

Wednesday, 2 October 2024

1

2 (10.00 am)

3 LADY SMITH: Good morning, and welcome back to our evidence
4 this week in Phase 8. We're in Chapter 9 and about to
5 move on to another set of oral witnesses today.

6 We have a witness ready to give evidence, do we,
7 Ms Forbes?

8 MS FORBES: We do, my Lady.

9 This witness is anonymous and is known as 'Kevin'
10 and he is someone who would require a warning, my Lady.

11 LADY SMITH: Thank you.

12 'Kevin' (affirmed)

13 LADY SMITH: 'Kevin', thank you for coming along this
14 morning to help us with your evidence about your time at
15 Oakbank, as you know we are interested in talking to you
16 about. It's very good to have you here to hear your
17 evidence in person. One or two things before we start.

18 The first is I want to do anything I can to make the
19 whole process of giving evidence as comfortable for you
20 as possible, recognising that it's not a comfortable
21 thing, really, to do at all and you probably would
22 rather be many other places than here this morning, in
23 public, assisting this Inquiry with the work we're doing
24 for the interests of children and I hope you appreciate
25 that that's what lies behind it all.

1 So bear with us, but help me to help you, if there's
2 anything I can do. If you want a break or if you want
3 anything explained better than we're explaining it, we
4 can do that.

5 Separately, 'Kevin', this is, as I've said, a public
6 inquiry. It's not a courtroom. But you have the same
7 protections here as you would have in court. That means
8 that if you're asked any question, the answer to which
9 could incriminate you, you don't have to answer it. If
10 you do answer it, I expect you to do so fully, but
11 please do be aware that you don't have to say anything
12 that would incriminate you.

13 If you're in any doubt as to whether you're being
14 asked that sort of question, just check. That's not
15 a problem.

16 If you're ready, I'll hand over to Ms Forbes and
17 she'll take it from there.

18 Thank you.

19 Questions by Ms Forbes

20 MS FORBES: Good morning, 'Kevin'.

21 A. Good morning.

22 Q. I'm just going to start by asking you if you were born
23 in 1961, is that right?

24 A. Yeah.

25 Q. Sometimes when we have a witness before the Inquiry, we

1 have a statement from them which is signed, but in your
2 case, 'Kevin', we don't have a statement, is that right?

3 A. Yeah.

4 Q. I think you have been asked to reply in writing to
5 certain questions and you have given a response to that,
6 but that was just recently, is that right?

7 A. Yeah.

8 Q. I'm going to just start then, 'Kevin', by asking you
9 some questions about what led you to your employment at
10 Oakbank.

11 Can you tell us, 'Kevin', about your work history
12 before you got to Oakbank? What type of work did you
13 undertake?

14 A. Er, I worked in an accountants' office for three years.
15 Then -- what did I do after that?

16 Q. Was that after leaving school?

17 A. Yeah.

18 Q. What did do you there, was that as an admin assistant?

19 A. Trainee.

20 Q. Trainee accounts assistant?

21 A. Yeah.

22 Q. That was after you left school for a period of three
23 years?

24 A. Yeah.

25 Q. Did you leave school with any particular qualifications?

1 A. All the standard grades.

2 Q. Taking up that position then, did you intend to continue
3 in a career in relation to accounts?

4 A. Yep.

5 Q. What happened then that made you leave that position?

6 A. Er, a couple of convictions.

7 Q. We'll come on to speak about those in a little while,
8 'Kevin', but I think we know that there are a series of
9 convictions that you received over a period of time and
10 that relates to public disorder, assaults and things
11 like that, is that right?

12 When did that first start? When did those first
13 start?

14 A. Er, probably when I was about 17.

15 Q. Was there something going on at that time that led you
16 to come to the attention of the police?

17 A. I've never really thought about it. Erm, nothing. Just
18 the usual, normal, teenage adolescent kind of stuff.

19 Q. It was kind of, you are saying, teenage adolescent; is
20 that when you started to come to the attention of the
21 police? In your teenage years?

22 A. Yeah.

23 Q. These brushes with the law led you then to leave this
24 job that you had as a trainee accounts assistant?

25 A. Yeah.

1 Q. Was that because your employer became aware of them?

2 A. Yeah.

3 Q. Were you asked to leave at that point?

4 A. It was kind of mutual.

5 Q. After that, 'Kevin', what did you go on to do?

6 A. I did a couple of things, I was scaffolding for years,
7 scaffolding.

8 Q. How long did you do that for?

9 A. I can't really remember how long it was, a good while.

10 Q. Was there a period of time where you were working as
11 a bouncer?

12 A. As a?

13 Q. As a bouncer?

14 A. Yeah.

15 Q. Was that at a nightclub or a pub?

16 A. Nightclubs, aye.

17 Q. Did you do that for a length of time?

18 A. Er, for a couple of years, when I was about 18 until
19 I was about 20 maybe.

20 Q. 18 to 20 or thereabouts?

21 A. Uh-huh.

22 Q. When you were working as a bouncer, did that result in
23 you coming to the attention of the police at all in the
24 course of your work?

25 A. Aye. I think maybe once, once, I think.

1 Q. Once. What was that in relation to?

2 A. I can't -- I honestly can't remember. Just something in
3 my head tells me that. We are speaking almost 50 years
4 ago.

5 Q. What job were you doing before you went to work in
6 Oakbank?

7 A. Er, what was I doing before I went to Oakbank? (Pause)
8 I'm trying to think. I wasn't working for a while.
9 That's right, I broke my wrist scaffolding. I was off
10 work for a while.

11 LADY SMITH: Can you remember how old you were when you
12 started at Oakbank?

13 A. 1990, so --

14 LADY SMITH: 1990?

15 A. Mm-hmm.

16 LADY SMITH: Okay, so you'd have been about 29?

17 A. 29/30, yeah.

18 MS FORBES: 'Kevin', I think we might see from a document
19 I'll take you to later that you maybe took up your
20 position about 1991.

21 A. Was it? Maybe it was '91, aye, aye.

22 Q. Around that time anyway?

23 A. Aye.

24 Q. I think when you were asked to answer some written
25 questions before and you were asked how you were

1 recruited to Oakbank, the answer you gave was that you
2 were told there were jobs going there and you asked
3 Mr [REDACTED] about them, so just to ask you about that
4 then.

5 Who was it that told you there were jobs going at
6 Oakbank?

7 A. Mr [REDACTED].

8 Q. Is he somebody that you knew?

9 A. No.

10 Q. So how did that come about?

11 A. I can't remember exactly, I was speaking to him.

12 I think it was a night out or something. I can't
13 remember.

14 Q. 'Kevin', at this time, I think, your father worked at
15 Oakbank, is that right?

16 A. Aye, he never knew anything about it.

17 Q. He didn't know anything about, sorry?

18 A. About me going up to look for a job there.

19 Q. He didn't know anything about that?

20 A. No.

21 Q. But at that time, your father worked there, at some
22 point did he become a unit manager or something?

23 A. Yeah.

24 Q. There was also an auntie that worked there; is that
25 right?

1 A. Auntie and uncle, they worked on the nightshift.

2 Q. Was that Auntie [REDACTED] and was it Uncle [REDACTED]?

3 A. Uh-huh.

4 Q. Were they married to one another?

5 A. Yeah.

6 Q. Was [REDACTED] your father's sister?

7 A. No, [REDACTED] was my father's brother.

8 Q. The other way round. Okay. So by the time you go to

9 apply for a job at Oakbank you have an auntie, an uncle,

10 and a father already working there?

11 A. Yeah.

12 Q. Did your auntie and uncle work in the night shift?

13 A. Yeah.

14 Q. I think you've said that Mr LIL [REDACTED] was at the house; is

15 that right?

16 A. No, it wasn't the house. I can't remember. I was out

17 somewhere, I can't remember what it was for.

18 Q. Were you aware of the role that Mr LIL [REDACTED] had at

19 Oakbank at that time?

20 A. I knew he was, like, SNR [REDACTED], yeah.

21 Q. In any event, there was a conversation somewhere between

22 you and Mr LIL [REDACTED] about the fact that there were jobs

23 available at Oakbank?

24 A. Yeah.

25 Q. Was that for a residential care worker? Was it

1 suggested that you should apply or was it just mentioned
2 in passing?

3 A. 'You could easily apply', that's what he said.

4 Q. I think in your written answers that you've given,
5 'Kevin', you say you were given a couple of trial shifts
6 first of all?

7 A. Yeah.

8 Q. You were seen to get on well with the children and then
9 you were interviewed for the job?

10 A. Uh-huh.

11 Q. Just to understand the process then, was there
12 an application that you had to fill out first of all?

13 A. I can't remember, I think it was like an interview.

14 Q. You remember there being an interview?

15 A. I was there for an interview, yeah, with Mr HMY .

16 Q. With Mr HMY . So he was SNR at that time?

17 A. Yeah.

18 Q. I think you were asked if you provided any references
19 for the position and you have responded to that saying
20 you did and that was a man called ?

21 A. Oh, yeah, yeah.

22 Q. He was a former employer?

23 A. Yeah. That's right, I worked in the bar trade for a wee
24 while as well.

25 Q. Was he involved in the bar trade?

1 A. Yes, he was a publican.

2 Q. Was he somebody that you were involved in when you
3 worked as a bouncer?

4 A. No. I worked in his pub for a while.

5 Q. He --

6 A. Like off and on, I helped him off and on for a few
7 years.

8 Q. He was somebody you put down as a reference?

9 A. Yeah.

10 Q. You remember that. You say you remember an interview
11 with Mr HMY ?

12 A. Yeah.

13 Q. Do you remember being asked about whether or not you had
14 any previous convictions?

15 A. I don't think I was asked, but I told them.

16 Q. So is that something you remember spontaneously telling
17 him?

18 A. I remember saying that, 'Would this be a problem?'.
19 Q. Did he ask you about the type of convictions you had?

20 A. About what?

21 Q. Did he ask you what kind of convictions you had?

22 A. I can't remember.

23 Q. But you remember mentioning the fact that you had
24 convictions --

25 A. Yeah.

1 Q. -- and asking whether that would be a problem? What did
2 he say about that?

3 A. He said he would look into it.

4 Q. At some point then after that, you were given these
5 trial shifts at Oakbank?

6 A. Yeah.

7 Q. Do you know by that point if Mr HMY had looked into
8 it or not?

9 A. No idea.

10 Q. Did you hear anything more at that time --

11 A. No.

12 Q. -- about the question of convictions?

13 A. No.

14 Q. You didn't know what the results of any looking into by
15 Mr HMY were?

16 A. No. I believed they were spent anyway, so ...

17 Q. You say your convictions were spent. When you say that,
18 what was your understanding at the time about that type
19 of thing?

20 A. Because they weren't serious enough to end up, aye, in
21 prison, that they were spent after five years.

22 Q. After this trial period then, you take up your position
23 on a full-time basis, was it, at Oakbank?

24 A. Yeah.

25 Q. This was as a residential care worker?

1 A. Yeah.

2 Q. Do you remember what unit you went into?

3 A. Ashgrove.

4 Q. Did you remain in Ashgrove during your time at Oakbank
5 or did you move to different units?

6 A. No, I moved to different units, aye.

7 Q. Were you at Oakhill unit at one point?

8 A. Yeah.

9 Q. Just to get an idea, 'Kevin', of your time at Oakbank,
10 how long was it that you were employed there for?

11 A. Nine/ten years.

12 Q. So if you started in around 1991 or so --

13 A. It would have been 2000.

14 Q. 2000. Was there any particular reason why you left?

15 A. Yep.

16 Q. What was that?

17 A. I got taken in -- something had happened in my house the
18 night before, when I was out, the police had been at the
19 house for -- I didn't know what for. I went to work the
20 next day and, er, ██████████ called me into ██████████
21 office, ██████████ never liked me anyway. ██████████ told me a police
22 friend of ██████████ had told ██████████ that I was involved in drugs
23 and that's why they'd raided my house and there was
24 a thing saying any further police involvement and
25 I would lose my job and by that time, I'd given up

1 fighting it.

2 Q. From what you're telling us, 'Kevin', there was

3 an incident whereby the police come to your house and is

4 there a search carried out?

5 A. Yep.

6 Q. And that was in relation to drugs?

7 A. Allegedly.

8 Q. An issue about drugs.

9 A. Nothing found -- nothing at all.

10 Q. Nothing found. Did anything come of that search?

11 A. Nothing at all.

12 Q. In any event, when you went back to work,

13 [REDACTED] -- [REDACTED] had become SNR [REDACTED] by that

14 point, had [REDACTED]?

15 A. Yeah.

16 Q. [REDACTED] was aware of it?

17 A. From a police friend of [REDACTED] had told [REDACTED].

18 Q. [REDACTED] said to you, 'If there's anything more comes of

19 this, or any more police involvement, then you'll be

20 out'?

21 A. No, that had already been written down years before, er,

22 so [REDACTED] looked up and then she basically said, 'Oh, If

23 I'd known this anyway, I'd have sacked you long ago'.

24 LADY SMITH: Was that something which, as you say, had been

25 written down at the time you got the job originally?

1 A. No. This was four years later when there was
2 an inspection and, er, I was asked to -- I was asked to
3 write a little paragraph about my previous convictions,
4 the day before I went away on holiday. So I left it in
5 the office to look at and by the time I came back from
6 my holidays, I was splashed all over the papers.
7 I remember it could only have been a member of staff in
8 Oakbank had taken that and went to the papers with it.
9 LADY SMITH: What was splashed on the papers?
10 A. My previous convictions and stuff.
11 LADY SMITH: But you were kept on at Oakbank at that point?
12 A. There was a big thing going on about it and I got the
13 backing of staff, all children, chief of police, er,
14 numerous field social workers I'd worked with, and I got
15 heaps of letters backing me, so I got kept on, yeah.
16 LADY SMITH: Thank you.
17 MS FORBES: I'm just going to take you to a few documents in
18 a minute, 'Kevin', that go through how that came about
19 from the inspection that you've mentioned. But before
20 we do that, just to confirm, it seems from what you're
21 saying that at some point after this came to light,
22 after this inspection, something had been written down
23 about if you were in any more trouble with the police --
24 A. Any police involvement, yeah.
25 Q. Any more police involvement, then that was it for your

1 job, and then [REDACTED] is, in 200[REDACTED], bringing this
2 up to you as a result of what had happened with the
3 police raiding your house the night before, but [REDACTED]
4 wasn't saying, I don't think, from what you've told us,
5 [REDACTED] wasn't saying at that stage that your job was over
6 but you decided you were going to leave?

7 A. No. [REDACTED] told me that was my job over basically.

8 Q. Just to confirm.

9 A. It was either that or -- no, I think [REDACTED] said --
10 I resign or -- what did [REDACTED] say again? I can't
11 remember. I was that annoyed at the time. Resign or
12 they would have to suspend me, blah, blah, blah.

13 Q. You were given the option, you either resign yourself or
14 there would be some investigation that might lead to you
15 losing your job anyway?

16 A. Yeah.

17 Q. 'Kevin', I know you haven't seen these before, but
18 I'm just going to take you to a couple of documents.
19 I'm going to read out a reference number, that's for our
20 purposes, to get it into the transcript and so we can
21 get it on the screen. It's SGV-001031946. If we could
22 go to page 34 of that document first of all.

23 This seems to be -- it's a few pages long, but it's
24 an inspection report by a Mike Stephenson and it's
25 a report on an inspection of Oakbank School and the date

1 is [REDACTED] 1993.

2 This seems to be him reporting on an inspection of
3 Oakbank as to what they found. If we go to page 40,
4 this is the same document, there is a bit that says,
5 'Police checks', and there are three paragraphs there.
6 I don't know if we can make that a little bit bigger on
7 the screen so you can see that. Move it across a little
8 bit. This is in relation to them looking into police
9 checks that have been carried out by Oakbank on staff
10 and at paragraph 2, it says:

11 'When examining one file, it emerged that the person
12 had declared an unspecified conviction but the police
13 check had come back marked "no trace". There was no
14 evidence that this discrepancy had been checked and this
15 should be followed up with the member of staff as
16 a matter of urgency. In future, all such discrepancies
17 should be thoroughly checked.'

18 This seems to be the first sign that something has
19 been uncovered as a result of an inspection in relation
20 to these police checks and that person they're talking
21 about is you?

22 A. Uh-huh.

23 Q. If we go then to page 65 of that document. This seems
24 to be -- you said things were all over the papers, all
25 over the press -- this seems to be a

1 'The Press & Journal' article from [REDACTED] 1993, so
2 a month later, and it's talking about a school social
3 worker.

4 If I can just stop there. At that time were you
5 still a residential care worker?

6 A. Yeah.

7 Q. Were residential care workers known as social workers at
8 that time?

9 A. Er, yeah.

10 Q. What essentially it's saying here is that:

11 'A school social worker with [they're saying]
12 a violent criminal record will have his future decided
13 by the board of governors within the next two weeks.
14 Aberdeen's Oakbank School yesterday admitted the man
15 would not have been employed had his record been known.
16 His convictions include four for assault, six for breach
17 of the peace, one for theft and one for indecent
18 exposure.'

19 Then there is a quote:

20 '"We were caught out on this one and I regret that",
21 said HMY [REDACTED], SNR [REDACTED] of the school, which deals
22 with children with social, domestic or criminal
23 problems.'

24 Then there's reference to a councillor who had asked
25 for an investigation and it goes on to say:

1 'The 11 governors [this is relating to governors of
2 the school] are now faced with either ending the man's
3 contract, despite his good record at the school, or
4 allowing him to stay on.'

5 Then there is a quote:

6 "What do they do?", asked Mr HMY, "Because of
7 the children we teach, our staff must meet much higher
8 standards than ordinary teachers and social workers".
9 Mr HMY said the man was one of 30 residential social
10 workers employed at the school. "This member of staff
11 is held in high regard and the last offence occurred
12 well before he was employed here. I would hope that
13 parents had total confidence in me and the board of
14 governors to make the right decision regarding his
15 position. The man admitted having a criminal record
16 when he filled in his job application form two years
17 ago, but a routine check with the Scottish Criminal
18 Record Office turned up no trace of his past".

19 A regional inspector later questioned the application
20 form and a double check revealed 17 convictions dating
21 from 1978 to 1990. Mr HMY said, "The member of staff
22 has told me the assault and breach of the peace charges
23 arose from his previous job as a nightclub doorman when
24 he was put in some difficult situations. The indecent
25 exposure charge apparently relates to an incident where

1 he was caught urinating in a public place. He has never
2 posed a danger to the children. The police have to
3 accept part of the responsibility for this, for failing
4 to pick up his record when we first asked and we do have
5 a letter of apology from them".'

6 Then it's said that the board of governors were
7 going to hold an urgent meeting to decide the man's
8 future.

9 What's recorded in this article, 'Kevin', is it
10 seems Mr HMY is telling them that you filled out
11 an application form and admitted that you had a criminal
12 record, but then when he did a criminal record check
13 with the Scottish Criminal Record Office, that came back
14 with no trace. Is that what you understand about that?

15 A. That's what I understand, yeah.

16 Q. Then he seems to recount speaking to you about it and
17 giving further information about the fact that the
18 assault and breach of the peace charges came from your
19 job as a nightclub doorman and that the indecent
20 exposure charge 'relates to an incident when he was
21 caught urinating in a public place'.

22 Do you remember speaking to Mr HMY and giving him
23 that information?

24 A. I possibly could have. I think I did. Aye, after this
25 all came out, but I did -- I told him before I got the

1 job definitely.

2 LADY SMITH: 'Kevin', I see the report details 17
3 convictions between 1978 and 1990, so that would have
4 been for you between the age of about 17 to about the
5 age of 29.

6 A. Aye. I don't know. They were all '78 to '82 really.

7 LADY SMITH: There must have been something later to get
8 that time span. I think you mentioned earlier that you
9 didn't go to prison as a result of any of these
10 convictions; is that right?

11 A. Yeah.

12 LADY SMITH: How were you sentenced? What were you
13 sentenced to?

14 A. Fines.

15 LADY SMITH: Were there any community sentences?

16 A. I think I might have got a year's probation or something
17 at one point.

18 LADY SMITH: Thank you.

19 MS FORBES: 'Kevin', just to go to pages 66 and 67, so we'll
20 do 66 first. This is actually a copy of your
21 convictions that were, I think, made available at this
22 point to Mr HMY after the inspection report uncovered
23 the discrepancy.

24 I think we can see that the first conviction dates
25 from 1978, so at that time, I think, you would have been

1 just still 16 because your birthday is not until [REDACTED].

2 A. Okay.

3 Q. We can't see -- the month date on the left-hand side, it
4 has been redacted, but I can see it on my copy. I think
5 for that it's a charge of assault and you were given
6 probation for a year.

7 Then we can see further down, there is assault,
8 breach of the peace, malicious mischief in 1979, and
9 that's in the [REDACTED], so I think you would have been 17
10 at that point. That was a fine.

11 Then there's a breach of probation a month later,
12 and again that's a fine.

13 Then later that year, in [REDACTED] 1979, you would have
14 been 18 by that point, there is obstructing a police
15 constable and that's a fine.

16 Then the next year, I think you're 19 by this point,
17 in 1980, it's a charge of assault and breach of the
18 peace and again it's a fine, although it's a little bit
19 higher of a fine, it's £180.

20 Then there is a breach of the peace, again, it's
21 difficult to make out, but I think that might be
22 [REDACTED] 1981. Again, it's a fine.

23 Over to the next page, page 67, there's a contempt
24 of court in 1982. That was a fine.

25 Then there's a theft in [REDACTED] 1983. That's the

1 date of the conviction, of course, and that is again
2 a fine from Peterhead at that time.

3 Then we have a breach of the peace in [REDACTED] 1986 and
4 again that's a fine.

5 [REDACTED] 1987, we have assault and breach of the
6 peace, which was originally sentence deferred for
7 a short period I think, and then there was a fine on
8 each charge.

9 Then [REDACTED] 1988, we have a breach of the peace,
10 a fine. This time it's a bigger fine, £250.

11 Then we have the last two.

12 The second-last one, the date is sort of obscured
13 because of the punch hole, but I think from later
14 records -- I think from information that you provided to
15 Mr HMY [REDACTED], we know that that is from [REDACTED] 1989. It
16 says indecent exposure. There is a fine of £50.

17 Then below that, it's [REDACTED] 1990, and that is
18 a Civic Government (Scotland) Act contravention of
19 section 47, which is urinating in public, and that's
20 a fine.

21 I think by the time we get to the end of your
22 previous convictions that we have here, you would have
23 been 29, I think, by that point, is that right?

24 A. Aye, yeah.

25 Q. The last conviction there, for urinating in public, did

1 that occur before you took up your position at Oakbank
2 in 1991?

3 A. It must of.

4 Q. So I think we can see from these previous convictions,
5 'Kevin', that all of them, apart from one, resulted in
6 fines of various amounts, is that right?

7 A. Uh-huh.

8 Q. We touched on this earlier, you had this view that after
9 a period of time, convictions would be spent?

10 A. Mm-hmm.

11 Q. I think in relation to fines, I might be corrected about
12 this later, but I think in relation to fines involving
13 matters that are not serious, instances of sexual
14 offences or violence, that a conviction would be spent
15 after only 12 months, I think.

16 A. Okay.

17 Q. But in any event, the position seems to be that when you
18 did apply for the job at Oakbank, you did make Mr HMY
19 aware that you had convictions, whether or not you
20 thought they were spent, is that right?

21 A. Yeah.

22 LADY SMITH: Did he ask you what they were for?

23 A. Pardon?

24 LADY SMITH: Did Mr HMY ask you what the convictions were
25 for?

1 A. I can't remember.

2 LADY SMITH: That's fine, and I know it's a long time ago.

3 A. I struggle to remember yesterday.

4 MS FORBES: We do have a little bit more information,
5 'Kevin', about what seems to have transpired at the
6 time. I think, if we go to page 68, this starts
7 a letter from Mr HMY, it's dated 19 May 1993, to the
8 Registrar of Independent Schools. He's dealing with
9 a few issues that have been raised and one of them is in
10 relation to you.

11 If we can go to page 69, we can see, if we go
12 further down the page, there is a heading number 3, and
13 this is the third thing he is dealing with, it says:

14 'Member of Oakbank staff, criminal offences'. This
15 is where Mr HMY seems to be explaining the background
16 to this to the registrar and he's saying:

17 'The background to this issue is that the member of
18 staff did indicate on his application form that he had
19 offences. We then, as part of our procedure, contacted
20 the Scottish Criminal Records Office in Glasgow and they
21 returned a "no trace" reply.

22 'This discrepancy between the reference and his
23 application form to having convictions and the "no
24 trace" reply from the police was noted during a routine
25 registration and inspection officer's visit, who brought

1 this item to my notice.

2 'I wrote once again to the police asking for
3 a second check and the police forwarded to me the staff
4 member's record of offences.

5 'In addition, the police apologised for the mistake
6 which they had made.'

7 He references the fact that there is a letter from
8 the police attached, dated 14 April 1993.

9 If we then go over to page 70, it says:

10 'Having received the list of offences, I wrote to
11 the registration and inspection officer asking for
12 guidance on how we should proceed. I received
13 a response which will assist me in making a report to
14 the staffing committee of our board of governors.

15 'In the interim period, the criminal records of the
16 staff member became known to a Grampian regional
17 councillor who has, in addition to writing to yourself,
18 and also to Grampian Regional Council, contacted the
19 local press.'

20 If I can pause there, I think that resulted in that
21 article that we went to earlier, 'Kevin'.

22 I'll just go on:

23 'With regard to the staff member's offences, there
24 are 13 spread over the period [REDACTED] 1978 until
25 [REDACTED] 1990. The offences are assault, breach of the

1 peace, theft and indecent exposure. I am advised that
2 the indecent exposure offence relates to urinating in
3 a public place. This has happened on two occasions,
4 [REDACTED] 1989 and [REDACTED] 1990. There have been no
5 offences since 1990.'

6 If I can just stop there for a minute, 'Kevin'. It
7 seems that Mr HMY [REDACTED], in writing this letter, is giving
8 more information to the registrar about the details of
9 these offences and, in particular, he's focusing on the
10 indecent exposure offence and is saying that that
11 relates to urinating in a public place. He mentions
12 that this has happened on two occasions, [REDACTED] 1989,
13 [REDACTED] 1990.

14 When we looked at the convictions, 'Kevin', you saw
15 that there was the indecent exposure charge from
16 [REDACTED] 1989 and then there is this contravention of the
17 Civic Government Act in [REDACTED] 1990 that relates to
18 urinating in public.

19 Mr HMY [REDACTED] here seems to be saying that both of those
20 offences relate to urinating in a public place, however,
21 we have seen there are two different charges, one is
22 urinating in a public place and one is indecent
23 exposure.

24 What is your understanding of the indecent exposure
25 charge and how that came about?

1 A. It was urinating in a public place.

2 Q. So that's your recollection of that?

3 A. Aye.

4 Q. But you weren't charged with urinating in a public place
5 on that occasion. You were on the second time, but not
6 on that occasion. Do you know why that was?

7 A. No.

8 Q. Do you remember anything about the incident that meant
9 that it was charged as indecent exposure rather than --

10 A. No, it was something to do with a policewoman. I was
11 drunk. I can't remember.

12 Q. Your understanding is this has happened when you were
13 drunk, was this at nighttime?

14 A. It was after -- aye, after a club or something, I think.

15 Q. In relation to that, you say that this was you
16 attempting to urinate in a public place or urinating in
17 a public place?

18 A. Yeah.

19 Q. You say a policewoman was involved. Do you recall --
20 did she happen upon you when this was --

21 A. I don't know.

22 Q. You don't remember.

23 But from your point of view, despite the fact that
24 there are two different types of charges, your point of
25 view is that it was the same incident, similar incidents

1 that you're talking about, urinating in a public place,
2 and it's not more than that?

3 A. No.

4 Q. When Mr HMY is setting out that information in this
5 letter, he's getting that from you, is that right?

6 A. Yeah.

7 Q. Now, just to go on and finish what he says about your
8 employment in that, on page 70, he says:

9 'With regard to his employment, we have had no
10 concerns about this staff member's behaviour whilst he's
11 been a residential social worker at Oakbank School. The
12 board of governors are in the process of calling
13 a special meeting where this staff member's record and
14 his continued employment will be the agenda item. It's
15 recognised that the initial mistake was on my part,
16 where I should have probed further when the staff member
17 indicated he had a criminal record, although it was
18 explained to me that these offences had happened when
19 the member of staff was in his youth and I wrongly
20 assumed that when I received a "no trace" response from
21 the police, that the convictions were categorised as
22 spent.'

23 It seems at this part of his letter to the
24 registrar, 'Kevin', that he is saying at some point it
25 was explained to him that these offences had happened

1 when you were younger. Do you recall when that
2 conversation took place?

3 A. No.

4 Q. Can you recall whether it was at the time of you --

5 A. I think I probably turned round to him and said most of
6 it was a long time ago when I was -- which most of them
7 were, yeah.

8 Q. Most of them were from when you were younger?

9 A. Yeah.

10 Q. He's then saying that he's wrongly assumed that the
11 convictions were categorised as spent when he got the
12 'no trace' response?

13 A. Yeah.

14 Q. That's why there was no information.

15 Just going forward then, I think we can see that, if
16 you go to page 92, this appears to be a letter by the
17 chairman of the board of governors. It's a letter from
18 the chairman of the board of governors to the registrar
19 and this is dated 28 June 1993.

20 It deals with some other things, but it does deal
21 with the outcome of what the board of governors has
22 decided in relation to you. If we can go to about the
23 third paragraph down, it starts:

24 'With regard to the member of staff, 'Kevin', with
25 13 convictions, this item was discussed at our board

1 meeting on 25 June. The decision of the board of
2 governors, having considered the matter in some detail,
3 was for the staff member to continue in employment. The
4 reason for this decision was based on the following (a)
5 'Kevin' has been in our employment since December 1991
6 ...'

7 If I can stop there for a moment. I think this is
8 the first time we can actually see a reference to the
9 actual month that you were employed, so December 1991,
10 that would have been a year after that last conviction
11 that's on your record, is that right? We saw that was
12 [REDACTED] 1990.

13 So:

14 '... and he is regarded as a capable and competent
15 staff member with considerable potential for this type
16 of residential care work.

17 '(b) he is viewed very favourably by the children,
18 with whom he has appropriate professional relationships.

19 '(c) whilst he has always had good support from his
20 colleagues, he has during this latter period where he
21 has been under some pressure, been visibly supported by
22 colleagues from our different disciplines within the
23 school ...'

24 If I can stop there, I think you have told us,
25 'Kevin', in your written response to the questions that

1 this was quite a stressful time for you when this was
2 leaked to the press and all this was going on and your
3 job security was uncertain?

4 A. Not necessarily that bit but I was named in the paper.

5 Q. You were named in the paper and that meant that people
6 in the local area would know that you had these previous
7 convictions?

8 A. Yeah.

9 Q. There was a period of time, as we have seen, whereby
10 there had to be a decision taken about what was going to
11 happen with your employment?

12 A. Yeah.

13 Q. (d):

14 'Since his employment, he has not committed any
15 further offences and all reports suggest that he has now
16 found the type of employment where he sees a good career
17 opportunity. In fact, we feel his employment at
18 Oakbank School has been an important part in his
19 rehabilitation process ...'

20 I think we saw, 'Kevin', looking at those previous
21 convictions obtained in 1993 by Mr HMY, that there
22 hadn't been any further offending since that last
23 conviction in 1990, is that right?

24 A. Uh-huh.

25 Q. Going on then, (e):

1 'Perhaps the most important point of our
2 deliberations was that at no time have we ever felt that
3 the children referred to Oakbank were in any way at risk
4 because of the staff member's previous history.

5 '(f) with regard to 'Kevin's' criminal convictions
6 these were discussed. We acknowledge that there were 13
7 convictions, albeit they are spread out over a period of
8 time from 1978 to 1990. Some of these offences did
9 occur in his youth and some of the offences,
10 particularly relating to the assaults, occurred while he
11 was employed as a doorman at Aberdeen city nightclubs.
12 The explanation given to us is that people employed in
13 this kind of work are very much at risk with the
14 occasional aggressive customer, some of whom might be
15 under the influence of alcohol.

16 '(g) the most serious incident for us was that of
17 indecent exposure. We are aware that 'Kevin' was not
18 truthful in his account and it was not the case of
19 urinating in a public place. We are aware that he
20 behaved inappropriately, although we have accepted that
21 he was probably under the influence of alcohol.
22 According to him, he does not remember the incident and
23 it was not intended to have any sexual connotations.
24 The fine itself was not excessive, which would seem to
25 substantiate his interpretation.'

1 If I could stop there, 'Kevin'. It seems to be
2 recording there, in this letter to the registrar, that
3 the chairman of the board of governors and the board
4 have come to the view that you weren't truthful about
5 your account of it being urinating in a public place.
6 What do you remember about that?
7 A. Either that or the police weren't.
8 Q. Sorry?
9 A. Either that or the police weren't.
10 Q. Do you remember any discussions going on at that time
11 about what were the circumstances surrounding this
12 incident?
13 A. Aye, yeah.
14 Q. There is reference thereafter they're saying, 'We are
15 were aware that he behaved inappropriately', albeit they
16 accept, 'He was probably under the influence of
17 alcohol'. They seem to be saying that something has
18 happened whereby there has been indecent exposure by you
19 whilst --
20 A. I never said that.
21 Q. What's that, sorry?
22 A. I never said that.
23 Q. You never said that. But do you accept, 'Kevin', that
24 the charge of indecent exposure would mean that you
25 would have to have indecently exposed a private part of

1 your body at some point?

2 A. Possibly.

3 Q. Okay, I think we have your account on that. You don't

4 remember it, but it is something you say was related to

5 urinating in public, albeit we can see that it hasn't

6 been treated simply as a contravention of that part of

7 the Civic Government Act.

8 LADY SMITH: 'Kevin', did you go to trial or did you plead

9 guilty to that?

10 A. Sorry?

11 LADY SMITH: Did you go to trial or did you plead guilty?

12 A. No, no.

13 LADY SMITH: You didn't go to trial?

14 A. They knew it was a trivial thing. It wasn't worth going

15 to trial.

16 LADY SMITH: You pled guilty to the offence of indecent

17 exposure?

18 A. Yeah.

19 LADY SMITH: Thank you.

20 MS FORBES: I think they comment there, 'Kevin', that the

21 fine that you were given in relation to that seems to be

22 not significant, so I think they seem to be relying on

23 that fact to substantiate your account that it wasn't

24 anything too sinister that was happening.

25 A. Not really, no, but knowing what I know now, I would

1 have pled not guilty at the time, but at the time I just
2 thought (Inaudible) plead guilty, just accept it.

3 Q. You didn't appreciate at that time that something like
4 that, that common law charge of indecent exposure, might
5 come back later to haunt you --

6 A. No, not really.

7 Q. -- and could be seen quite differently in comparison to
8 contravention of the Civic Government Act, which was
9 urinating in a public place?

10 A. Yeah.

11 Q. Just going on then to finish this part, 'Kevin'. It
12 says:

13 'At the conclusion of our board of governors
14 meeting, I was requested to write to you and advise you
15 of our decision, namely that we are continuing with
16 'Kevin's' employment. Naturally his performance within
17 the school will be monitored closely and, of equal
18 importance, his behaviour outwith the school. 'Kevin'
19 is in no doubt as to the vulnerability of his position,
20 should he break the law.'

21 It then goes on to say that he's attached
22 information provided by **SNR** which the board
23 of governors considered. I think you can see at the
24 bottom of that letter, just at the bottom of the page,
25 an addendum, and it says:

1 'There is a briefing paper supplied to us by SNR

2 SNR .'

3 There is the conviction inquiry response from SCRO
4 from December 1991, there is the conviction inquiry
5 received from SCRO dated March 1993. There is a letter
6 of apology from SCRO, indicating that they made an error
7 in not providing accurate information. Then at number 5
8 we can see letters of support from colleagues, children,
9 friends, referee et cetera.

10 It appears that letters from your colleagues in
11 support of you continuing at Oakbank were provided to
12 the board of governors to assist with them making their
13 decision about whether you should be kept on?

14 A. Yeah.

15 Q. Was that something that you had to ask colleagues to do
16 for you?

17 A. No.

18 Q. It seems that children have also written letters of
19 support. Were they children at the school, at Oakbank?

20 A. I don't know, I just knew there was a lot of letters
21 went in. I didn't know who from or what. All I was
22 told there was one from chief of police.

23 Q. There is reference to a referee et cetera. Certainly,
24 there seems to have been people who were supportive of
25 you remaining in your position?

1 A. Yeah.

2 Q. That included adults and children.

3 We saw in that letter, 'Kevin', that the reference
4 to the fact that you should be in no doubt as to the
5 vulnerability of your position should you break the law,
6 is this perhaps where --

7 A. I didn't break the law.

8 Q. No, is this perhaps where this reference that
9 [REDACTED] makes later to you comes from?

10 A. Yeah.

11 Q. From your point of view, 'Kevin', in relation to this
12 situation that we have been talking about and your
13 previous convictions coming out later, do you think you
14 did anything wrong --

15 A. No.

16 Q. -- when you were seeking your employment at Oakbank in
17 relation to your disclosure of convictions?

18 A. No. I told the truth. I was open about it.

19 Q. Now that we have dealt with that matter, we can take
20 that document off the screen. We know that you were
21 kept on at Oakbank and from what you've told us, you
22 remained there until 2000 and we've talked about the
23 circumstances that led to you leaving Oakbank.

24 During your time then in Oakbank as a residential
25 social worker, what types of duties did you have towards

1 the children?

2 A. To start with, it was mostly just looking after -- being
3 with the kids and doing various activities with them and
4 all that and then I got some training as a key worker
5 and, er, representing children at hearings and meetings
6 and courts, et cetera.

7 Q. So there was a time you did some training to become
8 a key worker?

9 A. Yep.

10 Q. You were saying that was to help support children at
11 hearings and places like that?

12 A. Just writing reports about them and sort of look after
13 all their needs.

14 LADY SMITH: Who gave you that training, 'Kevin'?

15 A. What's that, sorry?

16 LADY SMITH: Who gave you that training to be a key worker?

17 A. It was more in-house training, it was, like, more in
18 house, and just, er, like, unit manager, don't know, or
19 whoever, people who had been there longer than me, sorta
20 teaching you the ropes, kinda thing.

21 LADY SMITH: Was that training on the job rather than having
22 a course that you had to attend?

23 A. Yes.

24 LADY SMITH: Thank you.

25 MS FORBES: That is something that took place during the

1 course of your period of employment?

2 A. Aye, almost on a daily basis (Inaudible).

3 Q. Did that start straightaway then, after you took up the
4 position?

5 A. After a couple of weeks, yeah.

6 Q. There was this sort of informal on-the-job sort of
7 training as to how to do it?

8 A. Uh-huh.

9 Q. Did you have to shadow anyone?

10 A. Er, no, not as such, no.

11 Q. Were you ever sent away on any courses outwith Oakbank?

12 A. Er, I did do a few courses. Erm, I really can't
13 remember what, like, but ...

14 Q. Do you remember what types of training that you
15 undertook outwith Oakbank?

16 A. I remember one about restraints. We did one on
17 restraints.

18 Q. There was training on restraint. Did that happen in
19 Oakbank or outside a separate place?

20 A. I think it was in Oakbank. Aye, people -- people came
21 in.

22 Q. People came in. Do you remember any type of names that
23 were called for these restraints? We have heard about
24 CALM. Does that ring a bell or anything?

25 A. Aye. I couldn't remember the names.

1 Q. You do remember getting some training on restraint?
2 A. Yeah.
3 Q. Was that soon after you took up the position or did that
4 happen some years later?
5 A. I can't remember that year.
6 LADY SMITH: Do you remember the term TCI?
7 A. TCI?
8 LADY SMITH: To do with restraint training. Does that ring
9 any bells?
10 A. I can't remember.
11 LADY SMITH: It stands for therapeutic crisis intervention.
12 A. Oh, aye, yeah, yeah. I do remember that.
13 LADY SMITH: Were you trained in that?
14 A. I must've been.
15 LADY SMITH: Thank you.
16 MS FORBES: I think we have heard, 'Kevin', in evidence that
17 there was this TCI therapeutic crisis intervention for
18 a period and then there was a change in thinking and
19 there was another technique, which was CALM, that was
20 brought in.
21 A. Uh-huh.
22 Q. You have told us, 'Kevin', that when you first started,
23 it was Mr HMY who was SNR . Did that
24 change at some point? Did SNR position
25 change and Mr HMY left?

1 A. I can't remember exactly what happened, yeah, but it did
2 change, aye. I can't remember.

3 Q. Who became SNR [REDACTED] after Mr HMY [REDACTED], can you
4 remember?

5 A. A teacher that was there, [REDACTED] was there when I started.
6 Er, [REDACTED] went away somewhere and then [REDACTED] came back as
7 SNR [REDACTED].

8 Q. Is that [REDACTED]?

9 A. Yeah.

10 Q. I think you have said that was in about 200 [REDACTED]?

11 A. No, it would have been before that. [REDACTED] was there in
12 200 [REDACTED] when I left, yeah.

13 Q. Okay, so [REDACTED] was SNR [REDACTED] by that point?

14 A. Uh-huh.

15 Q. Was there anyone that you remember in between Mr HMY [REDACTED]
16 and [REDACTED]?

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

18 Q. The restraint training that you have mentioned, do you
19 know who was SNR [REDACTED] at the time you received
20 that, or SNR [REDACTED]?

21 A. I'm not sure.

22 Q. Certainly you do remember restraint training --

23 A. Yes.

24 Q. -- at some point. You have mentioned there might have
25 been some other training as well, but you can't remember

1 what the details of that were?

2 A. There definitely was, but I really can't remember.

3 Q. What about qualifications whilst you were at Oakbank?

4 We have heard evidence that some people, whilst they

5 were working at Oakbank, undertook certain

6 qualifications that started to come in in relation to

7 childcare, was that something that you did?

8 A. I started doing my HNC or -- was it HNC? I can't

9 remember again.

10 Q. That was in relation to the type of work you were doing?

11 A. Yeah.

12 Q. Was that something that you would have to be on day

13 release for or did you have to do distance learning for

14 that?

15 A. Was I sent somewhere away? I'm trying to remember.

16 I can't remember. Something like Open University or

17 something like that, I'm not quite sure.

18 Q. When we were talking earlier, 'Kevin', about the types

19 of duties that you had, you said that sometimes you

20 would be involved in taking young people on trips or

21 doing activities with them. What type of activities

22 would you do with the young people?

23 A. Use the gym, swimming pool, play football with 'em, er,

24 take 'em to various different places like, er, maybe the

25 pictures or ten-pin bowling, something like that.

1 Q. We've heard that there were two minibuses, I think, at
2 least, that had to be shared between different units?

3 A. Yeah.

4 Q. Is that what you recall? Would you sometimes take young
5 people out in the minibus places?

6 A. Yeah.

7 Q. Where would you go in the minibus?

8 A. Wherever they wanted to go.

9 Q. Was it up to the young people where they wanted to go?

10 A. It'd usually be discussed before we went out,
11 (Inaudible) wanted to go bowling or -- bowling or
12 anything like that.

13 Q. Did you ever hear of young people being taken on trips
14 round Aberdeen city centre?

15 A. Yep.

16 Q. Do you remember what that was for?

17 A. Just out for a run.

18 Q. Out for a run. That was something that happened?

19 A. Uh-huh.

20 Q. Who would do that? Were you involved in that?

21 A. Once or twice, yeah.

22 Q. Were there other members of staff that would also do
23 that?

24 A. Yeah.

25 Q. Do you remember any of their names in particular?

1 A. Er, every member of staff that could drive.

2 Q. There wasn't anybody in particular that would be --

3 A. No.

4 Q. -- the minibus driver, if you like, on these trips?

5 A. No.

6 Q. There was a practice whereby young people could just go
7 out for a run with somebody in the minibus, with no
8 particular destination, just out for a run? Do you know
9 what took place on those runs?

10 A. Just driving, nothing in particular.

11 Q. I'm just going to put a situation we've heard to you.
12 I'm not suggesting in any way, 'Kevin', that this
13 relates to something that you've done, just to be clear,
14 but were you ever aware of any staff member taking young
15 people out in the minibus to the red light district in
16 Aberdeen?

17 A. Yep.

18 Q. What do you know about that? What do you recall about
19 that?

20 A. I did it once.

21 Q. You did it once?

22 A. I didn't actually take them to the red light district.
23 We went down to the beach and down to the point in the
24 harbour and when we came back, there was a long red
25 light district -- well, it was along the harbour, that's

1 where it was.

2 Q. From what you're saying, you are driving through it to

3 go back?

4 A. Yeah.

5 Q. What I'm talking about is intentionally going to the red

6 light district in the minibus --

7 A. No.

8 Q. -- perhaps to look at the prostitutes or shout at them,

9 things like that?

10 A. No, I never done that.

11 Q. I'm not suggesting you did that. But did you ever hear

12 about that happening?

13 A. I think somebody did, because I remember there was

14 a thing -- you weren't allowed to go that area, kind of

15 thing.

16 Q. So there was a point in time when it was said -- is this

17 by somebody higher up?

18 A. Yeah. I can't remember if there was a letter coming out

19 or -- I do seem to remember something coming out about

20 that.

21 Q. That related to the fact that people weren't to go with

22 young people in the minibus to the red light district?

23 A. Yeah.

24 Q. You remember that being something that had to be put out

25 in a letter or a memo or something like that to staff?

1 A. Yeah.

2 Q. 'Kevin', you're aware that an allegation has been made
3 by a particular young female from Oakbank?

4 A. Yeah.

5 Q. You have been told what her name is. I'm just going to
6 refer to her as 'Kelly' --

7 A. Yeah.

8 Q. -- but you have been told what her name is and is she
9 somebody that you remember from your time at Oakbank?

10 A. Not at all. I remember her, but I've no reason to
11 remember her.

12 Q. I think when you were asked to answer certain questions,
13 one of them was: what do you remember about the person
14 making the allegation? Your response was:

15 'A reasonable lass, although hot-headed and often
16 felt victimised.'

17 A. Uh-huh (Inaudible), yeah.

18 Q. That's what you recall about her?

19 A. Uh-huh.

20 Q. When you say 'hot-headed', can you tell us a little bit
21 about that?

22 A. Just like most of the lassies that were there, just, er,
23 hot-headed, lost their temper easily.

24 Q. When she lost her temper, how would she show that?

25 A. Screaming and swearing, shouting.

1 Q. It was screaming and swearing and shouting. Was there
2 anything more than that?

3 A. Not really, no.

4 Q. When you say 'often felt victimised', when you say that,
5 what do you mean? Victimised by who?

6 A. She was one of these people that, as far as I can
7 remember, I don't think she was very popular and she
8 always -- er, she brought a lot of it on herself.

9 Q. Are you referring, 'Kevin', to issues with other young
10 people at Oakbank and her?

11 A. Yeah.

12 Q. Was there some bullying going on?

13 A. Not to my knowledge.

14 Q. There were certainly issues that you were aware of?

15 A. Yeah.

16 Q. That she didn't get on with --

17 A. She didn't get on with a lot of them, yeah.

18 Q. You are saying you think she brought a lot of it on
19 herself. Why do you say that?

20 A. She was always, I'm trying to explain, er -- I think she
21 just -- she actually riled a lot of people by her manner
22 and shouting and swearing and things.

23 Q. There's a particular part of 'Kelly's' statement,
24 I think, that you have been made aware of and I'm not
25 going to read all of it out in relation to that, but

1 I think she's talking about an incident where she's on
2 a bus that you're driving, I think she says to us in her
3 evidence. So it's in this minibus, after a trip, and
4 she ends up involved in some sort of altercation with
5 a boy and other children and then she ends up putting
6 her arm through the minibus window.

7 I'm just leading up to when she then talks about
8 you. First of all, do you remember the incident on the
9 minibus?

10 A. I wasn't driving.

11 Q. You say you weren't driving?

12 A. No.

13 Q. Do you remember this incident?

14 A. No, because I would specifically remember a minibus
15 window getting --

16 Q. Sorry?

17 A. I would specifically remember a minibus window getting
18 smashed.

19 Q. So then you don't recall an incident that you became
20 aware of whereby 'Kelly' put her arm through the minibus
21 window?

22 A. No.

23 Q. You're not aware of that, first of all?

24 A. No, I didn't.

25 Q. Her position seems to be that you were the driver.

1 I think she has given that information in her evidence.

2 Then I'll just read out the part that relates to you
3 after that in paragraph 138 of her statement, and she
4 says:

5 'To calm me down, I was taken into the family room
6 by 'Kevin', a teacher at Oakbank. It was just 'Kevin'
7 on his own and he threatened me in there. He said he
8 was going to get a group of girls from the unit to come
9 into my room and give me a hiding.'

10 If I can stop there, 'Kevin'. What's your position
11 in relation to that?

12 A. No chance I'd do that to any kid.

13 Q. Whilst you remember this girl in particular, 'Kelly', is
14 your position that this didn't happen?

15 A. Yeah.

16 Q. She goes on, this is at paragraph 139:

17 'The person who was particularly abusive to me was
18 'Kevin'. I don't know if he had a dislike for me
19 because I was quite lairy.'

20 I think she was asked in her evidence, 'Kevin',
21 about what did she mean by abusive and she said verbally
22 abusive. Just to ask you about that. Were you ever
23 verbally abusive to 'Kelly'?

24 A. I wasn't verbally abusive to any kid.

25 Q. She goes on at paragraph 140:

1 'I did a lot of gymnastics when I was younger and
2 I broke my wrist, as a result my wrists were weaker and
3 that was on my records that when I was in care, I had
4 weak wrists and wasn't to be restrained. One day,
5 'Kevin' got me, I was probably gobby and swearing, but
6 he really used force on me that time. He took my arm by
7 the wrist and put it right up my back. I was really
8 screaming and crying and I told him I had to go to the
9 hospital as he'd hurt me. He said no, but I demanded to
10 go or I would walk there myself and I got taken along.
11 I came out the hospital with a plaster cast on. 'Kevin'
12 literally broke my wrist. There was no apology,
13 nothing. It wasn't long after that I was moved to the
14 Rosemount unit.'

15 'Kevin', what is your position in relation to what
16 'Kelly' says there?

17 A. No recollection. In fact, I would say it didn't happen.

18 Q. You were involved in restraining children sometimes; is
19 that right?

20 A. Sometimes, yeah. Never put a child's arm up their back.

21 Q. If you were to restrain a child, how would do you that,
22 'Kevin', are you able to describe it?

23 A. It would depend on the situation.

24 Q. What do you remember being the most common way that you
25 would restrain?

1 A. I can't remember the name of it, but like this, round
2 the child's body.

3 Q. So you are indicating --

4 A. Then lay them back down.

5 Q. You are indicating there, 'Kevin', two arms, is that
6 right? You are putting two arms around a child's body?

7 A. I cannae remember exactly. I don't want to say, but it
8 was something like that. It certainly wasn't putting
9 a kid's arm up their back.

10 Q. You are saying two arms around, sort of in a hug, like
11 a bear hug?

12 A. Yeah.

13 Q. Would that be from behind or from the front?

14 A. From the side usually.

15 Q. From the side. I think you mention something about
16 going down, what are you saying in relation to that?
17 Would you go down to the ground with the young person?

18 A. Yeah.

19 Q. What position would you be trying to get them into on
20 the ground?

21 A. I can't remember. I really can't remember all the
22 moves, that type of thing. I could be telling you a lie
23 if I told you, so I'd better not say.

24 Q. Certainly what 'Kelly' is describing there is something
25 different. She's describing taking an arm by the wrist

1 and putting it up behind her back. Did you ever

2 restrain any children in that way?

3 A. No.

4 Q. Could it be that this happened and you don't remember or

5 is your the position, 'Kevin', that this didn't happen?

6 A. No, I've thought it over 100 times. It never happened.

7 Q. I think you were asked in your written questions what

8 your response was to hearing about this allegation and

9 your reply was 'shocked'?

10 A. Yeah.

11 Q. Is that how you feel about this allegation being made?

12 A. Yeah.

13 Q. You were asked whether you had ever abused a child and

14 you said 'never', is that right? That's your position?

15 A. Yeah.

16 Q. Also, 'Kevin', you were asked whether you would ever

17 sanction or punish a child and the response you gave is

18 that you can't really remember, but if you had carried

19 out a punishment, you mention that the individual would

20 have dropped levels in the system, but that wouldn't

21 have been your decision.

22 Now, 'Kevin', we have heard about levels at Oakbank

23 and I think levels 1 to 6 have been talked about?

24 A. Yeah.

25 Q. Is that something you recall, there being these levels?

1 A. I remember that, yeah.

2 Q. I think we have heard that 6 was the highest level and 1
3 was the lowest; is that right?

4 A. Yep.

5 LADY SMITH: We have also heard that children would all on
6 admission start at 6; was that right?

7 A. I can't -- I don't think so, but I can't remember.
8 No, I can't remember. Sorry.

9 LADY SMITH: Thank you.

10 MS FORBES: Certainly, 'Kevin', you say that wouldn't have
11 been your decision to drop a child down a level?

12 A. No, you'd have to go through your unit manager.

13 Q. That was taken by someone higher up?

14 A. Yeah.

15 Q. You were also asked, 'Kevin', that if a child was
16 treated in the way that was described by 'Kelly', with
17 the arm being put up her back and her wrist broken, do
18 you accept that that would be abuse --

19 A. Yep.

20 Q. -- and I think you have said, 'Yes, that would be
21 abuse'.
22 Now, is there anything else, 'Kevin', you want to
23 say about the two allegations that have been made
24 against you by 'Kelly', the verbal abuse, the threat and
25 the restraint?

1 A. Basically what I'd like to say is (Inaudible) I never
2 operated in that way wi' any of the children over
3 a ten-year period, so I wouldn't have operated in that
4 way for one.

5 Q. You say you wouldn't operate in that way, can you tell
6 us what way did you operate? How did you see yourself
7 as a residential social worker at that time?

8 A. I always operated trying to build relationships with
9 kids, er, build relationships, get their trust. That
10 way you can get more work done with them and things and
11 --

12 Q. Can you tell us a little bit about how you would go
13 about trying to do that, 'Kevin'?

14 A. I think everyone was different. Everyone was different.
15 Depended on reading up on why they were in care and --

16 Q. It would depend on the young person?

17 A. Yeah, it would depend on the young person.

18 Q. The approach that you would take.
19 How did you see yourself in the scheme of things?
20 Did you see yourself as someone who was quite easygoing
21 and supportive of the children --

22 A. Yeah.

23 Q. -- and young people? Was it a job that you enjoyed
24 doing?

25 A. Yeah.

1 LADY SMITH: 'Kevin', you mentioned understanding how
2 different everybody was would depend on reading up and
3 why they were in care. Were you able to read their
4 records?
5 A. Yeah, when they were admitted there was usually records
6 came from social workers, the field social worker.
7 LADY SMITH: Where were they kept?
8 A. As in?
9 LADY SMITH: In Oakbank, were they kept in the unit, were
10 they kept somewhere else?
11 A. Er, they were in a file, yeah.
12 LADY SMITH: Where were their files kept?
13 A. The files would be there -- locked drawers in the
14 office.
15 LADY SMITH: Where was the office?
16 A. Eh?
17 LADY SMITH: Where was the office?
18 A. In the unit.
19 LADY SMITH: Each unit had its own office?
20 A. Yeah.
21 LADY SMITH: And files would be in locked drawers?
22 A. Yeah.
23 LADY SMITH: So to see any child's file, you would have to
24 get permission to use the key to get into the file,
25 would that be right?

1 A. I think so (Inaudible) -- no, only staff could go in
2 there.

3 LADY SMITH: Right. Okay. So are you telling me that
4 reading children's files wasn't part of daily life?

5 A. That?

6 LADY SMITH: It wasn't part of your daily life --

7 A. What wasn't?

8 LADY SMITH: Reading children's files.

9 A. Yeah, it was.

10 LADY SMITH: Right. How did you get them?

11 A. I was a member of staff.

12 LADY SMITH: Was it a routine part of the day that you would
13 be looking at a file --

14 A. We tried to read up -- not only the young people you
15 were working with, ie directly as key worker, you tried
16 to get a bit of knowledge about all the children that
17 you were working with in the unit.

18 LADY SMITH: I suppose you might get more opportunity to
19 read what was in the file if, for example, you were
20 going to a Children's Hearing with them?

21 A. Yeah, but a lot of that you did when the children were
22 at school during the day.

23 LADY SMITH: Okay. Thank you.

24 MS FORBES: 'Kevin', we talked about there being different
25 units in Oakbank and that you moved between units at

1 some points, is that right, that you went from one to
2 the other?

3 A. Aye.

4 Q. You were in Oakhill at one point?

5 A. Yep.

6 Q. When you went to a new unit, would you try and find out
7 about the children that were there, the young people
8 that were there?

9 A. Yep. I knew most of them anyway, because you come
10 across 'em, but, yeah.

11 Q. For how many children would you be a key worker for at
12 any one time?

13 A. Two, three maximum.

14 Q. Would they be children within your unit?

15 A. Yes.

16 Q. So over the period of your employment at Oakbank, you
17 would have been a key worker at some point for a number
18 of different children?

19 A. Yep.

20 Q. Just to get an idea at the time that you were there of
21 the numbers of children. On average, how many children
22 were in a particular unit at any time?

23 A. Er, when I first started I remember something like
24 25/26, but it came down. I think it used to be about 17
25 or 18.

1 Q. It decreased over the time you were there?

2 A. Yeah.

3 Q. But still quite a significant amount of --

4 A. Yeah.

5 Q. How many staff members would be in relation to the
6 number of children?

7 A. There used to be at least -- there had to be at least
8 four, I think, per unit.

9 Q. So there could be four staff members and 18 children?

10 A. Yeah.

11 Q. That would be during the day and the evening, would it?

12 A. Including what?

13 Q. Would that be on shifts during the day and the evening?

14 A. Aye, per shift, yeah.

15 Q. Then there would be some night workers. I think we have
16 heard about perhaps sometimes there being as few as two
17 overnight?

18 A. Uh-huh.

19 Q. 'Kevin', what was your impression, when you think back,
20 of your time in Oakbank of the culture there among
21 staff? How did staff, as you saw it, how did they see
22 young people?

23 A. I thought the young people were treated quite well. Erm
24 -- aye, generally I thought they were treated well.

25 Q. Were you aware of any concerns being raised by young

1 people to you or anyone else about the way they were
2 treated when you were at Oakbank?

3 A. There was always one or two, aye, but generally, no.
4 I mean, I still see young people I worked wi'. I bump
5 into them in the town and things and the majority tell
6 me it was the best years of their life and they had
7 a great time at Oakbank.

8 Q. When you say one or two issues but in general there
9 wasn't, what were the one or two issues that you
10 remember?

11 A. When you're working in that environment, I just --
12 I can't really remember issues, but when you're working
13 in that kind of environment, I mean, er ... the young
14 people could be very, very hard to deal with.

15 Q. Can you give us an idea of the type of thing, the
16 concern that was raised? Was this in relation to --

17 A. There are always --

18 Q. Assaults, restraints --

19 A. It's nae just like schools and homes like that, young
20 adolescents are like that anyway. There's always --
21 there's always issues with 'em. Always issues with
22 certain ones. I'm just speaking generally, and
23 generally, I thought they were treated very well there.
24 I still do.

25 Q. We have talked a little bit about restraint and you've

1 explained a little bit about what you remember being
2 involved in, but when you think back about restraint
3 being used during your time in Oakbank, are you able to
4 give us an indication as to how often young people would
5 be restrained? Was this something that happened on
6 a daily basis?

7 A. Er, it really depended. It was like -- if they were
8 going to be a danger to themselves or to others by what
9 they were doing, that's when you, er -- you basically
10 had to restrain them.

11 Q. You are saying a danger to themselves or others, that's
12 the phrase that you remember?

13 A. Yeah.

14 Q. What about being restrained for not following
15 instructions, things like that?

16 A. No, I wouldn't have said that, no.

17 Q. To get to the point of restraint, would it have to be
18 something more than that?

19 A. Usually, yeah. As I say, if they were getting to the
20 stage that they were going to injure themselves or
21 others, that's usually when you stepped in to restrain.

22 Q. If a child was restrained, would you have to fill out
23 forms in relation to that afterwards?

24 A. Aye, I'm sure you did, aye.

25 Q. Were there times when children were restrained whereby

1 they received injuries as a result of that?

2 A. I can't remember that.

3 Q. We have heard evidence about the carpet or the flooring

4 at Oakbank being made of a material that was not very

5 soft, perhaps, is the way to put it, but sometimes would

6 result in carpet burns and things like that on the young

7 person's face. Were you aware of things like that

8 happening on occasion?

9 A. No, not that I can remember.

10 LADY SMITH: Do you remember children being put face down on

11 the carpet?

12 A. I think that probably did happen on occasion.

13 LADY SMITH: Thank you.

14 A. It was more -- maybe people trying to restrain them and

15 they were struggling to restrain them, because there

16 were some -- I mean, some of the -- you can imagine some

17 16-year-old, 17-year-old guys. It sometimes wasn't

18 easy.

19 LADY SMITH: Thank you, 'Kevin'.

20 MS FORBES: This face-down restraint, I think we have heard

21 it referred to as the prone position/prone restraint.

22 Is that something that you had to do on occasion?

23 A. No.

24 Q. No?

25 A. No.

1 Q. You don't recall doing that?

2 A. No.

3 Q. If you had to take a child or young person to the
4 ground, what position would you put them in?

5 A. Sorry?

6 Q. If you had to, during a restraint, take a young person
7 down to the ground, what position would you try to put
8 them in?

9 A. Usually they were always on their back or their side.

10 Q. Was there any particular reason why you would do that?

11 A. I can't remember exactly, but I think just from the
12 training sorta ...

13 MS FORBES: 'Kevin', I don't have any more questions for
14 you, so thank you very much for coming today and
15 answering the questions that I've asked you.

16 LADY SMITH: 'Kevin', can I add my thanks. It's been so
17 helpful to hear from you this morning. I'm very
18 grateful to you for coming and helping us with that.
19 I'm now able to let you go and I wish you a safe journey
20 back home.

21 A. Thank you.

22 (The witness withdrew)

23 LADY SMITH: I'll take the morning break now, Ms Forbes, and
24 we'll start the next witness at about 11.45 am, I hope.
25 Thank you.

1 (11.25 am)

2 (A short break)

3 (11.45 am)

4 LADY SMITH: Ms Forbes.

5 MS FORBES: My Lady, the next witness is someone who is
6 anonymous and known as 'Iain'. He's also is someone who
7 would require a warning.

8 LADY SMITH: Thank you.

9 'Iain' (affirmed)

10 LADY SMITH: Thank you for coming along this morning to help
11 us with your evidence. I have your written statement,
12 it's been really good to have that in advance. Thank
13 you for all the work that's gone into that and,
14 of course, we won't be going through that page by page,
15 but there are some particular parts of it we'd like to
16 discuss with you this morning. 'Iain', one or two other
17 things I want to say.

18 The first, I do understand that it's a big ask, as
19 we say, to be in a public place and have to talk about
20 things that happened quite a while ago in your own life,
21 some of the discussion that we need to have might be
22 quite stressful for you. If you need a break, that's
23 not a problem. Just say, or if there's anything else
24 I can do to make the whole experience of giving evidence
25 more comfortable than otherwise, just speak up. If it

1 works for you, I'm sure it will work for me.

2 A. Thank you.

3 LADY SMITH: That statement that I've referred to is in the
4 red folder, so it will be available for you there in
5 hard copy, and we can also bring up the sections of it
6 we're focusing on, on the screen in front of you. So it
7 will be there in larger font as well.

8 One other important thing I want you to understand
9 is although this is a public inquiry and not a court
10 setting, you have all the rights and protections you
11 would have in a court and that includes that if you are
12 asked any questions, the answers to which could
13 incriminate you, you don't have to respond to them. If
14 you do, of course, I expect you to do so fully, but it's
15 your choice as to whether you answer or not.

16 Do bear that in mind. If you're in any doubt
17 whether it's one of those sorts of questions, just ask
18 us or, indeed, if you're in any doubt about anything
19 else we're asking you, and we're not making sense to
20 you, that's our fault not yours. So you ask us to
21 explain better.

22 A. Thank you very much.

23 LADY SMITH: If you're ready, I'll hand over to Ms Forbes
24 and she'll take it from there.

25 A. Thank you.

1 LADY SMITH: Ms Forbes.

2 MS FORBES: Thank you, my Lady.

3 Questions by Ms Forbes

4 MS FORBES: Good morning, 'Iain'.

5 A. Good morning.

6 Q. Your statement is in front of you in that red folder and
7 for our purposes, we give it a reference number and
8 I'm just going to read that out for the transcript.
9 It's not something for you to worry about, but it's
10 WIT-1-000001496.

11 'Iain', if I could start by getting you to just go
12 to the very last page of that statement. It all has
13 numbered paragraphs. You don't have to look in the
14 folder, you can just look on the screen as well. The
15 last paragraph there is 312 and that's where it says:

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

20 Although it's redacted out on the screen, that's
21 something you've signed and it's dated
22 30 September 2024, is that right?

23 A. That's correct, yes.

24 Q. Is that still the position, 'Iain'?

25 A. Yes.

1 Q. Okay, we can just go back to the beginning of the
2 statement. 'Iain', you tell us that you were born in
3 1948, is that right?

4 A. That's correct.

5 Q. You give us a bit of information about your background
6 and what led you to working in Oakbank from paragraph 2
7 onwards. You say that you graduated from Moray House
8 college in 1970; is that right?

9 A. That's correct.

10 Q. That was with a diploma in technical subjects?

11 A. That's correct.

12 Q. You were going on to teach with that qualification,
13 technical subjects?

14 A. That's correct.

15 Q. Would that be woodworking and things like that?

16 A. And things like that.

17 Q. Yes, things like that. I think we'll come on later in
18 your statement to see when this happened, but I think
19 further on in your career, you obtained a postgraduate
20 BA in social science, is that right?

21 A. Yes.

22 Q. Then you also completed the Scottish Centre for Studies
23 in School Administration, Moray House headship course?

24 A. Correct.

25 Q. You also completed the postgraduate certificate in

1 special educational needs at Northern College?

2 A. That is correct.

3 Q. That was at various times. Not all at once or one after

4 the other --

5 A. It wasn't a continuum.

6 Q. No, but as things went on.

7 You tell us that prior going to work in Oakbank you

8 worked for eight years as a teacher at

9 Midlothian County Council?

10 A. That's correct.

11 Q. That was just in a high school?

12 A. Yes.

13 Q. You say you were mostly in the main school for the

14 timetable, but that there was a small part of your week

15 where you would spend at a nearby special educational

16 needs school?

17 A. That's correct.

18 Q. Was that something that you particularly were interested

19 in doing?

20 A. No. It's 'cos I wanted the job.

21 Q. Right. You wanted the job at --

22 A. At that particular location, yes.

23 Q. You tell us that at that time, you felt that your

24 promotion prospects were perhaps restricted because you

25 had obtained a diploma and you weren't a graduate?

1 A. That's correct.

2 Q. You explain there was so far that you could go in the
3 career path and I think you mention assistant principal
4 teacher of guidance, but promotion prospects beyond that
5 were limited?

6 A. Very limited.

7 Q. You go on to say, 'Iain', that mentors of yours
8 suggested that you should get another qualification and
9 consider a more specialist career?

10 A. That's correct.

11 Q. Is that what led you then to taking the decision to
12 apply for the post at Oakbank?

13 A. Essentially, yes.

14 Q. You tell us about Oakbank from paragraph 8 of your
15 statement, 'Iain'. You say that you went to Oakbank in
16 October 1978 and you stayed there until June 1997?

17 A. That's correct.

18 Q. So a period of just under 20 years?

19 A. That's correct, yeah.

20 Q. You tell us about how you became aware of the post
21 there. It was a technical teacher role that was
22 advertised, which you applied for and were successful in
23 obtaining?

24 A. That too is correct.

25 Q. That meant that you had to make a conscious decision to

1 move with your wife up north to take up that post?

2 A. Again, that's correct, yes.

3 Q. You tell us because you wanted to specialise not only in
4 SEN -- so that's the acronym that I mentioned earlier,
5 special educational needs -- but also social, emotional
6 and behavioural difficulties, SEBD?

7 A. Yes, yes, ma'am.

8 Q. You go on to say, 'Iain', that whilst you were working
9 at Oakbank, that's when you did your postgraduate study
10 with Open University and obtained your bachelor of arts
11 degree in 1983, is that right?

12 A. Yes.

13 Q. Within two years of that, you were appointed to the post
14 of SNR [REDACTED] at Oakbank?

15 A. That's correct.

16 Q. You tell us a little bit about Oakbank. We have heard
17 quite a lot evidence about Oakbank as a school and the
18 type of children that went there and the fact that
19 originally it was boys and then latterly it became
20 co-educational; is that right?

21 A. That's correct, yes.

22 Q. If we go to paragraph 16 of your statement, 'Iain', you
23 say that you had a little bit of an insight into the
24 workings of List D schools before you went to Oakbank
25 and I think you mention being involved a little bit at

1 Dr Guthrie's; is that right?

2 A. Yeah. I was never engaged by Dr Guthrie but I supported
3 my colleague who had moved into that role.

4 Q. That was supporting him setting up his department there?

5 A. Absolutely, yes.

6 Q. That was in technical subjects?

7 A. Technical subjects again, yes.

8 Q. Then you say at paragraph 17 that the way you viewed it,
9 your purpose at Oakbank was that you were going there to
10 work with and educate a group of pupils who, for some
11 reason or other, had fallen foul of either the law or
12 the education system?

13 A. That's correct.

14 Q. We have heard evidence, 'Iain', that a lot of the
15 children who were in Oakbank were there because either
16 they weren't going to school, and had been truanting, or
17 they'd been coming to the attention of the police for
18 various different offences.

19 You say that what was marked to you when you arrived
20 there, this is at paragraph 19, was that whilst there
21 was an air of bravado, toughness, sort of couldn't care
22 less, among many of the boys, there was also very much
23 a gentler, softer, almost innocent naivety element to
24 them in their behaviour?

25 A. That's very much the case, yes.

1 LADY SMITH: Are you telling me 'Iain', they were children?
2 A. Pardon me?
3 LADY SMITH: Are you really telling me they were children?
4 They were children.
5 A. Absolutely, they were bairns, yes, they were children.
6 MS FORBES: Whilst they could act tough on some occasions,
7 at the core of it they really were just youngsters who
8 were looking for guidance and support?
9 A. They were children who had actually been denied
10 a childhood because of the circumstances that had
11 preceded their entry to Oakbank.
12 Q. You tell us at paragraph 23, 'Iain', that many of these
13 boys, as you saw it, had had bad experiences of dealing
14 with adult male figures in particular, and had come from
15 abusive homes with alcohol issues and violence, and some
16 of them had suffered abuse at the hands of their
17 mother's new partners. Is that how you saw it, there
18 was perhaps an issue, particularly in how they would
19 relate to an adult male figure?
20 A. Very definitely, yes.
21 Q. This was something that you recognised when you went
22 there?
23 A. Oh, it was markedly different from mainstream education,
24 where you could approach a desk from either side and
25 tutor the pupils, for want of a better way of describing

1 it, yes, provide tuition.

2 Q. You go on to say, this is over the next page, that this

3 is something that you really had to think about and that

4 even related to how close you would stand to or over

5 a boy?

6 A. Oh, definitely, yeah.

7 Q. You mention always approaching from where you could be

8 seen?

9 A. Line of vision, absolutely.

10 Q. That meant, because of the particular type of subject

11 that you were teaching, which was hands-on workshop

12 procedures, that meant it was quite difficult?

13 A. You had to be alert to different things, because a child

14 could be working with a tool in a dangerous manner and

15 you would want to bring in, sorry, approach directly,

16 and get it sorted, but as a health and safety issue.

17 Whereas you had to circumnavigate, just take an extra

18 second or two, but I never lost any fingers, I was

19 pleased to say.

20 Q. That sounds like a success then.

21 'Iain', you say that even getting some of these

22 children to attend daily classes was a great achievement

23 and then getting them to participate in the classes was

24 a victory for the child and yourself?

25 A. Again, that's the case. Many of them, as you say, were

1 truants, who didn't like school or for some reason had
2 an aversion to school, and the fact that when they came
3 to Oakbank, the expectation was they would go to classes
4 and they drifted along, if that's the right way, with
5 the class group but perhaps didn't engage with it. And
6 the fact that they were actually coming into the
7 classroom without any resistance was a victory in
8 itself. It's a victory not for me, but for the child,
9 because overcoming these difficulties were quite
10 significant, and depending on the reason that they had
11 for having an aversion to school, if they had
12 an unpleasant experience in the school itself, you just
13 had to take account of all this. It wasn't quite
14 a guessing game, it was more intuitive, but something
15 you just had to be aware of and alert to.

16 Q. Another factor that you point out that's particular to
17 Oakbank, this is at paragraph 30, is you say that these
18 boys at that time were away from home, so they were sent
19 sometimes quite far from where their family home was?

20 A. Yeah.

21 Q. That meant that perhaps, you know, it was to give them
22 a fresh start, but actually it often meant that they
23 were losing these family connections?

24 A. Again, they were being disenfranchised. They were
25 getting treated well; fed, cled and watered, given good

1 accommodation, they were given compensatory experiences,
2 but, er, that was being done apart from home. When they
3 went back the -- well, the connection was less and
4 sometimes they were seen as different now because they
5 weren't quite -- they were changing and by changing,
6 they were difficult for the family they were going back
7 into, and it was just difficult for them, and again,
8 it's something -- you weren't aware of at the time, but
9 it's something which on reflection you pick up.

10 Q. We've heard evidence about that in relation to losing
11 the relationships with siblings, for example --

12 A. Yeah.

13 Q. -- and with the local community and then finally, when
14 they're released, going back to the local community and
15 not feeling like they had a place?

16 A. That's exactly correct. Some kids came back and said
17 they were too posh to go back to their own homes,
18 because they'd -- it sounds silly, but learned table
19 manners and more careful about their personal hygiene
20 and things like that.

21 There were small things that you take for granted in
22 a family home, but when you haven't done it -- weren't
23 brought up that way and you're then going back and being
24 seen to be different, I can imagine it being
25 exceptionally difficult for them.

1 Q. One of the things, at that time anyway, that went on in
2 Oakbank, this is at paragraph 33, was the practice of
3 giving pupils cigarettes. I think this is something
4 that you saw as being irresponsible. I think they had
5 initially -- told us a little bit earlier they maybe had
6 an allowance --

7 A. That's correct.

8 Q. -- but at some point they were given rod tobacco to roll
9 their own and that was if you didn't roll your own you
10 didn't get a cigarette, but you point out that that
11 meant that there was no filter on these own-rolled
12 cigarettes?

13 A. No. I think smoking is abhorrent, so I come with
14 a bias, but the fact that we were giving the children
15 these cigarettes, raw tobacco. They got a tin with so
16 much tobacco in it and they were rationed how many --
17 they had six cigarettes a day and roll-up papers and
18 things like that, the concept of that -- I thought it
19 was bad childcare, bad parenting, and they -- the idea
20 behind it was, it was going to go on anyway, so you were
21 as well having it and controlling it as having folks ...
22 the old gag, 'smoking behind the bike sheds', because
23 that sort of thing was prevalent. And it went on
24 despite it, because as a child left the smoke room, you
25 were supposed to witness them discarding their cigarette

1 end into a bucket of water, but by various means, they
2 were able to only smoke part of it, tear a bit off, put
3 it up their sleeve so that you see a bit getting flung
4 away. It was a way of limiting as opposed to
5 controlling the thing.

6 LADY SMITH: 'Iain', am I right in thinking, certainly when
7 you started in 1978, many of the children arriving at
8 Oakbank would already be established smokers and
9 addicted to nicotine?

10 A. Yes, absolutely. The children who were -- they had to
11 declare that as part of the admission process and
12 parents had to sign off that they knew that the
13 school -- that they had a tobacco habit, that the school
14 would continue to support it, or provide for it but,
15 yes, many of them came. I couldn't say without any
16 certainty that no child who came then didn't learn to
17 smoke, because of the bike shed scenario, but no, they
18 came as affirmed smokers, yeah.

19 LADY SMITH: The school wasn't purporting to undertake
20 education that would have the effect of stopping them
21 smoking?

22 A. As part of the health education programme in the
23 classroom, it was -- that information was shared with
24 them and they received encouragement, verbal, but there
25 was no tangible reason for them to stop doing it and it

1 was seen as a cultural thing, that you are one of the
2 boys, the thing we discussed earlier about the bravado
3 thing. It was very much part of that.

4 LADY SMITH: Maybe the school had to be careful in which
5 battles with the children it was going to pick?

6 A. Don't pick a fight you can't win.

7 LADY SMITH: At least, if they were smoking, that might calm
8 their behaviour to some extent?

9 A. Whether it was the effect of tobacco upon them or
10 whether it was just the mindset that they had
11 a cigarette or fag, then I'm not in any position to
12 confirm one way or another.

13 LADY SMITH: Thank you, 'Iain'.

14 MS FORBES: 'Iain', during your time at Oakbank, did the
15 position about smoking change, did the rules change
16 about smoking whilst you were there or not?

17 A. Yes. They were allowed 'tailor makes' as they were
18 referred to, cigarettes that were bought for them, and,
19 er, I think the habit of smoking was reinforced by the
20 fact that at the time staff could smoke anywhere,
21 walking about the school, except the classrooms. That
22 was forbidden.

23 But eventually, we got it that smoking was
24 restricted to two specific smoking rooms, which were
25 provided for that purpose, and staff had to adhere to

1 that. And I think there was a lot of latent
2 reinforcement of the boys of the habit of smoking, that
3 it was okay for adults to walk around the school doing
4 it, 'Why can't we do it?' That's an opinion as opposed
5 to scientific fact.

6 Q. During the period you were there though, young people
7 were allowed to smoke for that --

8 A. Yes, smoking was still persistent when I left in '97.

9 Q. 'Iain', I'm just going to move on to talk briefly about
10 the management structure when you were there and you
11 tell us about that from paragraphs 34 onwards.

12 You say that SNR [REDACTED] was [REDACTED] is that
13 right?

14 A. That's correct, yes.

15 Q. You say [REDACTED] was a really nice [REDACTED] and a very progressive
16 type of [REDACTED]. There was GZG [REDACTED], who was SNR [REDACTED]
17 SNR [REDACTED] and SNR [REDACTED]. Then there
18 was EJU [REDACTED], who was the other SNR [REDACTED]
19 SNR [REDACTED].

20 A. That's correct.

21 Q. There is SNR [REDACTED] and then there's SNR [REDACTED]
22 SNR [REDACTED] who's also SNR [REDACTED], and another
23 SNR [REDACTED] who's SNR [REDACTED]?

24 A. That's correct.

25 Q. That was the management structure?

1 A. That was the management of the school, yes.

2 Q. You tell us a little more about [REDACTED] at
3 paragraph 35 and say that [REDACTED] was someone who was always
4 finding ways to improve things, an example of that is [REDACTED]
5 decided that the school should have a swimming pool?

6 A. Mm-hmm.

7 Q. This was the self-build project that you go on to tell
8 us about?

9 A. Pardon me?

10 Q. This is the self-build project that you go on to tell us
11 about?

12 A. Pardon me?

13 Q. This is the self-build project that you go on to tell us
14 about?

15 A. Yes, yes, indeed.

16 Q. This was converting a former workshop block and dressing
17 rooms and showers into a swimming pool?

18 A. Yeah.

19 Q. You go on to tell us about that. I won't go into detail
20 about it all, but I think you go on at paragraph 38 to
21 say that there was a senior assistant, LIL [REDACTED], the
22 PE teacher, who was the driving force behind the
23 swimming pool and you and him teamed up to work on it as
24 a project with some of the boys?

25 A. That's correct.

1 Q. There is also an instructor's team, who were on hand to
2 provide specialist support and advice et cetera as
3 required?

4 A. That's right. The instructor's team had -- there was
5 various trades, builder, joiner, painter and decorator.
6 Their job was a dual role, they had to maintain the
7 campus. It was a category B listed Victorian building
8 which had to be maintained, and there were seven acres
9 of grounds, and all the associated maintenance that had
10 to go on with that. And the idea of creating a swimming
11 pool was a good one, but these guys could not do both
12 jobs, so fortunately [REDACTED] and I were able to work
13 together under their guidance, I mean, we drove on and
14 did things. When there were tricky bits they either
15 showed us how to do it, which was a learning curve for
16 me, which was beneficial eventually, or they actually
17 came and did it and we had to find a way of compensating
18 for the work they were unable to do.

19 Q. This was something that Oakbank had to fund themselves?

20 A. Self-funded entirely. The Scottish -- at that time, we
21 were controlled -- administered by the
22 Social Works Services Group in Edinburgh, based in
23 Jeffrey Street, and the school received a budget from
24 them and savings were made from these headings, but the
25 rest of the money was raised by the staff group,

1 Friends of Oakbank Association, from a variety of
2 resourceful events.

3 Q. You explain there was a problem with being able to get
4 planning permission to be able to bring in a mechanical
5 excavator, which meant that it had to be done manually?

6 A. Yes. That was a very, very unfortunate turn of events.
7 A member of staff was very determined to do things right
8 and he knew you couldn't do anything in Aberdeen without
9 getting planning permission. He didn't realise with
10 Crown exemption. We applied to widen the door to bring
11 the digger in and they denied it to us. The absolutely
12 irony was that the door was then built over, as
13 an extension was put on that side, so it was an internal
14 door anyway. It didn't affect the visual amenity of the
15 building whatsoever.

16 Q. I think you say it took nearly four years for staff and
17 pupils to manually excavate the site?

18 A. Yep, it was a long haul.

19 Q. I think you make the point that pupils who did
20 participate in that did so on a voluntary basis?

21 A. Absolutely, there was no coercion at all. Also, the
22 point is there was 100-odd boys in the school at the
23 time. There was only ever a dozen working because the
24 class average size was six, so LIL and I had six each.
25 So we'd be working there and boys could opt in and out

1 of that group, because it was a relief for them to get
2 out the classroom, as if they weren't coping in the
3 classroom, a couple of days or week or whatever working
4 out besides us, there was a therapeutic effect to the
5 whole thing as well as a physical advantage of getting
6 the facility built.

7 Q. I think you make that point, because you had sight of
8 a statement from a former pupil, where reference is made
9 to the digging out of the hole in relation to the
10 swimming pool as being 'slave labour', but that's not
11 how you saw it?

12 A. Not at all. As I say, they opted in. The great sadness
13 is that the pupils who began digging out the hole four
14 years previously had left by the hole was finished and
15 turned into a swimming pool. And it was quite lovely
16 that, as time wore on, and these young men grew up, some
17 of them would come back with their family to visit the
18 school and let their kids have a swim in the pool, which
19 is something we were always able to accommodate.

20 I know there are concerns about the memories folks
21 have of being in the school but -- having been at the
22 school 'cos of some of their experiences, but there are
23 other children, I hope a great many others, who
24 benefited tremendously from being there and were quite
25 happy to come back wi' their wife and kids and show them

1 where they'd been educated.

2 Q. Just to finish off about the pool. You say that it took
3 60 months to build altogether and then at the end it was
4 valued at £250,000?

5 A. Yes, the social services group work valuers were up
6 quite quickly then. They hadn't put much into it, but
7 they certainly claimed it as an asset thereafter.

8 Q. Just moving on, 'Iain', in your statement, to where you
9 talk about children and how they came to be at Oakbank.
10 That's not something that you were involved in, these
11 decisions as to who got to come to Oakbank, is that
12 right?

13 A. No, I wasn't part of the admissions team, no.

14 Q. One point that you do make is that not all applications
15 for a child to come to Oakbank were successful?

16 A. That's true.

17 Q. If we go on to paragraph 48, you say when you started,
18 you could roughly split the pupils that came into
19 Oakbank into broad categories, and you set out what you
20 saw them as being.

21 There was the children who were willing to engage
22 with the school and benefit from the service that was
23 provided. That was one category?

24 A. Correct, yes.

25 Q. Then there were those children who were more difficult

1 to engage with, but who could benefit from the service
2 once they became engaged, another category?

3 A. Yeah.

4 Q. Finally, there were those children who were very
5 reluctant to become engaged in the school and saw their
6 placement at Oakbank as a punishment rather than
7 a chance to restart or reset things in their lives?

8 A. That's exactly correct. Whilst there were three
9 categories, I'm not saying it was a third, a third and
10 third. It was a very fluid population. Therefore just
11 because a resistant child left, didn't mean you had
12 a resistant replacement, hopefully you got a more
13 compliant one, to be perfectly honest with you.

14 Q. Children could become one or at different times they
15 could move through these different categories that you
16 have mentioned. They could start off as being
17 reluctant, but then be people who were willing to engage
18 as time went on.

19 A. Oh yes.

20 Q. Did you see that?

21 A. That would be a victory for both, because it would be
22 a victory for the teaching team to have persuaded him,
23 but, more importantly, for the young person to have
24 realised that there was an opportunity and a change of
25 mindset could be beneficial and that did happen, but,

1 er, on a lesser rate than the other two groups.

2 Q. You tell us about the daily routine and how Oakbank was
3 set up, but I'm not going to go through all of that. We
4 have heard quite a lot of evidence about it, but there
5 were units and there were dormitories, is that right,
6 where children slept?

7 A. Yes.

8 Q. You have described them as being subdivided into
9 cubicles in the dormitories, where there were areas
10 partitioned off?

11 A. Yeah.

12 Q. Were these partitions that didn't go all the way to the
13 ceiling?

14 A. No, no, they were eight-feet tall.

15 Q. You tell us a bit more about the set-up -- excuse me --
16 in the following paragraphs. (Coughs)

17 I do apologise.

18 'Iain', you go on to talk about -- (Coughs)

19 Apologies, ma'am. It might be that I need a short
20 break.

21 LADY SMITH: Five minutes. We'll take a five-minute break.

22 (12.18 pm)

23 (A short break)

24 (12.20 pm)

25 LADY SMITH: Ms Forbes, hopefully you are good to carry on?

1 MS FORBES: Yes, hopefully.

2 Apologies for that, 'Iain'.

3 A. No need.

4 Q. We reached a part of your statement where you're talking
5 about the layout and how things changed in Oakbank
6 during your time there. You tell us about a shower room
7 that had showers on three sides. Were these open
8 showers or did they have a curtain of some kind?

9 A. Open showers.

10 Q. You say there were also two individual showers. Were
11 they ones that --

12 A. They just adjoined onto the main block of showers.

13 Q. I think you say on completion of the swimming pool
14 project, a modern toilet block was constructed. This is
15 at paragraph 55. Now, I don't know if that just related
16 to toilets or if it also related to showers?

17 A. No, no, the showers were a terrazzo finish, it's
18 a synthetic marble, they were actually very, very good
19 for what they were, but the adjoining toilet block was
20 Dickensian, pre-medieval. It was appalling and once the
21 swimming pool project was finished, that was completely
22 reconstructed.

23 Q. The improvements were made to the toilets but not the
24 shower areas?

25 A. No, the showers maintained as they were.

1 Q. At paragraph 56, you tell us about this routine that the
2 boys had at nighttime, and they would put their clothes
3 into bins to be washed, and then they would fold up
4 jeans and clothes and hand them to the clothing store.
5 You say that clothing was placed into a doocot, is that
6 how you say it?

7 A. Doocot, dovecote.

8 Q. Or a pigeonhole?

9 A. Yeah.

10 Q. With their shoes in the compartment below.

11 In return, the boys received their pyjamas and
12 slippers, would that be from the doocot?

13 A. From the same doocot, yes.

14 Q. They then went for their nighttime shower and wash. The
15 doocot or pigeonholes that the boys had, did they have
16 numbers assigned to them?

17 A. That was all they had. It was impractical to put
18 nameplates on them, they were 10 inches wide, foot tall.
19 At the time they had stuff in there and there was just
20 18mm, three-quarter plywood or block board panelling.
21 There was no room to put anything on 'em. It was very
22 utilitarian, very functional.

23 Q. A boy, for example, when arriving at Oakbank, would be
24 told what their number was for their doocot, their
25 pigeonhole?

1 A. Yes.

2 Q. I think you say, 'Iain', there was supervision in the
3 shower area by staff, is that right?

4 A. Yes, it was quite impersonal. The member of staff got
5 a dozen boys in, turned the valve on, they got wet,
6 turned the valve off, they soaped up, turned the valve
7 back on again, they rinsed, dried themselves off and
8 then moved out. It was not a pleasant experience for
9 anyone.

10 LADY SMITH: 'Iain', this matter of numbers, when a boy
11 arrived, was he given a number that was the number
12 relating to him for everything or were you talking about
13 a number for the pigeonhole?

14 A. No, it related to everything. It would be on his smoke
15 tin, it would be on his clothing, it would be on his
16 doocot.

17 LADY SMITH: It wasn't unusual in boarding school
18 circumstances for a boy to have a number that was his
19 unique number.

20 A. It was absolutely the case. Though it's worth pointing
21 out that in the classrooms, they were never referred to
22 by their number. We made a point of not knowing the
23 boys' numbers. The boys were people in the classrooms.

24 LADY SMITH: I get that, and I wasn't thinking about that.
25 I was just wanting to confirm, say I was number 23 in

1 the school, my pigeonhole would have number 23 on it.

2 It wouldn't have a different number?

3 A. No, no, it was the number in the school roll.

4 LADY SMITH: Thank you.

5 A. Thank you.

6 MS FORBES: You go on to tell us a little bit more about the

7 facilities. There was a TV room and a snooker room as

8 well as a gymnasium and outside sports facilities, such

9 as five-a-side football pitches, a basketball court and

10 a full-size football pitch, is that right?

11 A. That's correct, yes.

12 Q. You tell us at weekends, most boys got home leave. This

13 is at paragraph 62, whilst others had to stay for

14 different reasons. You then go on to say some of the

15 reasons. I think, first of all, you say some parents

16 didn't want them home?

17 A. That's correct.

18 Q. You say others weren't allowed home leave due to

19 misdemeanours?

20 A. What I should have said there was they had not earned

21 leave. It should always be a positive spin, that the

22 incentive is: perform well in the school and earn your

23 weekend leave. Though the misdemeanours could have been

24 conducted when they were on leave themselves and as

25 a result, there was a sanction.

1 Q. So when you were there, during your time there at
2 Oakbank, there was a situation where boys would not be
3 allowed home at the weekend because they had misbehaved
4 and that was being denied to them?

5 A. That would be a sanction for misbehaviour in the school.

6 Q. As you have said, it could also be for something that
7 happened outside, for example, whilst they were on leave
8 --

9 A. Yes.

10 Q. -- if they didn't come back on time?

11 A. Failure to return or committing offences of some sort,
12 misbehaving. Not being compliant with the parents'
13 requests, because a lot of the children we had were
14 outwith parental control and one of the
15 targets/objectives of giving them weekend leave was to
16 go home and be compliant with their parents' wishes or
17 to work as a family unit.

18 Q. During your time at Oakbank, 'Iain', in relation to home
19 leave being denied due to misdemeanours and the like,
20 did that change? Was there a move away from that being
21 used as a sanction or not?

22 A. Not that I'm aware of.

23 Q. During your period there, that was something that would
24 happen on occasion to boys?

25 A. Yeah.

1 Q. When they first arrived at Oakbank, what was the status
2 quo in relation to home leave initially? Would it be
3 that you got it or did you have to work your way towards
4 getting it?

5 A. To the best of my recollection, when a boy was admitted,
6 I think two, three, possibly even four weeks, when they
7 had to settle into the school first, before they then
8 went on leave. But that's not to say that special
9 arrangements could not be made as part of an admissions
10 programme. I'm not completely 100 per cent certain on
11 that. I'm aware of the fact there was a settling-in
12 period. You didn't come in in the course of the week
13 and go home that weekend. There was definitely
14 a settling-in period.

15 It was for two reasons, (a) to help the child settle
16 in and (b) let the parents get used to the idea that the
17 child was not at home and they had to make adjustments
18 to that.

19 Q. In relation to denial of home leave, were you ever
20 involved in making that decision, that a child wouldn't
21 get home for the weekend?

22 A. No.

23 Q. Who would make that decision?

24 A. The care team, the care staff, who looked after the
25 child. Behaviour in classrooms or misbehaviour or

1 lack -- misbehaviour in the classrooms, that could be
2 a cause or a contributory cause of denial of leave 'cos
3 they hadn't learned -- pardon me -- earned it as part of
4 their individual programme that they were working to.
5 Because where children had difficulties, as you say,
6 reluctant to come to school or to participate, targets
7 were then set for them as incentives to encourage them
8 to join in, to participate. And the trick was trying to
9 get the children to understand that they're -- they were
10 in control of their future, it's a very abstract way of
11 describing it, but the more they learned to co-operate
12 with the system and show the benefit of what was being
13 provided for them and engage with it, the better it
14 would be for them.

15 Q. From what you're saying then, 'Iain', were educational
16 targets a reason for children not being able to go home?

17 A. In terms of educational achievement, ie becoming better
18 at numeracy and literacy, no, that was never a factor.
19 It was behavioural aspects and the fact that the
20 individual child went with the timetable. There was no
21 reluctance to go to different places.

22 If there was a legitimate reason, that was okay. It
23 was getting the children engaged in the education
24 programme, the fact that they did not improve their
25 level of literacy or numeracy was never a factor.

1 Educational attainment, never.

2 Q. Educational attainment wasn't one of the factors, but,
3 from what you're saying, 'Iain', was attendance at
4 education one of the factors?

5 A. Attendance and engagement, yes.

6 Q. You go on to tell us about some of the other things that
7 the children did at the school, you talk about an annual
8 show, and there was also a cottage beyond Banchory that
9 the staff and boys could spend time at doing outward
10 bound activities?

11 A. Yeah.

12 Q. Did you get involved in that?

13 A. Oh, yes, aye.

14 Q. Is that something you enjoyed?

15 A. Oh, yes, I was younger and fitter then.

16 Q. You also say you went on west coast adventures on the
17 islands as well?

18 A. Yes.

19 Q. It was adventure training centre there run by
20 an ex-commando and there was abseiling, rock climbing,
21 confidence and team building and water-based activities?

22 A. Yeah.

23 Q. There was also some pupils who were doing
24 Duke of Edinburgh Award as well?

25 A. Yes, went to Austria to do their expedition section.

1 There was an arrangement wi' the Duke of Edinburgh Award
2 people with the British Army. If you got out to Austria
3 -- I didn't realise we had troops there, but we did,
4 I knew we had them in Germany, and they would host us.
5 They would make the arrangements to have the boys over
6 there, which was good.

7 Q. The picture, 'Iain', that you're painting in this part
8 of your statement, that there were opportunities for
9 young people to undertake outside of Oakbank?

10 A. Yes, definitely. What I haven't mentioned --

11 Q. Sorry, 'Iain'?

12 A. Just -- it's come to me just now, you wouldn't think it
13 now, but you used to get a lot of snow in those days and
14 there was skiing and, erm, skiing in the north of
15 Scotland, and there was a storeroom, every boy had
16 a pair of salopettes, a pair of skis and they could go
17 up to -- I can't remember the name of the slope we went
18 to and the guys got that as well.

19 That was one of the things -- when I was saying
20 about going home and being posh, was -- you go home wi'
21 salopettes, tell folk you have salopettes and skis and
22 they're living in a scheme in a lesser part of some of
23 the major conurbations, that was one of the
24 differentials.

25 Q. Some of these things, they're exposing these young

1 people to activities they would never have been given
2 the opportunity to?

3 A. Absolutely, compensatory experiences, because widening
4 their horizons was part of the game plan.

5 LADY SMITH: I suppose you weren't too far from places like
6 Glenshee, The Lecht?

7 A. The Lecht.

8 LADY SMITH: Aviemore.

9 The Lecht is the one that would be the nearest?

10 A. Yes, The Lecht.

11 LADY SMITH: And also Aviemore, a bit further.

12 A. They enjoyed it tremendously.

13 MS FORBES: You do mention though a figure about absconding,
14 this is at paragraph 66, and you say, 'I think there
15 were about 1,500 incidents of absconding during
16 HMY [REDACTED] SNR [REDACTED] ?

17 A. Yeah.

18 Q. Is that a figure that had been bandied about that you
19 recall? Was that a figure that had been mentioned that
20 you recall it?

21 A. I recall the figure. There was a brand new book. SNR [REDACTED]
22 SNR [REDACTED] didn't like the way we recorded it previously and
23 got a new book, so 0001 at the front and they just kept
24 going on and on and I think there was a couple of
25 volumes by the time we were finished.

1 Q. You say that was during HMY [REDACTED] time that the
2 book --

3 A. He was SNR [REDACTED] at that point, yes.

4 Q. You talk a little bit about absconding and you make the
5 point when does a child become an absconder, and you say
6 it was a very fine judgment as to when you would report
7 them missing rather than to give them a chance to come
8 back, if they'd just changed their mind, or gone away
9 for a little bit of thought?

10 A. It was a judgment call, because, as you can imagine, the
11 number of 1,500 over a few years, that's a heck of a lot
12 of kids and these are the ones we did report.

13 A number of kids would blow up hot and cold or
14 whatever it is and just need time out and, whilst
15 they're not encouraged to do it, it depended on the
16 relationship you had with the child. A new child coming
17 in and running away, that was an automatic: they've got
18 to be found. But as you got to know people, the way
19 they worked, and what had happened, what were the
20 antecedents, what had contributed to it, you could have
21 a lot more -- the practice was to have a lot more
22 latitude, I'm sure if it was a policy, you wouldn't
23 write it down that way, but you had to be commonsensical
24 about it, because if a child was reported as
25 an absconder, he automatically lost their leave, lost

1 his or her leave, and you were anxious not to do that
2 for an impulsive act, a moment of impulsive action.

3 Q. You make the point that, given Oakbank's location, some
4 of these children lived quite far away, so it was quite
5 a trek to get back to where they were from?

6 A. Yes, indeed.

7 Q. But some of them, I think you say, got a fair distance?

8 A. Absolutely. They got to know the layout of the city.
9 If you know Aberdeen at all, all roads led out the
10 Bridge of Dee road at the south end of the town, unless
11 you go round the harbour route, but that's starting to
12 get a bit complicated. And, er, generally speaking, you
13 could find them there, but any way they turned,
14 basically they never left much of the district. They
15 wandered around Mid Stocket, down to Rosemount or back.
16 Thing is, they knew the bus routes, because part of the
17 training for leaving was to get the kids able to travel
18 themselves.

19 We used to take them up and down in a coach,
20 a 41-seater coach, up and down the coast, but as part of
21 the training for leaving the school, to be more
22 independent, so you got the bus down from the school to
23 the railway station or the bus station, then down the
24 road. They soon knew the geography.

25 Q. You then go on to summarise your time at Oakbank. There

1 was the time when you started as a technical teacher,
2 that was between 1978 and 1984.

3 A. Yeah.

4 Q. You tell us about the induction, really, that you had
5 into Oakbank at that time, which I think, from what you
6 say, was just a case of you just getting on with it?

7 A. I was deemed to be suitable when I was appointed and
8 probably they thought I would fit in, and I was
9 fortunate I did.

10 Q. You say that at paragraph 74 you were told it was okay
11 to just go in and tell a boy not to do that or tell them
12 to behave yourself and away you go:

13 '... but if the tariff was going up, I was to get
14 somebody else to come and help me.'

15 If the situation was escalating then you would have
16 to get someone else, otherwise you could deal with it
17 yourself?

18 A. Yeah. No different from a mainstream school. If
19 a couple of kids were scrapping, you could get in
20 between them and push them apart, if you needed to hug
21 someone and turn them round, just very low key,
22 informal.

23 Q. You have mentioned there, 'Iain', hugging them --
24 hugging a child. I think you talk about restraint
25 training at 75 and say:

1 'There was no formal restraint training, but
2 Mr EJP explained the restraint method that you were
3 to use if you couldn't get anyone else to help and you
4 had to deal with the situation yourself.'

5 You say:

6 'That restraint method was like a rugby smother
7 tackle from behind.'

8 A. Forgive me, my parlance is rugby. I speak rugby, but
9 essentially enclose the kid, restrict their arm
10 movement, and then try to move them aside, away from
11 whatever was the problem.

12 Q. So you are indicating two arms wrapped around the child?

13 A. Across the chest, yeah.

14 Q. Would that be from behind --

15 A. From the front -- I beg your pardon, from behind.

16 Q. You indicate then you would try to move them away?

17 A. Yeah.

18 Q. Standing up?

19 A. Oh, yes. You just walk them -- shuffle, walk, however
20 you want to describe it, depending on how co-operative
21 they was. Some were quite relieved to be relieved from
22 the situation they were in. Others were less so.

23 Q. Was there ever instances where restraint involved having
24 to take a young person to the ground?

25 A. Yes.

1 Q. What would those occasions be?

2 A. If the young person chose not to comply with being --
3 you have them securely held, 'Let's calm down, let's go
4 for a walk', et cetera, et cetera, putting hands on is
5 the absolute last thing you want to do. It's unpleasant
6 for the child, it's unpleasant for you as an individual
7 to have to do it.

8 The idea is you get them securely held in a comfort
9 hold without damaging them and move them out of the way.
10 If they struggled and resisted, invariably there would
11 be a high likelihood of falling down, because they were
12 -- they weren't very polite when these situations were
13 going on and young men, early teens, adrenaline, once
14 they get quite excited or agitated, it can become a very
15 difficult issue to maintain. And the key thing at all
16 times is try not to damage either the child or yourself.

17 Invariably, if it went to ground, the idea was to
18 hold them firmly there. By that time you were no longer
19 hugging them, you would release yourself and have hands
20 on their back, shoulders, and hopefully that would work.
21 They may have struggled, be kicking legs, goodness knows
22 what else. So you are then spreading yourself across
23 the torso trying to get the child to remain still, calm
24 and settle down. And dependent on the circumstances,
25 the child himself could be quite upset or agitated by

1 that time and quite difficult to control.

2 Other children around could do one of two things.
3 They could be very quiet and try and calm things down,
4 or they could wind things up big time and these were the
5 circumstances that you were working in.

6 Q. 'Iain', when you are indicating that they would be on
7 the ground, does that mean they were face down?

8 A. Yes.

9 Q. We've heard reference to prone restraints. Would that
10 accord with that, it would be prone, face down on the
11 ground?

12 A. That's the term, yeah.

13 Q. You are indicating then that you would be using your
14 body weight across their body?

15 A. Yeah.

16 Q. From their back and to the rest of their body or was it
17 just on particular parts?

18 A. Shoulders and basically lower back, buttocks, try to
19 immobilise them in that way until they can calm down,
20 until order is restored.

21 Q. At that point, would other members of staff become
22 involved?

23 A. Hopefully, yes, depending on where the incident had
24 taken place.

25 Q. This is you having to carry this out without any

1 particular formal restraint training, this is the
2 technique you would use?

3 A. Other than as was demonstrated to me by my team leader
4 at the time when I went to the school. Yeah, no. Up
5 until then there was no -- the only formal training
6 about restraint methodology came in after HMY was
7 SNR.

8 Q. That was after HMY left, did you say?

9 A. No, after left and HMY became
10 SNR. I beg your pardon, apologies for lack of
11 clarity.

12 Q. That's my fault, sorry.

13 So when HMY became SNR, there was
14 some formal training?

15 A. Yes.

16 Q. What form did that take?

17 A. Gosh, essentially the same CALM approach, but it was to
18 be done as a team affair. A second and third member of
19 staff there. One of the things that was difficult for
20 the child was, whilst you're restraining him and trying
21 to calm him down, you're the guy who's really annoying
22 the living daylights out o' him by doing what you're
23 doing and he's not really interested in listening to
24 you. So you then became a quiet member of the team,
25 a second member of staff came in and applied -- and

1 attempted to reason with the child to have a calming
2 influence. Almost a negotiator-type situation.

3 And there was preferably a third member of staff
4 there to take notes. I mean, it became quite a complex
5 issue and it would be quite difficult to do when it
6 first started, because of the lack of -- the shortage of
7 staff numbers, but as the staff teams grew and
8 an awareness of the likelihood of these situations
9 arising, there was more effort, more thought, more
10 resources put into addressing the issue.

11 Q. You make the point, 'Iain', at paragraph 75 that before
12 any restraint happened, you would try to deescalate the
13 situation?

14 A. Absolutely.

15 Q. To try and avoid a restraint becoming necessary?

16 A. You would attempt to talk the situation down in the
17 style of a negotiator, to -- depending on whether there
18 were protagonists, if it was a one on one, you would
19 just simply attempt to persuade that individual to
20 withdraw from the conflict -- from the situation that
21 had started. I know it sounds silly, but get them away
22 from the scenario where the incident took place, get
23 them to another place where they could relax and
24 hopefully become more compliant.

25 Q. You have mentioned the term CALM, was that the training

1 that you received at the point later on when it came in?

2 A. Yes, yes.

3 Q. Was that delivered to you at Oakbank or did you have to

4 go somewhere else to take that?

5 A. No, a contractor, an expert came in and conducted the

6 training in the school.

7 Q. At that point, though, would you have been in Oakbank

8 for quite a period of time, by the time that came in?

9 A. Oh, yes, that was after I was SNR [REDACTED], so HMY [REDACTED]

10 time.

11 Q. I think you say that this was a practice that you

12 described at paragraph 75, not a policy, and you never

13 saw anything written down. Are you talking about the

14 time before that training came into play?

15 A. Sorry, I'm not quite sure where --

16 Q. I think at paragraph 75, 'Iain', you have described

17 a situation when there was no formal restraint training.

18 I think this might have been in the early days?

19 A. Yes, that paragraph then applies to that time, yes.

20 Q. But at that time there wasn't any policies written down,

21 it was just a practice that you became aware of?

22 A. Yes.

23 Q. By watching other people?

24 A. That's right. A practice I assimilated, for want of

25 a better way of putting it.

1 Q. You go on, 'Iain', just to say during that time, your
2 first period as a technical teacher, that when you first
3 arrived, it was quite poorly equipped, but you were
4 able, at some point, to get new machinery, this is at
5 paragraph 80, and to get the place up and running and
6 you saw that as being great and the pupils were really
7 keen to get on board with you.

8 Was that the position when you first arrived at
9 Oakbank, you had poor facilities for you?

10 A. The machinery was obsolete, getting spare parts was next
11 to impossible, and the range of hand tools on offer was
12 limited as well. So in order to provide a proper
13 technical education, it was necessary for upgrading.
14 I had made that clear to the board prior to my
15 appointment, because obviously I had a chance to visit
16 the school and see what was available.

17 The building itself was a very -- remember I went
18 there in 1978, so it was a '60s/'70s modern building,
19 metal-frame windows and all the rest. But as a space,
20 it was an excellent space.

21 Q. You say that there was a requirement at one time for you
22 to have to work at nights or weekends, but that later,
23 I think for new recruits, that later changed, is that
24 right and it became optional?

25 A. Part of my contractual obligation was to do one evening

1 a week and one weekend in four of residential duty.

2 Q. You say, 'Iain', that you became a senior assistant in
3 1984 to 1985. That meant you were supporting the
4 workshops and then that led to you trying to set up the
5 SCOTVEC courses?

6 A. That's correct, yes.

7 Q. That was something that you took on and was something
8 that you pushed through; is that right?

9 A. That's correct, yes.

10 Q. There would be SCOTVEC courses in joinery, building,
11 painting and decorating, and health and safety?

12 A. Yeah.

13 Q. Thereafter, 'Iain', you tell us about this period as
14 SNR and that's the position you took up in 1985
15 and you remained in that position until you left?

16 A. That's correct, ma'am.

17 Q. You say at paragraph 92 that you had the autonomy to
18 develop the education provision, as long as it was in
19 accordance with what HMY wanted?

20 A. Yeah.

21 Q. Actually, perhaps -- is this maybe the time when you
22 developed the SCOTVEC programme, I maybe got that wrong?

23 A. No, no, I started it earlier, but with less authority as
24 a -- as SNR, you've got a lot more authority
25 to take something forward and the instruction team, they

1 were very, very skilled tradesmen, but they were not
2 particularly skilled at committing to paper what was
3 wanted and education is a silly sausage at times. What
4 it wants as part of an education programme doesn't
5 necessarily accord with how tradesmen would carry out
6 that particular action -- procedure.

7 So there was a -- reluctance sounds a terrible way
8 to describe it, but there was a lack of enthusiasm for
9 getting them involved in long-winded statements to say
10 that a boy could pick up a piece of timber, measure it,
11 mark it out, cut it and do what he's told.

12 I've described it to you there in five seconds. By the
13 time you write out a narrative to that effect, that's
14 good time wasted when a tradesman could be doing
15 something and it was changing that mentality what was
16 the name of the game, for want of a better phrase.

17 And there was -- my early efforts were
18 enthusiastically welcomed by some and not so by others,
19 but by the time it became official policy, particularly
20 after HMI had been in and given me an endorsement of (a)
21 what I was doing and (b) the way ahead -- pointing the
22 way ahead, that was just -- that was the green light to
23 go for it.

24 Q. You say, 'Iain', there was a move then at a particular
25 time towards proper qualifications, both on the workshop

1 side of it and in the mainstream educational subjects as
2 well, so there was a movement towards getting official
3 qualifications?

4 A. Yes, the inspectors were very good and they understood
5 the historical base from which Oakbank had come as part
6 of the List D system. By the change of circumstance, we
7 were now a conventional school and they thought that we
8 were underachieving with the children's potential and
9 that we should progress it. And the big change that had
10 happened in mainstream education was the fact that the
11 old O-Grades you passed or failed, that was it, yes or
12 no. Standard grades came into being and to start off
13 with, they had A, Bs or Cs, which were all passes. They
14 then developed and extended the scale to have D and E,
15 one was a near miss, E is a no so near miss, and F is
16 were you really there? And there was no reason for us
17 any more to say, 'Don't educate these children or
18 attempt to do it to a national standard'. And
19 surprisingly, a great many of them got Bs and Cs,
20 because once their confidence was up -- they didn't get
21 it in all the subjects, but a couple of Bs, a C and a D
22 or an E, that's a wee portfolio that you could take
23 forward to a potential employer and that was -- the name
24 of the game was to get that -- get the structure in
25 place and get the momentum going and get the children to

1 buy into it and to see that it wasn't difficult.

2 Because where they had come from, they were experts at
3 failing, that they knew exactly how to tell a mainstream
4 school where to go and where to get off, whereas we had
5 a more sympathetic approach to them, understanding what
6 had gone wrong and get them engaged by hook or by crook.

7 Q. Because I think what we've heard in evidence, 'Iain', is
8 that some of these children were in Oakbank because they
9 weren't going to school, and the irony was that
10 sometimes, if they're put into a residential place, they
11 didn't actually receive the proper schooling or left
12 with no qualifications that they could use later in
13 life.

14 A. That was what I meant by saying the inspectors thought
15 we were not achieving the children's best potential.
16 That was acknowledged.

17 Initially, the criteria for success for children at
18 Oakbank was that they left school and were able to take
19 their place in the world without us at the school ever
20 hearing from them again.

21 That meant -- well, the quotation we used at the
22 time was that we didn't -- the only reason we heard
23 about children was if they had subsequently got into
24 trouble and social inquiry reports were necessary or
25 there were court reports were required or if any one of

1 them won the Nobel Peace Prize. Well, we never got any
2 Nobel Peace Prize winners, but we got the court ones.
3 So the idea was if we could eliminate all three, the
4 children could go out and cope in the world.

5 Now, that was seen as success at the time, preparing
6 them for leaving the school and being -- fitting back
7 into society, but post the changes I have described, the
8 idea was to take that as a starting point and then give
9 them a building block to build upon on top of that.

10 Q. 'Iain', you go on to tell us that as well as those
11 educational changes, there were female staff coming in,
12 there were female pupils coming into the school, and you
13 set that out in your statement. I'm not going to go
14 through that with you in detail. We have it there and
15 it's very useful, but things have changed and you
16 explain how things progressed during your time at
17 Oakbank in your statement?

18 A. It was a very male-orientated institution when I got
19 there and the idea was definitely to change that
20 culture. Yes, make it a more realistic representation
21 of society.

22 Q. You also set out, 'Iain', this going forward in your
23 statement, to paragraphs 163 and onwards, you are
24 talking about three sort of major refurbishments and you
25 set out the changes to the school, lounge accommodation

1 in the house units, the dormitory cubicles being
2 replaced with twin-bedded rooms, and the toilet block
3 that we mentioned earlier being improved.

4 That's down to paragraph 168 now when we get to the
5 toilet block, but certainly there were a lot of changes
6 to the structure of Oakbank during your time there,
7 a lot of improvements?

8 A. Absolutely, and the toilet block you've referred to was
9 not the old shower room which we refurbished, it was
10 actually a brand new facility in the centre of the
11 school, which was good because it stopped the fly
12 smokers, that's to allude to an earlier point, but in
13 the centre of the building and it was modern, it was
14 unisex, it was a complete departure from what had been
15 there hitherto.

16 Q. We did touch on this earlier, 'Iain', but at
17 paragraph 181, you are talking about restraint again and
18 you're saying that the only type of restraint you were
19 encouraged to use and that you used was the smother
20 tackle, and that's the one you have described to us?

21 A. Yeah.

22 Q. That is something that when it happened, had to be
23 recorded, and you say that sometimes though, if it
24 didn't progress beyond the initial hug, telling them not
25 to be daft, that rarely got recorded, but mostly it

1 would be recorded?

2 A. Yes.

3 Q. Now, I'm not going through the child protection
4 arrangements that you talk about. We have that there
5 and again, in relation to complaints and concerns we
6 have that, but ultimately you never had a child come to
7 you and make a disclosure and you don't recall any staff
8 member coming to you with any disclosure they'd
9 received?

10 A. Absolutely not.

11 Q. In relation to abuse, you do mention a situation about
12 an individual, this is at paragraph 201, who was
13 convicted of child abuse from when he worked at
14 a different home, prior to coming to Oakbank, and that
15 he was somebody who was sacked when that was discovered?

16 A. No, he wasn't sacked. He had left prior to that. He
17 had taken up a post with Grampian Regional Council as
18 a social worker.

19 Q. Apologies.

20 A. He had completed his CQSW training with Oakbank and was
21 contractually obliged to spend four years there
22 thereafter repaying and he left after that.

23 Then we subsequently heard he had committed -- he
24 was convicted for something that happened prior to his
25 arrival at Oakbank.

1 Q. That didn't come to light during his time at Oakbank?

2 A. No, there was never a hint of it.

3 Q. In relation to investigations into abuse, this is at 211

4 onwards, I think you say there was an incident when you

5 first became SNR [REDACTED] that resulted in an allegation

6 of assault being made against you by a pupil, and that

7 was something that was then investigated by the police

8 and you were arrested and charged in relation to that

9 and a report was submitted to the Procurator Fiscal, but

10 after a number of weeks, you were told, I think the

11 phrase was 'no case to answer'. That was in relation to

12 a letter from the Procurator Fiscal; is that right?

13 A. That's correct, yes.

14 Q. During that period, you continued to work in your role

15 as SNR [REDACTED] at that time --

16 A. Yes.

17 Q. -- and you had been told by SNR [REDACTED] that he had full

18 confidence in you and you were just to carry on during

19 that time?

20 A. That's correct.

21 Q. You do mention an investigation at Oakbank after you

22 left and [REDACTED] had been appointed SNR [REDACTED] and

23 that related to a PE teacher, you say, and that ended up

24 in a dismissal that was overturned and some compensation

25 being paid by the school?

1 A. As I understand it, yes.

2 Q. You then go on to talk about some of the other staff
3 that you recall at Oakbank. I'm not going to go through
4 that with you, but in particular, in relation to
5 Mr HMY, you talk about him from paragraph 240 and
6 I think you say that you didn't believe that that was
7 a good appointment for the school and he didn't have the
8 same impact that his predecessor, [REDACTED], had and to
9 Mr HMY, it was a job, and it was being done his way
10 or no way. That's the way you saw him. That's
11 at paragraph 242, some of that has been blanked out.

12 LADY SMITH: It's paragraph 242.

13 A. No, beg your pardon? I don't -- I don't think he was
14 the right man at the right time. He came from
15 an English background, and there's nothing wrong with
16 that, but he came from an institution where it was
17 a social work institution with classes bolted on. He
18 didn't understand, or appear to understand, that Oakbank
19 was a school with residential provision and there was
20 a difference to it. He was very driven to ensure that
21 the care side, accommodation, et cetera, was improved
22 and that the services for the children were improved,
23 but he was quite difficult to convince that education,
24 you need to keep advancing as well, because we had the
25 HMI report from previously which was giving us

1 directives.

2 I personally, I found it quite difficult to work
3 with him at times, but -- well, we often had to agree to
4 disagree as a way forward, but he was SNR when the
5 bottom line -- when push came to shove.

6 Q. 'Iain', in relation to corporal punishment at that time
7 and in relation to Mr HMY, was he the person who was
8 to carry out corporal punishment, if it was to be
9 administered?

10 A. Corporal punishment was done away with prior to
11 Mr HMY appointment. It was still in the era,
12 to describe it that way, and I only ever saw one
13 incident of corporal punishment being applied and it was
14 a SNR, EJU was the guy who
15 administered the punishment.

16 Q. Was that with the use of a tawse?

17 A. Tawse, yes.

18 Q. Were you present when that happened?

19 A. Yes.

20 Q. There were a certain number of strokes that could be
21 administered at that time; is that right?

22 A. Yeah.

23 Q. Was that adhered to, the incident --

24 A. Yes, I witnessed two boys being strapped. They each
25 received six strokes on the buttocks and that was it.

1 Q. Just thinking about Mr HMY time then, you say that
2 was beyond the corporal punishment point, so did you
3 ever see him carrying out corporal punishment?
4 A. No.
5 Q. We have heard evidence of him having a cane?
6 A. Wow, no.
7 Q. That's not something you were aware of?
8 A. News to me.
9 Q. So that's not something you heard about or saw?
10 A. I'm appalled to hear it now. I certainly would have
11 done something about it if I had know about it then, if
12 that was the case.
13 MS FORBES: My Lady, I'm conscious of the time. I don't
14 have too much more to go over with --
15 LADY SMITH: I wonder if we should just take the break at
16 this point.
17 'Iain', we normally stop at 1.00 pm for the lunch
18 break and I'm thinking we should do that now and then
19 resume your evidence promptly at 2 o'clock. We don't
20 think it will take too much longer after that.
21 Would that work for you?
22 A. It works perfectly fine. Thank you, ma'am.
23 LADY SMITH: Very well. We'll do that.
24 (1.03 pm)
25 (The luncheon adjournment)

1 (2.00 pm)

2 LADY SMITH: 'Iain', are you ready for us to carry on?

3 A. Yes, thank you, ma'am.

4 MS FORBES: Good afternoon, 'Iain', thanks for returning
5 after the break.

6 I just want to come to part of your statement,
7 'Iain', that deals with some allegations that have been
8 made and these are allegations that you have been told
9 about. This is at paragraph 266, it starts in your
10 statement. There's two different people that I'm going
11 to ask you questions about, 'Iain'.

12 The first person is a boy whose name we'll refer to
13 as 'James', but you have been told his full name before,
14 and I think parts of his statement have been put to you
15 in two particular parts. The first part is from
16 page 14, paragraph 71 of his statement, and he says:

17 'One time I was at the hatch to collect fresh
18 clothing and Mr EJS was doing that job. He asked
19 for my number before he would issue me my clothing.
20 I knew my doocot was right next to where he was
21 standing. I was just worn out with all the abuse and
22 refused to give my number and asked for my clothes.
23 Because I was refusing [then he names you] 'Iain' and
24 Mr EJT came from behind and started hitting me. It was
25 all body blows.'

1 'Iain', I just want to ask you, do you recollect any
2 incident like this?

3 A. None whatsoever.

4 Q. This boy whose name that you've been told, 'James', do
5 you have any memory of him?

6 A. None at all.

7 Q. I think you say that if this incident described by
8 'James' has ever happened, it would certainly not have
9 happened as he's describing it?

10 A. That's absolutely correct.

11 Q. I think you put forward a potential hypothetical other
12 situation, and we can read that in the following
13 paragraphs, but this is not something that you recall
14 happening?

15 A. I never -- I have no record of the incident. I can
16 state quite unequivocally I've never struck a child in
17 my entire teaching career.

18 Q. One of the things, when you're talking about a sort of
19 hypothetical situation, this is at paragraph 278, you
20 can envisage a situation whereby 'James' is standing
21 naked waiting for his clothes to be handed over and how
22 a situation might have escalated to staff being involved
23 in having to restrain him, but this is all just
24 a hypothetical situation. You don't remember anything
25 of that nature happening?

1 A. I have no recollection of anything like that happening
2 at all. I can describe the hypothesis to you, if that
3 would be helpful.

4 Q. We have it there, 'Iain', but as you fairly say, this is
5 just something that you're trying to explain a situation
6 that might have been misinterpreted, I think, by
7 'James'. In your hypothesis of it, it doesn't involve
8 you assaulting 'James' in any way, is that right?

9 A. No, I may have become involved in the restraint, as
10 things progressed, but in terms of assaulting the boy,
11 absolutely not.

12 Q. At paragraph 281, you say the only time you've ever laid
13 hands on a pupil was when you were restraining them.
14 You do go on to say you maybe weren't the most gentle
15 handed, depending on how much the pupil was resisting
16 and whether they were striking you, but you say you have
17 never laid hands on a child, either in secondary school,
18 Oakbank or in your subsequent career after Oakbank?

19 A. That's absolutely correct. In terms of the possible
20 being heavy handed, I explained in an earlier response
21 that young people can become quite -- gosh, the
22 adrenaline can flow and things can become quite fraught
23 and it's a simple law of physics. For every action,
24 there's an equal and opposite reaction, and quite
25 simply, to quell whatever was being perpetrated, you

1 just had to apply an equal and equivalent amount of
2 force and that was as much as it ever was.

3 Q. You also say at paragraph 282 you are not aware of ever
4 having caused any physical injury during a restraint?

5 A. None at all. If an incident had occurred and an injury
6 had been sustained, it would have been logged --
7 reported and logged, and medical treatment, if
8 necessary, would have been applied. It would have been
9 recorded in both the house unit and the school log,
10 because in part of my hypothesis, this is a weekend
11 event, because ordinarily I was not in the school in the
12 mornings rousing children. My day started when the
13 school started.

14 Q. At paragraph 283 of this statement, another part of
15 'James's' statement is put to you 'Iain'. It's where he
16 says:

17 'Iain' was SNR . If you did not
18 behave in class or work hard enough, he would beat you
19 about the body with his hands. He beat me on almost
20 a weekly basis. He would knee me in the back and press
21 his thumbs into your back.'

22 Again, what is your position in relation to that,
23 'Iain'?

24 A. Quite simply it never happened again as described.
25 However, I have not included it in my statement, I can

1 offer you another reason for that as well. Elsewhere in
2 my statement, I report the fact that there was
3 a shortage of care staff and support staff on the
4 classroom floor, and how I entered into a negotiation
5 with SNR [REDACTED] to have staff on the floor to be
6 a support to the classrooms.

7 Prior to getting that, I had to undertake the
8 classroom support role myself and, I think I quote it,
9 I was the highest paid child support worker in Scotland,
10 getting a SNR [REDACTED] salary, and undertaking this
11 job.

12 I had to do that for the better part of a year, so
13 it meant my own managerial duties suffered as a result
14 of that. I was replaced, as I say in my statement,
15 by -- I got the equivalent of three full-time members of
16 the care team working there. There was actually six
17 members of staff working a rota, for the benefit of the
18 argument, there were three full-time equivalent, and the
19 restraints and interventions that 'James' alludes to in
20 his complaint carried on being made, but by six -- up to
21 six different people. Therefore, the frequency of being
22 held or restrained or guided, supported, whatever level
23 of intervention was required, was less frequent because
24 there were six people alternating perhaps.

25 Whereas for a period, I was the person who was

1 responsible for undertaking that role. Hence his
2 reference to me beating him almost on a weekly basis.
3 I never beat anybody, but I may have had to guide,
4 control, ultimately restrain on these occasions.

5 Q. In relation to the accusation of beating him about the
6 body with your hands, that's not something that you
7 accept, 'Iain', is that right?

8 A. Absolutely not, other than if he was resisting me trying
9 to restrain or guide or control him, there would be
10 certainly contact until I was able to secure the
11 situation.

12 Q. If you were involved, I think you're saying, it would be
13 in relation to restraint and you explain that there was
14 a time when there weren't as many people available to be
15 able to look after or control the children, the young
16 people, in the classroom environment and for a time you
17 would have to be more involved in restraints, an earlier
18 time than you would later on, is that right?

19 A. For that period. Again, we've not discussed it, but as
20 List D schools were closing down, there were fewer
21 places for them to be educated and we alluded to the
22 fact that earlier, we had a three-way split of
23 compliant, not so compliant and resistant.

24 It became the case nationally that the compliant
25 children were accommodated elsewhere, and, for example,

1 schools in our vicinity, the Dale School in Arbroath,
2 Balgowan in Dundee, I think it was Falkland and Fife,
3 Haddington in East Lothian, they closed, but they still
4 had their third or group of needy kids, and so our role
5 swung around from being equal portions, if you want to
6 put it that way, to being skewed to having quite a lot
7 of resistant pupils and as a result, the potential for
8 disruption and lack of co-operation was exemplified and
9 that was one of the pressing reasons for needing
10 classroom support staff.

11 Now, we're talking about mid-'80s. Nowadays there
12 is a profession for classroom support assistants in
13 mainstream education, never mind the sort of education
14 service that the school was dispensing.

15 Q. There was a time perhaps when, because of the type of
16 young people that were coming to Oakbank and the lack of
17 support staff, that there would be more restraints
18 perhaps required and perhaps that would fall on your
19 shoulders, is that what you're explaining, 'Iain'?

20 A. Could I say 'interventions', because restraint is the
21 ultimate. Intervention was a much greater frequency,
22 yes.

23 Q. I think we talked earlier, 'Iain', about how you would
24 carry out a restraint and you explained that.

25 A. Yeah.

1 Q. I think one of the things you said was that you might
2 have to put your body weight on a child and that might
3 mean that your body weight would be on their back, from
4 the way you described it.

5 Now, this person is obviously mentioning kneeling,
6 being kned in the back, which is different, and thumbs
7 being pressed into his back, but that's not something
8 that you accept would have happened in a restraint that
9 you would have carried out?

10 A. Not at all. Having got the child into the prone
11 position, you kneel beside the child, weight on the
12 shoulders -- it might not be a hand, it might be a full
13 arm pressed down, depending on amount of resistance that
14 the child was demonstrating.

15 Q. Moving on then, 'Iain', to the other allegation that's
16 made, and this is by someone who is referred to as
17 'Stewart'. This is at paragraph 285 of your statement.

18 The part of 'Stewart's' statement that was put to
19 you is from page 22 at paragraph 129, where he states:

20 'There was another man, 'Iain', we used to call him
21 ...'

22 I think he gives a nickname for you at that time,
23 which was a shortened version of your surname?

24 A. That's correct.

25 Q. '... he was aggressive and in your face, he used to grip

1 you and clout you on the ear. That's what my mum used
2 to call it. I was brought up with that, so didn't
3 really question it.'

4 That is the one thing that 'Stewart' says in his
5 statement that relates to you. What's your position in
6 relation to that, 'Iain'?

7 A. I would imagine it applies to the same period, whether
8 'James' or 'Stewart' were pupils at the same time,
9 I've no idea, but the frequency that he's describing to
10 me indicates that he would be involved in that situation
11 and I think I read in his statement that he was a pupil
12 there three times, including a member of the day
13 education programme. So it's a high likelihood that he
14 would have been involved in that around that time though
15 without the details of their actual terms of residence
16 at Oakbank, I couldn't be specific.

17 But there was no question, if he got clipped on the
18 ear, it was in the process of effecting an intervention
19 or a restraint, depending on how the thing escalated or
20 was de-escalated, if it would have been done
21 successfully.

22 Q. Just to clarify, 'Iain', I think when 'Stewart' gave
23 evidence, it was clear that he was supposed to be a day
24 pupil after the summer, but actually that never happened
25 and he just simply came back as a residential pupil, so

1 he was only ever residential and I think you're right,
2 there were three separate occasions.

3 You say that again you have never laid hands on any
4 child, other than to restrain them legally and
5 legitimately. Is that the position?

6 A. Absolutely.

7 Q. Now, you have mentioned things that could happen in the
8 course of a restraint. Gripping could happen,
9 I suppose, in the course of a restraint?

10 A. Absolutely.

11 Q. But what's described, apart from that, is a clout on the
12 ear. That's not something that you would accept,
13 'Iain', that would happen in a restraint, is it?

14 A. I would -- certainly would not. However, I have no idea
15 how -- the height of this child. I'm six foot two.
16 Whilst your arms are flailing, you could certainly be
17 struck on the ear, but in terms of deliberately going
18 out and clipping folk on the ear, I've never done it and
19 wouldn't do it.

20 Q. In relation to this individual, I think the position is
21 you don't remember him, is that right?

22 A. I have no recollection of either 'Stewart' or 'James'.

23 Q. You don't recollect or accept that this incident would
24 have happened, or these incidents would have happened,
25 in relation to him with you?

1 A. They did not happen at my instigation. During the
2 course of an intervention or restraint, contact was
3 obviously made. It was minimal and it was totally
4 unintentional.

5 Q. I think you say at paragraph 288 that you are six foot
6 two and at that particular time you were extremely fit
7 and you had no need to go round clipping and holding
8 pupils. I suppose, apart from what you've told us,
9 about having to restrain on occasions?

10 A. Yeah.

11 Q. Is that the position? I think you say that you had no
12 need to go round clipping -- I think you mean clipping
13 people round the ear or holding pupils back then?

14 A. No. I've said in my statement, my only physical contact
15 with children was a comforting arm round the shoulder,
16 or reassuring, that was it. I'm a second row rugby
17 player. It was sort of, say, a natural action that you
18 would do that and that was part of -- I think I alluded
19 to earlier, about the fact of breaking down barriers
20 with young men who had aversion to male contact. That
21 was seen as a positive thing, the fact that you could do
22 that. But when we became co-educational, it became
23 entirely inappropriate and I ceased that practice at
24 that time.

25 Q. You say that you accept you did engage in restraint when

1 you had to and when you did, it was undertaken, the way
2 you've put it at paragraph 290, 'Quickly, quietly, as
3 efficiently as possible and it was proportionate'?

4 A. Absolutely, yes, the law of physics, equal and opposite
5 reaction.

6 Q. At paragraph 291, you again talk about a situation that
7 might happen with adolescent boys in relation to
8 restraint, and that you would have to draw immense
9 reserves of strength to try to resist -- they would
10 have -- they would sometimes draw immense reserves of
11 strength to try and resist and fight against the
12 restraint and that in turn required an equivalent level
13 of strength to counteract it?

14 A. Yeah.

15 Q. From your point of view, 'Iain', did you ever feel that
16 you went too far in relation to restraining any young
17 person at Oakbank?

18 A. No, quite the contrary. Aye.

19 Q. You do tell us, 'Iain', that latterly you weren't
20 enjoying your work at Oakbank and you began looking for
21 other career opportunities and then you were able to
22 obtain a suitable post and left in 1997?

23 A. That's correct.

24 Q. What was it that you weren't enjoying about your time at
25 Oakbank?

1 A. Well ... pardon me, give me a second, please.

2 The work of developing the education programme and
3 using SCOTVEC, the SCE, getting the instructors trained
4 in Glasgow and the introduction of the day boy
5 programme, day pupil provision was -- that was
6 successful and that was very enjoyable.

7 What was less enjoyable was the working with the
8 care team and with SNR [REDACTED], because they -- you
9 would almost say that the educational achievements were
10 attained despite them, because it was not a focus.
11 I explained earlier that SNR [REDACTED] saw the place as
12 a home with a school, as opposed to a school with
13 a home. And working within these parameters, I felt
14 I had gone as far as I really could in terms of taking
15 the thing forward. I'd made the developments that I had
16 and there wasn't much -- well, there was very little
17 else I think I could achieve in these circumstances,
18 I was getting older.

19 LADY SMITH: You would be 49 by then, I think, is that
20 right?

21 A. Yes, yes, my Lady.

22 LADY SMITH: In 1997.

23 A. Yes, yes, aye.

24 MS FORBES: It sounds, from what you're saying 'Iain', that
25 you became frustrated with the position ultimately at

1 Oakbank or is that not fair?

2 A. Frustrated, no. I mean, I think I said earlier that
3 I didn't think the appointment of SNR was he was
4 the right man at the right time. I think I'd had my
5 time and there was -- I'd done as much as I could do and
6 it was time to start looking at other life
7 opportunities. And, as her Ladyship says, I was getting
8 older so I had to start thinking about career planning
9 beyond that.

10 Q. The subsequent role you went into, did that involve
11 teaching?

12 A. Yes.

13 Q. Was that in a residential school or somewhere else?

14 A. No, it was a day education provision centre.

15 Q. Did you continue doing that until you retired?

16 A. I stayed with the authority that I was with, but I moved
17 into a different department after so many years.

18 Q. Thank you, 'Iain'.

19 You go then just finally to talk about lessons to be
20 learned or helping the Inquiry and you do talk about
21 having to have this recognition about children with
22 behavioural issues and what society and the local
23 authorities really need to be trying to do.

24 If we go down to 304 onwards, I think you are
25 talking about the Kilbrandon Report and the findings

1 there and what Kilbrandon envisaged was this creation of
2 a single joined-up service comprising housing, education
3 and social work all working together, the way they put
4 it, as a single, cohesive, child-centred, unitary
5 service designed to address and focus upon the issue of
6 children in trouble.

7 You say in a lot of detail there about that, that
8 that hasn't happened from your point of view and that's
9 something you think should still be achieved?

10 A. I wish it were likely to happen. I realise it's a pipe
11 dream, that the horse has bolted, but a great
12 opportunity was missed, because children with
13 behavioural difficulties, they're comparable with the
14 deaf, the dumb, the blind and the lame, but it's not
15 perceived that way in society, badly behaved kids are
16 kids who should be punished.

17 I quote something, I think, when I was in my -- my
18 period beyond Oakbank. The place I was managing, the
19 children there, who were same age group as at Oakbank,
20 but when I worked with a health visitor, we discovered,
21 when checking our records, that of the children of the
22 community -- I can't remember the exact figures, but
23 more than half of them from our community, who were at
24 my school, had been identified as preschool, as families
25 in need of support and families 'born to fail' was the

1 phrase that was popular at the time, and the early
2 intervention then, money invested there, not on
3 a short-term basis but for a long term, for
4 a generation, could obviate what was happening.

5 The example is the -- 'Stewart', the gentleman who
6 you referred to earlier, he has spent 30 years behind
7 bars, what has that -- in addition to the distress for
8 him, what has that cost society when you compare that
9 with the cost of providing a health worker to nurture
10 and support a mother through a difficult phase in her
11 life, helping her bring up her children?

12 It's -- I realise I'm an old man, having a rant, but
13 it's -- I feel quite strongly about it.

14 MS FORBES: 'Iain', it's very helpful to have your insight
15 into that looking back, especially given your experience
16 over the years.

17 That's all the questions I have for you today, so
18 thank you very much. Is there anything you want to say
19 that you haven't had a chance to say about anything
20 I've asked you about today?

21 A. You've been very accommodating, allowing me to go off at
22 tangents, thank you.

23 LADY SMITH: 'Iain', I wouldn't call them tangents at all,
24 I would call it sharing valuable thoughts and
25 information with us.

1 A. You're very kind, thank you.

2 LADY SMITH: Can I just check a couple of things. At
3 paragraph 240 of your statement, you refer to Mr HMY ,
4 and at the end of the paragraph, you say:
5 'He was an ex-paratrooper.'

6 A. Yeah.

7 LADY SMITH: I wonder if you're mistaken about that, is it
8 possible that actually he was in the RAF?

9 A. Crikey. I believe he was RAF parachute instructor.
10 Does that sound a way of melding the two thoughts
11 together?

12 LADY SMITH: That would fit. He was in the services for
13 quite a number of years earlier on in his life, I think.

14 A. Yes.

15 LADY SMITH: You offer the view at paragraph 248 that his
16 interaction with children was poor and he didn't have
17 any rapport, he was very formal with them. Do you have
18 any examples you could share with me that would help me
19 understand that a little more fully?

20 A. Compared to his predecessor, and it's always bad to --

21 LADY SMITH: I can understand that.

22 A. His predecessor would abandon [REDACTED] office, and wander
23 round the school, unannounced, spontaneously, dropping
24 in, seeing how things were going on.
25 Any time Mr HMY walked round the school, he had

1 one or other of SNR with him, er, and it was
2 an event rather than a process.

3 His ability to relate to the kids, he was just very
4 stiff and very formal. I don't think he bought into the
5 culture. I know we're in the north-east -- we were in
6 north-east of Scotland, and it's Doric and Parliamo
7 this -- the local language, but a lot of these children
8 were from other parts of the country, but he didn't
9 have, the phrase: the common touch.

10 LADY SMITH: Yes, I understand what you mean.

11 A. Where he could relate to kids. He would never -- when
12 he was addressing one or engaging with one, it was
13 a distance apart or -- it just wasn't a natural ambience
14 with where he was or what he was doing.

15 LADY SMITH: So maybe both harder for him and harder for the
16 children, given what you describe as something of
17 a mismatch?

18 A. Yes, without any question of a doubt.

19 LADY SMITH: You tell me at paragraph 249, that when it came
20 to colleagues referring to each other, he didn't like to
21 use his Christian name, his first name to be used?

22 A. He was SNR. He was 'Mr HMY' to everyone. The
23 SNR, SNR as we used to call
24 ourselves, there was LIL -- there was two, and then
25 there was a LIQ and myself --

1 LADY SMITH: You used first names.

2 A. It was very informal. We could do formal in front of
3 the children where appropriate, but that was the
4 demeanour. But he just didn't do it, he wasn't having
5 it, he had his distance and that was it.

6 LADY SMITH: I get the impression that your idea of what
7 builds an effective team in these circumstances is one
8 that really is collaborative in which, although there
9 will be a leader, in essence you're working on a level
10 with each other, do I have that right?

11 A. Absolutely. If you'll forgive me for saying so, respect
12 can be commanded, it can't be demanded, and I think
13 that's as succinct as I think I should be.

14 LADY SMITH: On that gold nugget of wisdom, I'll stop asking
15 you questions.

16 Thank you so much, 'Iain', it's been really helpful
17 to hear from you and I'm glad to be able to let you go
18 and have a more restful afternoon than you have had in
19 the early parts of today.

20 Safe travels home.

21 A. Thank you for your courtesy.

22 (The witness withdrew)

23 LADY SMITH: Before I rise so we can get organised for the
24 next witness, five names. Again, these are people who
25 are not to be identified as referred to in our evidence

1 outside this room; GZG [REDACTED], EJU [REDACTED],
2 [REDACTED], Mr EJT [REDACTED] and Mr HMY [REDACTED] names have always
3 been used today so far and please don't repeat them.

4 Thank you.

5 (2.30 pm)

6 (A short break)

7 (2.36 pm)

8 LADY SMITH: Mr Peoples.

9 MR PEOPLES: My Lady, the next witness has the pseudonym
10 'Bryan' and this witness will, I think, require
11 a warning in the usual terms.

12 LADY SMITH: Thank you.

13 'Bryan' (affirmed)

14 LADY SMITH: 'Bryan', thank you for coming along this
15 afternoon to give your evidence in person to us.
16 I'm sorry we're a bit later starting your evidence than
17 we'd hoped to be. Other evidence that was running
18 before you took a bit longer than we expected.

19 A. No problem.

20 LADY SMITH: We are where we are and I wish it hadn't
21 happened, but we'll make progress as soon as we can.

22 There are a couple of things I want to explain to
23 you first.

24 The red folder there has your statement in it, your
25 written statement. Thank you for that. It's already

1 evidence to the Inquiry, so we don't need to go through
2 it in detail this afternoon. We'll focus on particular
3 aspects we're interested in discussing with you.

4 You'll have that -- when you're giving evidence --
5 available to you, but we'll also bring up the parts that
6 we're looking at on the screen. You might find that
7 helpful too.

8 If you have any concerns or questions as we go
9 along, please don't hesitate to raise them with me. My
10 mission is to make this difficult task of giving
11 evidence, in public, about things that happened a long
12 time ago, in ways that may stress you at times, as
13 comfortable as I can. I know it's not going to be
14 particularly comfortable experience or so you think.
15 Perhaps we can prove you wrong about that. We'll try.

16 Otherwise, do bear in mind that, although this is
17 a public inquiry and not a courtroom, you have all the
18 protections that you would have if you were in
19 a courtroom giving evidence. That means that if you're
20 asked any question, the answer to which could
21 incriminate you, you don't have to answer it. It's your
22 choice. Of course, if you do choose to answer it,
23 I expect you to do so fully, but make your choice as you
24 choose.

25 If you're in doubt as to whether we're going in that

1 direction or not, just say and we'll confirm it to you.

2 If you don't have any questions at the moment,
3 I'll hand over to Mr Peoples and he'll take it from
4 there. Is that all right?

5 A. Thank you.

6 LADY SMITH: Thank you.

7 Mr Peoples.

8 Questions by Mr Peoples

9 MR PEOPLES: Good afternoon, 'Bryan'.

10 A. Good afternoon.

11 Q. Can I begin by giving our reference for the statement
12 you have provided. You don't need to worry about this,
13 but we'll put it into the transcript. It is
14 WIT-1-000001504.

15 That's come up on the screen, 'Bryan', but you also
16 have the hard copy in front of you in the red folder.
17 Can I ask you to open the folder and go to the final
18 page of your statement and can you confirm for me that
19 on that page, page 43, you have in fact signed and dated
20 your statement?

21 A. Correct.

22 Q. If we could go to the second-last page, at the very
23 foot, paragraph 214, you say that you have no objection
24 to your witness statement being published as part of the
25 evidence to the Inquiry and you believe the facts stated

1 in your witness statement are true.

2 Is that correct?

3 A. Correct.

4 Q. Can I go back to the beginning of the statement,
5 'Bryan'. I'm going to, as her Ladyship said, take you
6 to some parts and other parts we have read and it's part
7 of your evidence to this Inquiry.

8 If I don't mention something, it's not because
9 I necessarily think it's less important, but there are
10 certain things I'd like to cover with you today, if
11 I may.

12 First of all, and I don't want your date of birth,
13 but can you confirm for me that you were born in the
14 year 1948?

15 A. Correct.

16 Q. You have a section beginning at paragraph 2 which is
17 headed 'Background', which gives some information about
18 your background before starting work at Oakbank.
19 I think we can read that for ourselves, but I'll just
20 take a little from that, if I may.

21 You obtained a diploma of education in physical
22 education in 1970, from what was then known as
23 Jordanhill College of Education, but it has since become
24 part of the University of Strathclyde?

25 A. Correct.

1 Q. It is now I think referred to as the faculty of
2 education --

3 A. Yeah.

4 Q. -- of the university?

5 A. Yeah.

6 Q. You tell us that having obtained your diploma, you
7 worked for four years as a physical education teacher at
8 Summerhill Academy in Aberdeen and then you were looking
9 for an opportunity and that you applied and obtained
10 a job at Oakbank School in October 1974?

11 A. Yeah.

12 Q. We know from other evidence about the history of
13 residential schools like Oakbank that Oakbank had been
14 historically an approved school and in 1974, it would
15 have become what was then known as a List D school?

16 A. Correct.

17 Q. It obtained 50 per cent of its funding from central
18 government and the rest was derived mainly from
19 local authority placements?

20 A. A bone of contention.

21 Q. Yeah. I think it was a bone of contention. Don't
22 worry, we are aware that it caused some consternation,
23 but as did the attempts, I think, of government to
24 relinquish responsibility directly for such schools.
25 You probably are aware of some of the history of that --

1 A. Yes.

2 Q. -- which I'm not going to go into with you today, but
3 you can take it we have some knowledge of what a tricky
4 period it perhaps was between 1971 and 1986, when List D
5 schools were finally abolished, as it were.

6 A. Yeah.

7 Q. You say that when you were at Oakbank, this is
8 paragraph 4, you obtained further qualifications,
9 including a bachelor of arts at the Open University, it
10 was a degree in social science, in 1979?

11 A. Correct.

12 Q. Again, when you were still employed at Oakbank, you were
13 sent to a course at Glasgow University and you completed
14 a bachelor of arts certificate in childcare in 1996, is
15 that correct?

16 A. Residential childcare.

17 Q. It's a residential childcare qualification. Indeed, you
18 say it was a new course and you were sent there. When
19 you say you were sent there, was that a residential
20 course or was it one that you attended?

21 A. One I attended. Mr HMY, who was SNR at
22 the time, thought it would be a good idea if I went on
23 a course so I sampled the course and see whether it was
24 a meaningful experience for residential care.

25 Q. You have a section that follows headed 'Experiences at

1 Oakbank'. I would just like to ask you a few questions
2 about when you started there.

3 First of all, you tell us at paragraph 6 that you
4 were interviewed by the then SNR [REDACTED], [REDACTED],
5 along with SNR [REDACTED] and a senior staff
6 member and that you had to provide references, although
7 you can't recall, I think, now whether you provided
8 written references or not?

9 A. That's true, I can't remember actually. I mean, there
10 were people there who knew me and suggested that I --
11 well, that there was a post for me there and did I want
12 it and, after due consideration, I thought, yes, so --

13 Q. You had some knowledge of people who were already at the
14 school?

15 A. Yes.

16 Q. Were these the senior members of the school or other
17 people?

18 A. A mixed bag.

19 Q. Can I ask you, how did you get to know these people?
20 Was it just through working at Summerhill or was it --

21 A. Again -- well, one of the ways I got to know them or
22 they got to know me was through football connections and
23 social connection.

24 Q. You say that so far as you can now recall, your
25 induction really amounted to being shown around the

1 place at that time?

2 A. Correct.

3 Q. I suppose, having come from a state school, particularly
4 Summerhill Academy, and we'll come to that at some
5 point, you found it was, as you describe it, an eye
6 opener and a bit of a shock to your system to see what
7 you were coming into?

8 A. Yeah. Well -- obviously I'd been at Summerhill Academy,
9 which was seen as quite a forward-thinking
10 establishment. The headmaster there had very modern
11 ideas.

12 Q. Was that RF Mackenzie?

13 A. Yes. And then -- so stepping back into the environment
14 I found Oakbank, it was a bit of a, quote, 'eye opener'.

15 Q. You would not have had any prior experience of also
16 a residential school at that stage?

17 A. No, none.

18 Q. Just in terms of 'eye opener', if you can help us with
19 that. Can you maybe tell us what were the main things
20 that either shocked you or, as it were, opened your
21 eyes?

22 A. Well, I think, as I've said, in some of my account
23 there, the first contact I had was the boys lined up in
24 what they called a play ward, which was the hall on the
25 ground floor, and every time -- every day and every

1 break, the young people would gather there in a parade
2 setting, so to speak, and actually at the end of this
3 play ward, so all these young men, basically dressed in
4 very poor attire, shall we say, jeans, T-shirts and
5 maybe overalls or something, and I just thought, 'Well,
6 okay, that's a bit institutionalised this', and it was a
7 question of thinking, 'Okay', I'd say here it was a bit
8 of a shock to the system to see this.

9 Q. You are describing in one sense, a bit of a paradox,
10 you're saying in one way it almost seemed slightly
11 militaristic, but at the same time, you have people who
12 are on parade in fairly scruffy clothing?

13 A. Yeah.

14 Q. I think we have heard in other schools that certainly
15 there was that type of regime in the days of approved
16 schools and List D schools, but perhaps they did have
17 perhaps more of a uniform like the forces. There was
18 nothing of that when you came there?

19 A. No.

20 Q. You tell us about -- you progressed within Oakbank and
21 you started, you say, as a PE teacher. That's at
22 paragraph 8, you tell us. You obtained your first
23 promoted post as a senior assistant and you think that
24 was around 197█?

25 A. If I've said that, that's --

1 Q. Paragraph 8.

2 LADY SMITH: You have been there about --

3 A. The gentleman who was in that post left to go back to
4 mainstream education, so there was a vacancy, and
5 [REDACTED] was SNR [REDACTED] at the time, decided I was
6 a suitable candidate and I obviously replaced that
7 member of staff who had left in a senior position.

8 LADY SMITH: 'Bryan', you had been there about three years
9 by then?

10 A. Er, would have been, yes. I'm just looking at the
11 figures.

12 LADY SMITH: So you had a bit of experience of Oakbank under
13 your belt at that stage?

14 A. Yes.

15 LADY SMITH: Thank you.

16 MR PEOPLES: Then [REDACTED] retired, I think, and there was
17 a change of SNR [REDACTED] and a new SNR [REDACTED], HMY [REDACTED], came?

18 A. Correct.

19 Q. I think we've been told he came in 198[REDACTED]. Would that be
20 about right?

21 A. Yeah.

22 Q. You say that certainly shortly after he arrived in 198[REDACTED],
23 he promoted you to a new post of SNR [REDACTED]?

24 A. Correct.

25 Q. Then in 199[REDACTED], if we go on to paragraph 9, you tell us

1 that you obtained the post of SNR [REDACTED],
2 is that correct?

3 A. The idea there was obviously you had care staff, you had
4 education staff, and I'm not going to say they didn't
5 always see eye to eye, but there were differences in
6 situations and I was given this post to sort of try and
7 bring the whole situation in the school together
8 staffing-wise, make it a better environment.

9 Q. You tell us, and I think at that stage there were
10 effectively three SNR [REDACTED] below SNR [REDACTED] as
11 the senior management team, you being one of them as
12 SNR [REDACTED], the other being SNR [REDACTED]
13 who was responsible for [REDACTED], that's LIQ [REDACTED]
14 and -- oh no, I'm sorry, was he made redundant, do you
15 say, at that time?

16 A. He was made redundant when there was a big change in the
17 staffing situation.

18 Q. Sorry, I ran ahead. I'm reading this. No, at that
19 stage you became SNR [REDACTED], LIQ [REDACTED]
20 was the SNR [REDACTED]?

21 A. Correct.

22 Q. The other SNR [REDACTED] was
23 a Mr ILG [REDACTED]?

24 A. Correct.

25 Q. Then you say that there were some changes in or around

1 199█, when I think there was another change █
2 when HMY █ was replaced by █, who
3 became SNR █ of the school?

4 A. Er --

5 Q. I'll ask you a bit more about that, but you tell me what
6 you remember?

7 A. Er, it wasn't quite as straightforward as that.
8 Obviously Mr HMY █, I don't want to go into detail, but
9 it was very much a political thing, because -- do you
10 want me to go into the detail?

11 Q. Well, can I put it this way: I think you tell us
12 a little bit that one of the things that maybe
13 complicated matters was that there was a local
14 government reorganisation in 199█, which meant that the
15 old Grampian Regional Council was broken up and there
16 were unitary authorities created, including
17 Aberdeen City Council?

18 A. Yeah.

19 Q. I think, and picking up from what you were saying in
20 your statement, that the complexion of the majority
21 party was Labour?

22 A. Yes.

23 Q. And that they seemed to have some issues with the
24 school, with Mr HMY █, and that that led to certain
25 things happening?

1 A. Correct.

2 Q. Including that Mr HMY [REDACTED] took early retirement?

3 A. Under pressure, yes.

4 Q. Under pressure, and that there was a change [REDACTED]?

5 A. Correct.

6 Q. I think around that time, because we've already heard
7 some evidence about this, that Aberdeen City Council
8 conducted quite a rigorous audit in late 199 [REDACTED] and were
9 critical of the operating costs of the school and were
10 seeking ways to reduce those costs and also reduce the
11 cost of the fees of pupils being placed there by them,
12 is that pretty much one of the things that was going on?

13 A. Yes, but that's a biased point of view from the city
14 council's point of view.

15 Q. It was a fact. We have seen an audit report that was
16 saying, and I think Mr HMY [REDACTED], on behalf of the school
17 was saying, 'We need the money that we are asking for
18 and if we don't have that money, we can't address
19 problems and we can't provide a high quality service'?

20 A. Correct.

21 Q. But he didn't really win that battle, did he?

22 A. That's the reason he was under pressure and at the end
23 of the day, he bowed to the pressure and took early
24 retirement.

25 Q. You say around the same time, one of the other senior

1 members, Mr ILG [REDACTED], as you put it, saw the writing
2 on the wall and he decided to move on as well?

3 A. Correct.

4 Q. Indeed, a third member of the senior management team,
5 Mr LIQ [REDACTED], who you say was in fact made redundant?

6 A. He was actually made redundant before Mr ILG [REDACTED] saw
7 the writing on the wall and decided to join him.

8 Q. Within a short time, most of the senior management team
9 had disappeared, leaving only you?

10 A. Correct.

11 Q. I think we may see a bit of this later on, but Mr HMY [REDACTED]
12 retired, or resigned, and I think then there was
13 a process of appointment of a new SNR [REDACTED] and
14 that for a time, you were SNR [REDACTED], SNR [REDACTED]
15 SNR [REDACTED], of the school for about, what, six months?

16 A. Correct.

17 Q. Before [REDACTED] was appointed to the post?

18 A. Yeah. Obviously, I was interviewed, I can't say really
19 interviewed, but the board of management called
20 a meeting, which I was asked to attend, and basically
21 one of the councillors, who had a lot to offer, choose
22 my words carefully, asked me very directly, 'Mr LIL [REDACTED],
23 do you want the SNR [REDACTED] job?'. And I was
24 thinking, well, this is a bit of a shambles here,
25 because from going from three members of staff before,

1 to one senior member of staff left, me. So I gave it
2 a bit of thought but then this councillor said, 'You
3 want the job or don't you?', that sort of tone, and
4 I thought, well, putting aside my considerations,
5 I thought if I don't take this post in the interim, who
6 is going [REDACTED] Oakbank School? So I said yes.

7 Q. I think you were seeking to become SNR [REDACTED] ?

8 A. Yes, there were four applicants for the post. I decided
9 to apply for that post and, obviously, at the end of the
10 day didn't get it, but the director of education at the
11 time, John Manger, who was sitting in, in the process,
12 took me aside and said, quote:

13 'Look, LIL, if you don't get SNR [REDACTED] post
14 you must apply for SNR [REDACTED] post, because
15 you're the only one basically maybe with experience in
16 the role at Oakbank.'

17 So that's how that came about.

18 Q. You tell us about that in paragraphs 10 and 11 and you
19 have summarised what has happened.

20 Can I just ask you one thing about paragraph 11.
21 You tell us, towards the foot of page 3, that you
22 discovered that the incoming SNR [REDACTED] had made some
23 derogatory comments about the old senior management team
24 and found out later that [REDACTED] didn't want you there as
25 [REDACTED] wanted to have a clean sweep or a new group of

1 people at the top.

2 When did you first discover that [REDACTED] had been
3 critical of the old management or the senior management
4 team? Was that at the time of applying for the post of
5 SNR [REDACTED] ?

6 A. I couldn't actually detail the exact time, but because
7 then I was then obviously SNR [REDACTED], I was
8 attending board meetings on a regular basis, so I was
9 finding out things in the background which I had no
10 knowledge of before. And the statement I heard,
11 attributed to [REDACTED], was that [REDACTED] thought the management
12 team up 'til then were corrupt, whatever that meant.

13 Q. Now, if I can move on in your statement, we'll maybe
14 come back to some of this as well, but you have
15 a section dealing with training and supervision of staff
16 and you tell us that there were training days where
17 topics were discussed amongst -- is this training days
18 for the whole staff, or the care staff, or the teaching
19 staff, or the senior management, or all three?

20 A. A bit of a mixture. Basically, er, the education staff
21 were having meetings among themselves. The care staff
22 were having meetings, and the care staff were being
23 supervised by the unit managers, and that was an ongoing
24 thing on a regular basis. And, as I say, the teaching
25 staff were having meetings as a group as well.

1 Q. We have heard evidence, including from someone who was
2 a member of the unit staff in one of the units, who said
3 that in his period of employment at Oakbank, almost
4 throughout his whole period, he didn't really have much
5 in the way of training or formal supervision. Now, is
6 that something that's news to you or is that the way it
7 was?

8 A. Well, I can't detail how much actual supervision they
9 had, but one of the tasks for the unit manager was to
10 provide the supervision and oversight on a regular basis
11 to the staff underneath -- well, under this control.
12 And I think it's mentioned there as well that the CALM
13 course I thought was critical or crucial to the training
14 of staff, and all staff were sent on that and they did
15 a two-day residential course to cover the material in
16 the CALM.

17 Q. I was going to ask you about that.

18 This person, who has been referred to as 'Peter'
19 before this Inquiry, he was a person who said he didn't
20 have training or supervision, other than limited
21 training and that in any role he went into I think he
22 didn't feel that he got any kind of training to equip
23 him to perform the role and he just got on with it as
24 best he could.

25 You might disagree, I'm not sure. Are you

1 disagreeing with that?

2 A. Well, the last part there, he got on with it as best he
3 could, that's -- fine, I mean, having said that, not
4 knowing the person you're talking about, he may have
5 been covering his own shortcomings, I don't know.

6 Q. Perhaps I need to give you the name. Obviously it's
7 protected, but it's a person called IAB [REDACTED], who was
8 in a particular unit. I think you know him and he was
9 there a long time.

10 A. Yeah.

11 LADY SMITH: Can I just confirm, he's not to be identified
12 as referred to in our evidence outside this room,
13 please.

14 MR PEOPLES: Now, we were told that there was what might be
15 termed 'restraint training' given at Oakbank and the
16 evidence we've heard was that in Mr HMY [REDACTED] time as
17 SNR [REDACTED], this was before 199 [REDACTED], that there was
18 training given and it was given by people who were
19 officers from Peterhead Prison. Do you remember
20 training of that kind being given?

21 A. There was one occasion, selected members of staff were
22 invited to attend a course, yes.

23 Q. Is that the course you're talking about in paragraph 17,
24 in Peterhead or is that a different course?

25 A. That's a different course. Sorry, I'm catching up with

1 this here.

2 Q. Sorry.

3 LADY SMITH: It's up on the screen as well if that's any --

4 A. It wasn't Peterhead Prison, the Peterhead one was

5 carried out in a local hotel by independent training

6 staff --

7 Q. That was CALM training?

8 A. That was CALM, yeah.

9 Q. The evidence we've heard so far was that there was CALM

10 training given to staff, but that only happened after

11 ██████████ took over, would that accord with your

12 recollection? That the CALM training was after ██████ took

13 over from Mr HMY ██████, although there had been this other

14 training, I think, in restraint, from prison officers,

15 which had been given during Mr HMY ██████ era as

16 SNR ██████? Does that ring a bell?

17 A. Two parts of that. In defence of Mr HMY ██████, it was a

18 one evening experience, just to show what might have

19 been appropriate and certainly not appropriate as well.

20 Er, I'm a bit confused with reference to when the

21 CALM course was actually set up and carried through, er,

22 and I'm surprised I haven't got any dates in here, but

23 my own impression was it was Mr HMY ██████ time, but I may

24 be wrong.

25 Q. We can see if we can find out and put it together.

1 I suppose it follows though that, whether it was
2 Mr HMY time or time SNR, for
3 much of the time you were at Oakbank, from 197 onwards,
4 staff didn't get any form of restraint or physical
5 intervention training, is that not the position?
6 A. That's correct. I mean, they may have been given
7 advice, but there was no formal training course.
8 Q. A lot of the care staff for much of the period that you
9 were employed there were unqualified and didn't have the
10 sort of qualifications you obtained?
11 A. Correct.
12 Q. There was sometimes difficulty getting people to take up
13 residential care working posts at Oakbank?
14 A. I wouldn't necessarily agree with that, because we were
15 very seldom short staffed. I mean, posts were
16 advertised and okay, yes, I mean, there were people
17 there who were not formally qualified, but they took up
18 the post and obviously through experience and advice
19 from other members of staff.
20 Q. Can I put it this way then, and I think Mr HMY wrote
21 in the past to inspectors, or responded to inspectors,
22 by saying that he had difficulties perhaps recruiting
23 qualified staff?
24 A. That's true.
25 Q. And that sometimes he had difficulty getting people who

1 could provide references and sometimes people were just
2 taken on without references, or full references being
3 obtained and considered before appointment. There were
4 instances where that happened too?

5 A. If that's what Mr HMY says, then I would take that as
6 read.

7 Q. You say also, in terms of training, that you're quite
8 frank about it at paragraph 18, you say that training
9 was something that was an evolution, if you like, or
10 a development, because you started pretty low down the
11 ladder in terms of training. I think when you started
12 off, that would be the position, that training wasn't
13 exactly substantial or significant and many people
14 didn't get any training?

15 A. Limited, yes.

16 Q. Also you say, I think, under 'Policy' at paragraph 20,
17 'Bryan', that when you began in 1974, there were no
18 written policies at that time, but that changed when
19 Mr HMY took over?

20 A. Yeah, sorry. I'm just reading it, yes.

21 Q. I think I should put it, he was a great guy for
22 paperwork?

23 A. Yes.

24 Q. He liked his forms?

25 A. I don't mean that in derogatory terms, but no, yes, he

1 was, er, keen to put his thoughts in writing and
2 obviously issue statements over the place.

3 Q. We have certainly seen, and to perhaps echo what you're
4 saying, that inspectors, local inspectors, around 1992,
5 wrote in a report that there was a sophisticated
6 recording system and guidance, but when they actually
7 examined the records, they described the situation of
8 recording and record keeping as, in some instances,
9 non-existent or poor, that there weren't sufficient
10 records of important matters, they weren't fully
11 completed. In some cases, there were simply gaps in
12 records, including children's files.

13 I don't know if that's anything that came to your
14 attention at that time or not?

15 A. Yeah, to put it crudely, I think that report was a huge
16 kick up the backside for the organisation and the staff
17 themselves, who obviously were maybe not aware of the
18 responsibilities, but as far as concerned from then on
19 in, there was a big improvement in recordings.

20 Q. I suppose, if you're looking at it now and reflecting
21 back, that wasn't a great state of affairs, if this was
22 being said in 1992?

23 A. The fact there was no real formal training, yes, but at
24 the same time, I would argue there were people there who
25 had the natural capabilities of doing a good job and

1 obviously working with young people, disturbed or
2 otherwise.

3 Q. I know some people dislike the idea of form filling and
4 paperwork, but it does, as the inspectors pointed out in
5 justification of what they were saying, is that it
6 serves an important purpose, records, for example,
7 a child's progress, if there's any incidents, it
8 provides a contemporaneous record of what is said to
9 have happened, how it happened, whether a restraint was
10 carried out in a particular way, for example, and they
11 weren't finding evidence that would allow them to give
12 a clear picture of how an incident was handled or how
13 a child was progressing. They were saying things like
14 that in the reports.

15 I'm not going to take you to them, but I'm just
16 saying that was their assessment at the time?

17 A. I wouldn't argue with assessment, but I'm just saying
18 that that was a learning experience for the staff and
19 for the headteacher and the senior staff, and that from
20 then on in, I mean, unit staff from the unit leader
21 downwards, were obviously having to detail, record and
22 make a note of anything that -- go back to stage 1, we
23 had a group, myself, an ed psych --

24 Q. Dr Frank Woods?

25 A. Dr Frank Woods, yeah; Gill Wilson, who was an employee

1 of the Grampian Health Board, who was a psychiatrist;
2 myself, who headed or chaired the group; a recorder, and
3 every time a child would come into the school, they had
4 their future sort of marked out, and I'm talking on the
5 care side here, but also on the education side, and that
6 child was allocated a key worker. It was up to that
7 person, with oversight from his unit manager, or her,
8 sorry, to make sure that the case or the treatment plan
9 or whatever, was followed through.

10 Q. Yes, I think we can read, both in your statement and
11 others, that certainly when you were there, over time,
12 they introduced a more rigorous assessment process for
13 pupils who were either being admitted or were being
14 considered for admission and that once they were
15 admitted, there was an assessment process, which I think
16 you were involved in?

17 A. Yeah.

18 Q. And that that led to preparing for individuals' care
19 plans and education programmes, which were reviewed from
20 time to time, and that it was a job of the staff,
21 education and care staff, to see that the plan was
22 implemented and, if necessary, changed in light of what
23 was going on when the person was at the school. That's
24 the way the system was working?

25 A. Yeah. You also had input from the young person's field

1 social worker as well, because they were part of any
2 forward planning.

3 Q. Well, yes, because I think we have heard evidence that
4 what were called review meetings, to review progress,
5 that there would be people externally from the school
6 who would be there. I think you tell us about that in
7 your statement. There would be people from the school,
8 sometimes yourself, and there would be the young person
9 and, in some cases, the young person's parents, if they
10 wished to attend?

11 A. Yeah. There were regular reviews carried out by
12 a review officer, male or female, er, who were employed
13 by Grampian Region Social Work Department and it was
14 their role, on a regular basis, to call meetings to
15 discuss progress or lack of it for young people.

16 Q. Forgive me, I'm concentrating on some matters that were
17 picked up by inspectors, but I accept that we heard
18 evidence about the system. It's just perhaps whether
19 the system was always working as intended.

20 A. I accept that some of the comments from the inspectors
21 were appropriate.

22 Q. I think, indeed, there was a major HMIS report, we have
23 looked at that, or heard about it, in 1995, where there
24 had been a good deal of publicity about the state of the
25 school and various allegations about things happening at

1 the school and that there had been a major inspection in
2 1994/1995 and it had concluded that there were serious
3 failings in the areas of standards of management and
4 care and that that required an action plan to address.
5 I think you probably were part of the group that had to
6 tackle that?

7 A. Yes, yeah.

8 Q. Now, I'll not take you to the section on strategic
9 planning, because I think, to some extent, we have
10 covered that ground, and you tell us a bit about the
11 situation that Mr HMY found himself in following
12 reorganisation, and we can read the detail of that for
13 ourselves.

14 You have a section from page 7, 'Children at
15 Oakbank', 'Bryan', and again this is something that
16 we're familiar with, how children went to Oakbank,
17 either from before 1971, it would have been -- before
18 your time -- it would have been mainly the courts
19 committing children, and after 1971, it would be mainly
20 the children's hearing system making supervision
21 requirements, requiring them to reside in
22 Oakbank School, or a similar type of institution.

23 We also have heard some evidence about Oakbank that
24 certainly, for a long period of its history, it catered
25 not just for pupils from the north-east but from pupils

1 from all down the east of Scotland and also quite
2 a number from the west of Scotland, from the Glasgow
3 area?

4 A. That's correct.

5 Q. But that did maybe change more latterly, perhaps under
6 some kind of encouragement from
7 Grampian Regional Council to make it more of a local
8 institution?

9 A. I think all the councils were under the same pressure,
10 because obviously residential care was an expensive
11 thing to obviously accommodate and other councils
12 throughout Scotland, as you quite rightly say, were
13 getting children from various authorities. But all the
14 authorities began to find themselves financially in
15 a bit of a pickle and they were trying to keep their own
16 young people within their own boundaries.

17 Q. That was also, I think, in terms of developing social
18 work thinking, that it wasn't a great idea, it was
19 thought, to send young people many miles from their own
20 community?

21 A. I agree with that, yes.

22 Q. So that was part of the change of thinking as well?

23 A. Yeah.

24 Q. Also there was a change of thinking that big places,
25 such as Oakbank had been historically, with many pupils,

1 should be replaced by smaller units with fewer young
2 people? That was the sort of direction of travel?

3 A. Correct.

4 Q. You have a section, 'Bryan', headed 'Discipline and
5 punishment'. It starts at paragraph 31 and you say that
6 the most severe punishment at Oakbank, and I think this
7 was for part of the period you were employed there, were
8 that kids were belted over the backside. You tell us
9 there you didn't approve of that and that when you had
10 been at Summerhill Academy, corporal punishment was
11 banned as the headmaster didn't agree with it, and you
12 had no problem with that approach, is that right?

13 A. Correct.

14 Q. That's where I go back to, the headmaster was
15 RF Mackenzie who, I think, had certain views about how
16 a school should be run and perhaps he differed from
17 mainstream thinking at the time?

18 A. He based his thinking on what had happened in the
19 Summerhill ASDO --

20 Q. ASDO, yes.

21 So you had experience of that environment?

22 A. Correct.

23 Q. You say thankfully, shortly after you went to Oakbank,
24 you say that guidance came in that corporal punishment
25 was to be banned --

1 A. Yeah.

2 Q. -- and it went out the window at Oakbank, which was
3 something that you were happy with?

4 A. Yeah.

5 Q. We're trying, I think, to probably work out when
6 corporal punishment ceased at Oakbank, and I think we've
7 heard a little bit of conflicting evidence here that it
8 was stopped --

9 LADY SMITH: What's your memory?

10 A. Sorry?

11 LADY SMITH: What's your memory of when it stopped at
12 Oakbank?

13 A. I'm trying to get the brain cells ticking over here.
14 Er, I think I was only aware of it on only one occasion,
15 early doors, when there was corporal punishment
16 inflicted on a young person, and, I think, quite quickly
17 after that, it was taken out of the equation altogether,
18 but I couldn't give you the actual --

19 LADY SMITH: Do you remember who was SNR when the decision
20 was made to stop using it?

21 A. I'm pretty sure it was [REDACTED].

22 MR PEOPLES: So when HMY [REDACTED] took over, you think
23 corporal punishment was a thing of the past?

24 A. Correct.

25 Q. That may well be right. I'll just say this to you and

1 just put it into the transcript that I'm aware, from
2 other documents I've seen, that corporal punishment was
3 not permitted in Grampian Regional Council's children's
4 homes -- I accept this isn't a children's home -- but it
5 wasn't permitted from 1 May 1979 onwards. It looks as
6 if the Grampian Regional Council's general policy for
7 their own children's homes was being followed fairly
8 soon afterwards by a similar approach in residential
9 schools that were independent, such as Oakbank.

10 A. I would concur with that, yeah.

11 Q. Okay. Just on another matter on discipline, you tell us
12 at paragraph 32 that:

13 'Loss of home leave was always a tricky one because
14 social work partners didn't like kids not being allowed
15 home.'

16 Did there come a time when this matter was resolved?
17 Because we have heard evidence that inspectors thought
18 that withdrawing home leave as a sanction or punishment
19 was unacceptable and they were saying that in 1992. Do
20 you remember that?

21 A. I'm aware what the thinking process was about home
22 leave. I can understand why that was the case, but
23 there were also other considerations. I mean, if young
24 people are coming from extremely damaged and broken
25 homes, and we were sending them back out into that

1 environment, then were we aiding or abetting? I mean,
2 quite frankly, it's a very difficult decision, but there
3 was a social dogma about not sending -- or not using
4 home leave as a punishment, which is fine, but there is
5 the other side as well. If we're putting them at risk,
6 what do you do?

7 Q. Well, in fairness to the inspectors, I don't think they
8 had any problem with stopping home leave if it was in
9 the best interests of the child. But what they did have
10 a problem with was stopping home leave as a form of
11 sanction for misbehaviour, if you didn't conform to the
12 rules, if you acted up in class or you misbehaved in
13 some other way. That, I think, was a sanction used at
14 Oakbank for quite some time --

15 A. Okay.

16 Q. -- for bad behaviour. Do you get the point, the
17 distinction?

18 A. Yeah. I get the point. I'm sort of mulling over in my
19 mind here.

20 In some cases that might well have been the case,
21 yeah.

22 LADY SMITH: I think, 'Bryan', it's essentially the
23 difference between regarding home leave as a right of
24 the child, subject to it not being in the child's best
25 interests to go home, because ultimately the child's

1 rights are the child's best interests. That's on one
2 side of the fence, if you like, regarding it that way.

3 But on the other side of the fence, regarding it as
4 -- or regarding withdrawal of it as a tool that could be
5 used to punish. Do you see what I mean? And that's
6 where the difference lay.

7 A. Yes, (Inaudible) I can understand why that thinking was
8 around and I've no problem with that. I mean, to me in
9 many cases it didn't seem appropriate, but if that was
10 the practice at the time, then I'm afraid it was carried
11 out sometimes.

12 LADY SMITH: I've certainly heard evidence to the effect
13 that it was being used as punishment, the withdrawal of
14 home leave was being used as punishment.

15 A. Okay.

16 LADY SMITH: For example, it being made clear to children
17 that they have to earn their leave or they don't get it,
18 that they only get it if they've earned it. So if they
19 hadn't tried hard enough in different ways, they don't
20 get leave, that sort of thing.

21 A. Yeah, well, I find that a difficult one, because, er,
22 merited ... there's a fine line here, I think.

23 LADY SMITH: Well, it's hard to say to a child they only get
24 to foster their family relationships if they've earned
25 it and if they merit it, as you rightly put it,

1 isn't it?

2 A. I'll accept that, yeah.

3 LADY SMITH: Mr Peoples.

4 MR PEOPLES: 'Bryan', you have a section headed 'Restraint'.

5 We have already had some evidence about the restraint
6 training that was given and can I just ask you this, at
7 paragraph 38, I'll just read what you tell us:

8 'Before CALM training, if you needed to restrain
9 someone, there wasn't really any guidance. If a child
10 was acting out, it was just a case of holding them to
11 stop them doing damage, hurting themselves or others.'

12 Is that --

13 A. Basically, correct, yes.

14 Q. I'm just interested in the expression 'holding them', I
15 mean, how was that done in practice before CALM
16 training? How did staff hold them or try to calm them
17 down?

18 A. Well, you take the lead from the CALM situation.

19 Obviously if there is a situation where things are out
20 of control, you could easily maybe take the situation
21 back under control by gently taking a hold of the young
22 person and making sure they didn't hurt themselves or
23 other people. Sometimes, the cases got to the stage
24 that it was very difficult to manage and then you would
25 have to obviously maybe involve more than one member of

1 staff.

2 Q. I am trying to get the picture, before anyone had any
3 CALM training, what an individual who came to Oakbank,
4 were they all doing the same thing or did they all do
5 different things and do the best they could to use that
6 expression, can you help us there?

7 A. I would think that mostly they would have been doing the
8 same thing and again, it was lack of a, shall we say,
9 a training programme to keep them on the straight and
10 narrow --

11 Q. But what was --

12 A. -- but people without training and oversight might have
13 maybe used inappropriate ways, I don't know.

14 Q. Did you ever consider you used an inappropriate method
15 of restraint once you had seen what CALM training
16 involved?

17 A. I would say no to that, because, er, I had experience in
18 working with young people.

19 Q. We have heard evidence of young people being restrained
20 by having their arms put up their backs, having their
21 wrists bent back, staff placing their knees on their
22 body to hold them down in a prone position. We heard
23 evidence to that effect. Did that happen?

24 A. It may have happened.

25 Q. How did you restrain a child? What was your usual

1 method?

2 A. Holding that child.

3 Q. You are describing with your hands, you have your hands
4 and arms out as if you have them round the child's
5 body --

6 A. Correct.

7 Q. -- and you behind them, is that correct or where would
8 you be?

9 A. Ideally behind them, because if you're in front of them,
10 you might obviously have a young person headbutting you,
11 for example.

12 Q. Did you have to take them to the ground at times?

13 A. I would say me personally, no.

14 Q. Did you ever take a child to the ground?

15 A. I would again say -- I'm trying to think back here --
16 it's been a long time since I've restrained a child.
17 Er, I very much doubt if I was in a situation, unless it
18 was an extremely serious one, that I would have taken
19 a child to the ground. If a child was acting out, er,
20 thrashing their arms, kicking and all the rest of it,
21 sometimes, even though you just take them, sitting them
22 down, then you restrict their movement.

23 Q. We have heard evidence, and we've seen it on records,
24 that children on some occasions were put to the ground
25 and they were in a prone position, face down. Is that

1 something that you saw or were aware of happening?

2 A. Er, if this has been mentioned by young people, then
3 obviously, er, it gives cause for concern, but at the
4 same time, er -- and I've seen some of the complaints
5 here -- er, totally inappropriate and sometimes it never
6 happened.

7 Q. Are you saying -- well, in what circumstances would it
8 be inappropriate to put a child in a prone position?

9 A. (Pause)

10 All things in consideration, a child might have to
11 be put in a prone position to protect themselves and
12 other people involved, but that's not in terms of
13 a punishing situation. That's a situation where we're
14 trying to protect the young person and any staff members
15 involved.

16 Q. If a child had his or her arms put up their back as part
17 of a restraint, that wouldn't be right, would it?

18 A. Totally wrong.

19 Q. If they had their wrists bent back to cause pain or
20 pressure to control them, would that be wrong?

21 A. Totally wrong.

22 Q. If a restraint caused them to feel pain and to cry out
23 or scream to let go, if that was a situation that
24 occurred, how would you have expected staff to respond,
25 if the child was screaming or crying or was visibly

1 distressed or in pain?

2 A. I wouldn't expect that to happen in the first place and
3 if it did happen, then obviously there is something
4 wrong there.

5 Q. They should desist it?

6 A. Correct.

7 Q. Because I think we have heard that there were occasions
8 when that didn't happen, that response, that there were
9 children who would be in that situation, that you say
10 shouldn't have happened, but they cried out but they
11 continued to be held, that would be wrong?

12 A. That would be wrong, but at the same time, if they're
13 crying out because they're in pain, yes, but if they're
14 still in a situation where possibly they're causing
15 themselves, er, or other staff involved, the possibility
16 of injuring themselves or other staff, it's a moot
17 point.

18 Q. Just more generally about what would be wrong, if one
19 was caring for a child of the kind of children that had
20 to be admitted to Oakbank, with vulnerability and past
21 problems, would it be wrong to skelp or smack them
22 around the ear or head?

23 A. Absolutely.

24 Q. Would it be wrong to slap them with an open hand?

25 A. Absolutely.

1 Q. Would it be wrong to shout at them in an aggressive way?

2 A. Absolutely, although tempers -- well, when I say

3 tempers, I mean, sometimes voices are raised, yes.

4 Q. Would it be wrong to be verbally abusive to them?

5 A. Absolutely.

6 Q. Would it be wrong to pull their hair?

7 A. Absolutely.

8 Q. I take it that, if I asked you would it be wrong to

9 punch, whether on the body or the face, that would be

10 equally wrong?

11 A. Horrendous.

12 Q. To elbow them in the ribs?

13 A. Unacceptable.

14 Q. To grab them by the scruff of the neck?

15 A. Same, unacceptable.

16 Q. You know I'm asking you this because -- and it's not

17 anything specific to you at moment, but I'll deal with

18 anything I think -- some things that have been said

19 about you, but --

20 A. I look forward to that.

21 Q. -- we have heard evidence that these things happened to

22 young people and it was not just, I think, evidence that

23 young people have been saying that to us or to others,

24 but some staff, or former staff, at Oakbank were saying

25 these things. I think you're aware of that probably?

1 A. Yeah (Inaudible).

2 Q. You are not suggesting, because I don't suppose you
3 could have been everywhere -- as I put it to Mr HMY ,
4 you're not all seeing and all knowing so these things
5 could have happened, and if they did, they were totally
6 unacceptable?

7 A. Yes.

8 Q. Did you ever do any of these things?

9 A. Specifically what are you saying? Specifically what are
10 you alluding to?

11 Q. Well, I've just listed the sort of things, I'm just
12 asking a general question, I'll come to more specific
13 but do you ever consider you did any of the things we've
14 just gone through as --

15 A. I have restrained young people, yes.

16 Q. You have restrained them, but I think I'm telling you
17 about situations, not about restraint, because I don't
18 think anyone was suggesting that a child can never be
19 restrained, it's just what happens in situations which
20 are described as restraints, things can happen that
21 I think you have accepted would not be acceptable?

22 A. Aye.

23 Q. Can I go back to your statement, 'Bryan'. You have
24 a section which is headed at page 9:
25 'Concerns about the institution', I think one of the

1 things you tried to bring out there is that a lot
2 changed during your time there and, as you put it,
3 things moved on, at paragraph 39.

4 Indeed, one of the things you tell us about at
5 paragraph 40 is that there were a lot of physical
6 improvements at Oakbank and you feel that you played
7 a large part in bringing about these physical
8 improvements to make the facilities better for children,
9 is that correct?

10 A. That's correct, I feel quite proud of my contribution to
11 bringing the school into the -- well, recent century,
12 I thought if I provided the facilities on campus to make
13 the young people's experience a worthwhile one, there
14 were several things I did, in my opinion, to improve
15 that environment.

16 Q. I'm not going to suggest otherwise, but I'm just
17 bringing out the fact that you are telling us that if we
18 take, for example, I think you feel is one of the
19 notable achievements in which you played a significant
20 part, at paragraph 41, you tell us that one of the major
21 things was the building of a swimming pool at the site?

22 A. Correct, yes.

23 Q. With the assistance of young people who were volunteers?

24 A. Yes.

25 Q. I think we've heard it took 60 months to complete,

1 because, for various reasons, to do with planning issues
2 and what you could and couldn't use to create, and also
3 getting the funding, because you weren't getting funding
4 from the usual sources. You had to fundraise and so
5 forth?

6 A. Well, Oakbank had a history of having regular garden
7 sales, because ... over many years and that always
8 raised a few pounds or thousands of pounds, which was
9 fed back into the school funds, er, and basically that
10 was a kickstart for the swimming pool situation and that
11 money was used. For example, the building next to the
12 gymnasium was a redundant vocational training facility,
13 so the money was used to remove the roof off that
14 building and enable the rebuild or the building of
15 a swimming pool.

16 Q. If we go on in your statement, you tell us that one of
17 the purposes of making these changes, at paragraph 48,
18 was, I think, to to some extent change the ethos of the
19 place from the sort of place you first arrived at to
20 something that was a bit better for young people to get
21 a proper start in life or a better life?

22 A. That was my ethos in terms of what I was doing, yes,
23 considering I spent 25 years there trying to improve
24 their environment.

25 Q. Indeed, I'm not going back to it just now, because

1 I think you covered it earlier, in paragraph 44 you tell
2 us about the systems that were put in place, the
3 assessment systems, the preparation of care plans and
4 education programmes for individual children and that
5 was, I think, you see as again another example of
6 bringing about a significant improvement to the whole
7 system, is that right?

8 A. Can we go back to 44 there?

9 Q. Yes, 44, sorry.

10 A. I've already alluded to Gill Wilson, the consultant
11 psychiatrist, and Frank Woods, our educational
12 psychologist. Frank was based at -- in Oakbank. He ran
13 the north-east psychological service, he was there and
14 his co-worker was at Rossie School and Frank and Gill
15 provided an in-house facility, which even mainstream
16 schools couldn't obtain, because nobody could get to see
17 an ed psych or a psychiatrist and all the rest of it,
18 but these two people come in on a regular basis as part
19 of the assessment process for the young people and
20 helped draw up a care and education plan for going
21 for -- for moving ahead --

22 Q. I'm not going to go into the detail of this today, but
23 they assisted in creating a system called HELP, that was
24 the acronym HELP, which involved what might be termed
25 a holistic assessment of a child, their social

1 development, their educational development, perhaps
2 improving their situation at home and so forth, was that
3 part of what was done with their assistance?

4 A. Yes, they were experienced people who, as far as I was
5 concerned, they were very good at their jobs.

6 Q. That, I think you would say, should be contrasted with
7 the situation when you arrived at Oakbank.

8 If we look at paragraph 50, we can perhaps see at
9 least one of the contrasts. You say that when you first
10 walked in, young people weren't even referred to by
11 names, it was numbers. So was that the situation?

12 A. Yes, which I found shocking.

13 Q. We know that numbers were used for certain purposes
14 later on for identification of clothing and for
15 pigeonholes for clothing and so forth, but you're saying
16 that when you first arrived, they were called by their
17 school roll number?

18 A. In some circumstances, yes.

19 Q. Although you say that did change quite quickly after you
20 arrived?

21 A. Yeah. I mean, I'm just looking -- I mean, smoking was
22 a big thing. Just about every young person seemed to
23 have a need to smoke and, er, that was a real bone of
24 contention with myself.

25 Q. Did you disapprove of that?

1 A. Absolutely, because I've never smoked, I never will, and
2 obviously I consider that a totally negative situation
3 for young people to find themselves in.

4 Q. Did you come down hard on children that tried to smoke,
5 whether under the policies or having a fly smoke? Did
6 you tend to be hard on that situation?

7 A. The short answer to that is no, because it was accepted
8 as part of the -- what went on in the school, er, and it
9 was a case of phasing it out as soon as possible.

10 Q. Did you recognise and understand that young people
11 coming to Oakbank, many of them would have started
12 smoking at a very young age and by the time they got to
13 Oakbank, it was an addiction and would be very difficult
14 for them to completely control, certainly if they were
15 told they couldn't smoke at all? Did you appreciate
16 that problem for them?

17 A. Yes, yes.

18 Q. I think certainly for quite a lot of the time, the
19 school's policy was to have a controlled smoking
20 situation, where they would get so many cigarettes
21 a day, provided they were of a certain age and their
22 parents consented?

23 A. Correct.

24 Q. There is a section headed 'Reporting of complaints and
25 concerns', and really, I suppose, you're telling us

1 there the sort of persons a young person could speak to
2 if they felt they had a problem. You describe the
3 complaints process as being one where the registration
4 unit and local inspectors would come round on regular
5 basis and speak to children and find out concerns.

6 I think we have certainly seen in local inspection
7 reports that inspectors were told certain things by
8 young people about things either they thought were
9 happening they didn't like and so forth, so that was one
10 method, you would say, where a concern could be raised?

11 A. Yes.

12 Q. Another would be that they could speak to their key
13 worker?

14 A. Correct.

15 Q. We have heard some evidence that key workers didn't
16 always have much time to give one-to-one attention to
17 pupils because there were too many and there were too
18 few staff and therefore it wasn't so easy to build
19 that sort of trusting relationship that would allow that
20 sort of conversation to take place. Would you accept
21 that that was a problem?

22 A. I wouldn't accept that 100 per cent, no. It might be
23 a problem in some circumstances and at some times, but
24 if there was a shortage of staff, as far as
25 I'm concerned, that's what's expected to happen.

1 Q. I suppose I'm making the point, not from the key
2 worker's perspective, it is from the perspective of the
3 child. If they don't have one-to-one planned time, they
4 don't build up that trust and that relationship that
5 makes them more confident to speak to that particular
6 person. They don't become a trusted person because they
7 don't get the opportunity to create that situation. Do
8 you see the point I'm making?

9 A. I can see the point but at the same time, er, I think
10 there were many members of staff who were in a situation
11 where they had key children, would not agree with that,
12 because they would spend as much time as they could, or
13 was available, with the young person who's their key
14 child.

15 Q. Of course, you tell us that another possible way that
16 they could raise concerns is through their external
17 social worker?

18 A. Correct.

19 Q. Although I think we have heard evidence that the
20 regularity with which social workers visited Oakbank was
21 variable. Some might come quite often, others,
22 particularly if they came from a distance, might come
23 very infrequently?

24 A. I don't know if the school had much control over that.

25 Q. I'm not suggesting otherwise. I'm just suggesting if

1 you're trying to have someone that they can speak to,
2 they're not going to be quite as happy to speak to
3 someone that they only see every six months or perhaps
4 even less frequently, and particularly if also the
5 social worker changes from time to time, and I think
6 that is a problem in social work?

7 A. I would agree, yes.

8 Q. While you're saying that there were these opportunities
9 for young people to voice concerns, if they had
10 concerns, about treatment or otherwise, you will
11 appreciate, I take it, that young people, particularly
12 in institutional settings, might find it difficult to
13 speak up because they would be fearful of the possible
14 consequences, such as they won't be believed, or they
15 might suffer further consequences if they said something
16 that they can't control.

17 Do you accept that it could be difficult for a young
18 person in an environment, a closed environment, to speak
19 up about something that they felt was wrong or
20 inappropriate?

21 A. Yeah, difficult, but hypothetical as well.

22 Q. It's only hypothetical if they're not experiencing any
23 problem, but we've heard plenty of evidence of people
24 who did experience problems and have said that they
25 didn't speak up. Some said because they were afraid or

1 that they're worried about the consequences?

2 A. No problem, I can understand that.

3 Q. Going on to your section about abuse, 'Bryan', I'm not
4 going into what you understood constituted abuse,
5 because I think I've run through a list of things which
6 you accept would be abusive conduct if it occurred.

7 You say at paragraph 58 that during your whole time
8 at Oakbank, I think was it 1974 to -- when did you leave
9 Oakbank? 2000?

10 A. Yes.

11 Q. So from 1974 to 2000, you personally never saw any
12 behaviour that was excessive, inappropriate or abusive
13 in all that time?

14 A. (Pause)

15 I've no doubt there were situations where I wouldn't
16 have been happy with, yes.

17 Q. You wouldn't?

18 A. Would not have been happy.

19 Q. You wouldn't have been happy about some of the things
20 that you came across?

21 A. Yeah.

22 Q. I suppose the other point that could be made, which
23 I think we touched on earlier, is that, unless you were
24 all seeing and all knowing, you wouldn't be able in that
25 time to be aware of everything that was going on in all

1 the units and all parts of the school, in the classrooms
2 and so forth?

3 A. The short answer is yes.

4 Q. Indeed, in the situation where restraint was used,
5 I think you accept that things might be done differently
6 and, indeed, what was seen as perhaps acceptable or
7 appropriate by some member of staff might not be seen as
8 appropriate and acceptable by other members of staff?

9 A. Correct.

10 Q. I think you're aware that people would sometimes --
11 members of staff or former members of staff would say
12 things about, well, children were restrained in
13 an inappropriate way, excessive force was used, people
14 were far too heavy handed, and so forth. I think you
15 must be aware of that?

16 A. I'm agreeing with what you're saying there, but at the
17 same time you're talking about former members of staff.
18 They may have an axe to grind in certain circumstances.

19 Q. But they might not?

20 A. Correct.

21 Q. They might just be telling it as it was?

22 A. That's one side, yes.

23 Q. I think you would appreciate that it's difficult in
24 an organisation to speak out about colleagues when
25 you're still working with them. I think we know that

1 from common experience, that whistleblowers often tend
2 to be ex-members of staff?

3 A. Okay, yes.

4 Q. Do you disagree with me?

5 A. No, I'm not disagreeing.

6 Q. Just so I can be clear, at paragraph 60, you say in your
7 statement:

8 'I'm confident that during my time at Oakbank from
9 1974 to 2000 [you've told us] if any child had been
10 abused or ill-treated, it would have come to light.'

11 On reflection, do you think that's perhaps something
12 that is misplaced confidence? You can't possibly say
13 that, can you, because you've just accepted you weren't
14 everywhere and you can't know all that was going on?

15 A. Well, it says if it had come to light. If it didn't
16 come to light, I wouldn't have known.

17 Q. You're saying you're confident if things were happening,
18 you would have got to know about them, but I'm saying to
19 you, can you really be that confident? I think --

20 A. There are situations where I would not have been -- have
21 knowledge of what has been going on, yes, but normally
22 we would expect things to filter through.

23 Q. If I could move on to page 16, 'Investigations into
24 abuse' is the heading here in your statement. You say
25 you had to deal with complaints of abuse as part of your

1 remit and you can't recall anything extremely serious
2 that still sticks in your memory, is that right?

3 A. Sorry, where is this?

4 Q. This is paragraph 68, 'Bryan'.

5 A. (Pause)

6 I'm reading this here:

7 'There is nothing of any extremely serious matter
8 that I could say I can remember.'

9 Now, having said that, there might have been
10 incidences where, er, I was unhappy about certain
11 things.

12 Q. Would you be unhappy, for example, if a young person had
13 been assaulted by -- I'll just give you one scenario,
14 which I think is recorded in an inspector's report, that
15 if a young person had been assaulted by another young
16 person in a serious way and there was some delay in
17 reporting the matter to the police, would that have
18 concerned you?

19 A. Yes.

20 Q. Because there was some instance of a young person being
21 subjected to an assault by another boy, and I think one
22 of the people present was the son of **SNR**, and
23 the matter was considered by staff, and it happened at
24 the weekend, and it wasn't finally reported to the
25 police until the Monday. I think the inspectors were

1 concerned about that and they also were concerned that
2 some boys who were on the scene were not interviewed,
3 including the son of SNR [REDACTED].

4 Is that a situation you can recall happening?

5 A. I'm being very careful here because you're mentioning
6 the son of SNR [REDACTED].

7 Q. Yes.

8 A. Now, I have a son and I was SNR [REDACTED].

9 Q. But there were three SNR [REDACTED].

10 A. Yeah.

11 Q. It's in the records. It doesn't identify who the person
12 was, the record. That's why I can't tell you.

13 But you would be concerned about a situation like
14 that?

15 A. Of course.

16 Q. Can I ask you about someone you did have concerns, I
17 think, about, paragraph 72, you tell us about a member
18 of staff who was friendly with a group of boys and was
19 in a unit overseeing four boys, this is paragraph 72.
20 It starts to run over to the following page, page 17.

21 You say at one stage there were concerns that he was
22 grooming one of the boys and a review officer raised the
23 matter and that the member of staff concerned was
24 removed and left voluntarily. You say:

25 'I'm pretty sure it was dealt with in-house and not

1 referred to the police.

2 'We had no proof that it was going on, but it was
3 recorded by the reviewing officer so there should be
4 a record of it.'

5 Now, we have heard some evidence about a member of
6 staff who was supposed to be attending a training course
7 down south, and a boy at the school went missing, and
8 the boy who went missing was observed driving the car of
9 the member of staff in Aberdeen, and then subsequently
10 it was ascertained, I think, that the member of staff
11 had taken the boy down south and had shared a room with
12 him. Does that ring a bell, that situation?

13 A. To be honest, no, but I'm aware there were concerns
14 about a member of staff possibly grooming a boy. I also
15 remember the reviewing officer from the city council,
16 who obviously, as part of her regular duties, had picked
17 up on this and I had a conversation with her about this
18 and then she told me that at a later stage, when she'd
19 written her report about this matter, that she was asked
20 to tone down the report because it was obviously a
21 situation which could have got out of hand in terms of
22 consequences for all concerned and that she actually
23 rewrote and toned down the report because she felt under
24 pressure to do so by her superiors.

25 Q. You have named the person, his first name, IAA ?

1 A. Yes.

2 Q. Is that IAA ?

3 A. Yes.

4 Q. Do you remember the dismissal of a night care officer,

5 LJK , LJK , does that ring a bell?

6 A. Right, okay.

7 Q. Does his name mean anything to you?

8 A. He was a night care officer, yes.

9 Q. SNR at the time said he had sacked him

10 because he had found him sleeping on duty one night. Do

11 you recall that happening?

12 A. To be perfectly fair to LJK , sorry, not LJK --

13 Q. Would that have been something that Mr HMY would have

14 dealt with personally?

15 A. I had no hand in that. That's why I'm a bit confused as

16 to the truth of the matter, but if that was

17 an accusation which Mr HMY upheld and he sort of

18 sacked the guy, then fine, that's what should have

19 happened.

20 Q. I think you will possibly be aware that a member of

21 staff called EJS left Oakbank after something

22 came to light?

23 A. Yes.

24 Q. Can you remember what the something was?

25 A. Yes. He'd been on holiday abroad and he'd come back

1 through customs with something inappropriate. I don't
2 know if it was written material or some other material,
3 but that came to light and he was sacked.

4 Q. Okay. Was it inappropriate material to do with children
5 or do you know? If you can't, just say so.

6 A. There 's something in the back of my mind suggests it
7 was maybe magazines or something, but I can't remember.
8 I just know that's the circumstance and it was deemed
9 that it was inappropriate behaviour and he was shown the
10 door ASAP.

11 Q. Were you aware that some members of staff took young
12 people in a minibus to the red light district?

13 A. I was latterly. I have to say that the school was a bit
14 remiss there. It took a while to catch up with it, but,
15 er, certainly one member of staff was very guilty of
16 that and it came to light from a complaint through maybe
17 a social worker, that some of the -- the ladies who were
18 practising down the, shall we say, the harbour area, had
19 become aware that they being obviously spied upon.

20 Q. I think it was more than that because I think the
21 allegation was that they were being shouted at and
22 abused by both staff and young people and that that
23 matter came back to the school, and I think we have
24 heard evidence that that was to that effect, and it was
25 almost seen by the young people as it was a trip for

1 a bit of entertainment at the expense of prostitutes?

2 A. I'd accept that's what it turned out to be but as far as
3 I was concerned, I wasn't aware of the full extent of
4 the problem until it surfaced much later on. And as far
5 as I'm concerned, it was dealt with, not by me, but it
6 was a situation which was not allowed to continue.

7 Q. What was the policy about staff taking young people to
8 their own homes? Was there a policy?

9 A. To their own homes?

10 Q. Yes.

11 A. Er, there wasn't actually, no. I would have to put my
12 hand up, because I've taken young people out.

13 Q. We did hear evidence that staff would, unaccompanied by
14 other staff, take people out in vehicles like the
15 minibus or, indeed, their own cars to take them to some
16 activity or whatever, but to their own homes, you have
17 done that?

18 A. Yes. Having said that, I'd qualify it slightly. I can
19 think of one young person who I actually took to my
20 parents' farm, because he had never experienced anything
21 like that in his life, and when I took him out there, he
22 thoroughly enjoyed the experience, he was playing with
23 animals and seeing a different side of life, shall we
24 say, and my parents welcomed him wi' open arms and said
25 he can come back any time. That was a real learning

1 experience, familiar experience for him, because his
2 background was such -- again, he was actually the
3 lightest baby ever born in Aberdeen Maternity Hospital
4 when he was born, and he was something of a celebrity
5 with things along the line, and I saw for myself the
6 parenting was -- well, he had a difficult parenting.

7 Q. Did he stay overnight?

8 A. No.

9 Q. The young boy you are talking about?

10 A. No.

11 Q. Because we have heard evidence that one boy from
12 Rosemount unit stayed overnight at the home of
13 **LIU**, who was a member of staff. Would that
14 have been news to you?

15 A. It would be news to me, but it wouldn't surprise me.
16 I don't think there is any malice intended there, but
17 I mean ...

18 Q. Would you regard that as appropriate, if their base was
19 Rosemount, and Mr **LIU** took them, and they stayed
20 overnight?

21 A. Inappropriate.

22 Q. It's inappropriate?

23 A. Yeah.

24 Q. You tell us, and I'll just touch on this at paragraph 86
25 before, I think, I'll go on to things that were said

1 about you, but I'll just deal with this firstly. You
2 are aware that certainly, I think, that about the time
3 that you left Oakbank, a physical education teacher was
4 suspended by [REDACTED] after involvement in
5 an incident with restraint, where a boy ended up with
6 a broken arm and you say that, I think, that he was
7 suspended. Was he dismissed, the teacher?

8 A. Yes.

9 Q. I think you say, however, there was some sort of court
10 proceedings and you tell us that in fact the sheriff
11 wasn't particularly happy with SNR [REDACTED]'s evidence
12 on that --

13 A. The sheriff upheld the person -- the PE teacher's
14 version of events.

15 Q. Was the teacher charged with assault?

16 A. He was initially, but the sheriff deemed it
17 inappropriate.

18 Q. Okay. You tell us about staff and I'm not going through
19 that. I think the broad position is you were given
20 certain names and you have been asked to comment and
21 what you tell us at page 24 of your statement is that of
22 all the named individuals, there is not one that was
23 named in that long list of people whom you saw abuse
24 a young person or, indeed, heard of abusing a young
25 person and you didn't witness anything --

1 A. Where's 24? Where's page 24?

2 Q. Page 24, paragraph 119.

3 LADY SMITH: Paragraph 119, right at the bottom.

4 MR PEOPLES: The short answer is that you didn't see
5 anything. These people were there. I think you are
6 aware of most of them at least, but you didn't see
7 anything that caused you concern in how they conducted
8 themselves?

9 A. I've no names in front of me here.

10 Q. I don't want to go through them. You say 'of all the
11 named individuals' and they are all listed from
12 paragraph 90 through to paragraph 118. I don't think
13 I want to go --

14 LADY SMITH: We don't need to go through the names.

15 MR PEOPLES: Because I think you summarise your position
16 that you don't have anything to say that, when you were
17 there, that they as individuals -- you say something
18 about one person, but I don't think it's necessarily
19 relevant to whether you thought they were ill-treating
20 children. You just had some doubts about his honesty.

21 A. I'll have to stay -- stick with that.

22 Q. You'll stick with what you said?

23 A. Yeah.

24 Q. I'll move on then.

25 Can I move lastly to allegations that have been made

1 about you by a number of individuals who have come
2 forward to the Inquiry.

3 Firstly, the way this is done is that, I think,
4 you've been made aware of what the allegations are?

5 A. Correct.

6 Q. You've then given us your response to them. I'm not
7 going to read everything out but if you feel I've missed
8 anything out please say so.

9 A. Please do.

10 Q. For reasons I'll come to, I'll call the first person,
11 girl A, if I may. It's at paragraph 120. You say you
12 remember this girl, yes?

13 A. Yeah.

14 Q. I don't need her name, just call her girl A at the
15 moment.

16 A. Yeah.

17 Q. You tell us in fact that, at 122, that you thought that
18 you got on well enough with her and that she wasn't
19 someone that caused you a lot of problems?

20 A. Right, can I expand about this then?

21 Q. Absolutely, you say as much as you want.

22 A. Er, okay. Er, as it says here, it's rather a sad case,
23 she didn't see any parental involvement. If she did get
24 out of school, she visited her grandparents, who
25 really -- well, they were older and didn't -- couldn't

1 provide the care she needed. They couldn't take her
2 overnight, so basically she had no home base.

3 Er, if she did get any sort of time out of school,
4 she would normally go missing actually, because she'd go
5 meet her friends and there was obviously drug taking and
6 things going on, but, er -- well, that's the background
7 to that.

8 Q. You tell us that though you did try to do things with
9 her --

10 A. I'm coming to that, if that's okay.

11 Q. Yes, go on.

12 A. Sorry, I'm not being rude, but I was very disappointed
13 with this young lady's feedback in my circumstance. She
14 and one other young lady --

15 Q. Can we call her girl B, by the way, because we'll come
16 to her, she's also said something?

17 A. Girl B then, er, who was a different kettle of fish
18 altogether. Er, she was a very physical, able young
19 lady, but she caused some concern, but she had
20 an interest in football and, as part of the things I did
21 at school, I introduced, on a commercial basis, the
22 Aberdeen City Police football team, who used our
23 facilities, and she would go and watch them from within
24 the grounds of the school.

25 She knew I was involved with football. So she came

1 and asked if she could come with me, and there were two
2 of them actually, not individually, to watch my team
3 play football.

4 With due consideration, I thought, am I taking
5 a risk here? And I thought, well, nothing else is
6 working here, so I'll take the two of them out, so at
7 mid-week games, if there was a mid-week game, the two of
8 them came with me out to the football, sit or stand at
9 the side of the football pitch, and never gave me
10 a moment's concern, never ran away, never did anything
11 silly. Kept their mouths shut and basically were very
12 well behaved.

13 Now, I did this on a number of occasions mid-week,
14 always the two of them, and I was feeling quite pleased
15 wi' myself, because I thought I'd made a breakthrough,
16 or the school had made a breakthrough, with these two
17 young people and were getting some positive behaviour.

18 And that's why, when I got the feedback of this sort
19 of thing, it was like getting a kick in the teeth from
20 these two young ladies, who, as far as I'm concerned,
21 were treated with the utmost care, and I thought I was
22 doing the best thing for them. Even though my
23 colleagues thought, 'Oh, you're taking a risk here
24 because it could backfire on you'.

25 Q. Could I ask you a question, 'Bryan'. You have said you

1 took both girl A and girl B to this mid-week football
2 and you didn't have problems with them. Were they
3 friends of each other?

4 A. Were they friends with each other? It was an unusual
5 friendship. I could never work it out actually
6 because --

7 Q. But were they? Were they friends?

8 A. I don't think one of the girls had many friends. In
9 fact (Inaudible) both girls didn't really have any
10 friends, but these two seemed to latch on to each other
11 and certainly used the medium that I'm talking about to
12 form a friendship, which got them out of the school,
13 got -- behaved themselves and got them back in again,
14 and obviously I thought they were making progress.

15 Q. If I can go to the gist of the complaint, or the
16 allegation that girl A makes, is that -- it's at 124,
17 I'm not going to read it all out, but she said if she
18 did anything wrong -- and I think she's thinking, for
19 example, if she ran away or something like that, she
20 would be taken to you and put on a chair, you would tell
21 her to turn to face you, you would be right in her face,
22 as she puts it and if you didn't listen, she says you,
23 'Bryan', would grab or skelp her ear for her to listen
24 to what you were saying. What's your response to that?

25 A. Absolute nonsense, and I feel very angry about this,

1 because after the way I obviously offered her an avenue
2 to be a reasonable person and behave appropriately, this
3 came to me as a total surprise and, as I say, a real
4 kick in the teeth.

5 Q. I'll go through the other things she says. She says
6 a couple of other things, but I'll have to deal with
7 them if I may.

8 At 127, and I'll take this relatively short, she
9 says when she was 14 years of age you, 'Bryan', had
10 a pint of blood taken and you were running around the
11 hall of the main house at night playing football,
12 a member of staff told you that girl A had done
13 something wrong and the next thing she knew you,
14 'Bryan', were laying into her and she said you nearly
15 fainted and she can't remember what it was that she may
16 have done wrong.

17 What do you say to that?

18 A. Absolute rubbish. Can I just agree to one thing. I was
19 a blood donor, okay, but ... 'I know he was laying into
20 me in the lobby. He nearly fainted', this is just
21 balderdash, as far as I'm concerned.

22 Q. I don't think she says quite what you were doing on this
23 occasion, she just says laying into her --

24 A. I wasn't doing anything then.

25 Q. You weren't laying into her if she was meaning you were

1 hitting her or skelping her or smacking her, whatever?

2 A. Absolutely no way.

3 Q. I think, at 130, she says that you, 'Bryan', punched her
4 in the stomach. This may in fact be part of the same
5 thing actually, thinking about it, but that you punched
6 her in the stomach and told her that she'd better start
7 listening to staff in the place. You were swearing at
8 her, pulling her hair, and ear, and skelping her round
9 the back of her head and she says that this went on for
10 20 to 30 minutes.

11 Can I ask you to respond to that?

12 A. 131:

13 'I'm going to use the same words again, rubbish. It
14 didn't happen and I'm totally disgusted to hear these
15 allegations'.

16 Q. At 133, I think we get something further said by girl A.
17 She says if she swore or something, you, 'Bryan', would
18 come to see her in her room, this would happen once or
19 twice a week and you and she would be alone. You would
20 make her sit down and listen to you. You would slap her
21 head, pull her ear, and punch her on the arm. All of
22 which she says was sore and that she says this went on
23 for the full time, or the whole time she was there,
24 until she left.

25 Again, can I ask you for your response?

1 A. The same response, so far fetched it's just not true.
2 The passing of time has certainly not affected my
3 recollection. It has heightened it. I have no idea why
4 these things were being said. If she had been treated
5 in the way she's describing, it's undoubtedly abuse, but
6 not by me.

7 Q. Again, something else she says, that she was in the main
8 hall, for doing something wrong, she thinks, and she
9 says that you, 'Bryan', punched her in the stomach and
10 were hitting her ear. Again, can I ask you to respond
11 to that?

12 A. When I first heard this, my comment was:
13 'This is becoming ridiculous. It didn't happen.'
14 And that's all I'm going to say.

15 Q. At 138 at least, having said that what she's saying is
16 nonsense or rubbish and didn't happen, you tell us that
17 she was a person who abused drugs and you offer,
18 I suppose, a possible explanation for why she might be
19 saying things, that you think that has coloured her
20 thinking or thoughts, but you're certainly putting
21 forward a possible -- you don't know one way or another
22 what has prompted this allegation?

23 A. As I say, I considered it a kick in the teeth when
24 I heard the allegations and I don't know why she said
25 that. It may have been the influence of the other girl

1 involved in the original allegations, but she was
2 treated with the utmost courtesy by myself and, in fact,
3 I encouraged the school to get this young lady into
4 an independence training unit, which she functioned
5 quite well in, and I said, right, maybe it's time she
6 went out in the community and obviously tried living on
7 her own in a flat there.

8 Then that's reported, in 138, is it?

9 Q. You tell us a bit about her history when she was
10 certainly a younger person and what did happen, and we
11 can read that for ourselves.

12 Can I move on to girl B, if I may, unless there is
13 anything you want to add?

14 A. No.

15 Q. We have your full statement in what you said, but so far
16 as girl B is concerned, and she's the person that went
17 to the football mid-week with girl A, she says, at 140,
18 that she tried to run away almost every day. The only
19 real punishment she got was not being allowed home, but
20 eventually they didn't even do that. The exceptions
21 were, and she names you, 'Bryan', and another person or
22 persons, '... who would all slap or punch me for running
23 away'.

24 Is your response the same as for girl A?

25 A. Absolutely, 100 per cent.

1 Q. She says at 142, if I could go on at page 29, that she,
2 girl B, was the only lassie who was physically abused
3 and:
4 'I think this was because I would fight with the
5 other boys and girls almost every week ...'
6 She names a few people, including you, as someone or
7 the main people who used to assault her regularly, so
8 again is it the same response?
9 A. 100 per cent.
10 Q. I suppose she's saying she's the only girl being
11 physically abused and was she there at the same time as
12 girl A?
13 A. Yes.
14 Q. They knew each other?
15 A. Yes.
16 Q. And they consorted together or went together to things?
17 A. I've no explanation for all this, right, apart from the
18 fact I'm fully disgusted.
19 Q. Then she does refer to an occasion, girl B, when she
20 says that you, 'Bryan', would take her to watch
21 a football team and that she says on one occasion, she
22 was sniffing gas while you were watching the football.
23 She says this occasion was a Saturday and that when she
24 saw you on the Monday, you, in her words, 'battered'
25 her. She says on one occasion you punched her in the

1 head, this may be a separate occasion, it's not clear
2 perhaps, you punched her in the head, and it was two
3 days after this she took her first seizure and she says
4 she's sure that you, 'Bryan', caused it by this punch to
5 her head.

6 I think you again -- the response is the same, but
7 you make the point, I think, that you didn't take girl A
8 and girl B to football on a Saturday, it was mid-week?

9 A. Never on any occasion did I take them out on a Saturday,
10 and I wouldn't take them out individually either.

11 Q. Then if we go on to something else she says at 147. She
12 recalls -- she would say sometimes a particular member
13 of staff would have her in a hold in his office and that
14 -- I think it's SNR [REDACTED] that would come in, she
15 would be on the ground and SNR [REDACTED] would stand on
16 her ankle or kick her in the ribs and then just walk
17 away and if you came in, 'Bryan', and she was in that
18 position, you would assault her also and that you and
19 the other staff would have a laugh about this and that
20 there were times when you and other staff would both
21 have a hold of her hands in a very painful position.

22 So is it the same response --

23 A. Can we go back a bit there? Did she say SNR [REDACTED]?

24 Q. That's, I think, the person that's blanked out?

25 A. Never in a 1,000 years.

1 LADY SMITH: Which paragraph are you in?

2 MR PEOPLES: Paragraph 147. I don't think it's in your copy
3 of the statement, but I'm putting it to you that I think
4 that that is the person so that you --

5 LADY SMITH: I have a copy here.

6 MR PEOPLES: Maybe, my Lady, if you can help us here just so
7 that I'm not -- I don't want to get this wrong but I
8 think that's a matter --

9 LADY SMITH: Paragraph 45 of her statement:

10 'Sometimes SNR [REDACTED] would come in. I'd be on the
11 ground and SNR [REDACTED] would stand on my ankle, kick me in
12 the ribs and just walk off. Then 'Bryan' came in and
13 I was in this position ...'

14 And somebody else that she refers to as well.

15 MR PEOPLES: You have that information, so you seem
16 surprised when you learned that that was the person that
17 came in. Why were you surprised, 'Bryan'?

18 A. He would never do that.

19 Q. Right.

20 A. And in fact, I mean, this summarises just the whole
21 nonsense that this girl or two girls have actually
22 been -- that evidence, so to speak, is just a whole lot
23 of gobbledygook. Dangerous nonsense so far as
24 I'm concerned.

25 Q. The final matter that I want to raise about girl B, if

1 I can just deal with that now at 149, girl B also says
2 that on her 16th birthday, a member of staff and you,
3 'Bryan', along with another older man, whose name she
4 can't recall, grabbed you and cut off her ponytail and
5 the following day, she went to their office and saw that
6 they had framed her ponytail and put it up on the wall
7 of the office.

8 She says she was horrified. She had grown it for
9 years and loved it and says that on the days leading up
10 to her birthday, they had said that they were going to
11 do this, but she simply didn't believe that someone
12 would do something so nasty and that the incident was
13 very upsetting for her.

14 Now, what is your response to that? You have been
15 named as one of the people involved in this.

16 A. This is beyond belief, this is -- it's another - another
17 fairytale. In fact, it's not a fairytale, it's
18 dangerous nonsense.

19 Q. Can I at this point, because I think it's something
20 I want to provide. I think you produced this for me
21 today and it's a school photograph --

22 A. Correct.

23 Q. -- in colour, showing a large number of pupils at the
24 school, as well as members of staff in rows in front of
25 the school building. You will be familiar with this

1 photograph that you've provided. It bears to have
2 something at the side that says 85/87, but I'm not sure
3 what that signifies. It's in pencil.

4 A. I have photographs of all my pupils from the day I went
5 there -- sorry, from the day Mr HMY went there, he
6 would like to take a group photograph every year and for
7 some reason the pupil list, which accompanied the
8 photograph, I haven't got. There's nothing mysterious
9 about that.

10 Q. I'm going to take you to a couple of other photographs,
11 but just before I do that -- perhaps her Ladyship
12 I could perhaps pass it over so that we can see --

13 LADY SMITH: Yes, pass it round here. You give a date for
14 this as being 1985, or thereabouts?

15 A. I'm not sure about that. I was trying to work out.

16 LADY SMITH: You have written in pencil '85/87', when did
17 you write that?

18 A. When I was trying to work out which year that was taken.

19 LADY SMITH: Okay.

20 MR PEOPLES: Did you write that recently though?

21 A. Er, when all this nonsense started coming out, I decided
22 to try and trace back any evidence I could find which
23 would dispute the stories or the concoctions that these
24 two young ladies are coming up with.

25 LADY SMITH: Might it have been later than 1985?

1 A. Well, I've got the photographs, er, and they don't
2 appear in any of the later photographs.

3 MR PEOPLES: If I have this right, 'Bryan', I'm about to
4 make sure that I have it right, the girl in question
5 would have celebrated her 16th birthday in 1991.

6 LADY SMITH: She would only have been ten in 1985.

7 MR PEOPLES: I think that she would have been at Oakbank,
8 according to her evidence, in 1990/1991, between the
9 ages of 15 and 16.

10 LADY SMITH: About [REDACTED] 1990 to about [REDACTED] 1991.

11 MR PEOPLES: Yes. She would have turned 16 in the [REDACTED] of
12 that year. I just wonder if that helps you at all.

13 A. Aye, I'm just relating to 85/87. The reason I wrote
14 that down is because Mr HMY [REDACTED] working at
15 Oakbank around about that time and he was the first one
16 to instigate a group photograph.

17 MR PEOPLES: Just for the record though, the photograph that
18 we've been looking at, you are not able to put a date on
19 it at the moment, but I've told you when this person
20 celebrated their 16th birthday and I think you can take
21 it that that's an accurate date.

22 If we look at the photograph, it shows the whole
23 school in front of the building --

24 A. Correct.

25 Q. -- on what appears to be on a perfectly pleasant day,

1 we'll maybe come back to the timing of this photograph,
2 but I think in the third row from the back --

3 A. Correct.

4 Q. -- we see a row of people, including both, I think, one
5 or more staff members and a group of girls?

6 A. Yeah.

7 Q. On the photograph, as you look at it, the person fourth
8 from the left, in the third back row, or the third row
9 from the back, the person who is number four from the
10 left is girl A. The first girl that we spoke about?

11 A. Aye, yes, okay, yeah.

12 Q. Wearing some sort of green T-shirt or top?

13 A. Correct.

14 Q. The girl who is number six from the left, as you look at
15 the photograph --

16 A. Yeah.

17 Q. -- is girl B?

18 A. Correct.

19 Q. She's also wearing a green top?

20 A. Correct.

21 Q. What's the significance of the green, is that because
22 a particular unit?

23 A. Correct.

24 Q. Maybe if I take this from you as well, and I haven't got
25 this noted down, but I think you're in the front row,

1 are you?

2 A. Yes.

3 Q. Are you to the right of --

4 A. Looking at the photograph, I'm at the left of Mr HMY .

5 Q. SNR ?

6 A. Or the right, as he's sitting.

7 Q. That shows what you looked like at that stage?

8 A. Unfortunately, yes.

9 Q. I'm asking that for a reason, and you know why I think

10 I'm asking that and we'll come back to this.

11 A. Sorry for that remark.

12 Q. I'm not wanting to run ahead, but that shows you in that

13 photograph as how you looked then?

14 A. Yes.

15 Q. You're in the front row next to SNR , who

16 I think --

17 A. Specifically the second row, but yes, I'm next --

18 Q. Yes, there are boys or girls sitting, kneeling or

19 sitting, they're not on chairs or benches, is that

20 right?

21 A. Correct.

22 Q. Okay, can I --

23 (Pause)

24 LADY SMITH: Well, I was about to ask you because I'm

25 conscious of the fact of how long you've been working.

1 Q. Now, moving on to someone else -- sorry, before I go on,
2 can I correct something I suspect you said in your
3 statement, which I think is the wrong expression, at
4 154, you say:

5 'The passage of time has not affected my
6 recollection of any these allegations, it's made it [you
7 say] as clear as mud ...'

8 I think you mean 'as clear as day'?

9 A. I was aware of when I said it actually, yes.

10 Q. Well, it's an easy mistake, but you meant as clear as
11 day or crystal clear on this matter?

12 A. Either or.

13 Q. Okay, that's fine.

14 Going on to the next individual, who, I think, was
15 in Oakbank around the mid-1980s, it's not a person you
16 remember, it's a boy, but what he does say is that at
17 156 -- I'll just put the general allegation rather than
18 just the whole background. He says that there were
19 times when he was getting an elbow in the ribs or
20 a punch in the head or to the back of the knee:

21 'The staff members I remember doing this to me were
22 ...'.

23 He names some people, including you, 'Bryan'.

24 He says he saw the same happen to other boys. He
25 says:

1 'Another member of staff [not you] was the worst,
2 was prolific.'

3 He says you, 'Bryan', were aggressive but not as
4 violent as the other person that he names.

5 You don't recall this boy, I think you tell us, but
6 you think that he might be mistaking you for someone
7 else?

8 A. Correct.

9 Q. If he was there around the mid-1980s, you became
10 SNR [REDACTED] around that time, is that right, but you
11 say there's another PE teacher anyway?

12 A. Yeah, because of the duties I had providing -- well,
13 obviously an oversight of the school in general, there
14 was another PE teacher who was employed to take my
15 place.

16 Q. You say in your statement that you could accept that
17 that could have happened in the case of this other
18 teacher, that teacher might have done something like
19 that?

20 A. Short answer is yes.

21 Q. Okay.

22 A. I'm not defending the guy, but he had sort of this way
23 of sort of -- er -- well, mixing with the kids and just
24 doing these sort of things.

25 Q. Again, the same response you make to the other thing

1 that is said by this boy, that you said would pretend to
2 be playing, but it was rough playing or play fighting
3 and that they, the staff, you included, would hurt the
4 boy, who would be screaming, but he or others would be
5 called a 'Jessie' for having this reaction.

6 I think your position is you can't remember the boy,
7 but this didn't happen, at least you weren't involved in
8 this and if there was someone involved then, at least
9 you put forward, it could have been this other PE
10 teacher, is that really your position?

11 A. Yeah, it certainly wasn't me.

12 Q. If we go on to another person, 1992, you do remember
13 this person, it's at paragraph 161, and you describe the
14 sort of person that the boy was --

15 A. Yeah.

16 Q. -- and you don't disagree with some of the general
17 comments that are made about what the school was like
18 for that particular pupil?

19 A. Yeah, I mean he had similar feelings as I had when
20 I first went to Oakbank. He had the same misgivings of
21 what he saw and what he experienced.

22 Q. Although I think the difference was he was saying this
23 in 1992, you were saying it in the 1970s?

24 A. Yeah, but -- well, maybe I got the wrong one, but
25 I'm not sure about that.

1 Q. I think this particular person was there in 1992. We
2 can establish that from records.

3 A. Okay.

4 Q. You say that -- there is some evidence that the person
5 was subjected to sort of bullying by other young people
6 and I think you say that the staff were aware that that
7 was happening and tried to protect --

8 A. If I can just correct my impressions here. If it is the
9 boy I'm thinking about, yeah, the times -- the dating is
10 wrong. Other than that, I'll agree with what you're
11 saying just now.

12 Q. The main thing that was said by this particular person
13 was that on 11 March 1992, and I think we have called
14 the person 'Sandy' for the purpose of the Inquiry. I'll
15 jus use that name. 'Sandy' was assaulted by another
16 pupil and hospitalised and that you, 'Bryan', didn't
17 want 'Sandy' to press charges and the way it's put by
18 'Sandy' in the statement is that you, 'Bryan', tried to,
19 as it's put, tries to blackmail 'Sandy' not to press
20 charges and says:

21 'Bryan' actually threatened me that if I did so,
22 I wouldn't know what had hit me.'

23 And this was taken to be a form of threat and
24 'Sandy' says that at the time this was said, 'Sandy' had
25 an arm in a sling and was threatened that what had

1 happened was nothing compared to what would happen if
2 'Sandy' pressed charges.

3 Now, your response, I think, can be summed up at
4 165. You say this is just total bunkum, is that right?

5 A. Correct.

6 Q. You say you don't recall the incident, but you think you
7 have something at the back of the mind about this.
8 There is a record of a review meeting on 11 March, which
9 'Sandy' attended. Can I say, and I don't want to take
10 up time taking you to the record, but the record shows
11 that 'Sandy' was there, an outside reviewer was there,
12 and I think that's in accordance with usual practice,
13 and various other people, and I think you were there as
14 well, and 'Sandy's' father was there.

15 I think it's on this occasion it's suggested that
16 these sort of words were uttered by you.

17 A. Which words are we talking about?

18 Q. That 'Sandy' wouldn't know what would hit 'Sandy' if
19 charges were pressed. I think that's the occasion when
20 it's said that these words were uttered by you.

21 I think the evidence was to the effect that
22 'Sandy's' father may have been present and, indeed,
23 heard something along these lines said.

24 I'm just trying to give you some assistance about
25 the occasion and I think there's a record that does show

1 that 'Sandy' suffered an injury. I won't take you to
2 it, but I'll tell you what the record says, that 'Sandy'
3 was injured physically following an assault by another
4 young person, had attended hospital on 11 March and then
5 attended a review meeting in the afternoon. At the
6 review it's recorded that the review said that this
7 issue is being dealt with separate to the review itself
8 and 'Sandy' said, 'Well, that was news', and there's no
9 indication that anything did happen after the review.

10 I think 'Sandy's' position was one of surprise that
11 the review team didn't actually seek to question how
12 'Sandy' came about this injury or ask any questions at
13 the review, which was about 'Sandy'.

14 A. I'm very surprised as well. I can't understand how that
15 would have happened.

16 Q. That's what the review said. That's what the note of
17 the review said. It was prepared that the issue would
18 be dealt with separately.

19 You say that's surprising. If a young person turns
20 up with their arm in a sling, having been to hospital
21 earlier that day, someone should be asking some
22 questions at the review?

23 A. Correct.

24 Q. You were there, according to the record.

25 A. I'm not even saying I was there, because I'm not sure,

1 but in terms of practice, that's what should have
2 happened, it should've been discussed at the review.

3 Q. So you would accept that if 'Sandy' -- based on what the
4 record says, if that's what happened, that shouldn't
5 have happened, that should have been discussed --

6 A. Dealt with more appropriately.

7 Q. And not left over?

8 A. Correct.

9 Q. There's no evidence, if it was left over, what the
10 upshot was of that, whether something was done or not,
11 but 'Sandy' said that there was no attempt to question
12 about the incident after the review meeting.

13 A. As I say, I'm just surprised the way things turned out
14 here. It's not due process.

15 Q. Your position is that what is attributed to you on that
16 occasion, that you didn't say what 'Sandy' is saying?

17 A. It seems very strange for me to say in front of the
18 review what I was supposed to have said, which I didn't
19 say.

20 Q. I think it's certainly in the context of a review
21 meeting that this was said to have been uttered by you.

22 If we can move on then, perhaps.

23 There is another person who was at Oakbank and that
24 person is dealt with at 172 of your statement on
25 page 34, this is a boy you remember well and you give

1 the background to his circumstances, and where he lived,
2 and how he came to go to Oakbank. I think you end
3 paragraph 172 by saying he was out of parental control
4 and he was capable of being deceitful. You say you
5 didn't ever directly sanction or punish him, as he was
6 in a unit where they were keeping a close eye on him.
7 You say that he would be doing his best to get leave to
8 go to a place in Torry called the Phoenix Club --

9 A. Correct.

10 Q. -- having convinced staff that he was a regular attender
11 and so forth.

12 You say sometimes he didn't come back to Oakbank in
13 time. Can I just then take you to the allegation and
14 deal with that.

15 First of all, he names you, 'Bryan', as someone who
16 worked at Oakbank, which, I think, you obviously accept
17 and we know. It is said that the person he refers to,
18 you, was in his 30s when he was there and I think he was
19 there some time around 1986 perhaps. I don't think it's
20 so clear what the precise date is of his time but it
21 would be around then. I think his position was he came
22 when he was quite young. He was about ten. That may or
23 may not be completely accurate but --

24 A. I doubt if he'd have been ten, but --

25 Q. That would have been quite young if he had been.

1 A. Yeah.

2 Q. He would certainly have been there in the 1980s. He
3 says that he describes the person that he refers to as
4 'Bryan', as someone who was in his 30s, tall with
5 a local accent, he had short, brown hair with
6 a moustache, and able to take us out on trips without
7 any of the other staff questioning where we were going.

8 Now, you did provide a photograph that we've looked
9 at, taken in the late 1980s, 1985, 1987. I think we see
10 from that photograph that you -- as you tell us, you
11 have been bald since the early 1970s and --

12 A. Thank you.

13 Q. -- you had a moustache when you were at Summerhill, but
14 not at Oakbank?

15 A. Correct.

16 Q. I think you have shown us the photograph of you sitting
17 next to Mr HMY and I think -- I'm not going to take
18 long with this, but you have provided two other
19 photographs, one of which does have a date taken in
20 May 1983. It looks like again an end-of-year
21 photograph, and I'm not going to take too long, but
22 I think I can confirm that you are the person that is
23 sitting on the front row, two to the left of SNR
24 SNR when looking at the photograph. I think it
25 shows that certainly you don't have a moustache there

1 and it does appear to confirm that certainly -- I think,
2 other than the colour of your hair, it's quite similar
3 to --

4 A. What hair?

5 Q. -- what you have now, is that not right?

6 A. Yeah.

7 Q. You have produced these photographs, I think, to show
8 how you appeared, both in 1993 and in this earlier
9 photograph that is marked '85/87', and you didn't have
10 a moustache, that's your point, I think, is that right?

11 A. Correct.

12 Q. This individual says that he was abused by you sexually
13 and that you also abused another boy, who would wash
14 your car, and that the other boy would go on trips with
15 you and was treated more favourably by you.

16 He says on one occasion that this other boy stole
17 your car, and he describes the colour and model, and
18 says that he thinks that the other boy pranged your car.

19 Can I just take from what you tell us in your
20 statement at 176 that you did have a car of the colour
21 that the boy mentions, but it was never stolen and it
22 was never pranged, you say?

23 A. Yeah.

24 Q. And you describe everything else said there as complete
25 nonsense or nonsense. You say you've been bald since

1 the early 1970s, as we've just discussed. You had
2 a moustache at Summerhill but not at Oakbank and,
3 indeed, you can't think of others who would fit the
4 description that this former pupil has given, is that
5 right?

6 A. Correct.

7 Q. This particular former pupil at 178 goes on to say that
8 he was groomed by you, he was given money for sweets,
9 and that you had the run of Oakbank and that you
10 sexually assaulted him there and on occasions took him
11 out in your car.

12 He says it was because of that abuse he was running
13 away and he then refers to you having keys to the place
14 and there were other boys being taken out of their beds
15 at all times of the night. You could go anywhere
16 because you had these keys and it was because of you he
17 couldn't stay.

18 I think you respond to that at 180, you say it's
19 a fairytale, he was never in your car, you never gave
20 him sweeties and so forth. You say also you didn't work
21 at Oakbank overnight, is that right?

22 A. Correct.

23 Q. The latest you would have worked was around 10.00 pm, if
24 you were on some sort of later shift?

25 A. Yeah.

1 Q. You didn't stay on the premises and lived indeed outwith
2 the school boundaries?

3 A. Yeah.

4 Q. Just to make point, you say there was no way that you
5 would be wandering about in the middle of the night or
6 middle of the morning, visiting bedrooms within the main
7 school, is that right?

8 A. That's right, and there are night staff on evening
9 duties all night, every night, and there's just no way
10 this could have happened. Would never have happened
11 anyway.

12 Q. You tell us that whatever he says about his reason for
13 running away, you say it was rather different. He was
14 running way to suit his own purposes, is that right?

15 A. Yes. He had a mind of his own and when I see this,
16 maybe I shouldn't say this, but he's also been quite
17 vindictive, but ...

18 Q. He does say in his statement that, according to him, he
19 tried to tell his mother what was happening but she told
20 him to stop telling lies or he'd be in worse trouble, so
21 his mother didn't accept --

22 A. Yeah, I mean, my recollection is that the parents didn't
23 have a very good relationship with the young man and
24 that basically he pleased himself and the one occasion
25 that I had any contact with him, I found it was the

1 older sister who seemed to have more control over this
2 young man than the rest of the family.

3 Q. I'll move on to another person who I think has been
4 referred to as 'James' in the Inquiry, who was there at
5 Oakbank between 1985 and 1988. This is a person you do
6 remember. He was quite sporty. You felt he was
7 a decent boy, although you felt there was maybe
8 something underneath the surface that was lurking.

9 You can't remember if you ever sanctioned or
10 punished him, but he says in his statement that you were
11 a PE teacher and if boys were not working to your
12 satisfaction, you would punch them in the ribs and you
13 were someone who would use knees to a boy's back. You
14 would use body blows, not hit anyone in the face, and so
15 forth.

16 I think your short answer is that's simply not true,
17 is that right, at 187?

18 A. It's not true, it's not me.

19 Q. You do say that it's possible that he might be thinking
20 of another PE teacher?

21 A. Correct.

22 Q. Is this the one you previously mentioned?

23 A. Correct.

24 Q. Then if we go on to the next one, I take this very
25 short. This is a person whose mother has given

1 a statement. I'll take this very short, because
2 basically there seems to have been some problem,
3 a complaint, and you became involved, and the complaint
4 seems to be that the boy in question came to a visiting
5 area in his pyjamas with his ankles tied together with
6 a rope and shuffled across to meet his family in this
7 room.

8 It's said that a complaint was made which you dealt
9 with and you told the mother that this was what happened
10 when children ran away and that that was the punishment
11 for doing so.

12 Now, you say you don't remember any of this, but
13 you've never seen anyone in all your time at Oakbank
14 with their ankles tied together, is that right?

15 A. Correct. I do not remember this at all. The only
16 time -- in the visiting area, the only time I could
17 think that this might have happened is if they had
18 visited him of an evening and he was in his pyjamas,
19 obviously ready to go to bed. That is a possibility.
20 But at no time, never ever, have I seen a boy in that
21 situation with his legs tied together to stop him
22 running away.

23 Q. I think, in terms of the pyjamas, we have heard
24 evidence, 'Bryan', so that you're clear, that if boys
25 were frequent absconders, they might be required to wear

1 pyjamas and slippers during the day as a deterrent to
2 them doing it again. It wasn't necessarily an effective
3 deterrent, but we've heard evidence to that effect. Can
4 you recall that sometimes happening?

5 A. During the day? Very few and far between incidents and
6 I can't even remember anything like that and I would go
7 back to what I said earlier. If it was an evening, it's
8 a possibility he would have been in pyjamas, yes.

9 Q. There is another person that you don't have a great
10 recollection of, and this is a person who said that one
11 Christmas, you gave her some money to go to the town
12 drinking and on reflection she appeared to think that
13 that wasn't an appropriate thing to do.

14 You don't have a recollection of this, but I think
15 your position is well, you might -- if you did give some
16 money, you wouldn't have been saying, 'Well, go away and
17 spend it and get yourself drunk', is that the gist of it
18 basically?

19 A. I just smiled at that one.

20 Q. Well, I won't take too much time, because I can deal
21 perhaps with the final one, which is that this is one by
22 a person who, I think, we have called 'Stewart', who
23 says that there was an occasion in the assembly room
24 where a boy became aggressive and abusive towards
25 'Stewart' and started fighting with him and 'Stewart'

1 hit back. His key worker put 'Stewart's' arm up his
2 back, frogmarched him away, and that 'Stewart' was
3 telling him to get off him and also the key worker --
4 and what 'Stewart' did, as this was happening, was that
5 he punched the key worker and he was taken to SNR
6 SNR office, where there was a big table with
7 seats round it, and in came -- I think it's SNR
8 SNR and you, 'Bryan', and that together you took
9 him by the scruff of the neck, started shouting in his
10 face, leant over him, and then started smacking him
11 around the head and then he was belted on the backside
12 a couple of times on top of clothing. He was sore, he
13 says, and crying, and then thrown upstairs to his dorm
14 and to his bed.

15 As far as that's concerned, I think you say that if
16 it was Mr HMY time, there was no corporal
17 punishment by then, is that right?

18 A. Not even close, no.

19 Q. Indeed, you say you don't remember anything about what
20 is being said here happening and if something like that
21 did happen, you weren't there, if something of that kind
22 did happen, you weren't one of the people involved, is
23 that the position?

24 A. Nothing to do with me, I'm afraid. Sorry, I'm not
25 afraid, it's nothing to do with me.

1 Q. It is said that he's talking about the old boardroom.
2 Now, we did hear some evidence, I think, that SNR
3 SNR whose name there was -- moved his office from
4 the old boardroom to somewhere nearer the place he
5 stayed. Do you remember that?
6 A. Yeah, the old boardroom was moved from a very public
7 place inside the front office, er, and he preferred
8 a boardroom to be in a quiet area removed from the
9 main --
10 LADY SMITH: And nearer where he lived?
11 A. Correct.
12 MR PEOPLES: If you bear with me one moment.
13 I think this particular person, according to his
14 statement, would have arrived at Oakbank just after his
15 13th birthday, which would have been
16 1987, so you would say that corporal punishment was
17 a thing of the past by then?
18 A. Yes.
19 Q. Would SNR have moved his office by then as
20 well?
21 A. SNR would have moved his office soon after
22 the school, because he didn't want obviously
23 to be disturbed in the central area of the school, he
24 wanted a more private office space.
25 Q. You tell us at 204, finally, a couple of things I want

1 to deal with just before we finish, that there was some
2 sort of incident involving you and a boy, where there
3 was a shouting match, as you put it, and it appears that
4 that resulted in you being suspended when you were SNR
5 SNR .

6 Then the upshot was, I think, that there was some
7 form of investigation by a person on the same level as
8 yourself. You take some issue with the investigation,
9 but you felt that really the knives were out to get you
10 out of the place and that during, I think, suspension,
11 you took early retirement and didn't go back, is that
12 the upshot?

13 A. Yes.

14 Q. You say --

15 A. Can I just say, talking about the incident there, there
16 was no mention of assault or anything like that.

17 Q. No, no.

18 A. Raised voices.

19 Q. Lastly, I think, 'Bryan', what you have done and
20 provided, I think, today for our benefit is a letter to
21 the Chief Executive of Aberdeen City Council, which was
22 received on 13 May 1997. The terms of that letter are
23 set out in paragraph 209, but we actually now -- you
24 have given us the actual letter, a copy, and that is
25 from a pupil who was at the school at that stage and

1 it's also signed by, I think, in total 32 pupils at the
2 school at that time, is that right?

3 A. It's a bona fide copy of the petition that went to the
4 Board of Managers, I'm not quite sure of the numbers.

5 Q. I'll just read what it says, this is the signatory:

6 'I'm writing on behalf of the pupils of
7 Oakbank School and their rights. We, the pupils of
8 Oakbank, have read the statements and functions book and
9 also the children's rights. It says in both books that
10 the children's views should be heard if it affects their
11 future. With this in mind, we have come to the
12 conclusion that we, the pupils of Oakbank, have not been
13 consulted about SNR [REDACTED] job. We do have
14 a right to have a say as it will affect our future. We
15 feel that Mr [you, 'Bryan'] have done more for this
16 school in a couple of months than the previous
17 SNR [REDACTED] did in the time he was there. We know that
18 'Bryan' is capable of doing the job and feel that it's
19 only right that he fills the place. As a pupil in
20 Oakbank School, I feel that 'Bryan' knows this school
21 and will try to do his best for it. The children prefer
22 'Bryan' SNR [REDACTED] because he's there for you if you
23 have any problems or have anything you don't agree with.
24 He will sit and talk to you about it and some pupils
25 will only tell 'Bryan' their problems. On behalf of the

1 pupils of Oakbank School.'

2 It's then signed, it's a handwritten letter, and it
3 says that there is a number of signatures as well of
4 other people who have signed the letter of support for
5 [REDACTED] as SNR [REDACTED]. We can see
6 that from the copy that has been provided by you.

7 I think the other thing you've provided, and I'm not
8 going through it, was a reference by the outgoing
9 SNR [REDACTED] for you, which was submitted to the board of
10 governors. Mr HMY [REDACTED] had provided a lengthy reference
11 commending them to consider you as the person who should
12 become the next SNR [REDACTED], is that right?

13 A. Yes.

14 Q. You have also provided one other letter and this is from
15 someone who, I think, was a signatory to that letter,
16 but wrote this after she left. I'll just read that if
17 I may:

18 'Dear 'Bryan', it's [and then the name] here,
19 writing a little note saying thanks and goodbye.
20 I'd like to say thanks for keeping me here even after me
21 being a little shit to you and everyone else. I'm just
22 glad that you were there for me and helped me, even
23 after we had our ups and downs. I'm no use at writing
24 letters or saying what I want to say, so if this doesn't
25 make sense, I'm sorry. I think that that is all I can

1 MR PEOPLES: I'm not sure about the photographs, I don't
2 know whether we want to ...

3 LADY SMITH: Maybe 'Bryan' can let [REDACTED] know what he wants
4 to do and --

5 MR PEOPLES: I can give them back just now and we can just
6 discuss -- at least, if we need to see them again, we
7 can do.

8 LADY SMITH: That would be best. Thank you.

9 I want to mention the names of some people who are
10 not to be identified as referred to in our evidence
11 outside this room; LIQ [REDACTED], Mr ILG [REDACTED],
12 IAA [REDACTED], LIU [REDACTED] and at one point people may
13 have spotted that the witness -- who is entitled to
14 anonymity -- used his own second name, and that's not to
15 be repeated outside this room.

16 We now have a breather until 10 o'clock tomorrow
17 morning, I think, Mr Peoples.

18 MR PEOPLES: I think we have two live witnesses tomorrow.

19 It's been a long day, so I'm hoping I have that right,
20 but we'll have some more live evidence.

21 LADY SMITH: That's certainly all that's on my list, so it's
22 going to be a surprise to me if you produce another one.

23 Thank you very much. I'll just rise now.

24 (5.13 pm)

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(The Inquiry adjourned until 10.00 am on

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Thursday, 3 October 2024)

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