Q. I think we understand that at some stage he may have --
22 in fact he was seen, I think, by a member of staff in
23 a car with the youngster in Aberdeen, when the youngster
24 had gone missing. Is that something you recall?

25 A. I don't recall that particular thing. I just felt

1 absolutely disgusted that I had in fact organised
2 a training session for a member of staff who asked for
3 it and then he responded in this way.

4 Q. I think there was a suggestion from other evidence that
5 he didn't even attend the course?

6 A. He didn't.

7 Q. When someone phoned up --

8 A. It was me.

9 Q. You phoned up?

10 A. I phoned up. I mean, not to -- it was because I had
11 made the contact with the school, with the
12 establishment, just to find out had he arrived and was
13 everything okay. There's a bit of negotiation that went
14 on to arrange that visit and then we had the young man,
15 whose name I've forgotten now, or I can't recollect his
16 name, that he had also gone missing, and so ...

17 Q. There was some suggestion, I think, in records, that
18 when asked about the missing young man, the member of
19 staff said that he hadn't seen him, when in fact he was
20 in his company at the time of the phone call and,
21 indeed, he then later shared a room with him somewhere
22 down south in hotel accommodation, is that broadly
23 speaking --

24 A. I had kind of forgotten about it, but you mentioned that
25 last week, so, yes, and also, because the police were

1 involved, and they obviously interviewed the young man,
2 because clearly that was quite a serious -- an extremely
3 serious issue.

4 Q. I think there was an offence at the time of harbouring
5 young people that potentially could have been brought
6 into play?

7 A. Yes.

8 Q. I don't know anything did happen about the incident or
9 whether police did become involved, do you know?

10 A. The police were certainly involved, because we reported
11 him as an absconder.

12 Q. But you don't know whether any kind of charges or
13 proceedings were brought?

14 A. Yes.

15 Q. Can you just name that person?

16 A. I can't.

17 Q. The member of staff?

18 A. No.

19 Q. IAA ?

20 A. I think you mentioned that to me the other day, yes.

21 Q. Do you think it's him or could be?

22 A. I can remember the name. It could be, yes, it could be.

23 Q. I don't think you cover this in your statement, but
24 I think you recalled, after giving the statement, that
25 you did dismiss another member of staff who was a night

1 care officer?

2 A. Yes.

3 Q. Can you tell me why you dismissed that person?

4 A. Because I found him in -- I did a sort -- I was the
5 senior member of staff on duty that night. I visited
6 the sort of -- the team, just to see how things were.
7 I asked where he was, and they said he was in one of
8 the -- I think they may have hinted where he was, he
9 wasn't down the corridor, but he was in a bedroom in
10 bed.

11 Q. He was sleeping when he was on night duty?

12 A. Yes.

13 Q. Was he the sole person on night duty?

14 A. No, I think there were possibly three or possibly four
15 staff on that night.

16 Q. But he shouldn't have been asleep?

17 A. He shouldn't be in bed.

18 Q. Was there any sign he was under the influence of
19 anything?

20 A. No, you mentioned that before. I thought about that.
21 I met him quite often when he was on duty. I don't
22 recollect ever having smelt alcohol on him and I don't
23 ever recollect certainly -- and no one ever reported to
24 me that he was drunk on duty.

25 Q. I think we have evidence that a member of staff, this

1 individual, it's LJK , LJK , as he was known --

2 A. Yes, that's right.

3 Q. -- would openly say to people that he would drink and

4 have a 'good dram' before he went to work and he would

5 sleep it off and things like that, but you weren't

6 aware --

7 A. He wasn't saying that to me.

8 Q. Although you did have an occasion to discipline another

9 member of staff, I think, who was on a trip to

10 Aviemore -- or two members, in fact, who were drinking

11 on duty, albeit not in vast quantities, I think, was the

12 explanation, when they were supervising a trip of boys

13 to Aviemore. They were drinking on duty?

14 A. They actually -- I did -- they denied that they were

15 drinking alcohol. They also said that they had been

16 breathalysed by the police.

17 Q. That's not a sign that you haven't drunk?

18 A. No, that is correct. But if members of staff say that

19 they -- they had to sit, they had to wait somewhere

20 within Aviemore, where the youngsters were, because they

21 were doing a sort of tour of the town, behaving like

22 normal sort of teenagers.

23 Q. Why did they get a formal warning then if they hadn't

24 been drinking on duty and you felt that their actions

25 weren't in any way blameworthy or worthy of --

1 A. Who did they get the formal warning from?

2 Q. You. I think --

3 A. Are you sure?

4 Q. -- you wrote to the Registrar of Independent Schools and
5 said as much?

6 A. Did I? I had forgotten that. Okay.

7 Q. You must have been satisfied that some drink had been
8 consumed -- that's what you said to the Registrar, so
9 maybe that's a better memory than your current
10 recollection?

11 A. Yes, okay, sorry, that was their explanation to me, that
12 they had to sit somewhere in Aviemore and so they
13 could -- yeah, they were just aware of where the
14 children were.

15 Q. They weren't saying they were drinking a glass of water,
16 were they?

17 A. I think they may have said they were not drinking
18 alcohol.

19 Q. Okay, just a couple of more matters.

20 I want to come to certain specific matters that were
21 raised against you, but before I go to that, can I just
22 raise one other matter. Were you aware that staff
23 members would take young people to their homes?

24 A. I wasn't.

25 Q. You weren't. Would that have concerned you, if you had

1 been aware?

2 A. Sorry, at that time people -- staff did that. I realise
3 we would not be doing it now, but would I be concerned?
4 It really depends ... if a female staff member, for
5 example, took a female to their home, we would probably
6 know about that actually, and it would ...

7 Q. We had one person, who was in Rosemount in 1992, who
8 said that there was a particular boy who was in the unit
9 who went regularly to a member of staff's home,
10 LIU ██████████, and sometimes didn't return to the unit
11 at bedtime. Now, is that something you were aware of?

12 A. I remember LIU ██████████.

13 Q. Were you aware of this situation, where a boy,
14 apparently, was staying overnight at the home of
15 Mr LIU ██████████?

16 A. I don't recollect it.

17 Q. Would that have concerned you?

18 A. Yes, absolutely. Also, it's not about a member of staff
19 taking somebody home. If, in fact, we knew that that
20 was happening, we may have agreed to it. In this case,
21 probably not, but it depends on the circumstances.

22 Q. If there was any suggestion it was agreed to, it wasn't
23 agreed to by you obviously?

24 A. Sorry. It -- it wasn't.

25 Q. Would you have been disappointed if one of ██████████ senior

1 members of staff had agreed to this, if that's the
2 situation --

3 A. Certainly, we didn't expect a member of staff to take
4 somebody home and they stayed there overnight. So
5 I'm not -- yeah, so to answer your question, I would
6 need more information on that.

7 Q. Lastly, can I just turn to -- there were some specific
8 allegations that I need to deal with here.

9 I'll remind you again of the warning that you can --
10 I think you are willing to respond to this, but again
11 you are aware of the warning that you received at the
12 beginning of your evidence?

13 A. Yes.

14 Q. Can I just deal with page 33. There is one young
15 person, I don't think you can remember this individual,
16 you know his name. He was there at Oakbank between 1985
17 and 1988. In his statement to the Inquiry, he has said
18 that on arrival at Oakbank, he was introduced to you,
19 and he says that you told him that he would not be known
20 by his name and would be referred to by a number and
21 that he was allocated a number.

22 I just want your response, because we do know that,
23 I think, numbers were used for clothing and so forth,
24 but can you just tell me how you respond to that
25 evidence that's been given?

1 A. I wouldn't have said that.

2 Q. Why wouldn't you have said it?

3 A. Yes, because children were not referred to by a number.

4 That may have happened in the unit, and you explained

5 the background, that because they didn't have any

6 wardrobes for their clothes, they had a basket, and the

7 basket had a number, and so when they picked up their

8 clothes to go home, then they would mention which basket

9 it was in. I wouldn't have said that.

10 My kind of approach when people -- when children

11 arrived at Oakbank was to make them feel welcome. If

12 they came on -- if they would come, not on their own,

13 they would come with a social worker or with their

14 parents, and I was endeavouring to put across a positive

15 message. So I did not say that.

16 Q. Indeed, I think you say it would be a totally

17 inappropriate thing to say to a child?

18 A. Absolutely.

19 Q. I think historically, well before your time, I think, in

20 some places, and I think Oakbank may have been one of

21 them, that numbers were used to refer to children. We

22 have certainly heard evidence in this Inquiry of numbers

23 being used, but you are categoric that people weren't

24 referred to by numbers?

25 A. Yes, I mean, that was -- I did not appreciate that sort

1 of statement. But I don't doubt -- sorry, I can't speak
2 for other members of staff who were well established at
3 Oakbank in the period that you're talking about, would
4 they do that? It certainly wasn't my practice and
5 I certainly didn't expect that.

6 Q. You didn't become aware of it, if it was happening?

7 A. Correct.

8 Q. I mean, I'm not suggesting it was.

9 A. I was aware of the number system for their clothes in
10 their baskets.

11 Q. The same individual said something else in relation to
12 you, 'Bill'. At paragraph 211, on page 34, that you
13 would give him the belt:

14 '... sometimes he would jump in the air to make sure
15 he inflicted more pain.'

16 I think I know already what your response is,
17 because you have told us about what you would use if you
18 were administering corporal punishment.

19 Can you just tell us what your response is?

20 A. If that had been true, that I would have -- that would
21 have caused injury to the young person. I was --
22 I didn't like using corporal punishment and I can't
23 really remember the reasons why I did it with this young
24 man, but when you see a statement:

25 'He would jump in the air to make sure he inflicted

1 more pain.'

2 That kind of shows that I was -- that I wanted to
3 hurt the young person. That's not the case.

4 Q. Whatever instrument you might have used on a boy, and
5 you don't remember this boy, to administer corporal
6 punishment, even if it was a cane or a belt, you are
7 saying that you would never have jumped up and down as
8 part of the process?

9 A. Yes.

10 Q. You are making another point that if he says it was
11 a belt, it wasn't you that did it?

12 A. Correct.

13 Q. Because you didn't use the belt?

14 A. I didn't use a belt.

15 Q. There is another person, a girl who was at Oakbank
16 between 1990 and 1991, when you were SNR . She
17 says, at paragraph 216, and I just want your response to
18 this, that bed wetting was never a problem for her, but
19 those who did wet their beds got abuse from other
20 children.

21 She says she recalls hearing SNR in the
22 boys' dorm one time and could hear him slapping a boy
23 and saying 'pishing the bed', what do you say to that?

24 A. It's clearly not true.

25 Q. It didn't happen.

1 A. I'm just -- sorry, it didn't happen. I was -- because
2 of my experience in various children's homes,
3 particularly girls, bed wetting was an issue for
4 individual children. So I'm quite sympathetic and
5 understanding to that situation. So I would not have
6 said -- what you've also got to remember is when you are
7 **SNR** and you make a statement like that, that
8 becomes part of the culture of the school. I would not
9 have said that.

10 In regards to other children making comments about
11 it, in all the schools I worked in where there was bed
12 wetting, that was often an issue, but it certainly --
13 it's not me who said that. And to say slapping a boy,
14 that's something I have never done.

15 Q. Just on the question of response to bed wetting, you
16 have made your position perfectly clear, but we did hear
17 some evidence that staff, as well as pupils, would mock
18 bed wetters. If that happened, you weren't aware of it
19 and you wouldn't have approved of it. If you had found
20 out --

21 A. No.

22 Q. You would have taken some action?

23 A. Absolutely.

24 Q. The same individual says that she was a person who was
25 a frequent absconder, or attempted absconder, and says

1 the only real punishment she got normally was not being
2 allowed home at the weekend.

3 Exceptions, and she names another member of staff,
4 and you, and said that you and the other member of staff
5 would slap or punch her for running away. Can you just
6 again tell me what your position is?

7 A. I deny that. As I've said -- yes, I have never slapped
8 any child. That's not my response.

9 Q. I think she goes on to tell us about an occasion when
10 a member of staff would have her in some sort of hold in
11 an office, or his office, and that you would come in and
12 she would be on the ground, and that you would stand on
13 her ankle or kick her in the ribs and then walk away,
14 and that another member of staff would do similar things
15 and that together you would have a laugh about it, and
16 at times you would both have this young person -- have
17 a hold of her hands in a very painful position.

18 Again, can I just ask you --

19 A. I deny that. That's untrue. And viewed from, you know,
20 my position, why would I do that? If I was to stand on
21 somebody's ankle or kick them in the ribs, that would be
22 resulting in an injury, not that I'm thinking along
23 those lines, but when I read the statement, why would
24 I do that? And I didn't.

25 Q. We have the question of the ponytail, and I'm not going

1 into that. That relates to someone -- it's just
2 something you raise about it and you've explained that
3 you find it hard to believe, unless there is clear
4 evidence that it did happen, you struggle to --

5 A. Yes, because, in fact, we had a very large number of
6 staff who were extremely caring and that would be
7 an offensive thing to do. I just find it unbelievable.

8 Q. Finally, if I can turn to a third person, a young
9 person, who was in Oakbank during your [REDACTED] as SNR
10 [REDACTED] SNR [REDACTED] between about 1987, I think he was there
11 several times. I think the first occasion he was there
12 about five to eight weeks.

13 I think you say you can't actually remember this
14 individual. We don't need the person's name, but he has
15 a recollection of an occasion when he was in the
16 assembly room, he says, some other boy became aggressive
17 and abusive and started fighting with him and that he
18 hit back and that his key worker ran over and put his
19 arm up his back and marched him away and continued to
20 have his arm up his back, and it was getting sorer, and
21 he was telling to get off him, and eventually he punched
22 the member of staff and he says that you came on the
23 scene, with another member of staff and that, together
24 with the other member of staff, you took the boy by the
25 scruff of the neck, shouted in his face, and then you

1 and the other member of staff leant him over, he calls
2 it 'SNR [REDACTED] table', and started smacking him
3 around the head and then he was belted on his backside
4 a couple of times on top of his clothes. He says it was
5 sore and crying and he was then thrown upstairs to his
6 dorm and into his bed.

7 He says that afterwards, his key worker spoke to him
8 and asked if he was okay and he said he didn't need to
9 see a nurse and he explained -- and the key worker
10 explained to the boy that those were the rules of the
11 school and that was how it worked and he said if he
12 didn't behave, he wouldn't get any home leave.

13 As far as your involvement in this incident,
14 according to this person's statement, what do you have
15 to say to that? It's clearly along the lines that you
16 were involved in assaulting the boy, which I think you
17 would accept, this is an assault?

18 A. Yes.

19 Q. If it happened. What do you say about this allegation?

20 A. It was when I read about it that, 'I was belted on my
21 backside a couple of times'.

22 First of all, I've never, ever done that and I don't
23 know if we're interpreting 'belting' as using a strap.

24 I've said earlier, I didn't -- I didn't use a strap.

25 Q. You make a third point, I think, that if he was there in

1 1987, I think he said he had just turned 13, that by
2 then, corporal punishment of any kind was a thing of the
3 past. Because you arrived in 198█ and you say it had
4 gone well before then?

5 A. That is correct. I mean, █ stopped corporal punishment
6 in 198█.

7 MR PEOPLES: Well, these are all the questions I have for
8 you today, 'Bill', and I would just like to thank you
9 for coming and I'm sorry we had a little delay, but
10 thank you for attending and giving your evidence in
11 person.

12 A. Thank you.

13 LADY SMITH: 'Bill', let me add my thanks. As I said at the
14 beginning, I knew it was going to be very helpful having
15 you here to talk about your evidence in addition to
16 having given us your written evidence, and it has indeed
17 been.

18 As Mr Peoples said, I'm sorry we couldn't start as
19 early as we had hoped, but thank you, and I'm glad to be
20 able to let you go now and wish you a safe journey --

21 A. Could I just say a few words?

22 LADY SMITH: Please do.

23 A. Thank you very much for this.

24 Can I also say that I have been well-treated by your
25 staff, so thank you for that. I kind of appreciate that

1 when you have an inquiry like this what comes out is the
2 things that we didn't do well. I would just like to
3 mention, you know, that Oakbank, from what it was in
4 198█, I mean, to go from a school where -- to go
5 chronologically, to take away corporal punishment,
6 I thought it was an extremely positive thing, to be able
7 to build up the staff, and as you've mentioned, a large
8 number of the staff when I left did have qualifications,
9 that the education -- and these are the children who had
10 failed in schools -- and a large number of the children
11 by the time we got through the education programme were
12 taking exams.

13 I was full of admiration for the staff. I realise
14 that this Inquiry doesn't show that, but I think that
15 they were very caring staff and my understanding, my
16 impressions, was that they were very supportive of the
17 children and many of them stayed at Oakbank for many
18 years.

19 I was also pleased I was able to improve the
20 accommodation, which was really, as I mentioned earlier,
21 was quite appalling.

22 I also recognise that when Aberdeen City took over,
23 not only did they reduce the number of children that
24 were being catered for at Oakbank, they also increased
25 the staffing and that was the kind -- that was always my

1 intention, but that didn't happen in my time and
2 I'm glad that it happened thereafter.

3 But also I'm aware of, because of the position
4 I'm in, is that childcare has improved considerably. We
5 now talk about 'Getting it right for every child' and
6 talk about 'The promise'. I know that, for example,
7 children's homes, when I was at Oakbank, would have some
8 like 12 children, they are now down to about sort of
9 four or five children. That's the kind of care that you
10 need for these children, who have suffered trauma and
11 have had just -- there goes, but for the grace of God,
12 there goes, for the grace of God, of me, all the kind of
13 the experiences that they've had.

14 So things are moving forward in childcare. We were
15 part of it. We obviously didn't go far enough, but
16 thank you for today, ma'am.

17 Thank you.

18 LADY SMITH: 'Bill', thank you for that. Thank you.

19 (The witness withdrew)

20 LADY SMITH: Some names to remind people of who are not to
21 be identified outside this room as being referred to in
22 our evidence. LIM [REDACTED], LAJ [REDACTED], FZR [REDACTED],
23 LJK [REDACTED], also referred to as LJK [REDACTED], and
24 LIU [REDACTED], I know I have mentioned them all
25 already, but it does matter so please pay heed.

1 MR PEOPLES: I think I actually mentioned a name as well of
2 SNR at one point, when I was reading
3 a record.
4 LADY SMITH: I think you probably did.
5 MR PEOPLES: Just to say that that name also should not be
6 published, just for completeness.
7 LADY SMITH: The witness who has just left is entitled to
8 anonymity, and that must be respected.
9 I'll rise now and we start again at 10 o'clock
10 tomorrow with a witness in person, I think.
11 MR PEOPLES: Yes, yes.
12 LADY SMITH: Thank you.
13 (4.30 pm)
14 (The Inquiry adjourned until 10.00 am on
15 Wednesday, 2 October 2024)
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