

1 Friday, 2 November 2018

2 (10.00 am)

3 LADY SMITH: Good morning.

4 Mr Peoples, I think we have a witness ready to give  
5 evidence; is that right?

6 MR PEOPLES: Yes. Good morning, my Lady. The next witness  
7 to give oral evidence is a person who has waived his  
8 anonymity and it's David Whelan.

9 LADY SMITH: Thank you.

10 DAVID WHELAN (affirmed)

11 LADY SMITH: Please sit down and make yourself comfortable.

12 (Pause)

13 David, just take time to get yourself organised and  
14 you tell me when you're ready to start.

15 (Pause)

16 Are you okay?

17 A. Yes.

18 LADY SMITH: We'll get started.

19 I'm sure I don't need to remind you that we need to  
20 you use the microphone because it's really important  
21 that everyone can hear what you say. I'll let you know  
22 if you drift away from it and you need to get nearer  
23 again.

24 There are a couple of things I want to say at the  
25 beginning. One is I know we will touch in your evidence

1 on the conviction of a man, John Porteous, who was  
2 convicted in the High Court of serious sexual abuse of  
3 you. As far as I am concerned, that is an established  
4 fact. Do you understand that?

5 A. Yes, my Lady.

6 LADY SMITH: It is not being re-opened before me, it's not  
7 my function in a public inquiry, just as I can't  
8 determine whether anybody did commit a crime if that has  
9 not been established. It's not for me in this type of  
10 proceeding to look again into whether a conviction was  
11 well-established or not. It is plain on the face of it,  
12 on the record that he was convicted of a serious  
13 offence, so please don't worry about that if that is  
14 worrying you.

15 One other thing, and I want to mention this at this  
16 stage, and again not to worry you at all -- and I hope  
17 this is a reassurance and just a reminder of what you  
18 know already -- when you were interviewed to provide  
19 your very helpful and detailed statement, it was  
20 explained to you that although this is a public inquiry,  
21 not a trial, you still have the right not to say  
22 anything that might be taken as incriminating yourself  
23 in any way at all. That was in the context of it being  
24 explained to you that if you said anything that could be  
25 taken as indicating that you were involved in the abuse

1 of any child, you could be asked further questions about  
2 that, but you don't have to answer any such questions.  
3 If you do, the answers would be recorded and they could  
4 be available for future use. Do you remember being told  
5 that when you gave your statement to the inquiry?

6 A. Yes.

7 LADY SMITH: That applies today as much as it did then, and  
8 I mention it because it's important for your rights,  
9 David, and your protection that you remember that. You  
10 mustn't feel because this is a different environment  
11 that you don't have that right.

12 A. Thank you.

13 LADY SMITH: Any questions about that or doubts about that,  
14 just let me know.

15 What I'm going to do now is hand over to Mr Peoples  
16 and he will start asking you questions and explain where  
17 he wants to go first.

18 Questions from MR PEOPLES

19 MR PEOPLES: Good morning, David. Before I begin asking  
20 some questions, you have in front of you a red folder  
21 and I think you might have another folder. The red  
22 folder contains a copy of your signed statement that you  
23 provided to the inquiry earlier in the proceedings.  
24 It's available for you to consult if you want to or  
25 refer to because I'm going to ask you some questions --

1 I'm largely going to base my questions on the statement  
2 you've provided and I'll take you through that in due  
3 course.

4 You will also see shortly that the statement will  
5 come up on the screen in front of you, and if it is  
6 easier for you to use the screen, do so, but if you want  
7 to use the hard copy statement, then please feel free to  
8 do so. It's your choice.

9 A. Okay.

10 Q. Before I begin asking you questions, I will, just for  
11 the benefit of the transcript, give the identification  
12 number of the statement that the inquiry gives to it so  
13 that we know the statement that we're looking at. Your  
14 statement is WIT.001.001.9034.

15 At this stage, David, could I ask you to turn to the  
16 final page of your statement and confirm for me that  
17 you have signed your statement.

18 A. Yes.

19 Q. And that you have no objection to your statement being  
20 published as part of the evidence to this inquiry and  
21 that you believe the facts stated in your witness  
22 statement are true.

23 A. Yes.

24 Q. David, I'll begin this morning by taking some background  
25 information from you about how you came to be in

1 Quarriers and then I propose to, by reference to your  
2 statement, look closely at your period of time in care  
3 and your personal experiences there and what you  
4 remember of your time in Quarriers.

5 At a later point, I will ask you some questions  
6 about the impact of those experiences. I'm only doing  
7 so really to get your assistance so that the inquiry can  
8 understand why certain things happened and whether they  
9 could have been prevented or what steps might have been  
10 taken that you consider were not taken. That sort of  
11 thing.

12 I will ask you obviously about some of the things  
13 that happened in more recent years, but my focus today  
14 will be very much on your experiences and to hear your  
15 voice today about you as a child in care because clearly  
16 it is important that we hear from the perspective of the  
17 child.

18 With that introduction, can I begin by asking you  
19 simply to confirm the year of your birth. I don't want  
20 your date of birth, but can I confirm you were born in  
21 1957?

22 A. Yes.

23 Q. If I could start by looking at your statement at  
24 page 9034, David. You tell us about your life before  
25 going into Quarriers in your statement. At paragraph 2

1           you tell us you were born in the Drumchapel area of  
2           Glasgow.

3           A. I was born in Glasgow --

4           Q. I see.

5           A. -- but I was with my mother in Drumchapel. I was  
6           actually born in Glasgow, but not Drumchapel.

7           Q. I see. But you lived initially with your mum and dad?

8           A. Yeah, according to the records. I was only with them  
9           for a year or maybe under a year, then I was taken into  
10          care.

11          Q. I'll take you through that because you do deal with it  
12          -- and I'll take you -- just to get the part of that so  
13          we've got the picture, the general picture. I'm not  
14          going to go into all the detail, but I would just like  
15          to get a broad picture from you.

16                 Just by way of setting the scene, I think that you  
17          tell us that you were a member of quite a large family.  
18          You were the youngest [REDACTED]; is that right?

19          A. Yes. I am the youngest [REDACTED] [REDACTED]  
20          [REDACTED]  
21          [REDACTED]

22          Q. So far as your sister is concerned, [REDACTED] she is now  
23          deceased; is that correct?

24          A. [REDACTED] is deceased, [REDACTED] is  
25          deceased and [REDACTED] is deceased.

1 Q. I think your sister **QKZ** was a little older than you  
2 and she was born in 1955; is that correct?

3 A. Yes.

4 Q. As we'll hear, she went to Quarriers?

5 A. She went to Quarriers at the same time as me.

6 Q. And I think as you tell us in your statement, your other  
7 siblings went in different directions at different  
8 times.

9 A. Yes.

10 Q. I'll just take a brief history of that, if I may, so we  
11 understand the background of your admission to  
12 Quarriers.

13 As you've said, David, quite a lot of this  
14 information that you've been able to provide to the  
15 inquiry has been provided to you by other parties  
16 because obviously you were very young and I think you  
17 had a fairly incomplete picture for a long time about  
18 your childhood before care; is that correct?

19 A. Yes. I didn't know what baby homes that I had been in,  
20 so I think if I gave previous interviews or statements,  
21 I just didn't know what institutions I had been in as  
22 a baby or as a child. I knew part of the story, but  
23 a former employee -- after I published No More Silence,  
24 a former employee of Quarriers got in touch with me and  
25 said that she'd actually worked in the baby home where

1 I had been placed as a baby and had been going out to  
2 the doctor's with the potential to be adopted and she  
3 actually gave me pictures of my time from there.

4 Q. I think, David, you tell us about that matter in your  
5 statement. The point you're making, I think, it's  
6 really as an adult you found out quite a lot of this  
7 information -- and indeed No More Silence was a book you  
8 published about your experiences both in care and indeed  
9 some experiences subsequent to care about the trial that  
10 we'll hear about of John Porteous [REDACTED]

11 A. In a sense, I had no interest about my time in care  
12 until I got involved in, I suppose, the case and  
13 afterwards. So there was never a need for me to --  
14 I had a stable life and I sort of was one of those  
15 people that doesn't look to the past, I look forward, so  
16 I didn't see the need. But I think there does come  
17 a time with children in care, and the same with me,  
18 where I actually wanted to know about my parents.  
19 I particularly wanted to know about my siblings because  
20 I spent a number of years not with them, so I didn't  
21 actually know what their sort of backgrounds were and  
22 that kind of thing.

23 Q. I'll maybe get a little bit of that from you, just so  
24 that we understand what you're telling us about that  
25 situation.

- 1           You say in your statement -- and, sorry, the  
2           children's home that you found out about I think was  
3           called Eversley Children's Home; is that right?
- 4       A.   Yes.  I happened to apply -- Quarriers legal team wanted  
5           my GP records and so I applied for my GP records, and  
6           actually there was a card, or I suppose it's the old way  
7           in the NHS they do things, and it said "Eversley  
8           Children's Home".  I think I gave a copy to the inquiry.
- 9       Q.   I think you tell us actually -- and it may be that  
10          I think on page 9035 of your statement you say that you  
11          became aware from your records of entries relating to  
12          your time in Eversley Children's Home in 1961 and 1963.  
13          So that gave you a little bit of information about where  
14          you were at that time --
- 15      A.   Yes.
- 16      Q.   -- as a very young boy?
- 17      A.   I only found out that information in 2011.
- 18      Q.   Yes.  Basically, the background to your early admission  
19          into care settings, and I'll come to the particular  
20          settings in a moment, was, as you tell us at paragraph 3  
21          of your statement, at 9034, that your understanding  
22          is that it was because of neglect on the part of your  
23          parents that you were taken into care at a very early  
24          age.
- 25      A.   Yes.  [REDACTED] and the reason I know this now

1 is obviously I have the children's records. [REDACTED]  
2 formally committed into the care of the local authority  
3 in 1959 under some sort of RSSPCC section 66 formal  
4 order.

5 Q. I think you found out, perhaps in adulthood, that your  
6 father had been in prison; is that right?

7 A. My father had committed some very serious crimes and had  
8 been in prison. He was never involved in my care.  
9 I had no relationship with my father.

10 Q. I'll come to, if I may, take you to these parts of the  
11 statement.

12 You say on paragraph 5 on page 9035 that there was  
13 a point before you went to Quarriers where you were  
14 living with two doctors and you stayed with them at the  
15 weekends from, I think, that's Eversley Children's Home.

16 A. Yes.

17 Q. They were taking you for the weekend and you were  
18 staying in their home?

19 A. My recollections were that -- and this was confirmed by  
20 the former employee -- that I was being taken out with  
21 the potential to be adopted, but my mother wouldn't sign  
22 adoption papers.

23 Q. We'll maybe hear about your mother's attitude to various  
24 settings in a moment.

25 At least at that early stage there was some

1 suggestion, as you understand it, of adoption by these  
2 doctors, but your mother was not for doing that?

3 A. No.

4 Q. Just so that I touch on this briefly, your time with the  
5 doctors was a happy time as far as I can detect from  
6 your statement.

7 A. Yes. Obviously I was very young, but my recollections  
8 were, yes, it was a happy time. I remember they had  
9 a big house, they had a dog, they looked after me, yes.  
10 It was a happy time.

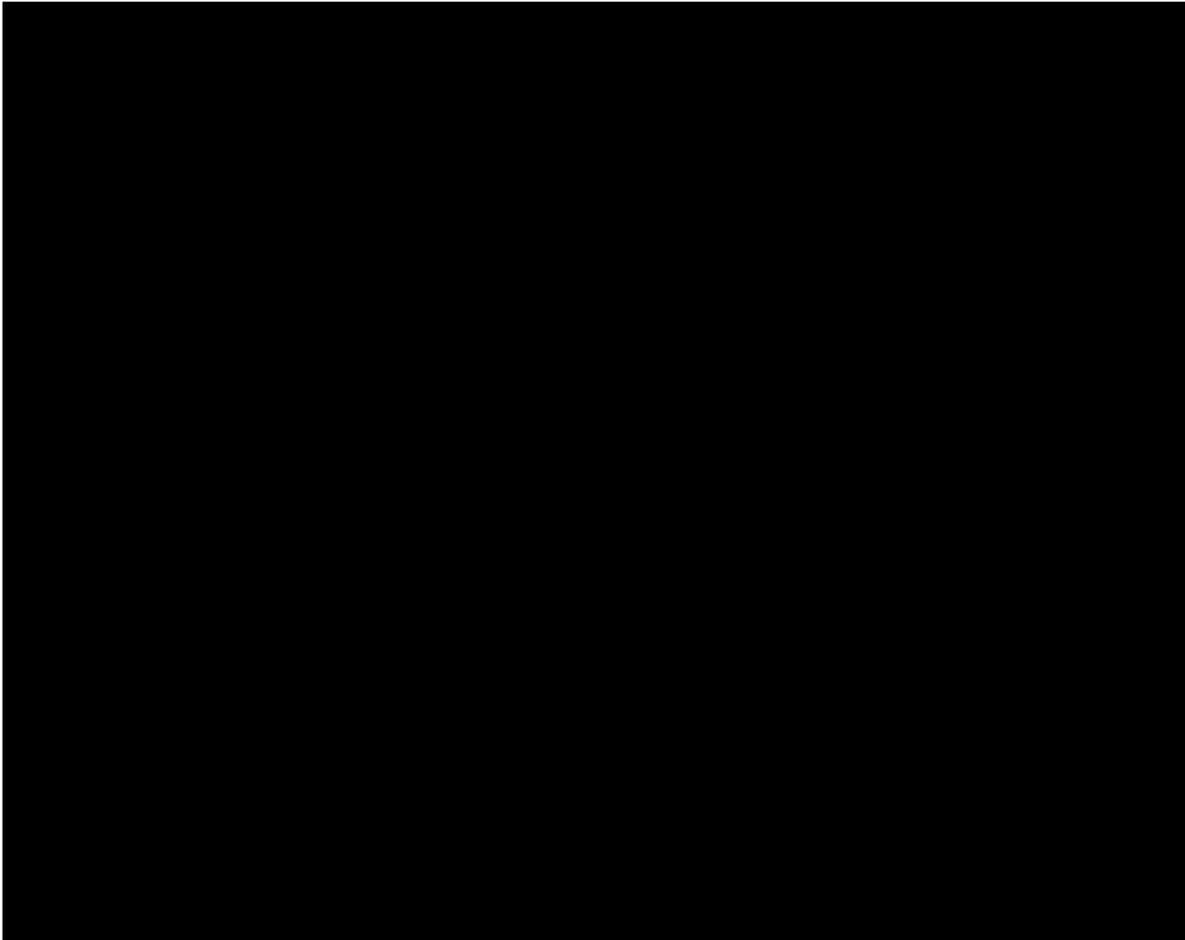
11 Q. Then I think you may have at least a little memory of  
12 another home you spent time in before you went to  
13 Quarriers, and you tell us about that in paragraph 6 of  
14 your statement. You say you have some slight memory of  
15 going to Dunclutha Children's Home in Dunoon for a  
16 period of time.

17 A. Yes, I remember being in Dunclutha for a short time.  
18 I can't remember the timeline or how long. I suppose,  
19 you know, your memory remembers certain things, so  
20 I remember it was a big house and there were sheep in  
21 the front of the house and it overlooked into the -- not  
22 the river, but whatever it is, the sea. And then they  
23 used to take the children down to play on the beach and  
24 there was a big stone called Jim Crow down there.

25 Q. And you remember that?

- 1 A. Yes.
- 2 Q. And again, a bit like the time with the doctors, your  
3 memory, such as it is, is that was a happy environment  
4 for you?
- 5 A. Yes. I clearly -- for me, I remember it being happy.  
6 They had a school at the back where you had to go up  
7 a lane, which -- I think in those days it had to be coal  
8 or a stone-fired school, so it was quite -- you know, an  
9 environment for kids. But yes, I believe I was cared  
10 for properly.
- 11 Q. Then there was quite a big change in your life at that  
12 point. After being in Dunclutha, you went for a time to  
13 North Uist?
- 14 A. Yes. I don't know how the arrangements came around  
15 because it was only at that point in time -- I think it  
16 was in 1965, I'm not sure of the exact year.
- 17 Q. Don't worry about the precise date.
- 18 A. I just remember a social worker saying to me, "Oh, we're  
19 going to a nice trip, David", and I remember going on  
20 a plane. When we got to the other end, "I want to tell  
21 you you've got brothers and sisters", that clearly I had  
22 no -- I didn't know.
- 23 Q. That was the first time you were made aware you had  
24 other brothers and sisters?
- 25 A. Yes.

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Q. I think you estimate that you went there maybe when you were around 8 years of age?

A. I think so, and it was roughly for a year and a little bit.

Q. At paragraph 8 of your statement, you give us your memories of that time and describe North Uist as a harsh environment but you have some clear memories of the couple that you were looked after by. Can you tell us about that?

A. Yes. I mean, clearly when we were on the island there was no electricity. In a sense, we worked in the

1 fields, even at a young age, but what I do recall is

2 [REDACTED] kind of looking after me [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED] ... I believe I was

8 treated properly. There was no abuse of me in

9 North Uist. They were kind to me despite the

10 environment being harsh. [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 Q. [REDACTED]

14 A. [REDACTED]

15 Q. [REDACTED]

16 [REDACTED]

17 A. [REDACTED]

18 Q. Just to complete that little chapter, if I may, did the

19 [REDACTED] have children of their own?

20 A. No, they had no children of their own. I really don't

21 know about the circumstances, [REDACTED]

22 [REDACTED]

23 Q. Did you ever manage to find out from your records or

24 otherwise why the Glasgow Local Authority sent you to

25 North Uist after various placements in a more local

- 1 area, if you like?
- 2 A. No. The answer to that is -- and it's assumption. We  
3 think our father was very violent and would maybe turn  
4 up at places and stuff like that. So it's only an  
5 assumption that maybe they put them far enough away that  
6 he wouldn't visit.
- 7 Q. Although I think we know from other cases that local  
8 authorities in the Central Region would send children to  
9 board out in the Highlands and islands of Scotland.  
10 That's maybe something I think you know as an adult.
- 11 A. Yes.
- 12 Q. You tell us at paragraph 9 in your statement at  
13 page 9036 that your time in North Uist came to an end in  
14 about 1966 and you came back to Glasgow.
- 15 A. Yes.
- 16 Q. I think your understanding is based on discussions you  
17 had with your sister **QKZ** --
- 18 A. Yes.
- 19 Q. -- that your mother was wanting the children back at  
20 that time?
- 21 A. Yes. I think there's also references in the file. **[REDACTED]**  
22 **[REDACTED]** at the time, I didn't know, I was too young,  
23 and obviously I wasn't told everything about this  
24 either. **[REDACTED]**  
25 **[REDACTED]** They had given her a house in Drumchapel and

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[REDACTED]

Q. So far as the time you had with your mother in Drumchapel is concerned, at paragraph 12 you tell us a little bit about that time as well. I don't need to know all the detail today. We can read it for ourselves and we have read it and it's important to understand all of the background. Halfway down paragraph 12, I think you tell us that the family were at that time, as you understand, neglected by your mum and that she would go away a lot and she abandoned you, essentially, on several occasions. Is that what you understand?

A. Yes.

Q. Or even do you recall that?

A. Yes, my mother did abandon us on a number of occasions. My eldest sister, on and off, looked after us for little periods.

Q. But you do tell us -- and I think this is something you wanted to make clear in paragraph 12 -- that at no time did your mother physically or sexually abuse you in any shape or form, but she did neglect you. I think you distinguish --

A. As an adult I realise that abandonment and that kind of, in a sense, in its own form, is neglect and not nurturing you and looking after the family and stuff is neglect. But yes, I want to put on the record: my

1 mother never physically abused me, nor did she ever  
2 sexually abuse me.

3 Q. What you do know about your mother, I think now,  
4 although you didn't know then as a child, is that she  
5 had mental health issues and had periods of depression.

6 A. Yes. My mother spent a number of years on and off in  
7 Woodleigh Hospital in Kirkintilloch. I learned that as  
8 an adult, and obviously her behaviour in Drumchapel --  
9 looking back as an adult, you can see that things  
10 weren't normal.

11 Q. And that would maybe now be better explained by what you  
12 now know as an adult?

13 A. Yes.

14 Q. And, as you told us earlier that really, your father had  
15 no real input into your life and I think you tell us  
16 about that in paragraph 13, that by the time that you  
17 were with your mother in Drumchapel, your father wasn't  
18 really, as you call it, ever present, so he would turn  
19 up from time to time and that's your recollection  
20 I think.

21 A. My father -- up to the time I went to Drumchapel,  
22 I basically had no father. Even the word "father" even  
23 now, I still don't equate that I ever had a father.

24 Q. Your biological father, I think, did turn up  
25 occasionally in Drumchapel?

1       A. Yes, and that was the only time, but he never, ever  
2       lived with us, he was never present in our lives.  
3       I have heard, and I'll just -- maybe this is the wrong  
4       time to say it, but I have heard someone say that I was  
5       abused by my father. My father was not there. My  
6       father did not live us. He turned up at Drumchapel and  
7       used -- when he turned up at Drumchapel, the police were  
8       called and the police took him away.

9       Q. If I go on to page 9037 of your statement, David,  
10       paragraph 14, I think you indicate that, in the time you  
11       were with your mother in Drumchapel, your elder sister  
12       was doing quite a lot of the caring.

13      A. Yes.

14      Q. And that would be no doubt because your mother was away  
15       for one reason or another, including having some  
16       inpatient treatment.

17      A. Yes. She was at an age -- I'm not sure if the  
18       Social Work Department knew she was looking after us.  
19       I think there came a point when she became pregnant so  
20       she couldn't look after us.

21      Q. Your elder sister?

22      A. My elder sister became pregnant and there was a lot of  
23       tension between my elder sister and my mother because of  
24       the way my mother wasn't looking after us. So it was  
25       actually my elder sister -- and she told me this -- that

1 she informed the Social Work Department that we were  
2 basically being neglected.

3 Q. I think really matters came to a head, as you tell us in  
4 paragraph 16, that there came a point when effectively  
5 your mother abandoned you and went off to London, and  
6 that that led to you and [REDACTED]  
7 [REDACTED] your sister QKZ being taken into care again.  
8 You've told us about your oldest sister, she was  
9 pregnant by this time. [REDACTED]

10 [REDACTED]  
11 [REDACTED]  
12 A. [REDACTED]  
13 [REDACTED]  
14 [REDACTED]

15 Q. [REDACTED]

16 A. [REDACTED]  
17 [REDACTED]  
18 [REDACTED]

19 Q. So it was only you --

20 A. And QKZ who went into Quarriers.

21 Q. In fact, before you went in Quarriers, you tell us in  
22 paragraph 17 of your statement that you had a short  
23 period with a couple who were foster parents sort of  
24 before you went to Quarriers; is that right?

25 A. Yes, there were foster parents, Mr and Mrs [REDACTED]

1 We were with them for about two weeks. You recall these  
2 things as a kid, you know. They were really nice  
3 people. I remember them giving me books with pictures  
4 of cars in and trying to -- I remember my sister smoked  
5 and she shouldn't have been smoking and they were trying  
6 to encourage her not to smoke, but they were actually  
7 very nice people. They lived, strangely enough, quite  
8 local. I don't know where that particular road is  
9 in relation to [REDACTED], but it's certainly  
10 in the Drumchapel area.

11 Q. As things turned out that was a temporary placement for  
12 you?

13 A. I think two or three weeks.

14 Q. And after that, you went into Quarriers, and I'll just  
15 take the date that you tell us in the statement; it was  
16 about [REDACTED] 1969. I'll come to maybe some dates in  
17 a moment --

18 A. Yes.

19 Q. -- before we look at Quarriers. But that's when you --

20 A. My sister [REDACTED] QKZ and I went in on the same day and it was  
21 [REDACTED] 1969.

22 Q. Just before I go on, you make a general point at  
23 paragraph 18 of your statement that no one was telling  
24 you at any point where you were going and why you were  
25 going to particular places. Is that what the situation

- 1           was like?
- 2           A. My recollection is I've never been involved in any of  
3           the discussions to do with my care while I was in the  
4           care system at any point. I don't remember anybody  
5           sitting down with me and saying, "David, this ..." And  
6           I know I was a child, but I think all I -- the  
7           experience with me was that you just arrive somewhere,  
8           and on some occasions they actually told you were going  
9           on holiday. They were some long holidays, that's all  
10          I can say.
- 11          Q. You say you were a child, but by the time you got to  
12          Quarriers you were 11 years of age?
- 13          A. Mm.
- 14          Q. So you were at an age where you could understand  
15          a discussion and an explanation.
- 16          A. Yes. And I think as well, you know, looking back as an  
17          adult, Mr Peoples, I think my mother had abandoned us,  
18          so we were very vulnerable or whatever. The structure  
19          that we had was whatever structure that was. Whether it  
20          was dysfunctional or whatever, there was a structure.  
21          And I think, yes, I agree completely with you, I think  
22          it could have been handled sensitively, it could have  
23          been handled where we were given some information.
- 24          Q. Again, I'll take this from you just at this point, and  
25          the significance of what you say will become apparent

1 later on.

2 At paragraph 19, if I stick with the order in which  
3 this is raised in your statement, you tell us that  
4 shortly before you went into Quarriers, in about I think  
5 October 1968 or thereabouts, and the precise date is not  
6 significant, you underwent an examination by a child  
7 psychologist, a senior child psychologist. Do you  
8 remember that?

9 A. I don't. The thing I remember -- and I think I wrote  
10 this in my book -- is that he was asking me to put  
11 square pegs into round holes, and I said -- I think  
12 I was a bit cheeky and I said, "Anybody knows you can't  
13 do that with something like that". I remember that sort  
14 of interaction. I don't actually -- even then I don't  
15 recall someone saying to me, "You're going to see this  
16 person", or whatever particular reason it was.

17 Q. You don't remember an explanation for why you were  
18 referred to this --

19 A. No.

20 Q. -- psychologist?

21 A. No.

22 Q. And I don't want to take up a lot of time, but I think  
23 what you have done for us, helpfully, is to take  
24 a paragraph from that report, which I think you  
25 obviously consider significant. We'll find out why in

1 a moment, or in due course.

2 You say that in the report that you've seen and read  
3 that this senior psychologist said, amongst other  
4 things:

5 "I visited the school and interviewed David's  
6 teacher, who assured me that although the boy was  
7 difficult, he did not present a gross behaviour problem  
8 and it would not have occurred to them [that's the  
9 school, I take it] to send him to a child guidance  
10 clinic."

11 So that was his professional assessment shortly  
12 before you went into Quarriers?

13 A. Yes. What I'm saying is I didn't have behavioural  
14 problems, gross behavioural problems, before I went into  
15 Quarriers.

16 Q. I think as he says:

17 "The boy [that's you, David] was not recalled to the  
18 clinic after the summer holidays."

19 Although he puts that down to your mother's lack of  
20 cooperation. But the upshot is you didn't go back to  
21 any form of child guidance or any form of sessions with  
22 psychologists or other professionals?

23 A. No.

24 Q. So far as you're concerned, reading that now, you take  
25 it then that they didn't see you as a significant

1           problem?

2           A. Well, it clearly says that. It's not just an ordinary  
3           psychologist, this was a senior psychologist, according  
4           to the title.

5           Q. However, having said that, as you've said to us earlier  
6           today, you may not have been a serious problem but you  
7           were a vulnerable child when you went to Quarriers --

8           A. Yes.

9           Q. -- but for some of the reasons you have already  
10          outlined.

11          A. And that may be the reason why I was sent to that  
12          person. I just don't know the reasons behind it.

13          Q. As you tell us in your statement at paragraph 20, your  
14          sister **QKZ** and you, David, went to Quarriers in  
15          1969. Before I go into that, it might be helpful  
16          for us, as we've done in the case of some other  
17          witnesses, just to get a few dates at this stage so  
18          we have some sort of framework in which we can operate.

19                 We have been shown some records, and you've probably  
20          seen them too -- I'm sure you probably have quite a lot  
21          of records at this stage in the day. We understand that  
22          a application was made on 18 February 1969 by the  
23          Children's Officer for the local authority -- it would  
24          be Glasgow Corporation, I think -- to have you and your  
25          sister admitted to Quarriers. So there was an

1 application process?

2 A. Yes.

3 Q. We've heard about some children who went into Quarriers  
4 on a private arrangement. In your case it was an  
5 arrangement organised through the local authority.

6 A. Yes.

7 Q. What we understand is that following that application,  
8 you were admitted on [REDACTED] 1969 when you were  
9 11 years of age.

10 A. Yes.

11 Q. Just moving forward if I may, just to get the time  
12 frame, we understand from the records that Quarriers  
13 have that you were discharged from their care on  
14 26 May 1974, when you were 16 years old.

15 A. That's right.

16 Q. At this stage, and I don't want to go into the detail of  
17 what happened, I just want to get the picture first of  
18 all. I think you tell us a little bit about the places  
19 you were in during your stay in Quarriers. Can I maybe  
20 take that from you at the moment without looking at what  
21 actually happened in these places so that we've got an  
22 understanding of where you were and who you were with.

23 Correct me if I'm wrong in any of what I'm about to  
24 say. I think you tell us in your statement that  
25 following your admission with your sister [REDACTED] QKZ you

1           were initially placed in cottage [REDACTED] with a couple called  
2           the [REDACTED] QDE/QDF. And I think your sister, as you tell us,  
3           [REDACTED] QKZ was placed in a different cottage; is that  
4           correct?

5           A. Yes, we were separated.

6           Q. You were separated from the outset?

7           A. From the day we arrived.

8           Q. Just before I go on to that, at the time that you were  
9           admitted, what was the nature of the relationship you  
10          had with your sister? How close was it?

11          A. [REDACTED] QKZ and I, there's just a year between us, and [REDACTED] QKZ  
12          and I -- I had a very close bond with my sister because  
13          I think we were close in age, we were together a lot.  
14          Obviously, in Drumchapel, her and I went to the same  
15          school, Cleddens, and in a sense, my sister was my  
16          protector, because I was quite ... I was very immature  
17          for my age and I was quite timid for my age. So in  
18          a sense, I wouldn't stand up for myself. So my sister  
19          was a bit more tomboyish, so in a sense my sister became  
20          my protector.

21          Q. Even in Drumchapel, would she fight your battles for you  
22          if they had to be fought?

23          A. Yes.

24          Q. And I think we'll hear that to some extent happened when  
25          you got into Quarriers, but I'll come to that.

1           You have told me and confirmed that you were with  
2           the [REDACTED] in cottage [REDACTED] for a period, and I don't  
3           want to worry too much about the dates, I'll come to  
4           that in a moment. You think you were there for possibly  
5           around a year and a half, which would take you into  
6           1970, if that's correct, if I'm doing my sums correctly.

7           A. Yes.

8           Q. At that point you moved to another cottage, [REDACTED]  
9           which was where the house parents were, if I could call  
10          them, the [REDACTED] QDH/QDI ?

11          A. Yes.

12          Q. And your recollection is that you stayed with the  
13          [REDACTED] QDH/QDI for a few months?

14          A. A few months, yes.

15          Q. After an incident, which we'll find out about -- and  
16          I don't want to go into it at this stage, we'll save  
17          that for later -- but after an incident when peeling  
18          potatoes you moved back to the cottage that the [REDACTED] QDE/QDF  
19          were house parents of; is that right?

20          A. Yes.

21          Q. Was that cottage [REDACTED]

22          A. It was cottage [REDACTED] because they had moved.

23          Q. They had moved to a different cottage?

24          A. Yes, in between times. I'm sure it's that.

25          Q. You went back to the --

- 1 A. I certainly went back to the same house parents.
- 2 Q. But you think it might have been [REDACTED] rather than [REDACTED]
- 3 A. I'm pretty sure they may have moved in the meantime.
- 4 Q. In passing can I just take from you, because I think you
- 5 say so in your statement -- in passing you say you moved
- 6 back to the [REDACTED] QDE/QDF after this short spell with the
- 7 [REDACTED] QDH/QDI and, shortly afterwards, the [REDACTED] QDH/QDI
- 8 left Quarriers?
- 9 A. Yes.
- 10 Q. That's your understanding?
- 11 A. That's my understanding.
- 12 Q. I think it's probably correct, but I'll come to that in
- 13 due course.
- 14 A. I can probably explain the background to that when you
- 15 want me to.
- 16 Q. Yes. I just want to know where you were at this stage
- 17 and we'll come to what happened in the various places.
- 18 In your statement you say that you think you stayed
- 19 with the [REDACTED] QDE/QDF the second time round for about
- 20 nine months or so in cottage [REDACTED]
- 21 A. Yes.
- 22 Q. That's your recollection. Then, around March 1971 --
- 23 we're now into 1971 -- you moved to another cottage,
- 24 cottage [REDACTED] where the house parents were [REDACTED] QKR/QKY
- 25 [REDACTED] QKR/QKY

- 1 A. Yes. I was there for about three and a half years.
- 2 Q. Yes. You were with them until you left Quarriers on  
3 26 May 1974?
- 4 A. Yes.
- 5 Q. So for a period of just over three years you were in  
6 cottage [REDACTED] with [REDACTED] QKR/QKY [REDACTED] as your  
7 house parents?
- 8 A. Yes.
- 9 Q. Can I go back to your statement with that introduction.  
10 It just helps us to get our bearings at an early stage  
11 so that we can understand some of the things that  
12 I think you tell us about in your statement.
- 13 If I go back to page 9038 of your statement, David,  
14 at paragraph 20, you've told us you had a close bond  
15 with your sister, but you were separated as soon as you  
16 arrived. I think you have said you didn't get  
17 explanations about different care settings. Did you get  
18 an explanation when you arrived as to why you were put  
19 in one cottage and [REDACTED] QKZ [REDACTED] was put in another?
- 20 A. No, there was -- no, there was nothing in ... The thing  
21 is, I remember the pair of us were very distressed  
22 because clearly we had just been with foster parents for  
23 two or three weeks, which was quite nice, and even when  
24 we were with our mother we were together. There was  
25 just no explanation. I think I might have been told

- 1           what number, but I can't remember what number. The  
2           numbers seemed so great at that age, I counted and  
3           I thought, "Where is that?"
- 4       Q. Again, going back to your pre-Quarriers period, you had  
5           the short period with the foster parents in your  
6           locality where you were going to school with your sister  
7           **QKZ** Were you happy enough at school in Drumchapel?
- 8       A. I was happy enough at school. I mean ...
- 9       Q. Presumably the move meant you had to move away from that  
10          school with your sister --
- 11       A. Yes.
- 12       Q. -- when you went to Quarriers?
- 13       A. Yes. I think having -- I don't know. I think a child  
14          in care, especially someone who keeps moving, keeps  
15          moving, it just becomes another move.
- 16       Q. You just get used to it?
- 17       A. Yes, maybe. Maybe as an adult that's maybe the wrong  
18          thing to say, but yes, I was happy at school. The  
19          environment, even though what was going on -- we kind of  
20          pulled together as a family, the siblings and that. We  
21          tried to keep it all together. But yes ...
- 22       Q. Going back to your statement, I would like to move on  
23          to, if I may, page 9039. You've got a section in your  
24          statement which is headed "Living with the **QDE/QDF** ,  
25          and that's where I'd like to start, with life in the

1 QDE/QDF household. This is cottage [REDACTED] at this stage,  
2 this is the first period with the QDE/QDF [REDACTED]

3 You tell us:

4 "It wasn't run like a family home but more like  
5 a military camp."

6 Can you maybe help us with what you mean by that and  
7 what you recall of life in cottage [REDACTED]

8 A. Everything was completely regimented, disciplined.

9 I spent most of my day or any time outside of school  
10 pressing an army uniform, an army cadet uniform, and  
11 the -- I think you call them -- the garters that go  
12 round the bottoms.

13 Q. Spats, something like that?

14 A. Something like that.

15 Q. At the bottom of the trousers, between the trousers and  
16 the boots?

17 A. Cleaning them. I spent all the time cleaning -- is it  
18 the Brasso that goes on the buckles? That was my  
19 leisure time.

20 And the other thing that we just ... I vividly  
21 remember, day in and day out, spit-and-polishing boots,  
22 these army boots. These boots you would take and show  
23 them. The thing was, no matter how hard you tried to do  
24 it right or make sure you did a good job or whatever, it  
25 was never good enough.

1 Q. For whom?

2 A. For the [REDACTED] QDE/QDF [REDACTED] It was never good enough for ... You  
3 just couldn't ... You tried to fit in, you tried to,  
4 I suppose, go with what the regime was. I wasn't suited  
5 to that type of regime -- even as an adult I'm not  
6 suited to that type of regime. It's not a choice for me  
7 that I'd go in the army. This was supposed to be a care  
8 home, but -- and it wasn't a List D home, it wasn't  
9 a borstal, it was supposed to be a care home. And it  
10 was just -- from day in, from start to finish, it was  
11 like being in a military institution.

12 Q. You tell us a little bit about -- you believe that  
13 Mr [REDACTED] QDE [REDACTED] was ex-army. Is that what you think his  
14 background was?

15 A. [REDACTED]  
16 [REDACTED] I had no choice, I had to join it,  
17 because I was one of his cottage boys, so I had no  
18 choice. There was not a choice given.

19 Quarriers did provide some organisations for  
20 children to participate in, but it depended on the  
21 house parents, I presume, that you were with. Some of  
22 the house parents I was with insisted you were in the  
23 organisation that they ran.

24 Q. [REDACTED]

25 A. [REDACTED]

1 Q. Had you had a free choice in the matter, would you have  
2 joined the cadets?

3 A. I would have joined something else.

4 Q. You'd have preferred to have join something else?

5 A. I'd have preferred to join something else.

6 Q. Because I think there were other activities available  
7 for children in Quarriers?

8 A. Yes, there were other activities.

9 Q. But you weren't given any choice?

10 A. There was no choice in the matter.

11 Q. You have a recollection that Mrs [REDACTED] wore a white  
12 coat. Have you any reason why --

13 A. I don't know.

14 Q. Were you ever told why she did that?

15 A. No. It just seemed it was that kind of -- I don't know.  
16 As an adult I can't even explain it. It's like she  
17 looked like something odd, subservient to him, and  
18 we were all subservient to the system.

19 Q. You tell us what you were made to call them. What was  
20 that?

21 A. Mummy [REDACTED] and Daddy [REDACTED]

22 Q. Those words, Mummy [REDACTED] and Daddy [REDACTED]

23 A. Yes.

24 Q. Not even mummy or daddy?

25 A. No, it was Mummy [REDACTED] and Daddy [REDACTED] I had

1 a mother. Even though she had abandoned me she was  
2 still my mother and always will be my mother.

3 Q. Everyone was made to call them Mummy [REDACTED] QDF and  
4 Daddy [REDACTED] QDE

5 A. Yes.

6 Q. And this was a mixture of boys and girls?

7 A. Yes.

8 Q. What was the age range of these boys and girls?

9 A. I think from maybe 7 to 15, 7 to 16, something like  
10 that. They seemed an older age group.

11 Q. You tell us that your memory is that, to a large extent,  
12 in the [REDACTED] QDE/QDF household at that time the older boys  
13 controlled the younger ones. I think that's how you  
14 describe it for us. Just tell us a little bit about  
15 that.

16 A. I think what happened is that commands came down from  
17 the top, so the older boys were told to check that we  
18 had done our jobs right, so there was a sort of -- that  
19 kind of controlling ... It was like a system,  
20 hierarchical system. It seemed that the house parents  
21 abdicated some of the responsibilities to the older  
22 children or they couldn't be bothered interacting with  
23 us or playing with us -- we were children -- playing  
24 games with us or anything else. So it appears to me  
25 that they just abdicated that responsibility until they

1 had other children do these sort of controlling jobs or  
2 making sure that these jobs were done, and then they  
3 would maybe report into them and then if they checked  
4 and you hadn't done it, then you were in trouble.

5 Q. You tell us that the QDE/QDF did have their own  
6 children --

7 A. Yes.

8 Q. -- two children. You say you felt they were treated  
9 differently to the other children. That's your  
10 recollection of how it was?

11 A. Yes. People have sort of questioned me, why I thought  
12 this, but certainly in my time the house parents'  
13 children were treated completely different to us.  
14 We were made less, the lesser person, we were made out  
15 to be unworthy. You know, our parents had abandoned us,  
16 our mothers didn't want us, and these people had their  
17 parents and in some ways they behaved like a class above  
18 us, and actually they wanted to impose their will on to  
19 the other kids. So they would get you to do things or  
20 tell you to do things and, well, you had no choice  
21 in the matter because if you didn't do it, woe betide  
22 you.

23 Q. And this idea that you were less worthy, that's how you  
24 perceived the situation, but were you told that by the  
25 QDE/QDF ?

- 1 A. I was told many times, "Your mother never wanted you,  
2 that's why you're here".
- 3 Q. By the [REDACTED]
- 4 A. By the [REDACTED] -- and I'll talk about other houses  
5 later. But by the [REDACTED] many times I was told, you  
6 know, you're just ... They used a lot of derogatory  
7 language just to demean you and belittle you. I don't  
8 know if that's how they do it in the army to get you to  
9 do things and you end up being a good soldier, but  
10 we were not soldiers, we were children.
- 11 Q. You say that you can recall physical abuse when you were  
12 in the [REDACTED] cottage. Just before we go on, because  
13 you do tell us about sexual abuse later on, and we'll  
14 come to that, but so far as this cottage is concerned,  
15 and these house parents are concerned, are we talking  
16 purely about physical abuse?
- 17 A. Purely about physical abuse.
- 18 Q. Both times you were in that household?
- 19 A. Yes.
- 20 Q. Okay. Help me with your recollection, what form did  
21 this physical abuse take then?
- 22 A. I remember once they seemed to go on holiday -- they  
23 went on holiday or they had a break and they came back.  
24 We had been looked after by the house aunties and you  
25 know when the regime becomes slightly less rigorous,

1 children naturally play up or whatever. I don't think  
2 it was bad or whatever, but that's what we did, a bit  
3 more freedom. And then when they came back, the ones  
4 that they deemed had behaved badly -- I remember once in  
5 particular I was standing on the -- I was called -- and  
6 the things is in Quarriers, or some of the houses,  
7 they'd never call you by, "David, come and see me",  
8 it would be, "David Whelan, come and see me", or, "Come  
9 down here".

10 So I was in my bed once and I was called down.  
11 I was halfway down the stairs of the cottage and I was  
12 petrified, I was really afraid, and I probably didn't  
13 come down because of that fear. He came halfway up the  
14 stairs, grabbed me by the hair of the head and just  
15 dragged me down the stairs. He had this baton type  
16 thing, which I think it's a baton that you probably --  
17 in a military parade that used to sit in the --

18 Q. Like an adjutant's baton that would be held under the  
19 arm?

20 A. Yes. I got whacked with that a few times.

21 One of the punishments was to be put into this shed  
22 at the back of the house. You'd be put into the shed  
23 just in your pyjamas. Initially, because you're so  
24 afraid, you think, oh, they can see you, you can't do  
25 anything and you're standing there petrified. So you

1           didn't move, you didn't do anything, and then after  
2           a couple of times of this happening, you're freezing to  
3           death -- this is maybe sometimes in the middle of winter  
4           in the back of a house that's not heated, in the back of  
5           a house that is half glass. So what you did was you  
6           just ended up taking a coat off the shelf, one of the  
7           kids' coats or a coat that was around, to keep yourself  
8           warm.

9           Q. What would you be wearing on these occasions?

10          A. Just your pyjamas.

11          Q. Would you have anything on your feet?

12          A. I don't recall anything on my feet. I don't recall  
13          having slippers.

14          Q. This shed, as you call it, was it part of the house?

15          A. Yes, it was part of the house, but it was stone, stone  
16          floor, it wasn't like carpets.

17          Q. Was it heated?

18          A. No.

19          Q. Was there a door from it to the house?

20          A. There was usually a door from the back of the house. It  
21          was part of the house. It was where the kids used to  
22          leave their coats and all their shoes and stuff like  
23          that.

24          Q. Like a cloakroom or a boot room or something like that?

25          A. Yes.

- 1 Q. And that was its intended function?
- 2 A. Yes.
- 3 Q. Although it was used for other purposes, as I think  
4 you've just described.
- 5 A. Yes.
- 6 Q. And you said "he", "when he dragged you down the  
7 stairs"; this is Mr [REDACTED] we're talking about?
- 8 A. Yes.
- 9 Q. How often would this type of physical punishment take  
10 place in the [REDACTED] household when you were there?
- 11 A. I think -- I'm not saying "I think"; it happened a lot.  
12 It happened -- listen, I've always understood, and my  
13 sister's always understood, and we said that when  
14 we were being interviewed by various people, reasonable  
15 chastisement of a child who's naughty is reasonable, but  
16 the abuse that happened to me and happened to my sister  
17 in Quarriers was beyond reasonable chastisement.
- 18 Q. Again, so that I'm absolutely clear, when you were taken  
19 to the shed, you described an occasion when you were  
20 dragged down the stairs by Mr [REDACTED] What part of  
21 your body was he holding?
- 22 A. He was holding my hair.
- 23 Q. Your hair?
- 24 A. Yes.
- 25 Q. He was grabbing your hair and dragging you downstairs?

- 1 A. Yes.
- 2 Q. And taking you to the shed?
- 3 A. Yes.
- 4 Q. And then you were left in the shed and initially you  
5 felt you had to just stand there?
- 6 A. You were told, "You stand there, boy, don't you move".
- 7 Q. He told you that?
- 8 A. Yes.
- 9 Q. And eventually, because of the cold, you risked putting  
10 a coat on?
- 11 A. Yes.
- 12 Q. This would happen quite a lot, would it?
- 13 A. It happened -- yes, it happened a lot.
- 14 Q. Where was Mrs QDF
- 15 A. She was probably in her bed.
- 16 Q. So she wasn't doing this?
- 17 A. It would depend -- no, I don't think she was. No.  
18 I think he administered the punishments in the house  
19 generally. I think she administered some stuff, but not  
20 to the degree -- my recollection is not to the degree  
21 that he did.
- 22 Q. Were you the only child who received this form of  
23 punishment?
- 24 A. No. All the children who were deemed to be naughty or  
25 were deemed to have done something -- and sometimes

1 a child hadn't done anything. Something, you know ...

2 I'm going to say challenge the system but that's the

3 wrong word. I don't know what word to use. You may

4 question the system, you may question why is this

5 happening to you, but even to do that brought more

6 retribution, brought more punishment.

7 Q. So far as other children are concerned, how do you know

8 that they went to the shed and --

9 A. Because you saw it.

10 Q. You saw it happening?

11 A. You saw it happening. Because there'd be somebody not

12 in their bed in the dormitory or they'd be downstairs or

13 in the shed, you know. They would have been called

14 down. It would be the same.

15 Q. Would this generally be a child that was initially in

16 bed and dragged to the shed?

17 A. Sometimes.

18 Q. Could it be other times?

19 A. It could be other times.

20 Q. And in terms of the -- obviously, when you were in the

21 shed, and this baton was being used, is it, in the shed?

22 A. Yes.

23 Q. Would it just be you and Mr **QDE** ?

24 A. Just me and Mr **QDE** .

25 Q. Just describe for me, what exactly did he do with the

- 1           baton?
- 2       A.   He would just whack you with it on the legs or arms.
- 3       Q.   How often?
- 4       A.   It depends.  I suppose until you -- not submit, but
- 5           I suppose in a way it is a submission, you're going to
- 6           submit really quickly to the whack of a baton on your
- 7           body.
- 8       Q.   Are you saying, though, that he would use it more than
- 9           once when you were in the shed?
- 10      A.   Yes.
- 11      Q.   And he could use it on your legs?
- 12      A.   He could use it on your legs or your body, whatever way
- 13           he wanted to swing it.
- 14      Q.   Did he ever strike you on the head with it?
- 15      A.   No.
- 16      Q.   Your body, lower body, legs?
- 17      A.   Yes.
- 18      Q.   What were you generally wearing when this happened?
- 19      A.   My pyjamas.
- 20      Q.   So you didn't have much clothing to protect you?
- 21      A.   No, no clothing.
- 22      Q.   But you had your pyjamas on when these --
- 23      A.   Yes.
- 24      Q.   -- when he was hitting you with the baton?
- 25      A.   Yes.

- 1 Q. When he did hit you, did it leave any kind of mark or  
2 injury?
- 3 A. Yes, there were marks and you had bruising, obviously.  
4 You went to school and people would say, what happened,  
5 and you'd just say, oh, nothing, because you -- you  
6 ended up in a regime where you didn't tell anybody  
7 because you just knew that nobody believed you.
- 8 Q. Although I think you will tell us you did say something  
9 to one person in Quarriers, Mr Mortimer; is that right?
- 10 A. I went to Mr Mortimer on a number of occasions about the  
11 physical abuse.
- 12 Q. By the **QDE/QDF**
- 13 A. By the **QDE/QDF**
- 14 Q. What did he do?
- 15 A. Nothing.
- 16 Q. What did he say to you when you reported this?
- 17 A. "Go back to your cottage. I'll talk to the  
18 house parents."
- 19 Q. And were you aware of him coming to the cottage and  
20 talking to them?
- 21 A. It continued, so one has to ask, what did he say or what  
22 did he do?
- 23 Q. Was anything about this report mentioned in any records  
24 that you have?
- 25 A. No. In my records there's one thing about where I'm

1 given the withdrawal of privileges. Now, I have to be  
2 honest with you: to this day, I don't know what  
3 privileges I had. If someone from Quarriers can tell me  
4 what privileges I had at that time, then please let me  
5 know and I'd be happy to accept that was a privilege.

6 But he was involved in one of the instances where  
7 I had run away and I had stayed overnight in a garage  
8 and I was brought back and I was punished, and part of  
9 the punishment was I had sworn at the house parent and  
10 I was made to clean an uncleanable oven -- and this  
11 oven, which obviously was -- as an adult I know that  
12 now, must have been 100 years old at least or whatever.

13 Q. Was it a range or something like that?

14 A. It was the old range type. So I had to clean it and  
15 clean it and clean it. It was uncleanable. That's an  
16 example of me saying to you earlier about how you had to  
17 do something repetitively and it still wasn't good  
18 enough.

19 Q. What happened when it wasn't good enough?

20 A. You were punished, it wasn't good enough, so you were  
21 just put back in the shed.

22 Q. Did that happen on that occasion when you didn't clean  
23 the oven --

24 A. In the end, my hands -- I was cleaning this thing with  
25 steel wool and my hands became so blistered because I'd

1           been doing it for hours and hours and hours and I think  
2           my hands became bloody or whatever. But, "It's not good  
3           enough, boy, get to the shed".

4           Q. Did anything happen when you went to the shed or were  
5           you just told to go to the shed on that occasion?

6           A. Just to go to the shed.

7           Q. But there would be times when he would take you to the  
8           shed and use the baton once or more than once?

9           A. More than once.

10          Q. And then leave you there?

11          A. Yes.

12          Q. And --

13          A. I sometimes -- my recollection, Mr Peoples, is that  
14          I was there until the light came up, so I don't know  
15          what time that would be.

16          Q. But you're describing that you were there for an  
17          appreciable period of time?

18          A. Yes.

19          Q. And you think it could be quite a long time?

20          A. Yes. Not every occasion, but there were times when  
21          I remember the light coming up. Quarriers is down in  
22          the countryside and you can hear maybe the animals, the  
23          owls, or some stuff you're hearing --

24          Q. Some signs of early morning?

25          A. Yes.

1 Q. And you were describing occasions when you first went to  
2 the shed, it was in darkness?

3 A. Oh yes, you were petrified. You were a child. You'd  
4 never been put in a situation like that.

5 Q. This shed, though, did it have a light?

6 A. No. Well, it had a light but the light wasn't on.

7 Q. And so far as the access from the shed to the main house  
8 was concerned, there was a door, I take it?

9 A. Yes.

10 Q. Was the door locked or not?

11 A. My recollection is it would have been locked, but it was  
12 certainly shut.

13 Q. Did you ever attempt to leave the room?

14 A. No. I think you would be frightened to leave.

15 Q. You were frightened to be in it, but you were frightened  
16 to leave it, basically?

17 A. Yes.

18 Q. Because you were worried about the consequences?

19 A. Yes, you're going to bring yourself more punishment,  
20 even just to attempt to leave. I did run away a few  
21 times, but I was brought back and I just -- it became  
22 a situation ...

23 Q. When you say you ran away a few times, is this when --  
24 these were occasions when you were with the **QDE/QDF**  
25 the first time or the second time round, or both?

1 A. Both times. Probably not so much the second time round  
2 because I understood the regime a bit better and  
3 I probably hid behind the regime, if that's the word to  
4 say. I kind of -- yes.

5 Q. Sorry, I didn't ask you this, but I think you told me  
6 something of how you were called or addressed by  
7 certainly, is it Daddy [REDACTED] QDE [REDACTED] as he was known? Yes?

8 A. Yes, Daddy [REDACTED] QDE [REDACTED] yes.

9 Q. How did he generally address you and the other children?

10 A. It was all very formal.

11 Q. Because you said "David Whelan". Would that be the way  
12 he talked to you, he would call you David --

13 A. David Whelan, David Whelan. They would always use your  
14 second name.

15 Q. Would they use your first one as well?

16 A. Yes.

17 Q. But would he use other names?

18 A. I don't recall --

19 Q. I think you said "boy" at one stage; could that be  
20 sometimes used?

21 A. Yes, "Boy, you come here", yes.

22 Q. I suppose I'm really asking whether he used any other  
23 form of address to you at any time?

24 A. I don't --

25 Q. You don't recall that?

- 1 A. I don't recall any other derogatory address.
- 2 Q. Okay.
- 3 Going back to your statement, David, if I can, at  
4 page 9040, you tell us some things about the routine,  
5 the general routine in the QDE/QDF cottage. You've  
6 described a military style routine. You tell us about  
7 mealtimes and what would happen if there was something  
8 that you didn't want to or didn't like to eat. What  
9 would happen on these occasions in the QDE/QDF  
10 household?
- 11 A. In the QDE/QDF household you were made to sit there for  
12 hours until you ate it. You weren't force-fed, and  
13 I want to make that clear, from my recollections of the  
14 QDE/QDF household, but you were made to sit there and  
15 eat it, and it may be re-served to you at the next meal.
- 16 Q. If you didn't eat it, having waited for a period, it  
17 would be re-served --
- 18 A. Yes, because you obviously -- in those early days I went  
19 to the Quarriers School, so I had to go to school and  
20 maybe it would be lunchtime or something, so you'd come  
21 back at dinner time and it would still be there, and so  
22 you would be made to eat it. If it was at a weekend,  
23 you'd be maybe made to sit there for hours looking at  
24 this thing.
- 25 Q. How long would this go on for?

- 1 A. It probably went on for a day and a bit until ...  
2 Basically, boys got sensible and stuck the stuff in  
3 their pockets, or hid it, because sometimes they just  
4 left you in the kitchen. You might have just thrown it  
5 in the bin or got rid of it some ways.
- 6 Q. So you found ways to avoid sitting for hours and having  
7 it re-served.
- 8 A. Yes, I found ways.
- 9 Q. And was it just you that experienced this situation?
- 10 A. No. That was a general sort of rule or general  
11 punishment. We were told we were grateful that we were  
12 getting this food from the **QDE/QDF** "You should be  
13 grateful you're getting this food. There's children out  
14 there who deserve better than you". Deserve. And it  
15 was just that sort of demeaning sort of environment  
16 where you just thought -- and you did wonder, you  
17 know ... Many times I thought: my mother didn't care,  
18 just left us, why did she do this, why are we here? And  
19 when the adults are reinforcing that over a period of  
20 time, and I think -- I'll talk to you later about what  
21 the psychiatrist said -- that's reinforced.
- 22 Q. On the occasions when you didn't like something and you  
23 were made to sit for hours and it was re-served to you,  
24 were you offered anything else or what happened about  
25 food then?

1 A. No, you weren't offered anything else.

2 Q. So did you just go hungry if you didn't eat it?

3 A. Yes. Yes.

4 Q. I will move on if I can, David, to page 9041. I think  
5 you've told us a bit about some of the things you did  
6 in the QDE/QDF household, so I won't take up too much  
7 time on what you've said in the statement because we can  
8 read it for ourselves and you've told us about polishing  
9 boots and ironing and that sort of chores that you were  
10 asked to do.

11 On that page at paragraph 30 you also tell us  
12 a little bit about who came to see you when you were  
13 there in the QDE/QDF household, and I think that's the  
14 first period you were in the QDE/QDF household you're  
15 talking about, and you said you have a recollection of  
16 both your mother and your elder sister coming to see you  
17 at least initially.

18 A. Yes. I think they came a month or two after I was  
19 there, yes. They let us see them. I don't think there  
20 was an issue. I think from what I understand from my  
21 eldest sister, they contacted the office and they asked  
22 to come and see me.

23 Q. Can you remember what days they came to see you?

24 A. I'm trying to wonder if it was one of those days, what  
25 they called open days in Quarriers, and I'm just --

- 1           where people could come and visit.
- 2       Q. I think they had, at least we've seen, at least in some  
3       other situations, they had visiting times and I think  
4       one visiting day was a Saturday afternoon. I don't know  
5       whether that helps you or not.
- 6       A. It was definitely a structured visit and they had to be  
7       there for a certain time and then they had to go by  
8       a certain time. But we spent maybe an hour or two  
9       walking round the village.
- 10      Q. Would these be days when you were not at school then?
- 11      A. Yes.
- 12      Q. So it would have been a weekend unless it was holidays?
- 13      A. Yes. I would say it was a Saturday.
- 14      Q. Okay. What you do tell us at paragraph 30 is that  
15      you've got quite a clear memory that there was never  
16      a visit at that point from a social worker when you were  
17      in the QDE/QDF household.
- 18      A. I have never had -- no. I never seen a social worker.
- 19      Q. At all in the time you were there?
- 20      A. In the time I was in Quarriers I don't ever believe  
21      I sat with a social worker or spoke with a social worker  
22      about anything in the time I was in Quarriers.
- 23      Q. So if there were social workers employed by Quarriers --  
24      and I think we do know there were social workers and  
25      they had what they term an in-house social work

1 department -- your recollection is that you weren't  
2 seeing them, talking to them, discussing things,  
3 explaining how you felt, reporting things or anything  
4 like that?

5 A. No. I mean, as an adult I can -- you think, why did  
6 I never see anybody? And the only sort of explanation  
7 in my mind is that I was a Glasgow child and I was  
8 placed by the Glasgow Social Services or whatever it was  
9 at the time, Glasgow Corporation or Local Authority. So  
10 maybe I should have had a Glasgow social worker. But  
11 no.

12 Q. So whether it was a social worker, an in-house or  
13 external social worker from the local authority,  
14 you have no memory of someone sitting down with you,  
15 talking to you --

16 A. No.

17 Q. -- and asking how you were?

18 A. And there's nothing -- there's some letters in my file,  
19 but there's nothing recorded with actually, "We spoke to  
20 David today", what the context of that conversation was,  
21 nothing. So yes, I'm putting it on record, I never seen  
22 a social worker.

23 Q. Okay. Just moving on to 9042, you tell us, and I won't  
24 take up too much time because you've already told us,  
25 that perhaps life was a little bit more relaxed when the

1           QDE/QDF were away and the cottage aunties were in  
2           charge, if you like, although maybe that resulted in  
3           a problem when they came back.

4           A. Yes.

5           Q. You also say when you were there -- this was a time when  
6           your sister QKZ was in a different cottage, and you  
7           say at paragraph 32 that:

8                         "No one made the effort to let us see each other."  
9           Can you recall how much, if any, contact you were having  
10          with her at that time?

11          A. The only contact I was having with her was at in school.

12          Q. Was there much opportunity then to chat with her and  
13          talk with her.

14          A. Not really because she was in a different class from  
15          what I recall --

16          Q. She was a different age?

17          A. -- because I was a bit younger. So the only time I saw  
18          her in the playground -- I don't ever recall her coming  
19          ever to my cottage to visit me and I don't ever recall  
20          going to her cottage to visit her. There was no ...

21          Did I see her outside in the grounds? I don't think so  
22          because all our time was spent doing cleaning jobs in  
23          the house or doing all these uniform things or these  
24          other military stuff things.

25          Q. I think your memory of what might be described as

- 1           leisure time was basically the sort of chores and  
2           polishing of the boots?
- 3       A.   Yes.  And also at that time, some of the children helped  
4           with the cleaning of the house.  There was a massive big  
5           buffer thing that you had to buff the floors with.  
6           I was too skinny and too small.  So in that time -- and  
7           I'll explain later on that probably people came in and  
8           did those jobs.  But initially, when I was with the  
9           QDE/QDF the children were still doing those jobs.
- 10       Q.  You tell us about this in a section that's headed "Abuse  
11           at the QDE/QDF cottage", and if I take you to that  
12           briefly, because I think you've told us about what you  
13           say in your statement on various matters, but I'll maybe  
14           go through that section just to see that there's nothing  
15           that we need to pick up on.
- 16                    It's at page 9042, paragraph 34.  You have told us  
17           about the baton or stick and how it was used and where  
18           it was used and what would happen before it was used.
- 19                    You mention at paragraph 36 on page 9043 -- I think  
20           that's the matter you've just picked up on -- that  
21           you were made to polish floors with a big buffer and you  
22           were, as you say, a skinny child and you could hardly  
23           move the piece of equipment.
- 24       A.  Yes.
- 25       Q.  You tell us about the episode where you had to clean the

1           uncleanable oven at paragraph 37, and then the chore of  
2           polishing boots on a continual basis and being told it  
3           wasn't good enough at paragraph 38.

4           At paragraph 39 on page 9044, David, you have  
5           a recollection of situations where you might get what  
6           you call a slap on the head. So did you get a slap on  
7           the head from time to time?

8           A. Yes. If your school tie wasn't done properly or your  
9           school laces weren't tied up properly, it could be  
10          something as silly as that. I recall that we had to  
11          make our beds and they had to be done in an envelope way  
12          and it had to be very positioned or ... If it hadn't  
13          been done right, for something simple, you would get  
14          a slap on the head, and it was quite a forceful slap on  
15          the head.

16          Q. Was it painful?

17          A. Yes, it was painful.

18          Q. Who would do the slapping?

19          A. That's where she would maybe do that as well.

20          Q. As well as Mr QDE ?

21          A. Yes.

22          Q. Would it be the head?

23          A. Yes.

24          Q. With the hand?

25          A. Yes.

1 Q. And you say it might be for such things as if your tie  
2 was open or the knot wasn't in the right place. It  
3 makes me a bit nervous as I'm checking. Then if you  
4 didn't fold your bedclothes in a certain way.

5 A. Yes. I remember when we had to come home from school  
6 every day -- and actually I've just had this  
7 recollection about it. We had to have our uniform in  
8 a certain way on a chair in a certain way.

9 Q. Your school uniform?

10 A. After we came back from school, we took our school  
11 uniform off and we got into what we'd call play  
12 clothes -- "play" is the wrong word -- but we got into  
13 clothes other than our school uniform. Our school  
14 uniform had to be in a particular way over the chair.  
15 That was another instance, if you didn't do that, then  
16 that just brought you -- got you trouble.

17 Q. Was it ever explained to you --

18 A. No.

19 Q. -- why you had to fold things in a certain way or make  
20 your bed in a certain way?

21 A. It was just the regime. That's what it was.

22 Q. Just one other matter as I think we're getting to the  
23 end of your first period with the **QDE/QDF** I think  
24 we'll probably be having a break shortly.

25 At paragraph 42, you deal with another important

1 matter, David, about the level or degree of affection  
2 and nurturing and guidance that you received or didn't  
3 receive, I think is perhaps more accurate. What was the  
4 situation about that?

5 A. There was no affection from the **QDE/QDF**. There was no  
6 guidance, there was no nurturing. It was like, in  
7 a sense, from a Victorian era where the child was seen  
8 but not heard. Even when I was naughty and I had sworn  
9 at the house parents, I don't recall being told, "David  
10 that's naughty, you shouldn't behave like that". You  
11 know, they weren't teaching us any boundaries or ...  
12 What they did was the opposite, was that you were just  
13 constantly reinforced that your family never wanted you,  
14 that is why you're in here, and if you got upset about  
15 it, the only people you could go to was probably an  
16 older child to talk to or maybe they'd ask you what  
17 happened.

18 But it all happened to everybody, so everybody -- we  
19 all ended up in a sense -- comforting is the wrong word,  
20 but we all kind of saw each other and we just,  
21 I suppose, supported the other child as best we could.

22 Q. In terms of reporting what was going on in the **QDE/QDF**  
23 cottage, you've told us about that already, but you deal  
24 with it at paragraph 44. You make the point, and you've  
25 told us this earlier, that no one was asking you why you

1           were running away or sitting down and talking the matter  
2           through with you. That's the situation as I understand  
3           it at that point.

4           A. Yes.

5           Q. And that you were reporting to Mr Mortimer. Was he  
6           nearby in terms of where he lived?

7           A. Mr Mortimer was in Holmlea in the office, so everybody  
8           knew where Mr Mortimer was, and everybody knew who  
9           Mr Mortimer was.

10           The other thing is, Mr Peoples, I would never -- and  
11           it was the same with my sister. We understood what  
12           reasonable chastisement was and it was right to do that.  
13           So we would not just run willy-nilly to Mr Mortimer; it  
14           had to be something we felt was serious and was beyond  
15           the bounds of what should happen.

16           Q. So even at that stage, there was a distinction between  
17           some of the things that were happening and other  
18           things --

19           A. Some of it was reasonable, to chastise me and get me  
20           into trouble --

21           Q. When you say reasonable chastisement, are you  
22           including -- and I just want to be clear -- within that  
23           description some form of smack or --

24           A. No, no, not within the descriptions that I've described  
25           today.

- 1 Q. But what if it was just a light smack, would that have  
2 been a reporting offence?
- 3 A. I think that wouldn't be a reporting offence.
- 4 Q. Are you describing something more than that, is that  
5 what you're saying?
- 6 A. Yes. What I'm saying is sometimes a slap on the head,  
7 if it wasn't done as forcefully as other occasions, you  
8 would think that's not -- you would think that was  
9 reasonable. The problem was that this physical abuse of  
10 us became normalised. So we thought these things were  
11 normal. So a degree of abuse of us was normalised in  
12 our minds and that it was acceptable in our minds.
- 13 Q. But there were at least some forms of abuse that even  
14 then were unacceptable to you or your sister?
- 15 A. Yes.
- 16 Q. And you'd go and tell Mr Mortimer. Is that the  
17 position?
- 18 A. Yes.
- 19 Q. But you say that really nothing changed when you did  
20 that?
- 21 A. Nothing changed at all.
- 22 Q. Things just went on as before?
- 23 A. Yes, yes.
- 24 Q. And I think you put it perhaps at paragraph 44 that  
25 really you learned simply that no one was believing this

1 or didn't care and therefore, I think, did you cease  
2 to -- did you continue to report?

3 A. Yes. They didn't -- no one believed you. They didn't  
4 care when you reported it. The cottage parents in the  
5 Quarriers Homes cottages that I was in were a complete  
6 law unto themselves, as were the children on some  
7 occasions.

8 And also, another former resident who had been in  
9 Quarriers had also informed the BBC that he was aware  
10 that I'd been physically abused in the QDE/QDF household  
11 over a number of years.

12 Q. That was in this programme that was made in --

13 A. That wasn't broadcast, that part, sorry.

14 Q. But you learned that there was something said that  
15 wasn't broadcast in the programme that I think we might  
16 hear a little bit about in due course.

17 A. Yes.

18 MR PEOPLES: I think we're getting to a point --

19 LADY SMITH: It's almost 11.30. Would that be a good point  
20 for a break? We'll take a break just now, David, for  
21 the mid-morning.

22 (11.28 am)

23 (A short break)

24 (11.45 am)

25 LADY SMITH: Are you ready to carry on David?

1 Mr Peoples.

2 MR PEOPLES: David, we were looking at your period with the  
3 QDE/QDF and I think we had reached a point where you  
4 were about to leave the QDE/QDF cottage on the first  
5 occasion you were living with them.

6 Can I take you back to your statement at page 9045.  
7 I think you've told us why you didn't react well to the  
8 system in the QDE/QDF household, it was a military type  
9 system as you saw it, and the environment that was in  
10 it.

11 Just on one point, David, about that period. You  
12 obviously have told us from time to time, for example,  
13 when you were in the shed, you were -- I think you used  
14 the word "petrified" or "in fear" at that point.  
15 Generally speaking, what was your emotional state at  
16 that time?

17 A. I think you just lived in a constant state of -- you  
18 didn't want to get something wrong, so you just,  
19 I suppose, agitated.

20 Q. How often would you feel petrified or in terror or in  
21 fear?

22 A. I think daily -- you know, because it was just a daily,  
23 unrelenting regime. If you did something wrong, you  
24 were just ... It was a punishment; it wasn't showing  
25 you even how to get it correct.

1 Q. I suppose the point you're making there is if there were  
2 legitimate reasons to say that there was a misdemeanour,  
3 you would have probably welcomed some kind of guidance  
4 and saying, "Don't do that", and then explain about why  
5 not. That, you feel, was a more effective way of  
6 dealing with the situation; is that --

7 A. I think that's how the child reacts. That's how you  
8 learn. That's how you learn from being naughty: you  
9 learn by the parent telling you. I don't have children,  
10 but friends have kids, and kids are sometimes naughty  
11 because that's what kids do, you know. But you learn by  
12 the parent speaking to them and showing them the right  
13 things and generally speaking you know they're nurtured  
14 properly.

15 Q. Do you think you learned anything from being with the  
16 **QDE/QDF** ?

17 A. Well, the one thing that stood me in good stead -- and  
18 I think I said this in the book -- I went to work in  
19 hotels and the military regime in the back of house in  
20 hotels is like ... In some ways that's what I learned,  
21 how to organise things or how things should ... That's  
22 in a hotel, it's not a children's home. So in that  
23 respect, yes, I applied maybe what I didn't like or saw  
24 in a work environment in my early days in the hotel  
25 because it's very regimented in a hotel and things have

1 to be done by a certain time.

2 Q. So some good may have come of that period, but not  
3 a happy time?

4 A. No, not a happy time.

5 Q. So far as moving to the [REDACTED] QDH/QDI [REDACTED] is concerned,  
6 you gave me a little bit of background to that in  
7 paragraph 46 at page 9045 -- sorry, maybe over the page  
8 at 9046 at paragraph 47.

9 You tell us there that you'd been saying that you  
10 wanted to be with your sister. That was something you  
11 were saying to whom?

12 A. I was saying it to Mortimer, I was saying it to the  
13 [REDACTED] QDE/QDF [REDACTED] I was basically saying it from the day I went  
14 in. Because, as I've already said, I was very close to  
15 my sister. That was the only person I had in the world  
16 who in a sense I could relate to. Siblings want to be  
17 together.

18 Q. For whatever reason, you got your wish, at least that  
19 you were together --

20 A. Yes.

21 Q. -- when you got a move to the next cottage, [REDACTED]  
22 with the [REDACTED] QDH/QDI [REDACTED] ?

23 A. Yes.

24 Q. We'll find out how that worked out, but at least at that  
25 point it was good news?

1 A. Yes, I was really happy and I was really looking forward  
2 to going there and getting away from the regime that I'd  
3 been in. So yes.

4 Q. I don't need to get too much about the cottage layout --  
5 I get the impression from the evidence we've heard about  
6 these cottages, they weren't dissimilar in layout,  
7 whichever cottage you were in. There might have been  
8 some differences, but in broad terms they were large  
9 Victorian houses with lots of rooms upstairs and  
10 downstairs and then sheds at the back or cloakrooms or  
11 whatever.

12 A. Yes.

13 Q. They weren't obviously materially different?

14 A. No, they were generally the same. Maybe a slightly  
15 different layout.

16 Q. Was this again a cottage where there were boys and  
17 girls?

18 A. Yes, it was a mixed cottage.

19 Q. [REDACTED]

20 A. Yes. There was [REDACTED] QDH [REDACTED] but I can't recall the  
21 other [REDACTED] name.

22 Q. I just wondered about that. You would have gone there  
23 in 1970 or thereabouts?

24 A. Mm.

25 Q. Quarriers have given us some information about

1 house parents. My understanding from the information  
2 they've given us is that there were [REDACTED]

3 [REDACTED] QDH/QDI

Does that ring a bell or was it

4 [REDACTED] QDH?

5 A. I thought it was [REDACTED] QDH to be honest. I'm not 100% sure.

6 Q. I suppose if I tell you that [REDACTED] QDH was the older of  
7 the two and born in 1940, according to the information  
8 that Quarriers have given to us, and [REDACTED] QDI was born in  
9 1945. That would make them 25, 30 years of age.

10 A. The record is signed by [REDACTED] QDH

11 Q. I see. Well, it may be that she was [REDACTED] QDH

12 [REDACTED] QDH

or something like that, I don't know. But

13 their information suggests there were two persons,

14 [REDACTED] QDH/QDI

who were employed, and one at that stage would

15 have been around 30 years of age, the other one a bit

16 younger, maybe 25 or thereabouts. I don't know if that

17 accords with your recollection of the age of the

18 [REDACTED] QDH/QDI

19 A. As a child, adults always look a lot older, don't they?

20 So the age, I wouldn't really -- I wouldn't be able to

21 tell you.

22 Q. The other information that we have from Quarriers -- and  
23 it's difficult to know just precisely how reliable these  
24 things are, but the information we have is that these  
25 persons, [REDACTED] QDH/QDI were employed

1 from around [REDACTED] 1969 until [REDACTED] 1970. So that  
2 would tie in broadly speaking with the time that you  
3 were with the [REDACTED] QDH/QDI

4 A. It ties in a little bit. I was only there for a short  
5 period.

6 Q. We're not too worried about dates. They do appear to  
7 have people called [REDACTED] QDH/QDI who were working in  
8 Quarriers in 1969 and 1970. You have obviously a clear  
9 recollection that you went to a cottage around 1970 when  
10 there were [REDACTED] QDH/QDI

11 A. Yes.

12 Q. But it does seem from the information we have you didn't  
13 spend a long time there.

14 A. No, I didn't spend a long time there.

15 Q. The information -- you didn't, but they didn't either.

16 A. They didn't, no?

17 LADY SMITH: That would be only a little over six months  
18 that they were working at Quarriers.

19 A. My information, my Lady -- and I think Mr Peoples might  
20 come on to that -- is my sister reported them for abuse.  
21 It may be that they left shortly after that.

22 MR PEOPLES: The two might not be unconnected?

23 A. The two may not be unconnected.

24 Q. But you don't really know the detail?

25 A. I don't know the detail of why they left, but it appears

- 1 to me, if you connect the two ...
- 2 Q. Right. Paragraph 49. It was good news to get away from  
3 the [REDACTED] QDE/QDF I think, and you say at paragraph 49 that  
4 initially you thought this was a good move and that the  
5 [REDACTED] QDH/QDI seemed quite nice people.
- 6 A. Yes. I mean, initially, I thought they were great.  
7 They seemed quite nice.
- 8 Q. But a realisation came upon you, I think, at some point  
9 about how they viewed your sister; is that right?
- 10 A. Yes. You're there maybe a week or so and then all of  
11 a sudden you are wondering what's going on. They just  
12 didn't like my sister. Obviously, I didn't know any of  
13 that before I went into that cottage. They did seem --  
14 clearly, the cottage was run slightly different to the  
15 [REDACTED] QDE/QDF from a military sort of regime to a slightly --  
16 I call it dysfunctional regime because of maybe from  
17 where I came from to where I went to.
- 18 Q. They probably weren't ex-army, I suppose?
- 19 A. Yes. I always recall -- and I kind of reflected on  
20 this -- you can reflect as an adult. I always recall  
21 they were a bit obsessed with security in the house late  
22 at night and stuff like that, and the children would be  
23 asked, "Go and check the doors", and we were a bit  
24 naughty. I recall we put threads up and we pretended  
25 someone had come in. Yes, it was something we thought

1           was childlike -- well, it was childlike.

2           Q. But you were a child.

3           A. Yes. Yes. So anyway, we went there, and then the  
4           **QDH/QDI** just wouldn't include my sister in things and  
5           wouldn't include me in things. It was just a bit odd  
6           that other children were called into the staff sitting  
7           room where we were allowed to kind of do things that  
8           maybe they wanted. The relationship clearly had broken  
9           down between my sister and them.

10          Q. You realised that fairly early on, did you?

11          A. I think it was quite fairly early on. We seemed to just  
12          be excluded. If we went to ask a question, we were  
13          ignored. It was what I would term psychological abuse,  
14          where you exclude that child from everything else, so  
15          you're kind of ... "challenging" again is the wrong  
16          word. You're kind of questioning: why are they getting  
17          that, why are we not getting that? So you soon realise  
18          that they just didn't like us -- and I think they didn't  
19          like me at a point.

20                 The bottom line is, as I've said in my statement, my  
21          sister reported -- my sister was complaining to  
22          Mr Mortimer about how they were treating both of us and  
23          my sister was sent to see what I think is a child  
24          psychologist, and I provided you --

25          Q. I'll come to that, if I may, and we'll maybe look at

1           that shortly. I think as you say -- if I take you to --  
2           pick up on some of the things you've said. I think at  
3           paragraph 54 on page 9047, going over to 9048, you  
4           really tell us in your statement what you've just told  
5           us about the realisation that they seemed to be picking,  
6           the           QDH/QDI          , on your sister and on you and  
7           that's the way you felt.

8           A. That's the way -- yes.

9           Q. At the time that that was happening, you described it  
10          as -- some was subtle and some wasn't so subtle.

11          A. I can only reflect on that as an adult now, because you  
12          kind of can look back and say, "Well, some of it" --  
13          because you wouldn't understand why -- as a child you  
14          wouldn't understand why another child was getting  
15          something and you weren't, when actually the expectation  
16          would be that all the children should be getting the  
17          same.

18                 So if it was a treat or Quarriers were providing  
19          activities that we could have all gone to at that point  
20          in time, they would allow maybe some children to go and  
21          you were told, "No, you can't go" -- and not because  
22          you'd been naughty, it was just you were excluded.

23          Q. There was a difference of treatment that you were aware  
24          of?

25          A. Yes.

1 Q. But at the time you couldn't work out why that might be  
2 so?

3 A. Yes, I couldn't verbalise it, I couldn't understand it.  
4 Even to this day I don't understand that.

5 Q. But what you can do and what you have done in  
6 paragraph 54 at 9048 is to tell us what sort of  
7 behaviour occurred that you now consider to be a form of  
8 psychological abuse.

9 You give us examples of the situations on which you  
10 base this retrospective reflection. You say, for  
11 example, you would go and ask a question but would be  
12 ignored. Is that one type of --

13 A. Yes. There was name-calling, there were insults. There  
14 were threats to send the both of us to a remand home --  
15 and I don't believe our behaviour warranted any of those  
16 threats.

17 LADY SMITH: What was the name-calling? Do you remember  
18 what you or your sister were called?

19 A. It's very difficult, ma'am. It's a long time ago.  
20 I can't remember specifics. If I recall it, I'll come  
21 back to you on that.

22 LADY SMITH: Just tell me.

23 MR PEOPLES: But you do remember threats to send you to  
24 a remand home?

25 A. Mm.

- 1 Q. And who were making these threats?
- 2 A. The [REDACTED] QDH/QDI .
- 3 Q. You talk about isolating you from the rest of the
- 4 children and not including you in meaningful activities.
- 5 Do you mean isolation in the strict sense of putting you
- 6 in a room on your own or simply excluding you from
- 7 activities that other children in the household were
- 8 participating in?
- 9 A. Just excluding you from activities.
- 10 Q. Indeed, you say -- and I'll come to this in a moment --
- 11 that your sister, at some point when you were there,
- 12 made a report to Mr Mortimer and the upshot was she was
- 13 sent to a child psychologist. I'll come to that, so
- 14 don't worry.
- 15 In this cottage, [REDACTED] were they
- 16 really the predecessors of the [REDACTED] QKR/QKY so far as you
- 17 know?
- 18 A. Yes, the [REDACTED] QKR/QKY came after them, yes.
- 19 Q. In this cottage, like no doubt many others, there was
- 20 a shed or a cloakroom type room, is that right, to the
- 21 rear of the property?
- 22 A. Mm.
- 23 Q. How was that used by the [REDACTED] QDH/QDI ?
- 24 A. It was used in the same ways as the [REDACTED] QDE/QDF would use
- 25 it, but it was slightly different, that there was either

1 a mattress down there or on occasions they would ask  
2 a child to take their mattress down with them and put  
3 them in the shed. So it just depended on the child or  
4 what was happening.

5 Q. If we look at the child that was you, you tell us you  
6 were regularly put in the shed as a punishment by the

7 **QDH/QDI** You tell us that at paragraph 55.

8 A. Yes.

9 Q. In your case what happened about bedding?

10 A. My recollection is that there might have been a mattress  
11 in there.

12 Q. That you could sleep on or lie on?

13 A. Yes. I'm trying to think. I'm trying to recall if  
14 there was a blanket or anything, but I can't recall.  
15 I just know that also, you know, when I spoke to my  
16 sister about this, she obviously --

17 Q. This is your late sister, **QKZ**

18 A. My late sister. She obviously went into detail with the  
19 psychologist about it.

20 Q. You say in paragraph 55 you saw children dragging  
21 mattresses to the shed; is that something you witnessed?

22 A. Yes.

23 Q. Can you give us any sense of how long a child might have  
24 to spend in the shed with or without a mattress?

25 A. I'm trying to think. I'm just wondering if it was all

1 night or they were called to take it back upstairs.

2 I can't recall.

3 Q. It might be said that, if there was a mattress that had  
4 to be taken down or there was one already there, that  
5 the anticipation of the [REDACTED] was that the child  
6 might spend an appreciable period there.

7 A. That's what -- that's what my thought process is telling  
8 me. I recall being in there myself, being, as I said,  
9 similar to the [REDACTED] until daylight came up and  
10 stuff like that on occasions.

11 Q. Did anything happen in the shed? You told us what would  
12 happen with Mr [REDACTED] and his baton or stick and he  
13 would use it in the shed and indeed in other places.  
14 What about the [REDACTED] Did any form of use of the  
15 hand or an instrument happen in the shed?

16 A. There was one or two times where -- they had a belt that  
17 they used to whack you with. I'm trying to think.  
18 I think it was just -- I don't know if it was a short  
19 belt or it was doubled up or something and they just  
20 used to whack you with.

21 Q. Maybe I can ask you then by reference to paragraph 56  
22 about what you say in your statement, just one or two  
23 questions. You say that you were physically hit, you  
24 were, with a belt by the [REDACTED]

25 A. Mm.

- 1 Q. Just taking that memory, did that happen -- how often  
2 did that happen?
- 3 A. I don't think it happened that often because I wasn't in  
4 that cottage long enough.
- 5 Q. Okay. Where did it happen?
- 6 A. It probably happened in the shed.
- 7 Q. What sort of belt was used when this happened?
- 8 A. My recollection was it was a kind of like a belt that  
9 a man would wear or something and doubled up, and you  
10 were just whacked with it.
- 11 Q. It wasn't what we'd call a school belt or tawse?
- 12 A. No.
- 13 Q. It was a belt that someone would wear to hold up their  
14 trousers or skirt or whatever?
- 15 A. Yes.
- 16 Q. Did it have a buckle on it?
- 17 A. Yes, from my recollection.
- 18 Q. When it was being used, how was it being used?
- 19 A. It was doubled up and you were just slapped with it.
- 20 Q. What part of the belt would hit you?
- 21 A. The leather part.
- 22 Q. Not the buckle?
- 23 A. No.
- 24 Q. You say in paragraph 56 that you saw your sister being  
25 hit with a belt. How often did you see that?

- 1 A. I think at least twice, three times perhaps.
- 2 Q. Where did you see that?
- 3 A. I saw that in the house, in the playroom.
- 4 Q. So that wasn't in the shed, that was in the playroom?
- 5 A. Yes.
- 6 Q. And who was using the belt?
- 7 A. One of the QDH/QDI I can't recall the actual one.
- 8 Q. Would there have been -- you were able to see this, but
- 9 were there other children present?
- 10 A. Other children would have seen it occasionally, yes.
- 11 Q. Did you ever see other children apart from your sister
- 12 being hit with a belt either in the playroom or
- 13 elsewhere in the house?
- 14 A. I saw other children mistreated, yes.
- 15 Q. But with the use of a belt?
- 16 A. With the use of a belt, yes.
- 17 Q. How forcibly were you and these other children hit?
- 18 A. Oh, it's a good old whack.
- 19 Q. And how often were you hit when this happened?
- 20 A. I think -- you mean how many times you were whacked?
- 21 Maybe twice.
- 22 Q. You said it was a forcible strike or more than one
- 23 forcible strike. How painful was it --
- 24 A. Well, it was very painful.
- 25 Q. -- at the time?

1 A. It would leave a mark.

2 Q. It left a mark?

3 A. Yes.

4 Q. For how long?

5 A. I don't know. Maybe a day, maybe half a day. Maybe  
6 it would just get red and sort of not bubble up, you  
7 know, that sort of type bruise thing.

8 Q. It would leave an obvious mark?

9 A. Yes.

10 Q. You tell us in paragraph 56 that other things would  
11 happen to you and you mention what would happen when  
12 your hair was pulled. How often would that happen?

13 A. I think it happened quite a lot. I think it was that  
14 that was their way of, you know, showing that they were  
15 in control. Using physical abuse on a child was  
16 demonstrating that they were in control.

17 Q. Can you just describe for me, if necessary by showing  
18 it, how was your hair pulled?

19 A. Just (indicating).

20 Q. Grabbed --

21 A. Grabbed.

22 Q. -- at the top of your head, the hair at the top of your  
23 head?

24 A. Yes. It wasn't long hair, but I had quite a good head  
25 of hair.

- 1 Q. And where would it happen, this hair-pulling?
- 2 A. It would happen wherever you were caught or if you ...
- 3 There's a playroom, there was a sitting room. Wherever
- 4 you had got into trouble, and they may want to take you
- 5 somewhere else or just punish you in front of everybody.
- 6 Q. If they punished you in front of everybody, what would
- 7 the punishment be?
- 8 A. Just the same punishments as I'm describing.
- 9 Q. The belt?
- 10 A. The slapping, the belt.
- 11 Q. The slapping?
- 12 A. Yes.
- 13 Q. And if they took you away, where would they take you to?
- 14 A. Probably down to the shed.
- 15 Q. What would they do there?
- 16 A. Hit you with the belt and just tell you to stay there.
- 17 Q. You say that you also saw other children having,
- 18 I think, their hair pulled and these things happening to
- 19 them that you've just described. You did witness that
- 20 as well?
- 21 A. I did witness that, yes.
- 22 Q. Would that be the main body of the house --
- 23 A. Yes.
- 24 Q. -- rather than the shed?
- 25 A. Well, it'd be either in the playroom or the sitting room

1 or sometimes in the kitchen. Maybe someone didn't want  
2 to eat their food, so they were punished for things like  
3 that. But as I was saying earlier, these punishments  
4 became normalised. We thought this was normal.

5 Q. Well, it was for you, wasn't it --

6 A. Yes.

7 Q. -- because Mr QDE had done this to you as well,  
8 hadn't he?

9 A. So it was just a case -- the level of it became  
10 normalised. That's what I'm trying to say.

11 Q. I don't know whether I did ask you this: when you were  
12 physically hit with the belt or slapped by the  
13 QDH/QDI where would the belt strike or where would  
14 the hand hit?

15 A. I remember being slapped on the face by the QDH/QDI  
16 for some reason. The belt, I recall just being whacked  
17 wherever it could hit you.

18 Q. Is that on the body?

19 A. On the body.

20 Q. Not the head?

21 A. No.

22 Q. On the upper body and lower body?

23 A. More the lower body.

24 Q. Did that leave marks?

25 A. Yes.

- 1 Q. What type of marks?
- 2 A. Well, the belt mark was just -- you'd see the mark of  
3 the belt.
- 4 Q. Did you tell me -- forgive me, if I ask you again. The  
5 belt that you describe that was folded over, did you say  
6 it was a leather belt?
- 7 A. Yes.
- 8 Q. How thick was the leather?
- 9 A. Oh, I can't ... I mean ...
- 10 Q. Like a trouser belt?
- 11 A. Yes, a but a bit thicker. It was quite a thick belt.
- 12 Q. Was it as thick as the sort of belt you'd get at school?
- 13 A. Yes, the tawse thing, I think it would be that but  
14 doubled.
- 15 Q. Because it was doubled, it would have extra thickness?
- 16 A. Yes.
- 17 Q. And would it be both [REDACTED] that would do this or was  
18 there one rather than the other that tended to do it?
- 19 A. I can't recall.
- 20 Q. I just want your recollection, but you're quite clear  
21 that in that household --
- 22 A. Yes.
- 23 Q. -- [REDACTED]
- 24 A. One or other.
- 25 Q. -- one or other [REDACTED] was doing these things to

1           you and to children?

2           A. Doing these things to me, yes, and to my sister.

3           Q. Including your sister as well as you and other children?

4           A. Yes. I would have said it was [REDACTED] QDH [REDACTED] the

5           person.

6           Q. The person who was known at [REDACTED] QDH [REDACTED]

7           A. Yes.

8           Q. Can I just ask you that. I don't think I took it from

9           you, but what did they ask you to call them?

10          A. Auntie [REDACTED] QDH [REDACTED] and whatever the other auntie was.

11          Q. They were auntie something?

12          A. Yes.

13          Q. Not mummy --

14          A. No.

15          Q. -- or mummy [REDACTED] QDH/QDI [REDACTED]

16          A. No. Even that ... I don't know. I didn't seem to ...

17                There wasn't an issue. For me that was fine. I didn't

18                have any aunties or whatever, so that was in a sense

19                fine.

20          Q. That description?

21          A. Yes.

22          Q. I know you were struggling with the name-calling, but

23                when they weren't name-calling, what would they be

24                calling you?

25          A. Generally -- in my time in Quarriers I was mostly

1 "David Whelan".

2 Q. Not David?

3 A. No.

4 Q. So the [REDACTED] QDH/QDI were more likely to have called  
5 you David Whelan than David?

6 A. Yes.

7 Q. Did you find that strange?

8 A. Well, it becomes a way of life. That's what you're  
9 going to be called. That is my name.

10 Q. But I suppose if someone had asked you what's your  
11 forename, David Whelan, you might have said?

12 A. Yes.

13 Q. Because you didn't know that people would just maybe say  
14 David?

15 A. Yes. It was just ... I suppose I just accepted that's  
16 what ...

17 Q. Okay. Can we go to the incident with the potatoes,  
18 which you deal with in your statement at page 9049,  
19 starting at paragraph 58. It starts on a Sunday. You  
20 had been in church that day, as usual, and I think, as  
21 you describe in your own words, you'd been a bit  
22 disruptive. Take it from there and tell me what  
23 happened next.

24 A. We got back to the cottage and the [REDACTED] QDH/QDI were  
25 picking on my sister because I'd been a bit disruptive

1 in the cottage. So my sister wasn't obviously very  
2 happy that she was get picked on because of my behaviour  
3 and I was then told to peel this large amount of  
4 potatoes. Because what used to happen is some of the  
5 kids would help with some of the chores. For me,  
6 I thought that was reasonable to help out in the cottage  
7 and stuff like that and do some light stuff or whatever.

8 Q. Appropriate chores?

9 A. Yes. Appropriate chores. I didn't think that was  
10 unreasonable. But normally, if people were peeling the  
11 potatoes, it was two or three of us doing it, but I was  
12 told I had to do all of these potatoes.

13 There was the name-calling, there was the -- they  
14 were baiting me, for want of a better word.

15 Q. I think you tell us what they were saying in  
16 paragraph 58. Can you just confirm that these were the  
17 sort of things that were being said --

18 A. Yes.

19 Q. -- if you want to refresh your memory?

20 A. They'd come and check the potatoes. The peelings were  
21 too thick, it'd still have an eye, you know, the eyes  
22 you get in potatoes if you're peeling them. It was too  
23 thick, too thin, it was just not good enough, and this  
24 was going on for maybe two hours plus. I was just  
25 trying to just get on with peeling those potatoes and

1 I snapped.

2 I ran after her -- and I would say it was  
3 QDH -- and I ran after QDH with the  
4 potato peeler. I ran all the way up to her bedroom.

5 Q. Did she run from you?

6 A. Yes. She did run from me.

7 Q. And you were running after her with a potato peeler in  
8 your hand?

9 A. Yes.

10 Q. Just to help us, what sort of implement was this potato  
11 peeler?

12 A. I believe it was the old type, a metal sort of thing.

13 Q. With a kind of ... a gap in the middle --

14 A. Yes.

15 Q. -- to be able to slice the potato?

16 A. Yes.

17 LADY SMITH: That would be a swivel peeler, the way you're  
18 demonstrating using it, where the blade will turn  
19 a little?

20 A. Yes.

21 MR PEOPLES: The blade would be inside, scraping the peel?

22 A. Yes.

23 Q. It wasn't a knife?

24 A. No. No, it wasn't. My recollection is it wasn't  
25 a knife. So obviously, by the time you got upstairs,

1           your frustration has sort of calmed down and I banged on  
2           the door.

3           Q. Had she shut the door?

4           A. Yes, she had shut the door.

5           Q. And you were banging on the door with your potato peeler  
6           in hand?

7           A. Yes. So then I came back downstairs.

8           Q. So that was the end of it?

9           A. That was the end.

10          Q. You left?

11          A. I left. I came downstairs. I can't recall exactly  
12          where I went, probably went to the playroom and I got

13          **QKZ**

14          Q. Before you tell me what happened then or what you are  
15          going to tell me about the records, at any point from  
16          the moment that you snapped until the moment that you  
17          were at the door upstairs banging on the door, did you  
18          make any form of contact with the **QDH/QDI** that  
19          you were chasing?

20          A. No.

21          Q. With the potato peeler or anything else?

22          A. No, no, no.

23          Q. Okay. You went downstairs and you say your anger began  
24          to subside a bit and you were trying to calm down after  
25          this episode. You tell us that you have had the benefit

1 in later life of looking at the records. There is some  
2 reference, I think, to this incident in the record.  
3 I think that's what you tell us. What is your position  
4 on the record about this incident?

5 A. The record is inaccurate.

6 Q. Why is it inaccurate?

7 A. The record says that I was peeling potatoes with  
8 a carving knife or I ran after her with a carving knife.  
9 I wasn't peeling potatoes with a carving knife. My  
10 sister confirmed that I was peeling the potatoes, the  
11 incident was around the potatoes, and you don't peel  
12 potatoes with a carving knife.

13 Q. I think you would know that from your experience as an  
14 adult.

15 A. Well, I am telling you just what that incident was.

16 Q. But in the records, was it described as a carving knife?

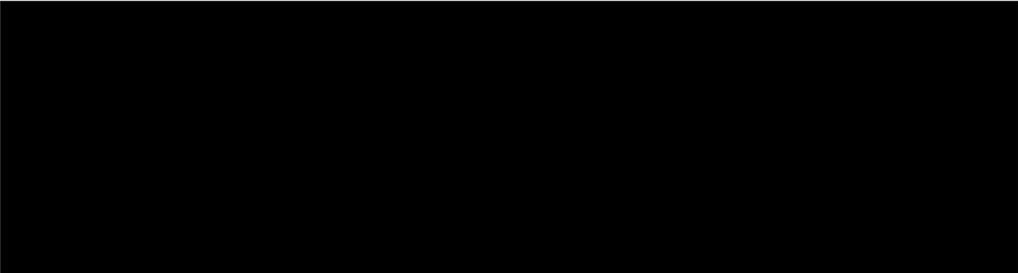
17 A. She wrote the record.

18 Q. Who did?

19 A. QDH And she has described it as a carving  
20 knife.

21 Q. I think you say that your late sister confirmed what  
22 implement you were --

23 A. My sister confirmed [REDACTED] because she was asked  
24 about the incident, [REDACTED] that  
25 I was peeling potatoes regarding that incident.

- 1 Q. Did she confirm what you were using to peel them?
- 2 A. Not the actual instrument, no.
- 3 Q. 
- 4
- 5
- 6 A. 
- 7 Q. Leaving aside whatever was said then or whatever your
- 8 sister saw, you're quite clear that you had a potato
- 9 peeler in your hand?
- 10 A. Yes.
- 11 Q. And things happened as you've described?
- 12 A. Yes. This was after months of, you know, being
- 13 psychologically abused and seeing my sister being
- 14 mistreated and psychologically abused. I do reflect
- 15 back as an adult and clearly -- and I wouldn't do that
- 16 as an adult. But as a child, I didn't know that was
- 17 wrong either, but that was the only way that we could in
- 18 a sense defend ourselves or show an expression that
- 19 we're not going to put up with this abuse any more.
- 20 Q. You describe this time in this type of regime as "brutal
- 21 and cruel" with the  QDH/QDI Is it because of the
- 22 things you've told us about this morning?
- 23 A. Yes.
- 24 Q. You say:
- 25 "To a large extent this period was characterised by

1           what, as an adult, [you] would term a form of  
2           psychological abuse."

3           A. Yes.

4           Q. Although you have mentioned that there was physical  
5           abuse as well.

6           A. I think, when I reflect back as an adult on the  
7           situation, it was clearly psychological. Bruises heal,  
8           physical bruises heal, but what happens with  
9           psychological stuff, it stays with you and it's only  
10          through counselling or other forms of therapy that you  
11          may be able to understand those issues.

12                    What I find extremely hard is I know my sister  
13           reported it. My sister talks about her being victimised  
14           and Quarriers had official reports where she reported  
15           it.

16          Q. I'm going to ask you to look at something with me on  
17          that matter. But at page 9050 of your statement at  
18          paragraph 62, in relation to the issue of reporting  
19          what was going on in the QDE/QDF cottage, you tell us  
20          there that you told Joe Mortimer about what was  
21          happening in the QDH/QDI household. Did you also  
22          tell --

23          A. We also told -- because it was becoming a level of abuse  
24          that was not ... It was beyond the bounds of what was  
25          reasonable or what was reasonable chastisement. It was

- 1 brutality and cruelty.
- 2 Q. Just before I ask you to look at the report that you  
3 mentioned, and another document, your sister, as you  
4 tell us, went for an examination, a report was prepared  
5 and you indicate that not long after this -- and I think  
6 that's borne out by the information I gave you -- the  
7 **QDH/QDI** left Quarriers. But other than that basic  
8 information, from your point of view at the time did  
9 anything happen that you were aware of about this  
10 report?
- 11 A. No.
- 12 Q. Is there anything about it in your files other than just  
13 the incident being described? I think it's described,  
14 isn't it?
- 15 A. It's ...
- 16 Q. Sorry, the incident with the so-called carving knife is  
17 described, but is that all that there is?
- 18 A. That's all there is.
- 19 Q. Nothing about, "The matter was reported and we spoke to  
20 David", or whatever? Do you remember being spoken to  
21 about the matter --
- 22 A. No.
- 23 Q. -- to give your side of things?
- 24 A. No.
- 25 Q. Can I ask you then, David, to look at a couple of

1 documents. Can I start with a document which is  
2 WIT.003.001.8064.

3 Take it from me, although you may have already  
4 worked this out, this is a handwritten note, which  
5 I think is clear, it was prepared at or around the time  
6 of the report that you mention in your statement, by  
7 a Mrs Elaine Symington, who was a psychologist, and she,  
8 I think, was the person who prepared the report that you  
9 mention in your own statement.

10 I think we can reasonably infer from this document  
11 and indeed the report we will look at in a moment that  
12 this note was made by Mrs Symington at or around the  
13 time that she interviewed your sister, [REDACTED] QKZ She took  
14 some notes and she recorded them and they are still  
15 available for us to look at.

16 Do we see on the first page at 8064 that this does  
17 relate to your sister, [REDACTED] QKZ She's then in  
18 [REDACTED] I'll just read a little extract from it --  
19 Mrs Symington records:

20 "Complains of being picked on incessantly by the  
21 [REDACTED] QDH/QDI Even when avoiding them by going into  
22 another room, she still gets blamed for quarrels that  
23 arise between children in other places. They constantly  
24 say how quiet and nice the cottage is when [REDACTED] QKZ is not  
25 there, and so she presumes that they don't want her with

1           them. She admits to being naughty and disobedient  
2           sometimes and doesn't mind being punished when it's  
3           justified. She has been put in the shed often and  
4           another girl was put in there often and her bed brought  
5           down.

6           "Miss QDH/QDI struck her across the face with  
7           a belt and it sounds as if she and her brother have been  
8           treated quite harshly. She is ignored by the assistants  
9           even when she asks them something."

10          And this is an assessment by Mrs Symington at the  
11          time she recorded this entry:

12          " QKZ seemed a likeable, pleasant girl, who  
13          expressed herself well verbally. I did not feel that  
14          she was making up stories. She had the kind of  
15          expression that could look impudent and sulky and this  
16          possibly irritates ██████████ She has been in two  
17          foster homes and a residential home already in between  
18          stays with her mother. She has found this situation  
19          terrible and would like to settle down here in  
20          Quarriers. The cottage assistants threaten her with a  
21          remand home, although she has done nothing to deserve  
22          it."

23          So that's been recorded as what your sister told  
24          Mrs Symington. Have you seen this before?

25          A. (Shakes head).

1 Q. If we go to the report itself that was ultimately  
2 prepared by Mrs Symington, it's at WIT.003.001.8066.

3 At this point we have the full report and it's clear  
4 from it, before I read what it says, that Mrs Symington  
5 appears to have had some form of contact with what she  
6 calls the cottage mothers. She doesn't identify who she  
7 spoke to and precisely what was said in the same terms  
8 as her note in relation to her interview with [REDACTED] QKZ

9 But her report starts by disclosing that it relates  
10 to your sister. She's in [REDACTED] and the interview  
11 was in November 1969, which ties in, I think, with the  
12 note that I mentioned and the dates you've mentioned.

13 I'll just read part of it -- I don't think we need  
14 to read it all. It says:

15 "[REDACTED] QKZ was referred since she was described as  
16 completely unmanageable. When she came to see me,  
17 however, she painted the very different picture of being  
18 victimised. She described all kinds of incidents and  
19 punishments she had been given by the cottage mothers  
20 that indicated cruelty on their part. The cottage  
21 mothers are extremely ..."

22 This appears to be a reference to the [REDACTED] QDH/QDI  
23 I think in the context we've been looking at:

24 "... honest and inform me that the stories were  
25 based on a tiny morsel of truth and then grossly

1 distorted so that the child would gain sympathy. Their  
2 relationship with [REDACTED] had been good at the beginning  
3 but trouble really started when [REDACTED] brother came to  
4 live in the cottage. He had meanwhile been transferred  
5 to another cottage on account of his misdemeanours."

6 By this time would you have been moved on because of  
7 the potato peeler incident?

8 A. Yes.

9 Q. "The cottage mothers have considerable insight into the  
10 problems of deprived children and wished to help this  
11 girl and their brother as much as they could."

12 I'll pass on from that and then there's some tests  
13 that were done as part of the report and I don't think  
14 we need to look at those.

15 The report continues and I think it picks up some of  
16 the notes that we've looked at already on page 8067:

17 [REDACTED] seemed a pleasant, likeable girl who  
18 expressed herself well verbally. If the house mothers  
19 were prepared to make the effort, I felt that the  
20 situation in the could be remedied, especially now that  
21 the brother had been removed. The girl could be given  
22 little responsibilities to distinguish her from the  
23 remainder of the children in the cottage, most of whom  
24 are very young. Interest could be shown in her more  
25 grown-up activities in order to build up her self-esteem

1 and confidence.

2 " QKZ has been in two foster homes and a  
3 residential school in between stays with her mother.  
4 Sheds found this situation intolerable and would like to  
5 settle in Quarriers. Provided effort is made by QKZ  
6 and the house mothers, the situation should improve."

7 Then she adds towards the end:

8 "Subsequent discussions with the house mothers  
9 indicated that QKZ behaviour had greatly improved  
10 and her progress is continuing."

11 And that's signed by Elaine Symington. So that was  
12 the report that went and you've seen the notes she made  
13 prior to that report and some of what she's noted is  
14 incorporated into the report itself.

15 A. Can I just say a couple of things?

16 Q. Yes, you can respond as you like.

17 A. I don't believe my sister greatly distorted anything.

18 As you can see from what my sister said about being  
19 naughty, I think she said something about, again,  
20 reasonable chastisement, she understood what that was.  
21 So I don't for one minute believe my sister distorted  
22 that. I think my sister told the truth and told the  
23 truth about the level of the abuse that was happening.

24 I also don't believe my sister was unmanageable in  
25 any shape or form. I think clearly the report, saying

- 1           what it's saying, and if we had been treated  
2           differently, we would have responded differently.
- 3       Q.   And of course, what you've told us today is that some of  
4           the things she reported and that are incorporated into  
5           the handwritten note that we've looked at are things  
6           that you can confirm were happening in the household  
7           at the time.  That's your position?
- 8       A.   Yes.
- 9       Q.   That these things did happen and if Mrs Symington had  
10          spoken to you, would you have told her the same thing?
- 11      A.   I would have told her the same thing.
- 12      Q.   I take it Mrs Symington, so far as you -- didn't speak  
13          to you?
- 14      A.   No.
- 15      Q.   It looks as if she has spoken to one or more --
- 16      A.   Everybody else.
- 17      Q.   Well, the cottage mothers --
- 18      A.   Yes, sorry.
- 19      Q.   She didn't speak to you and it's not obvious she spoke  
20          to any other child --
- 21      A.   No.
- 22      Q.   -- than **QKZ**   And she got effectively conflicting  
23          accounts, one from **QKZ**   and one from the house mothers.
- 24      A.   Mm.
- 25      Q.   It's not clear from that that they made any other form

1 of investigation or discussion, including discussing it  
2 with you or other children in the household?

3 A. No. I think I spoke about this when I was being  
4 interviewed for the inquiry. Again, if my behaviour was  
5 so bad, and I was moved because of that behaviour, why  
6 then, after the QDH/QDI went, on the back of this  
7 report, left Quarriers two months later, and a few  
8 months later I'm then reunited with my sister? If I was  
9 the child who was such a problem child and if my sister  
10 was such an unmanageable child, why were we then put  
11 together again?

12 Q. Yes. I think the point you're making here is if you  
13 were the problem and that created a problem with your  
14 sister, the last thing you would do in that situation is  
15 to put you together again? That's the basic point?

16 A. That's what I think.

17 LADY SMITH: Just to be clear, am I seeing here that the  
18 author, Mrs Symington, is it, never departed from her  
19 clearly expressed view that she didn't think that your  
20 sister was making up stories?

21 A. My sister never made up stories, my Lady.

22 LADY SMITH: The second report would have been an  
23 opportunity for her to do that if, having interviewed  
24 the QDH/QDI she had changed her view, and it could  
25 perhaps be said she's being very careful in that second

1 report just to record what the QDH/QDI are telling  
2 her, but not to say, "And I was persuaded that they were  
3 right". And there are certainly indications that she  
4 feels that the QDH/QDI have got to try harder, just to  
5 put a broad gloss on it. Have I got that right?

6 MR PEOPLES: I think her Ladyship is saying that it's quite  
7 a carefully worded report and it's not departing in any  
8 way from some of her assessments that were made and  
9 recorded in the handwritten note. And indeed she  
10 doesn't in any way seek to depart from her assessment of  
11 your sister, both as to how she generally presents and  
12 what she thought of what she was being told. Do you  
13 follow that, David?

14 A. I think my Lady's got it right.

15 LADY SMITH: Thank you. I do try.

16 A. I think professionals couch the language in such a way  
17 that actually -- and I think I spoke about this in my  
18 book -- that the gravitas of something is kind of  
19 professionalised and not actually the raw ...

20 LADY SMITH: It can make it seem two-dimensional or even  
21 one-dimensional, whereas the reality is certainly  
22 three-dimensional; is that one way of putting it?

23 A. Mm.

24 LADY SMITH: It can seem very flat, but there are some live,  
25 raw human stories going on -- stories is the wrong

1 word -- live, raw human experiences happening behind  
2 this.

3 MR PEOPLES: And I suppose what we don't know, and what  
4 I can't tell you at the moment, is why the QDH/QDI  
5 left when they did and whether there were any particular  
6 circumstances in which they did so and whether it was in  
7 any way related to what was happening in the cottage or  
8 how they were treating children there. That still  
9 remains an unknown for us. But we have this information  
10 and we have your information to go on.

11 A. It'd be unusual for cottage parents to come -- and  
12 clearly, on the back of this report, they've left two  
13 months later, but it would be unusual for cottage  
14 parents to come into Quarriers because it was one of  
15 those places where house parents tended to stay for  
16 a long time. So I think there's a clear indication that  
17 maybe they accepted the truth of what my sister said and  
18 thought, well, it's time to leave. But obviously,  
19 getting another job takes a little bit of time, but it  
20 was very shortly afterwards.

21 Q. If we continue the journey, your journey, at  
22 paragraph 64 you tell us that the potato peeler incident  
23 came to the attention of Mr Mortimer, and indeed the  
24 records confirm that, I think, that you've seen, and  
25 that you were, as you described, removed from the house.

- 1           That's how you saw it, that it was a removal?
- 2           A. Yes.
- 3           Q. And that you were taken at that stage back to the
- 4           QDE/QDF house. You think -- and this may well be right
- 5           because there's a reference to cottage [REDACTED] I think, in
- 6           records -- that the QDE/QDF by this stage might have
- 7           moved from cottage [REDACTED] to cottage [REDACTED] But at any rate,
- 8           whatever the position be, they were your house parents
- 9           again?
- 10          A. Yes.
- 11          Q. What you tell us is that your sister remained meantime
- 12          with the QDH/QDI and you were told by QKZ -- and
- 13          I think maybe it's confirmed by the information we've
- 14          been given -- that the QDH/QDI left not long
- 15          afterwards and, according to QKZ and what she told
- 16          you, this was because she had reported them. Was that
- 17          how she presented the matter to you?
- 18          A. That's how she presented it to me at the time, yes.
- 19          Q. So it was her understanding that the two events were
- 20          connected --
- 21          A. Yes.
- 22          Q. -- what had been reported and their departure?
- 23          A. Yes.
- 24          Q. Can we go back to life with the QDE/QDF on page 9051.
- 25          You deal with that briefly in paragraph 65 and I think

- 1 the reason you do that is, well, nothing much changed.
- 2 Would that be fair to say? I don't want to go over all
- 3 the things that were happening before, but were there
- 4 any big changes?
- 5 A. Nothing much changed, but I think they had domestics in,
- 6 which would be the change that I saw. So instead of us
- 7 doing the buffering of the floors and stuff and the
- 8 polishing of the floors and stuff like that, it appeared
- 9 that they had domestics in then.
- 10 Q. So that might have been a change, but other than that in
- 11 terms of the --
- 12 A. The regime was the same.
- 13 Q. And the punishments took the same form?
- 14 A. The same form, but I think, because -- and I've said
- 15 it -- I knew what the regime was, so I probably hid
- 16 behind the regime and just got on with life. Things
- 17 didn't change.
- 18 Q. Were you punished with the stick or baton from time to
- 19 time?
- 20 A. Yes.
- 21 Q. Were you put in the shed from time to time?
- 22 A. Yes.
- 23 Q. Were you dragged down the stairs from time to time?
- 24 A. Yes.
- 25 Q. So these things did continue but not to the same amount?

1 A. Nothing changed. I was only there for another eight or  
2 nine months, but nothing changed.

3 Q. Okay. Moving on, and we then get to your final cottage  
4 in Quarriers, which was cottage [REDACTED] again.

5 You tell us that you were always expressing  
6 throughout your time that you wanted to be with your  
7 sister. You're surmising that the powers that be must  
8 have listened to you on this occasion and that, whatever  
9 might have been written in the Symington report, you  
10 moved to cottage number [REDACTED] in March 1971 and your sister  
11 was there when you moved.

12 A. Yes.

13 Q. By that stage -- and I think that's what we understand  
14 from the information the inquiry's been given -- the

15 [REDACTED] QDH/QDI had departed the village and that the

16 house parents in cottage [REDACTED] were a couple, [REDACTED] QKR/QKY

17 [REDACTED] QKR/QKY

18 A. That's right. Also, it says in the file, the last line  
19 in the file, from the [REDACTED] QDE/QDF to the [REDACTED] QKR/QKY, it  
20 says "Transfer has been granted".

21 Q. So do you think on that occasion, maybe a rare occasion,  
22 your views were at least listened to and given effect to  
23 or do you think that's putting it too highly?

24 A. No, I ... I think it's a fair comment. I wanted to be  
25 with my sister and --

- 1 Q. But did they sit down with you at any stage before you  
2 moved to cottage [REDACTED] and say, "David, we've decided that  
3 we're going to reunite you with your sister and you're  
4 going to go to cottage [REDACTED] and the reason you're going  
5 there is X, Y and Z"?
- 6 A. No, it was just, "There's a place come up in cottage [REDACTED]  
7 and you can go there; your sister's there".
- 8 Q. I suppose one of the difficulties of cottage [REDACTED] had been  
9 removed, the [REDACTED] QDH/QDI were no longer there?
- 10 A. Yes.
- 11 Q. And you hadn't had any experiences of the [REDACTED] QKR/QKY  
12 couple --
- 13 A. No.
- 14 Q. -- by that stage?
- 15 A. No.
- 16 Q. I don't think it is necessary for us, we can read it for  
17 ourselves, but you give us some understanding of the  
18 layout of cottage [REDACTED] and I'm not going to take you  
19 through the detail of that, other than to say that, as  
20 with other cottages, there was a room that you describe  
21 as the shed, and again is that a reference to the room  
22 at the back, the cloakroom or boot room type thing --
- 23 A. Yes.
- 24 Q. -- with the concrete floor is it?
- 25 A. Yes.

- 1 Q. And I think you indicated maybe it was a concrete and  
2 wooden structure as such?
- 3 A. Yes, from my memory.
- 4 Q. With some windows?
- 5 A. Yes.
- 6 Q. And it would have a door from there to the main house?
- 7 A. Yes.
- 8 Q. And a door to the garden or not?
- 9 A. Yes, to get out, obviously.
- 10 Q. Also, you tell us that in this house, and I just want to  
11 be clear of the locations, that there were a number of  
12 bathrooms. Where were the bathrooms?
- 13 A. You came down from the playroom and there was a bathroom  
14 down the corridor before the shed. My recollection is  
15 just before the shed there was the bathrooms, then there  
16 was a toilet, then there was the shed facing this  
17 (indicating).
- 18 Q. Don't worry about it. So there's a bathroom on the  
19 downstairs floor?
- 20 A. Yes.
- 21 Q. And that bathroom, you've just described, was quite near  
22 the playroom and quite near the shed?
- 23 A. Yes.
- 24 Q. What was in that bathroom?
- 25 A. My recollection is it was two baths.

1 Q. What size were they?

2 A. Ordinary baths.

3 Q. Ordinary looking baths?

4 A. Yes.

5 Q. Was there anything else in that room? A wash hand  
6 basin?

7 A. Yes. There were sinks. There were sinks.

8 Q. Sinks rather than --

9 A. Yes.

10 Q. -- wash hand basins. Large sinks, is it?

11 A. I think you'd call them wash hand basins.

12 Q. Would it be sinks or -- they weren't the sort of sinks  
13 you could wash clothes in?

14 A. No, no, no. They were bathroom sinks.

15 Q. Was there anything else there? There was no toilet  
16 in that bathroom?

17 A. No, the toilet was next door to it.

18 Q. So it was a bathroom?

19 A. Yes.

20 Q. And was it a bathroom that the children used?

21 A. Yes.

22 Q. And was it for their use?

23 A. Yes.

24 Q. Was there any other bathroom on the ground floor?

25 A. Not on the ground floor.

- 1 Q. Were there bathrooms upstairs?
- 2 A. There was one upstairs --
- 3 Q. One or two?
- 4 A. One.
- 5 Q. Where did Mr and Mrs QKR/QKY use the bathroom?
- 6 A. I would presume upstairs because --
- 7 Q. Did they have a separate bathroom?
- 8 A. Yes.
- 9 Q. But there was a --
- 10 A. What happened at night was some of the children would
- 11 use the bathroom upstairs, obviously if they needed to
- 12 go to the toilet, but that bathroom upstairs
- 13 predominantly would be the house parents' bathroom.
- 14 Q. Your recollection is that there's this bathroom upstairs
- 15 which you and other children would use during the night?
- 16 A. At night if you wanted to go to the toilet.
- 17 Q. Would it be used for bathing as well, [REDACTED]
- 18 [REDACTED]
- 19 [REDACTED]
- 20 [REDACTED]
- 21 [REDACTED] where was that bathroom.
- 22 A. The bathroom downstairs.
- 23 Q. Not the bathroom upstairs?
- 24 A. No.
- 25 Q. When you refer later in your statement, and again this

1 is to get our bearings, about a sitting room [REDACTED]

2 [REDACTED] where was that sitting room?

3 A. You came through the front door and it was to the right.

4 Q. And whose sitting room was that?

5 A. The staff sitting room. It was for Mr and Mrs [REDACTED] QKR/QKY

6 Q. Essentially?

7 A. Yes.

8 Q. What about the cottage aunties, could they use it?

9 A. I think they could use it when they weren't there.

10 Q. But it was really their sitting room?

11 A. They had like a lock on it.

12 Q. And also other rooms?

13 A. There was a playroom.

14 Q. For the children?

15 A. And there was a sitting room for the children.

16 Q. So these were two separate sitting rooms?

17 A. Yes.

18 Q. One for the children, one for the [REDACTED] QKR/QKY

19 A. Yes.

20 Q. [REDACTED] I just want to take it from you

21 just now so we get the layout -- [REDACTED]

22 [REDACTED]

23 [REDACTED] bedroom.

24 A. Yes.

25 Q. Where was that?

- 1 A. Upstairs, next to the girls' room.
- 2 Q. Next to the?
- 3 A. Next to the girls' dormitory, the middle of the landing
- 4 upstairs.
- 5 Q. Whose bedroom was that?
- 6 A. Mr and Mrs QKR/QKY
- 7 Q. [REDACTED]
- 8 [REDACTED]
- 9 A. [REDACTED]
- 10 Q. What was in that bedroom?
- 11 A. A double bed and, from what I recall --
- 12 Q. Some furniture?
- 13 A. TV.
- 14 Q. It was for their use?
- 15 A. Yes.
- 16 Q. [REDACTED] a staff
- 17 sitting room [REDACTED]
- 18 A. Mm.
- 19 Q. Do you know if it was generally locked or kept open?
- 20 A. It was generally kept open when they were there.
- 21 Q. If they were to go out for any reason, they might lock
- 22 it?
- 23 A. Yes, it had the children's files and things like that in
- 24 there.
- 25 Q. So there might be a reason to lock it if they weren't

- 1           there?
- 2           A.   Yes.
- 3           Q.   So far as the upstairs is concerned, what about [REDACTED]
- 4           [REDACTED] Mr and
- 5           Mr [REDACTED] ' room, did that have a lock on it?
- 6           A.   I can't recall, sorry.
- 7           Q.   No I am just asking if you can recall.
- 8                    You tell us a little bit about cottage [REDACTED] when Mr and
- 9           Mrs [REDACTED] were the house parents. At paragraph 69 on
- 10          page 9052 you estimate that there was perhaps 12 to 14
- 11          children in the cottage when you went there in
- 12          [REDACTED] 1969.
- 13          A.   Yes.
- 14          Q.   It was a mixed cottage again, was it?
- 15          A.   Yes.
- 16          Q.   You tell us the age range was maybe from around 6 up to
- 17          16 years of age?
- 18          A.   Yes.
- 19          Q.   You at that point would be?
- 20          A.   12 and a half, 13.
- 21          LADY SMITH: I think you'd be 13.
- 22          A.   13.
- 23          MR PEOPLES: You were born in 1957 and so in 1971 --
- 24          A.   13, yes.
- 25          Q.   You stayed in this cottage where the house parents were

1           QKR/QKY           until you were 16 in 1974. You  
2           stayed there for the rest of your time?

3           A. Yes.

4           Q. At paragraph 70 -- and I don't need the detail of this,  
5           but this was a cottage where there was some assistance  
6           for the house parents from house aunties or cottage  
7           assistants?

8           A. Yes.

9           Q. I think these terms have been used. But you tell us  
10          that they would come mostly during the day, so they  
11          wouldn't there at night generally --

12          A. No.

13          Q. -- unless, I suppose, the QKR/QKY were away for any  
14          reason?

15          A. I'm even trying to think where they slept when the  
16          QKR/QKY were away. There was nowhere they could  
17          sleep -- actually, sorry, Mr Peoples, in the bathroom  
18          upstairs, there was another smaller room which actually  
19          overlooked Nitshill, which was Joe Mortimer's house.

20                 So there was the girls' bedroom, there was the  
21          QKR/QKY bedroom, then when you came round there was  
22          a smaller bedroom. Next to that was the toilet and then  
23          there was a boys' bedroom. There was a smaller bedroom  
24          and maybe that's where the aunties stayed.

25          Q. Your recollection is they weren't staying regularly

1           overnight?

2           A. No.

3           Q. They were there during the day?

4           A. Yes, they were there during the day.

5           Q. To assist the house mother?

6           A. Yes.

7           Q. Just so I'm clear at the beginning, what were you asked

8           to call the house parents in this cottage?

9           A. Auntie **QKR** and Uncle **QKY**

10          Q. What did they call you?

11          A. David.

12          Q. So for the first time you'd been called David?

13          A. Yes.

14          Q. And did they both call you David?

15          A. Yes. Occasionally David Whelan when I was naughty, but

16          that was acceptable.

17          Q. At paragraph 71, you say that initially, you were happy

18          because you had been reunited with your sister.

19          A. Yes.

20          Q. That position didn't remain the same. I think very

21          quickly you were troubled by things that were happening

22          so far as your sister was concerned; is that right?

23          A. **QKY** kept picking on my sister. Quarriers had

24          given the teenagers a clothing allowance and so they

25          could go and choose their own clothes and stuff like

1           that. And clearly my sister wanted to choose what she  
2           wanted to wear and other things, and she wanted to --  
3           the **QKR/QKY** tended to want the children in that  
4           cottage to do church-related activities, but my sister  
5           loved sport, loved that kind of thing, so she didn't  
6           want to do these other activities.

7           Anyway, it seemed to be building up over a period of  
8           weeks when I just arrived, or maybe a week or two after  
9           I arrived, and there were these arguments constantly  
10          with them and stuff. But it did appear to be around  
11          what she could wear, when she could go out, where she  
12          could go, and stuff like that. And then, obviously,  
13          that built up into a situation where there was an  
14          incident involving --

15         Q. Your sister?

16         A. Yes.

17         Q. I'll come to that then. Before I do so, maybe I can  
18          take some other things, if you don't mind.

19         A. No, no.

20         Q. Before you get to the incident in your statement, you  
21          tell us a bit about the routine in this cottage and I'd  
22          just like to take a few points there. I won't go  
23          through it in detail.

24                 One of the points you make is at paragraph 73 at  
25                 9053. You thought the food was generally good, I think

1 you say there, although there were things you didn't  
2 like. You say that the only issue for you so far as the  
3 food was concerned in cottage [REDACTED] when the [REDACTED] QKR/QKY were  
4 the house parents was if you didn't finish the meal,  
5 it would be re-served. Is that something that happened  
6 to you?

7 A. Yes. That happened quite a lot and again it was, in  
8 a sense, a similar situation from the [REDACTED] QDE/QDF You'd  
9 have to sit there until you ate it. It wasn't even  
10 reheated or anything, it was just re-served to you.

11 Q. Who was doing this in terms of re-serving it?

12 A. Generally, Mrs [REDACTED] QKR was responsible for, I suppose,  
13 the cooking arrangements.

14 Q. Was she in the kitchen some of the time?

15 A. She was in the kitchen some of the times with the  
16 aunties.

17 Q. Was she cooking or just supervising or do you know?

18 A. I think she was doing both.

19 Q. Would Mr [REDACTED] QKY be around at certain mealtimes to  
20 assist?

21 A. He would be around. He was around a lot in the cottage,  
22 even though he had this other job.

23 Q. [REDACTED]

24 [REDACTED]  
25 A. [REDACTED]

1 Q. [REDACTED]

2

3 A. [REDACTED]

4 Q. [REDACTED]

5

6 A. [REDACTED]

7 Q. [REDACTED] But he had responsibilities, you  
8 understood, that meant that he wasn't going to be  
9 spending all of his time in cottage [REDACTED]

10 A. Yes.

11 Q. [REDACTED]

12

13 A. [REDACTED]

14 Q. [REDACTED]

15 A. [REDACTED] he had, in a sense, two jobs: he was  
16 a house father but he had this other job as well.

17 Q. But you do say at paragraph 73 that -- and I think  
18 you're maybe describing something you saw rather than  
19 something that happened to you -- you saw [REDACTED] QKY  
20 force-feeding other children. I think you pick that  
21 point up in paragraph 77, and I can maybe take you to  
22 that one. It's at 9054. You give us a bit more  
23 information about that matter. Can you tell me about  
24 that?

25 A. Yes. I did see [REDACTED] QKY force-feeding other

1 children, including my sister, before she was taken out  
2 of Quarriers. I'll come on to -- we'll probably discuss  
3 the situation that arose when he tried to force-feed me  
4 in the kitchen at one time. But his idea -- or not his  
5 idea, he would grab you by the hair and the fork and he  
6 would be trying to shovel it into your mouth and it was  
7 all violent, it was just, you know, you couldn't resist  
8 it. He had the -- you're a child and he's got the force  
9 of an adult.

10 Q. And so he was grabbing a child, he was forcing food into  
11 their mouth using a fork, you said?

12 A. Yes, or whatever implement, whether it was a spoon.

13 Q. Depending on the type of food you were having?

14 A. Yes. It might have been these situations arose when  
15 a child didn't want to eat what they were given or  
16 a child was made to stay behind and try and eat the  
17 food, you know, it was re-served. So these incidents  
18 arose at various times.

19 Q. How often did you see that happen to other children,  
20 what you described?

21 A. I saw it happening quite a lot in my three years with  
22 the QKR/QKY. My sister also spoke about that

23 [REDACTED]  
24 [REDACTED]

25 Q. I just want your memory at the moment. You saw this

1           happening?

2       A.   Yes.

3       Q.   On a --

4       A.   They tried to force-feed me.

5       Q.   You saw it happen to other children in the way that

6           you've described?

7       A.   Yes.

8       Q.   Would it be Mr [REDACTED] QKY on these occasions?

9       A.   Yes.

10      Q.   [REDACTED] QKR, did she do these things?

11      A.   Not generally. I suppose she didn't have the strength

12           of a man.

13      Q.   So your memory is it would be [REDACTED] QKY

14      A.   Yes.

15      Q.   He was the person you have a memory of doing that?

16      A.   Yes. [REDACTED] QKR would re-serve the meals.

17      Q.   Re-serve them, that was her way of dealing with the

18           situation --

19      A.   Yes.

20      Q.   -- generally speaking?

21      A.   Yes.

22      Q.   But you did say, and I'd like to come back to that,

23           there was an attempt, as you put it, by [REDACTED] QKY to

24           force-feed you.

25      A.   Mm.

1 Q. Can you tell me, was that a single attempt, so far as  
2 you remember, that he tried to do it once --

3 A. I think ...

4 Q. -- or more than once?

5 A. No, I would say that was -- he probably tried to do it  
6 maybe once or twice.

7 Q. What did he try to do?

8 A. The same as I'm describing: grab my hair, get me to eat  
9 the food that I didn't want to eat. And as I've  
10 said, I generally thought the food was good in Quarriers.  
11 It was just some things.

12 Q. Would that explain why it only happened a few times in  
13 your case?

14 A. Yes, because I probably ate most food.

15 Q. If someone was more fussy or didn't like a lot of foods,  
16 it might happen to them more often?

17 A. Yes.

18 Q. Can I maybe go to what you mentioned as the incident  
19 involving your sister, which you touched on a moment  
20 ago.

21 I think, just for the benefit of the transcript, if  
22 I say you deal with this matter at 9054 beginning at  
23 paragraph 78 of your statement, where you introduce it  
24 by saying that the background was that there would be --  
25 you have a memory of arguments from time to time between

1 your sister and [REDACTED] QKY taking place, and that  
2 there was an occasion where you understand there was  
3 some form of confrontation.

4 Can you tell me about the incident that you describe  
5 in paragraph 78, and I think some of the following  
6 paragraphs, about your sister and [REDACTED] QKY

7 A. I was downstairs, probably in the playroom, and heard  
8 this rumpus and I heard raised voices and my sister and  
9 [REDACTED] QKY upstairs. Then I saw my sister running  
10 down the stairs with blood pouring out of her nose.  
11 Clearly, when I saw that, I was kind of thinking -- and  
12 she opened the front door, ran right out the cottage,  
13 and she ran all the way down to Holmlea, and then just  
14 went straight into Mortimer's office.

15 I have learned from my sister -- and my sister told  
16 the police, and I should probably say this, my sister,  
17 as you are aware, gave a police statement [REDACTED] --

18 Q. I've got it.

19 A. -- and described the incident to the police. Anyway,  
20 she ran down to the office where she was taken in and  
21 she came back out. They went back to the cottage, they  
22 went into the staff sitting room, the [REDACTED] QKR/QKY and  
23 them, and then my sister came out. Clearly, I'm hanging  
24 around because I want to know what's happened to my  
25 sister. Then my sister ran upstairs to the girls'

1 bedroom and I went up to see her. She told me --  
2 I don't want to swear here, but she told me, "The  
3 bastard's made me apologise to him", and, "Mortimer said  
4 that if I report it, [REDACTED] QKY could be gone in a week  
5 and it's a very serious thing to do".

6 Now, and I'm going to say this, for a care  
7 institution to put that decision in the hands of  
8 a child, by someone who's abused them and physically --  
9 that force, my sister told the police she wasn't sure  
10 her nose was broken and she didn't get any medical  
11 attention for it. For a care organisation to put that  
12 responsibility into the hands of a child of what should  
13 happen to that employee is a clear abdication of duty of  
14 care and responsibility.

15 Q. I think you make that point in your statement, David.  
16 Just so I'm clear just now, to help me with this. What  
17 you saw was your sister running down the stairs, her  
18 nose was bleeding heavily, she ran out of the door  
19 in the direction of Holmlea. Did you remain in the  
20 cottage?

21 A. No, I followed her.

22 Q. You followed her?

23 A. And I stayed out, I couldn't go in the office.

24 Q. But you followed her to Holmlea, so you knew she went  
25 in, but you weren't allowed in the office when she had

1           any discussion?

2       A.   No.

3       Q.   You later learned she had a discussion with Mr Mortimer.

4           She came back to the cottage and you followed them back.

5           When she came back, was she with someone?

6       A.   She was with Mortimer.

7       Q.   And they went back to the cottage together?

8       A.   Yes.

9       Q.   And then am I understanding correctly that within the

10          cottage, your sister and Mr Mortimer went into some room

11          where --

12       A.   Went into the staff room and had a discussion.

13       Q.   With whom?

14       A.   With **QKY**           And I think **QKR**           was

15          there as well.

16       Q.   You weren't allowed to be privy to this discussion?

17       A.   No.

18       Q.   You were outside in the cottage?

19       A.   Yes.

20       Q.   And your next involvement was when your sister came out

21          of the room, you went upstairs to her room and you went

22          up to see her?

23       A.   Yes.

24       Q.   And she reported or described to you what had been said?

25       A.   Yes.

- 1 Q. And how matters had been left?
- 2 A. Yes.
- 3 Q. And essentially it was left in her court to decide what  
4 she wanted to do about this matter against a background  
5 where she was -- what she was being told would happen or  
6 what were the choices she was being given?
- 7 A. From what I understand of the conversation, she was told  
8 it was a very serious -- I don't know if she was told  
9 that QKY could lose his job. I have to just check what  
10 she told me, to recollect, but there was something  
11 around that.
- 12 Q. I'll help you with that, David, before we break for  
13 lunch, I think. It's paragraph 114 at page 9063, where  
14 I think you deal with this matter and the detail of what  
15 happened, and basically what you understood had happened  
16 upstairs before she ran down was that your sister's face  
17 had been -- QKY had hit your sister's face off  
18 a sink --
- 19 A. Mm-hm.
- 20 Q. -- upstairs, and that caused her nose to bleed, she ran  
21 downstairs, and we know what happened next. Is this  
22 where you tell us what you understood, having spoken to  
23 your sister? I think you say that:
- 24 "She said that Mr Mortimer had told her if she made  
25 a report ..."

1 Do you see that at 114?

2 A. Yes.

3 Q. "... QKY will be gone and this was a very  
4 serious thing for her to do. Mr Mortimer had left her  
5 to think about it."

6 And this is where I think you make the comment  
7 you've just made to us in your oral evidence today about  
8 how you felt about her being left in that position at  
9 that time.

10 I think that's probably a convenient point.

11 LADY SMITH: Yes, it's after 1 o'clock, so we'll stop now  
12 for the lunch break, David, and start again at  
13 2 o'clock.

14 (1.06 pm)

15 (The lunch adjournment)

16 (2.00 pm)

17 LADY SMITH: David, don't worry, I don't expect you  
18 immediately to know your place in the file. We can  
19 direct you to any part that we need to look at.

20 Mr Peoples.

21 MR PEOPLES: Good afternoon, David.

22 When we stopped for the lunch break we had been  
23 discussing the incident involving your sister when she  
24 went to Mr Mortimer and what happened after that. So  
25 far as that incident is concerned, if we go to page 9055

1 of your statement, WIT.001.001.9055, I think that's  
2 really where we'd got to in your statement.

3 You tell us at paragraph 79 that about a week after  
4 that incident had taken place, you came back from school  
5 and your sister had gone [REDACTED] Did you get  
6 any explanation at the time why she had departed?

7 A. No. The explanation I got was: your sister's gone to  
8 college now and she's going to be staying outside the  
9 village. That was ...

10 Q. That was all that was said?

11 A. Yes.

12 Q. I think you mentioned something about being told  
13 something along the lines of that she had gone to  
14 college.

15 A. Yes.

16 Q. Was that maybe something that was said?

17 A. Yes.

18 LADY SMITH: I think David was just explaining that. You  
19 were told she'd gone to college; I suppose she'd have  
20 been about 16, would she?

21 A. Yes. She was thinking about becoming a secretary, she  
22 was quite interested in typing and things like that, so  
23 there was talk about her maybe going to a college at  
24 some stage. But, yes, I don't think she was ready to  
25 leave Quarriers.

1 MR PEOPLES: No. It really wasn't her decision to leave at  
2 that point?

3 A. No, she was removed from Quarriers after the complaint  
4 she made about [REDACTED] QKY [REDACTED] My understanding is that  
5 she was put into a hostel in Dennistoun.

6 Q. Indeed, I think you tell us that in paragraph 79, that  
7 that was something you found out some years later, that  
8 she had been moved to a hostel?

9 A. Yes. Can I just say this? What I found a bit strange  
10 was in my file, they say I've had visits from my sister,  
11 and they've written [REDACTED] QKZ [REDACTED] From that day my sister  
12 left, I never seen my sister in Quarriers in all the  
13 years that I was left in Quarriers.

14 Q. I was going to ask you that and you have just answered  
15 me.

16 A. Sorry.

17 Q. No, no, it's not a problem. From that day until you  
18 left Quarriers, you have no recollection of your sister  
19 coming or seeing her?

20 A. No, the next time I saw my sister was at the funeral of  
21 my oldest brother in London.

22 Q. Can you put an approximate date on it?

23 A. I think about 1979.

24 Q. So if she left --

25 A. 1973, perhaps ...

1 Q. Certainly before you left in 1974, she left, and you  
2 continued to stay there, and indeed you'll tell us about  
3 some things that happened. After that you didn't see  
4 her again until 1979?

5 A. At the funeral of my brother, my eldest brother, [REDACTED]

6 Q. You may have said this, so forgive me if I'm asking  
7 again, but she was left with this choice, effectively,  
8 what would she want to do about the matter she had  
9 reported to Mr Mortimer? And she recounted that to you  
10 and you've expressed certain observations on the  
11 position she was put in.

12 Do you know whether she turned the matter into  
13 a formal complaint or if she let it drop?

14 A. No, I ... I'm trying to think what she said in her  
15 police statement. I think you'd have to check in her  
16 police statement what she said.

17 Q. Okay. But [REDACTED] QKY [REDACTED] continued to work at  
18 Quarriers --

19 A. Yes.

20 Q. -- after your sister left?

21 A. Yes.

22 Q. And did so for some time and was still there when you  
23 left?

24 A. Yes.

25 Q. So whatever happened, he stayed on and nothing changed

1 on the face of things?

2 A. No.

3 Q. And the matter wasn't raised with you again --

4 A. No.

5 Q. -- to get your views on the matter --

6 A. No. There was nothing asked of me, there was no  
7 involvement of me --

8 Q. -- or what you said or what you saw?

9 A. As I said, to pacify me they said, "Oh, she's off to  
10 college now and she'll come and see you so don't worry  
11 too much about anything".

12 Q. [REDACTED] your sister has gone somewhere  
13 else, and you tell us about some of the other things  
14 that happened [REDACTED] and I would just like to ask  
15 you about those in the meantime.

16 At paragraph 80, you mention an occasion when you  
17 threw a vase. Can you tell us a little bit about that  
18 one, what you remember of that occasion and what  
19 happened?

20 A. I threw a vase. It was an accident, but I threw a vase.  
21 One of the girls was teasing me about something and  
22 I have since met the girl as an adult and she's said --  
23 I couldn't remember why I threw the vase, but she said,  
24 "I was teasing you about something and you just happened  
25 to throw this vase", and yes, it did hit her on the leg.

- 1 Q. On that occasion, you say:
- 2 "He came in like a raging bull."
- 3 The he is?
- 4 A. [REDACTED] QKY came in like a raging bull.
- 5 Q. What did he do next?
- 6 A. Because this girl used to kind of walk their child round
- 7 the village. She was still a resident, but she became
- 8 like the nanny of the little girl. So I think that was
- 9 why maybe I got the overreaction of what he did. But
- 10 he came in and he just -- and it was just a typical way
- 11 he acted anyway. He came in like a raging bull, grabbed
- 12 me by the hair and then he was punching me on any parts
- 13 of the body and then he took me down to the shed and
- 14 this continued, until you either submitted or -- you
- 15 couldn't fight back anyway, but it just was ... You
- 16 were kind of beaten into submission.
- 17 Q. So he would continue, if he took you to the shed and
- 18 beat you -- and this would happen more than once?
- 19 A. Yes, it happened a number of times.
- 20 Q. He continued to do so until you, as you say, submitted.
- 21 How would you display submission?
- 22 A. You'd be in tears, curled up in a ball and saying, "I'm
- 23 sorry, I won't let it happen again". You were trying to
- 24 defend yourself.
- 25 Q. You say also in paragraph 80 that -- when you say

1 beating, perhaps I should take that from you. What did  
2 they involve?

3 A. Punching you, physically -- you know, physical abuse,  
4 generally punching you. Pulling you by the hair,  
5 slapping you. He was just a very violent man when he  
6 lost his temper.

7 Q. On what parts of the body would he be punching you?

8 A. Anywhere. There was no ...

9 Q. So he was a man with a temper so far as you were  
10 concerned?

11 A. Yes, and he had a quick temper.

12 Q. What about [REDACTED] QKR what was her type of  
13 temperament?

14 A. [REDACTED] QKR used to rant and rave a lot. At the  
15 time, you know, you are a child and you don't kind of  
16 understand what's going on, so I don't really know, but  
17 she -- my sister, [REDACTED]  
18 [REDACTED] expressed similar  
19 words to what I'm telling you now. She just seemed to  
20 lose it for no reason at all.

21 You look back as an adult and you say to yourself,  
22 when was this happening -- and I don't know if there was  
23 a woman issue going on, once a month, where she  
24 expressed this behaviour or there was something else  
25 going on. It wasn't every day, but there would be

1 periods when this sort of outburst, which were quite  
2 extreme, the ranting and raving, and stuff would be ...  
3 You were quite a lot on edge.

4 Q. So can you describe her moods, as it were?

5 A. They were erratic. In those periods she would be very  
6 verbal, she would be looking for -- to see who did  
7 something wrong or she would overreact if something was  
8 done wrong. My sister describes a scene [REDACTED]  
9 where she pulled the drawers out and threw everything on  
10 to the beds, which is fine -- in that sense I don't have  
11 a major problem with that, but I just think, is that the  
12 way to deal with a child? So there were those types  
13 of --

14 Q. Have you heard the expression "nippy sweetie"?

15 A. No.

16 Q. I won't pursue that.

17 A. The problem is I don't live in Scotland any more --

18 Q. No, no, it's just an expression I think someone may have  
19 used in the evidence they gave to us to describe this  
20 person. Since you don't know the meaning of it, I think  
21 we'll leave that one.

22 LADY SMITH: I think it's particular to some parts of  
23 Scotland too, not widely used.

24 MR PEOPLES: I think it is, but we'll pass on.

25 Just going back to paragraph 80, you have told us

1 the types of beatings, and some of these beatings would  
2 occur in the shed, but I think you said they could occur  
3 elsewhere.

4 The beatings you have described, would these be  
5 beatings by [REDACTED] QKY not [REDACTED] QKR ?

6 A. Yes, by [REDACTED] QKY

7 Q. And you do say there were occasions where [REDACTED] QKY  
8 would beat with you a belt in paragraph 80.

9 A. Yes.

10 Q. I just want to know about that.

11 A. He disputes this. I was in the Boys' Brigade, [REDACTED]

12 [REDACTED]

13 [REDACTED] I was hit on  
14 occasions with a belt, which was a Boys' Brigade belt.

15 Q. Whose belt was it?

16 A. I presume it was -- actually, it could have been any of  
17 our belts. It could have been my belt, [REDACTED]

18 [REDACTED]. It could have been anyone who  
19 was in the Boys' Brigade because there were a number of  
20 us in the Boys' Brigade in that house.

21 Q. [REDACTED]

22 A. [REDACTED] Can I just put on the record, Mr Peoples, because  
23 there has been a sort of assertion that my mother beat  
24 me with that belt. None of us in Drumchapel were ever  
25 in the Boys' Brigade. None of us -- there was no such

1 belt in our house.

2 Q. And I think you said earlier today that -- you made very  
3 clear that although your mother neglected you, she never  
4 abused you physically or sexually.

5 A. She never abused me physically.

6 Q. You tell us at paragraph 81 that there were times when  
7 children were made to stand in a line in the playroom to  
8 be subjected to some form of interrogation by

9 QKY How often did that happen?

10 A. It happened quite a lot. Someone had done something and  
11 it's hard to recall what may have been done, but no one  
12 would own up to it, so what he would do is line us all  
13 up in the playroom until someone owned up to it. And  
14 even if the -- he would actually pick the person that he  
15 thought had done it. We're all standing there and  
16 no one's saying who's done this, and maybe one of the  
17 other kids said, "He done it, he done it", that kind of  
18 thing. But then he decided, that's the person who's  
19 done it, and it may not have been them.

20 So again, he would just, to enforce his violence and  
21 his power, grab the child -- it may not necessarily be  
22 me, it could have been someone else -- and he would drag  
23 them from the playroom down the corridor to the shed --  
24 when I say grab, he's grabbing their hair.

25 Q. Yes. You say "grab violently" in your statement, but

1           you mean grab them by the hair would be a typical way of  
2           doing that?

3           A. Yes.

4           Q. And in the shed, if you were the person who was grabbed,  
5           would you get a beating or would you get --

6           A. You'd probably get more punching and kicking or  
7           whatever.

8           Q. You have a memory of an occasion when you were having an  
9           argument with Mrs [REDACTED] QKR , [REDACTED] QKR , on the  
10          stairs in [REDACTED] and you tell us that she did  
11          something to you and you did something back. Can you  
12          tell us about that one?

13          A. Yes. I can't remember what it was about, but she kicked  
14          me and I kicked her back. Obviously, he was not in the  
15          cottage at the time. By this time, I think from what  
16          I recall, we were in bed. There was no such thing as  
17          the house parent coming up and saying -- coming to see  
18          you. They would scream from the bottom of the stairs,  
19          "David Whelan, come down here". That's probably one of  
20          the times where my second name was used.

21                 I probably got down half the stairs, he came up it,  
22          because I knew in a sense what was going to happen, and  
23          he dragged me and smacked me round the head and then  
24          just took me to the shed.

25          Q. I think as you said in your statement, maybe on that

1 occasion he sent you to your bed, but you think it was  
2 maybe the shed?

3 A. I would have been sent back to my bed.

4 Q. Ultimately?

5 A. Yes, but I would have been sent to the shed because that  
6 was where you were sent if you had got into trouble.

7 Q. So when you were dragged down the stairs and smacked  
8 round the head, would that have occurred in the shed?

9 A. Part of it would have happened on the stairway and part  
10 of it would have been just going through the house.

11 Q. So it was a sort of continuous process?

12 A. Yes, continuous.

13 Q. You say that there were times when you said to him,  
14 that's [REDACTED] QKY [REDACTED], that you were going to report him  
15 for the things he was doing. What was his response to  
16 that?

17 A. Well, he threatened me that I would be sent to  
18 a borstal -- and this was after [REDACTED] QKZ [REDACTED] had been taken  
19 away out of Quarriers. He would say to me things like,  
20 "Remember what happened to your sister", which  
21 I couldn't quite understand because I was thinking --  
22 because I knew they had had that row before that, where  
23 he had hit her head off the sink and everything and  
24 battered her nose off the sink and stuff.

25 But then I was thinking, they told me she had gone

1 to college, so I was thinking, well, that doesn't seem  
2 to add up, but there were threats of that nature, that  
3 he could do whatever he wanted, and he could determine  
4 your life in whatever way he wanted.

5 Q. These threats he was making where you might end up,  
6 at the time, as a child, did you take them seriously?

7 A. Of course you did because children in care, Mr Peoples,  
8 understand that there's worse places where you can go.  
9 For us, Quarriers may not have seemed like the worst  
10 place at the time.

11 Q. So far as the occasion when you were kicked by  
12 QKR and you kicked her back, and you have  
13 told us what happened thereafter, at some point in the  
14 evening you then went back to bed and, on page 9056 of  
15 paragraph 82, you tell us what state you were in when  
16 you got back to bed. Can you tell me a little bit about  
17 that?

18 A. I went back to bed and I had an excruciating pain in my  
19 ears. I came down the stairs a few times and knocked to  
20 the staff door. I said, look, I've got terrible pain in  
21 my ears, I think I need to go to see the doctor or the  
22 hospital. And I was just told, get back to bed, get  
23 back to get, there's nothing wrong with you, just get  
24 back to bed. Maybe three or four times. And during the  
25 night my ear burst, or something happened, but there was

1 blood all over my pillow in the morning. It's the most  
2 excruciating pain I've ever had, even as an adult. It's  
3 the most excruciating pain I ever had. I never got any  
4 medical attention for it.

5 I did have -- or the records said that I had  
6 perforated eardrums when I went into Quarriers.

7 Q. But that wouldn't have caused necessarily this type of  
8 injury?

9 A. No.

10 Q. On this occasion, after the beating that you described,  
11 you were in your bed and you were in this excruciating  
12 pain and there was blood coming from your ear or the  
13 region from within your ear?

14 A. Yes.

15 Q. Who was it that told you to go back to bed?

16 A. Both of them.

17 Q. So you spoke to both of them.

18 A. Yes.

19 Q. Where did you go to speak to them?

20 A. The staff room. I knocked on the door and ...

21 Q. You tell us at paragraph 83 that it wasn't just you that  
22 was physically abused by QKY you saw other  
23 children being physically abused by him. What did you  
24 see?

25 A. I saw him doing the same things as he was doing to me.

1 The same sort of force-feeding, the punching, the  
2 physical -- as I said, sometimes when you were in that  
3 line, it wouldn't necessarily be me that would have got  
4 the blame of something. So you saw all this.

5 And also, my sister also said -- [REDACTED]

6 [REDACTED]  
7 [REDACTED]

8 Q. [REDACTED]

9 [REDACTED]

10 A. [REDACTED]

11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 Q. [REDACTED]

15 A. But I just want to -- because you're asking me about

16 other children, [REDACTED] because

17 I think it's important from my own perspective. These

18 are my sister's words and I know I've given you

19 additional evidence where my sister has written about

20 some stuff, but I just want to read this:

21 "I agreed to [REDACTED] tell

22 the truth of my experiences in Quarriers, not to defend

23 [REDACTED] QKY

24 I saw this man pulling kids around and

25 putting me and other kids into an outhouse in freezing

weather for hours on end. He wasn't a good man, he was

1 a violent man, and he's a liar. If you didn't eat your  
2 food, you'd be forced to do so by him, pushing it down  
3 your throat. If you didn't do what he wanted, then it  
4 was violence. If you didn't submit to what he wanted,  
5 then you'd get a slap."



6  
7  
8 Q. Is there anything in those words that you disagree with?

9 A. No.

10 Q. And did you see all of these things?

11 A. I saw all those things happening.

12 Q. You have a section in your written statement that's more  
13 focused on QKR and I would like to ask you  
14 about her. Just to get an understanding of what your  
15 particular complaint about QKR is, I think  
16 you summarise it in paragraph 84 at 9056, that  
17 essentially you felt that she, during the time that you  
18 were in her care, neglected you and wilfully mistreated  
19 you.

20 A. Yes.

21 Q. You mentioned how she treated another child with  
22 a walking problem, who I think you tell us was refused  
23 medical attention. Did you see that?

24 A. I saw, that yes. This child needed medical attention.

25 Q. And do you say she didn't get it?

1           A. The girl had a long-term medical condition and she was  
2           refused a number of times when she needed to go either  
3           up to the Elise Hospital or maybe she needed more  
4           specialist care, I don't know. But she certainly was  
5           not encouraged to get the problem seen to.

6           Q. I think you've said, and told us in fact, about this  
7           other occasion that you have in mind that you were  
8           refused medical attention in relation to the ear, your  
9           ear injury that you told us about a short time ago.

10                    You mention another problem that you had of chapped,  
11           cracked and bleeding lips due to licking your lips  
12           frequently, and you tell us you asked for something to  
13           treat it. Who did you ask?

14           A. I asked           QKR          .

15           Q. What was her response?

16           A. I don't even know if I got a response, but I certainly  
17           never got anything for it.

18                    I had a terrible habit as a child, and my lips,  
19           constantly licking or whatever, but the top of my lip  
20           and everything became -- it was like weather-beaten, and  
21           eventually it would crack. I would ask for some cream  
22           or something to treat it, because it was quite painful,  
23           and it was just getting worse.

24           Q. Did she provide you with anything?

25           A. No.

- 1 Q. This was a problem that you had. It wasn't just  
2 a single occasion?
- 3 A. No, this was an ongoing -- it was just something that  
4 I suppose I had a habit of -- I don't know what. It was  
5 just something I kind of had constantly.
- 6 Q. She didn't do anything to get treatment for you for this  
7 problem?
- 8 A. No.
- 9 Q. You say that, in particular, the mistreatment that you  
10 particularly recall is the way that she dealt with what  
11 you call food issues. You deal with that at  
12 paragraph 85 of your statement. I just want to be clear  
13 what the mistreatment was by [REDACTED] QKR [REDACTED]. What was  
14 the mistreatment?
- 15 A. The mistreatment was by [REDACTED] QKR [REDACTED] was re-serving  
16 meals that hadn't been, you know, reheated or meals that  
17 had already been served up. So the mistreatment would  
18 be trying to get you to eat those meals that you hadn't  
19 finished. They weren't reheated and they were just  
20 re-served.
- 21 Q. Then you mention a particular occasion in paragraph 85  
22 when you were served up with gammon and pineapple. Tell  
23 me what you remember about that occasion.
- 24 A. As I said earlier, I thought the food was good in  
25 Quarriers, so I had no issues with it; it was just

1 a couple of things I might not like. I didn't like the  
2 pineapple, but I was made to sit at this table for hours  
3 on end to look at this pineapple and just ... And  
4 during all that time, she was baiting me, she was making  
5 nasty comments, she was making nasty comments about why  
6 I was in care, she was making other nasty comments about  
7 my mother, "Your mother never wanted you, you'll never  
8 do any good", it was all that kind of thing.

9 Then I actually believe [REDACTED] QKY [REDACTED] tried to  
10 force-feed me to eat the pineapple, and I exploded,  
11 I ... I threw my plate across the kitchen. I reacted.

12 Q. So that was one of the occasions -- I think you said  
13 this morning, if I recall, that there were occasions  
14 when he tried to force-feed you although it was more you  
15 saw others being treated that way?

16 A. Yes.

17 Q. You can remember one occasion when he tried to do this  
18 and you reacted by throwing your plate across the  
19 kitchen?

20 A. Yes.

21 Q. I suppose if you hadn't liked something and you hadn't  
22 been asked to eat it, would you have reacted in this  
23 way?

24 A. Sorry, can you repeat that?

25 Q. You reacted this way because you were being force-fed.

1           You wouldn't have thrown the plate away because you  
2           didn't like the food and smashed --  
3       A. I reacted that way because I'd been made to sit for  
4           hours, I was being baited all the time and nasty  
5           comments being said and in addition the final straw was  
6           trying to make me -- force-feed me to eat it.

7       Q. In that paragraph of your statement you add at the end  
8           that:

9           "There were instances of physical abuse by  
10          ██████████ QKR ██████████ and when ██████████ QKY ██████████ was not there she  
11          would put me in the shed."

12          There were times when ██████████ QKR ██████████ would put you  
13          in the shed?

14       A. Yes.

15       Q. Were there times when she put other children in the  
16          shed?

17       A. Yes.

18       Q. When she put in you shed, what would happen when she  
19          took you there?

20       A. She would just tell you to wait there: "You'll wait  
21          there" --

22       Q. She didn't do the things that ██████████ QKY ██████████ did?

23       A. No. She normally just said, "You'll wait there until  
24          Uncle ██████████ QKY ██████████ comes home".

25       Q. But you say there were instances of physical abuse. In

1 relation to [REDACTED] QKR what do you mean --

2 A. She probably slapped you.

3 Q. But that was the type of abuse you have in mind there?

4 A. Yes, but I kind of saw that as normal.

5 Q. Well, it was normal in comparison to --

6 A. To what previously had gone on, maybe. I don't know

7 what was going on.

8 Q. -- what [REDACTED] QKY would do.

9 A. Mm.

10 Q. Looking back, do you have any views about whether the  
11 slap was something that -- well, it's just something  
12 that people got this these days or do you think it was  
13 worse than that? Because you said sometimes you would  
14 report things if you thought it went beyond reasonable  
15 chastisement. I'm just trying to find out which side of  
16 the line this is.

17 A. The problem is it becomes so normalised that you think  
18 it's okay and it's acceptable. So the level of  
19 punishment, you're not sure. I think when it became  
20 extreme, that's when we ran to the office or went to the  
21 office.

22 Can I just say something about [REDACTED] QKR  
23 I was sent -- I gave this email to my legal team. I was  
24 sent an unsolicited email by a former resident in  
25 April 2007. This is what it says:

1           "[He] witnessed [REDACTED] QKR [REDACTED] being abusive to a  
2 girl resident with when [he] was visiting a resident of  
3 the cottage."

4           Another former resident, who was a resident in that  
5 cottage, [REDACTED]  
6 [REDACTED] was visiting that resident, and  
7 another -- because they were visiting another former  
8 resident who was staying overnight in the cottage.

9           So this is a resident from another cottage, years  
10 after, in 2007, an unsolicited email to me, describing  
11 an incident involving [REDACTED] QKR [REDACTED] And I'm happy for  
12 Mr Gale to provide that, that correspondence.

13 Q. Just to help me, the information you got at that time  
14 from this former resident, who was not in cottage [REDACTED]

15 A. No.

16 Q. -- but had been to cottage [REDACTED]

17 A. Visiting someone.

18 Q. When [REDACTED] QKR [REDACTED] was the house parent?

19 A. Yes.

20 Q. What did this --

21 A. He witnessed [REDACTED] QKR [REDACTED] -- when he was visiting  
22 a resident of cottage [REDACTED] he witnessed [REDACTED] QKR [REDACTED]  
23 being abusive to a girl resident and they ran like hell,  
24 basically. I think that's what he says.

25 Q. He doesn't explain precisely what form the abuse took?

- 1 A. No.
- 2 Q. But the reaction of the person being abused was to run  
3 like hell?
- 4 A. Yes -- no, the people witnessing it, they ran like hell.
- 5 Q. Oh, they ran like hell?
- 6 A. Yes.
- 7 Q. He doesn't give you any detail of the --
- 8 A. I would have to check the email.
- 9 Q. This is one that sees the need to write to you and tell  
10 you of something that they saw, significant enough to  
11 send you an email in 2007 about it?
- 12 A. An unsolicited e-mail, yes.
- 13 Q. At paragraph 86 on page 9057, you've mentioned  
14 QKR at the meal table, she would say some  
15 hurtful things to you, but you say that she was  
16 constantly saying certain hurtful things to your sister.  
17 Is that something you heard her say?
- 18 A. Yes. She used to say to my sister, "Your mother never  
19 wanted you, you'll end up in care" -- no, "Your kids  
20 will end up in care just like yourselves, with no  
21 mother". And this was constantly kind of reinforced for  
22 that short time that I was with my sister in that  
23 cottage.
- 24 Q. Before I move on to a different form of abuse, David,  
25 there are a couple of things I want to -- a couple of

1 documents I want to show to you.

2 The first is some photographs. First of all, these  
3 are photographs that have been provided by Quarriers,  
4 which I think were taken some time after 2000. But the  
5 purpose of providing them was to give us some indication  
6 of what these sheds were like.

7 So if I show the photographs -- don't assume that  
8 they're necessarily cottage [REDACTED] or that they were the  
9 sheds as they appeared in the days that you were there.  
10 It's just to help us get an idea of what these sheds, as  
11 they've been described, looked like. That's why they  
12 were provided to us.

13 I think at this stage I would just put these up on  
14 the screen. You might or you might not recognise them,  
15 I don't know. If you do, just say so.

16 The reference is QAR.001.007.7291. That's the first  
17 photograph we have. I think that bears to show  
18 a single-storey extension out from the back of one of  
19 the cottages at Quarrier's Village. I think we see what  
20 a cottage is like, it's quite a large Victorian stone  
21 building, and I think that cottage looks as if it's  
22 mainly stone with some windows and a tiled roof.

23 A. Yes.

24 LADY SMITH: That shed looks as though it's stone.

25 A. Yes, it does.

1 MR PEOPLES: That particular example seems to be in stone.

2 Now, I don't know, does that --

3 A. It doesn't ...

4 Q. It doesn't bring any memories?

5 A. No. The sheds I'm thinking of may have had a slate

6 roof, but there were windows round them and then there

7 was stone.

8 Q. Maybe we could look at another photograph in this group

9 that we've been given. I'm not sure.

10 LADY SMITH: Yes, I think Mr [REDACTED] is able to run them.

11 MR PEOPLES: 7292. That's another example, we're told, of

12 a shed. That's a bit different to the one we've just

13 looked at with more windows, I think.

14 A. That looks more like ...

15 Q. That's the type of shed you remember?

16 A. Yes.

17 Q. And again, I think that's taken from the back of the

18 property and gives some indication that, although it may

19 have changed from the times that you were there, because

20 I think it looks like there's some sort of chimney

21 that's been added or something on the right.

22 A. There's heating now.

23 LADY SMITH: I was wondering. That looks like the sort of

24 chimney that --

25 MR PEOPLES: It doesn't look like it was there in 1970.

- 1                   Is that more --
- 2       A.   Yes, because the windows would come down to a certain  
3           level.
- 4       Q.   It's probably my age, but I'm finding it difficult to  
5           see what is beside the window, what type of material the  
6           walls are made of.
- 7       A.   Generally stone walls, and then the windows were  
8           obviously wooden frames.
- 9       Q.   Would that look more like the sort of shed that you've  
10          described to us?
- 11      A.   Yes.
- 12      Q.   And I think we have another couple of photographs that  
13          I'll just show you while we've got them.   Maybe 7293.  
14          There's another one, which, again it's difficult to see  
15          whether it has been improved and changed, but does that  
16          again --
- 17      A.   I think that accords with the kind of description I'm  
18          trying to give you.
- 19      Q.   That would give an impression of the sort of shed or  
20          room or cloakroom, whatever you want to call it?
- 21      LADY SMITH:   It's a sort of outbuilding, isn't it?
- 22      A.   That's what it was, my Lady.
- 23      MR PEOPLES:   Finally I think we've got a further photograph  
24          that we can show at 7294.   That, we're told, is the  
25          inside of a shed, if you like, of one of these

1 buildings. Obviously, if it was taken post-2000, so  
2 don't pay too much attention to the contents. But  
3 I think it's meant to illustrate what the inside might  
4 have looked like if you can imagine it without some of  
5 the contents.

6 A. Yes.

7 Q. Does that help you?

8 A. Yes, because the door on the left, what I'm looking at,  
9 where you're flicking up and down, that would take you  
10 into the cottage. Okay, I think --

11 Q. Is there another door to the right of that?

12 A. I don't recognise that. I'm thinking the next room may  
13 have been a toilet at one point. I'm not 100% sure.

14 Q. That's fine. I'm told actually there's one more  
15 photograph, so I'll just put it up in front of you.  
16 7295. That again is the inside of one of these  
17 buildings that we've been looking at. It may be one of  
18 the ones we've looked at earlier. It shows, I think,  
19 the inside of the large windows or pane windows that  
20 were on one side of the building. Again, I think you  
21 can ignore the contents because clearly it wasn't as it  
22 looked in 1971 or 1972 or thereabouts.

23 Again, does that accord with the type of building?

24 A. Yes.

25 Q. That you called the shed?

1 A. Yes. They were attached to the houses.

2 Q. And there was a door from the shed, as you call it, to  
3 the main building?

4 A. Yes.

5 Q. I think we can now maybe look at one other document  
6 before I move on.

7 A.

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16 Q.

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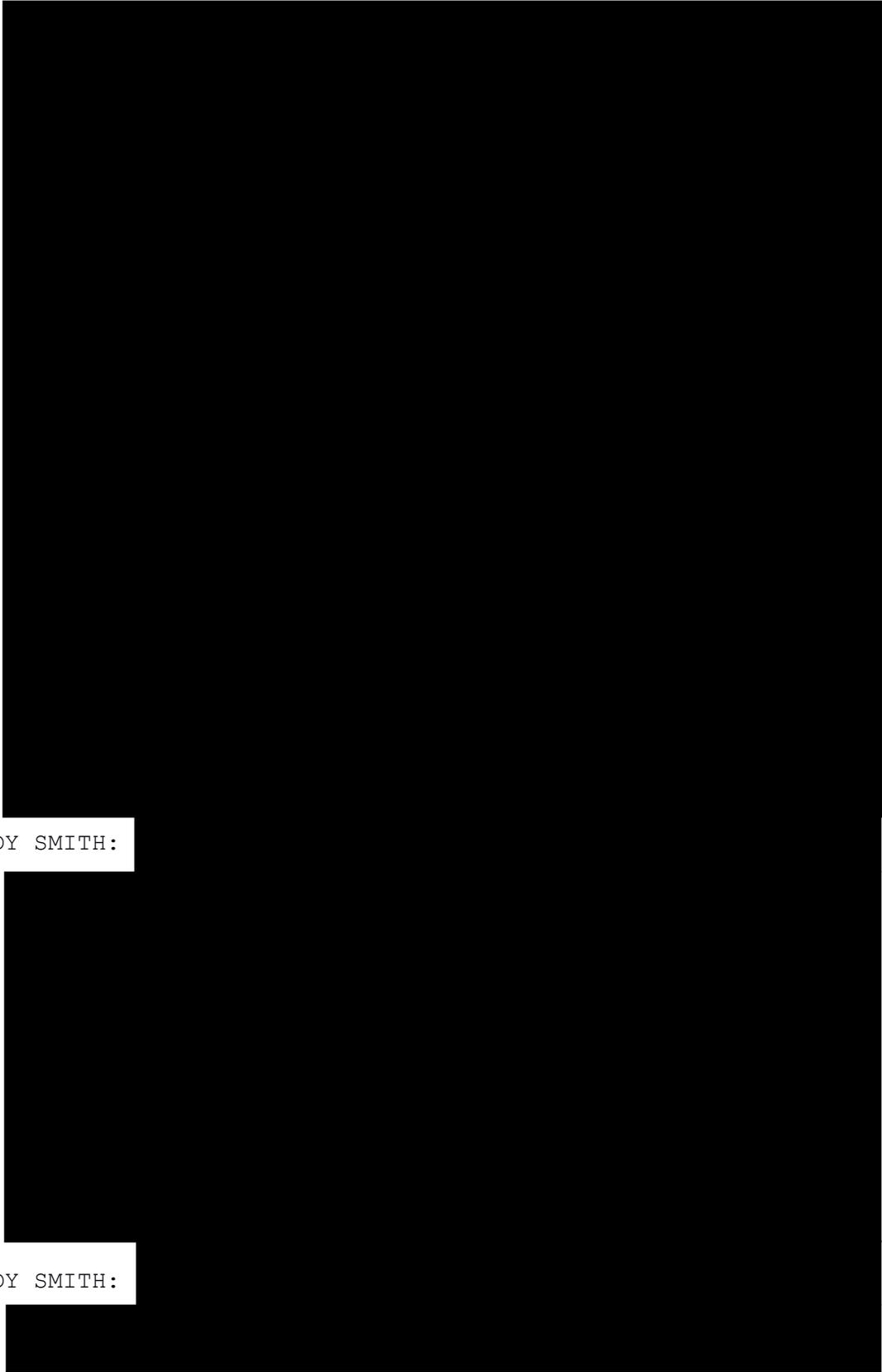
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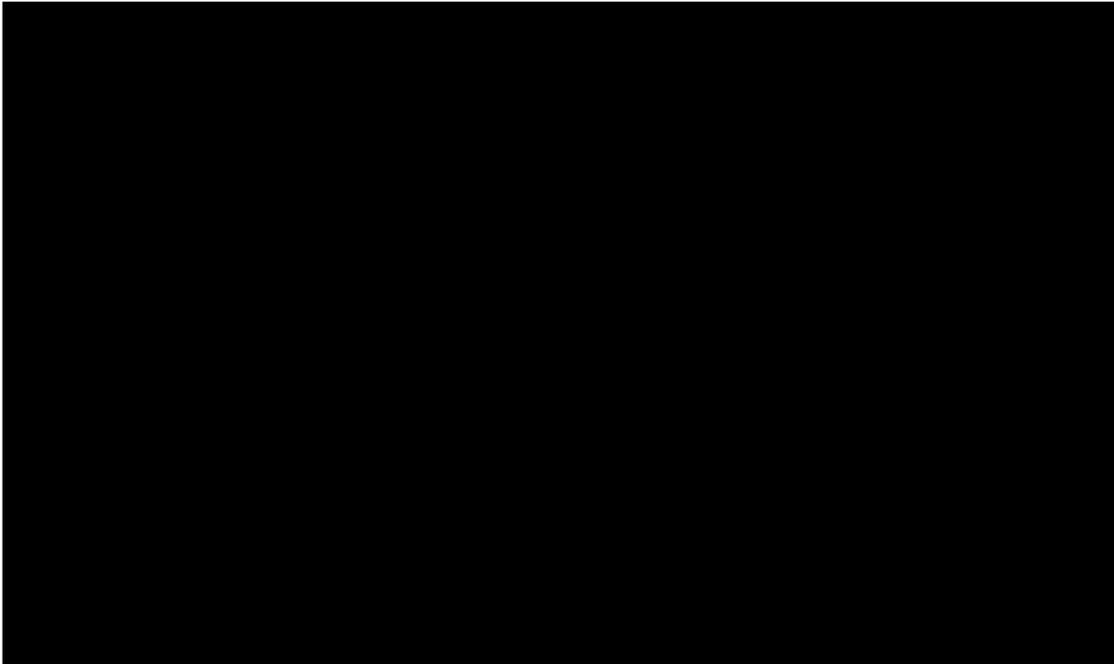
LADY SMITH:

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LADY SMITH:



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And the

third type is what I would call the sexual abuse charges, all of which related to John Porteous and some of which concerned you in terms of being the complainer.

A. Okay, thank you.

Q. At the end of the day, one of those charges that related to you was -- two of the charges that related to you were found proven, charge 14 and charge 15 on the indictment. They were both guilty verdicts against John Porteous, but on appeal, for legal reasons, because

1 of the charge that was libelled, not because of what was  
2 said in evidence, charge 15 was quashed on appeal,  
3 leaving only charge 14 standing.

4 Can I say, charges 14 and 15 are similar in terms of  
5 what was -- the facts that were libelled, they just  
6 related to different periods when you were in care and  
7 it was because of the particular charge that the Crown  
8 moved for, that the conviction was quashed.

9 LADY SMITH: Yes. We've referred already, David, to the  
10 trial being in 2002 and the charges that were quashed on  
11 appeal, as we say, were quashed the following -- two  
12 years later in 2004. In the intervening period, in  
13 2003, a very significant case had been heard in the  
14 Criminal Appeal Court. It was called Webster v Dominic,  
15 where there was very detailed examination and discussion  
16 over whether a crime which had previously been called  
17 "shamelessly indecent conduct" actually was a crime in  
18 Scots law. Ultimately, the decision was it wasn't and  
19 that was why, when the appeal came forward in 2004, the  
20 Appeal Court had no alternative but to say, yes, these  
21 convictions can't stand because it's now been  
22 established that that crime doesn't exist.

23 It was the timescale. Your trial was 2002, the  
24 Appeal Court decision was 2003, and then the appeal of  
25 John Porteous was 2004. It wasn't that it was wrong in

1           2002 as a matter of law to have charged those charges as  
2           being shamelessly indecent conduct. I don't know if  
3           anybody explained that to you at the time.

4           A. I think Mr McCrory at the Appeal Unit --

5           LADY SMITH: From the Crown Office?

6           A. Yes, from the Crown Office. He was really helpful,  
7           my Lady. But that also is a helpful explanation,  
8           thank you.

9           MR PEOPLES: The only other thing I would add to that  
10           explanation is that what we can say, David, is that  
11           in relation to charge 15 that was quashed, which was  
12           similar in its factual narrative to charge 14 that  
13           remained in place, is that clearly the jury accepted  
14           that the conduct libelled in charge 15 had occurred  
15           beyond reasonable doubt, but as a matter of law the  
16           conviction was quashed.

17          LADY SMITH: Yes.

18          MR PEOPLES: So if that helps you to understand, the jury  
19           accepted the evidence that supported that charge that  
20           you gave and they applied the criminal standard of  
21           proof. But for legal reasons, as her Ladyship has  
22           explained, because of a change in the law between the  
23           date of the charge and the conviction, the actual  
24           conviction itself did not stand. I hope that gives some  
25           explanation to you.

1 A. Yes, that's helpful, thank you very much.

2 Q. With that explanation, David, can I ask you to look at  
3 one more document before we look at the final chapter of  
4 your time in Quarriers and the matter of John Porteous  
5 and the other form of abuse that you tell us about.

6 You mentioned a number of times during the course of  
7 your evidence today that your late sister, [REDACTED] [REDACTED]  
8 provided or gave a statement to the police in 2002 [REDACTED]  
9 [REDACTED] [REDACTED] QKR/QKY You've in fact  
10 provided the inquiry with a copy of that statement, so  
11 I'm able obviously to use it today. I would like to  
12 briefly look at it. It is not your statement, but your  
13 sister is not here to tell us about it.

14 The statement is at WIT.003.001.8068.

15 David, I'm not going to look at the whole statement.  
16 We have it to consider, but there are parts of it I'd  
17 like to simply bring out for the purposes of the  
18 proceedings today.

19 If we look at page 8069 of your sister's police  
20 statement, about one third of the way down, the  
21 statement records your sister saying:

22 "I do remember one of the punishments I got was  
23 being made to stand in the big shed at the back of the  
24 cottage."

25 And this is cottage [REDACTED] when [REDACTED] [REDACTED] QKR/QKY [REDACTED]

1 were house parents:

2 "I got this punishment a few times. I would be  
3 there for a few hours and on one occasion I ran away  
4 after it. QKY always seemed to dish out the  
5 punishments in the cottage."

6 She goes on to say about two thirds of the way down:

7 "I can remember being sent home from school when  
8 I was about 13. I used to be bothered a lot with my  
9 tonsils. I went back to my bed in the dormitory. QKR  
10 came in and told me to tidy my drawers in the chest of  
11 drawers. I told her there was nothing wrong with them.  
12 QKR then pulled out all of the drawers, four or five  
13 of them, and emptied all my clothes out on to the floor  
14 and again told me to tidy them up."

15 Then towards the end of that page, 8069, three lines  
16 from the bottom, she mentions something else that  
17 happened when she was about 14. She says this -- she  
18 told this to the police:

19 "When I was about 14, QKR never gave me a talk  
20 about my body changing or having my period, but I had  
21 been out on a pushbike and I started bleeding. I went  
22 in and put some tissues on my private parts, but after  
23 a few hours I was still bleeding, so I asked QKR for  
24 a plaster. She asked me where I was cut and I pointed  
25 to my private parts. QKR then announced to all of the

1 other children that I had taken my period. I felt  
2 really embarrassed. I think she did this to belittle  
3 me."

4 Then she goes on to deal with a matter that you told  
5 us about earlier, that you did have an involvement in,  
6 which is the incident with [REDACTED] QKY and your sister  
7 going to Holmlea to see Mr Mortimer. She says this in  
8 her statement given in 2002:

9 "When I was saying I had an argument with  
10 [REDACTED] QKY in the bathroom upstairs, I was in the  
11 bathroom and [REDACTED] QKY came in and told me to get washed.  
12 I told him, 'I'm not now' [I think it just means 'I'm  
13 not going to do that now']. He told me, 'Wash right  
14 now'. He had filled the sink with water. I was  
15 standing at the sink, bending over to start washing my  
16 face, when he pushed the back of my head down and  
17 I battered the bridge of my nose off of the rim of the  
18 sink. My nose started bleeding and there was a lot of  
19 pain in my nose. I said to him, 'That's out of order  
20 and you're in the wrong'. I ran out the cottage and  
21 went straight to Mr Mortimer, who was the superintendent  
22 of Quarriers.

23 "I told him what had happened. He told me I could  
24 report it but he gave me a week to think about it. He  
25 said [REDACTED] QKY could be sacked for it. I told him I didn't

1 want to stay in that cottage any more. When I went back  
2 a week later, I told him I didn't want to take it any  
3 further. Within about three days after that, I was  
4 moved to a Salvation Army hostel in Dennistoun in  
5 Glasgow. After that, my eyes were bruised and my nose  
6 was bruised too. I didn't get any hospital treatment  
7 for it, so I don't know if my nose was broken. After  
8 moving to the hostel, I didn't go back to Quarriers  
9 after that."

10 I think that's all that I would take from this  
11 statement that your sister gave at the time.

12 David, I'm moving to another chapter and I think you  
13 know where we're going next. It's on page 9057. In  
14 this chapter of your statement, you tell us about sexual  
15 abuse by John Porteous.

16 If I could just introduce this, David, by saying  
17 a couple of things. First of all, to be absolutely  
18 clear, you tell us in your statement, and before we go  
19 into any kind of detail about this matter, if you're  
20 able to give us it, the sexual abuse by John Porteous  
21 that you tell us about in your statement was not  
22 something that you reported during your time in care;  
23 is that correct?

24 A. I didn't report it.

25 Q. What you do say in your statement, and we can look at

1 this if you feel able to do so, is that it started  
2 almost immediately after your sister, QKZ left  
3 [REDACTED] I think, again, before looking at any  
4 detail, you describe in your statement in some detail  
5 the nature of the abuse that took place, where it took  
6 place, how often it took place, and you also describe  
7 how it came about in one sense that you describe  
8 a situation where you consider you were being groomed by  
9 John Porteous.

10 You say that the abuse happened multiple times over  
11 a three-year period in various locations within  
12 Quarrier's Village, and I think you say it started in  
13 a bathroom in [REDACTED] but it also occurred in [REDACTED]  
14 staff sitting room [REDACTED]  
15 [REDACTED] and [REDACTED] staff bedroom [REDACTED] as well.

16 Indeed, you go on to say that, subsequently, there were  
17 also instances of abuse occurring on a Sunday before  
18 church services in Mount Zion church in the bell tower  
19 there. Does that fairly summarise the general picture?

20 A. Yes, that's correct, yes.

21 Q. Before I go on, David, can I also say this, that so far  
22 as John Porteous is concerned, we've already said just  
23 a few moments ago that the jury in the trial found  
24 John Porteous guilty on charges 14 and 15 of the  
25 indictment. As I've said, they both narrate the same

1 facts on which the charges were based.

2 If I can just say that so far as charge 14, which is  
3 the charge that remained standing after the appeal, that  
4 charge was one where John Porteous was accused and found  
5 guilty of using lewd, indecent and libidinous practices  
6 and behaviour towards you on various occasions at  
7 Quarrier's Village. When it came to the specification  
8 of what he did and what the jury found proved, it was  
9 that he handled your private parts, he masturbated you  
10 to the emission of semen, and he attempted to induce you  
11 to handle his, that's John Porteous', private parts.

12 So that was what the jury found beyond reasonable  
13 doubt John Porteous had done, and they found it  
14 in relation to both charge 14 and charge 15, and the  
15 period covered by those charges was from  
16 27 September 1969 through to 1 January 1975.

17 That is done, for legal reasons, to give the general  
18 period, but they were both charges which said that this  
19 conduct occurred on various occasions within  
20 Quarrier's Village. Does that accord with your  
21 understanding of what the jury accepted --

22 A. Yes.

23 Q. -- at the trial?

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[REDACTED]

So the grooming -- what I was about to say, my Lady, was John Porteous groomed and sexualised me. He abused me in every way, [REDACTED]

The sexual abuse happened over a three-year period in multiple locations at multiple times. I believe he started to groom me first because I know -- and Mr Peoples is right, the bathroom part is the first part of it.

But he would take me to the toy store in Quarriers, which I understand was the old fire station, my Lady. It was where all the donated toys were that people had donated to Quarriers -- bicycles, all that sort of stuff.

He had keys for everywhere he wanted to go. He had access to everything where he wanted to go. I went there and there were bags of all of this stuff, and as a child you think, oh, the adult's saying to you, you

1 can have this, you can have that.

2 (Pause)

3 You know, my Lady ...

4 LADY SMITH: David, as you've already said, you were  
5 a child.

6 A. But my Lady, I didn't understand -- I thought ... I'd  
7 never had love in my life and I thought this attention  
8 was what I was getting, I thought I was being cared for,  
9 I thought I was being treated right, until the point --  
10 and even ... I'll explain that as I talk about it  
11 because it is difficult.

12 Everybody who knows me knows that I've never spoken  
13 about what happened to me; I've only spoken in the  
14 court. As anybody who's read my book knows, I didn't go  
15 into the details of the sexual abuse, but what I've done  
16 for this inquiry is actually explained in greater detail  
17 how he was able to do it and what he did.

18 So he would take me to the toy store and give me  
19 toys. I believe he gave me a bike and at one point  
20 I got a tennis racket because I loved tennis -- even  
21 then I used to like watching tennis and things like  
22 that. Then it progressed [REDACTED]

23 [REDACTED] He even got me a pet  
24 rabbit -- [REDACTED]

25 [REDACTED] and it

1 had a little hutch and stuff like that.

2 I think what he did, my Lady, was he gained my  
3 confidence and he gained my trust and he groomed me.  
4 And I did feel special. I felt wanted. That was how it  
5 started. I don't even think, my Lady, I was mature  
6 enough at that point in time to have an erection,  
7 I don't even know if I had pubic hair at that point in  
8 time because it just happened.

9 So I used to ... Then I was asked ... Then he  
10 started coming down to the bathroom, so I came -- when  
11 I was able to have a bath on my own and he would come to  
12 the bathroom and he would demand to be let in.

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16 [REDACTED] There was no other adults in the  
17 house when he was doing this. He started ... You know,  
18 he would say, "You're not clean". He would knock on the  
19 door, he would want in. You would try and resist it.  
20 I would get out of the bath so quickly sometimes I would  
21 scrape my legs on the side of the bath. I would grab  
22 the dressing gown or something, try and cover myself up.

23 He would say, "Right, you're not clean enough, get  
24 back in there". Then he would start to lather my body,  
25 wash my body, start playing with my anus and start

1 cleaning it and things.

2 I don't even think I'd reached puberty, my Lady,  
3 when it started. Because I was quite immature for my  
4 age and maybe underdeveloped to a degree. He was  
5 sexualising me, he was getting me ready for whatever he  
6 wanted me to do. This progressed to where I was  
7 maturing, my body was reacting, and I had an erection.

8 The first time I ever had an orgasm, [REDACTED]  
9 [REDACTED] I think it was just done in such  
10 a hurry -- when I look back, I think that maybe he was  
11 worried he would get caught. But it was very rough.

12 This sounds a bit funny, but my penis swelled up  
13 afterwards and I was worried -- and I kept checking it,  
14 I went to school, and I was checking it and thinking it  
15 was going to drop off.

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19 A. Yes. Things progressed and he would always get me on my  
20 own, but it's ... You know, there was the warped  
21 kindness wrapped in amongst all of that, the grooming,  
22 the special treats, the special whatever. [REDACTED]

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[REDACTED]

Then he started showing me some books on babies and -- not babies, but adults with erections and that kind of thing. [REDACTED]

[REDACTED] I didn't want any of this. I was crying, I was trying to resist it, I was trying to tell him I didn't like it.

[REDACTED]

then he would

[REDACTED]

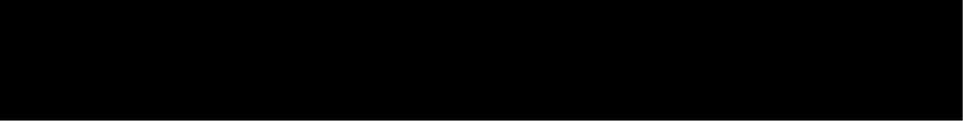
masturbate me. It became a way of life, my Lady. But I thought it was normal. It was constant.

[REDACTED]

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He had this habit of



trying to feel your genitals. So I used to roll on my back -- you know, on my front, so that he couldn't kind of get them. I know that sounds a bit odd, but ...

It's hard as an adult to understand that I had ... I had this, I suppose -- I never had a father, I never had that. There were certain -- there was an attachment. I didn't want the sexual abuse. I wanted to be cared for. I wanted to be properly treated. And sometimes, it was like if you did the sexual abuse then you got something, whatever.

I spoke to a counsellor many years ago, in 2003/2005, and there's a terminology called Stockholm syndrome. She said to me that I may have had that. It's where, some people say, they don't quite understand, the person being abused has an attachment to the abuser.

And I think what he did, my Lady -- and I couldn't

1 report it -- was the guilt and the shame. I blamed  
2 myself because of, I suppose, my mother had abandoned us  
3 and left us, so whatever was happening to us, it was ...

4 LADY SMITH: Can you see now, David, that you've nothing to  
5 blame yourself for?

6 A. No, no, I ...

7 LADY SMITH: I can understand what you're trying to explain  
8 about the way -- the mind of a child -- and you were  
9 a child -- would have worked at that time. But as an  
10 adult, I hope you realise that things that happen during  
11 childhood, bad things of the sort you're describing,  
12 aren't the fault of the child.

13 A. You know, my Lady, he made me feel different. He made  
14 me ...

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17 - he isolated me from my peers, from whatever, so  
18 that I ... People say: why didn't you report it in

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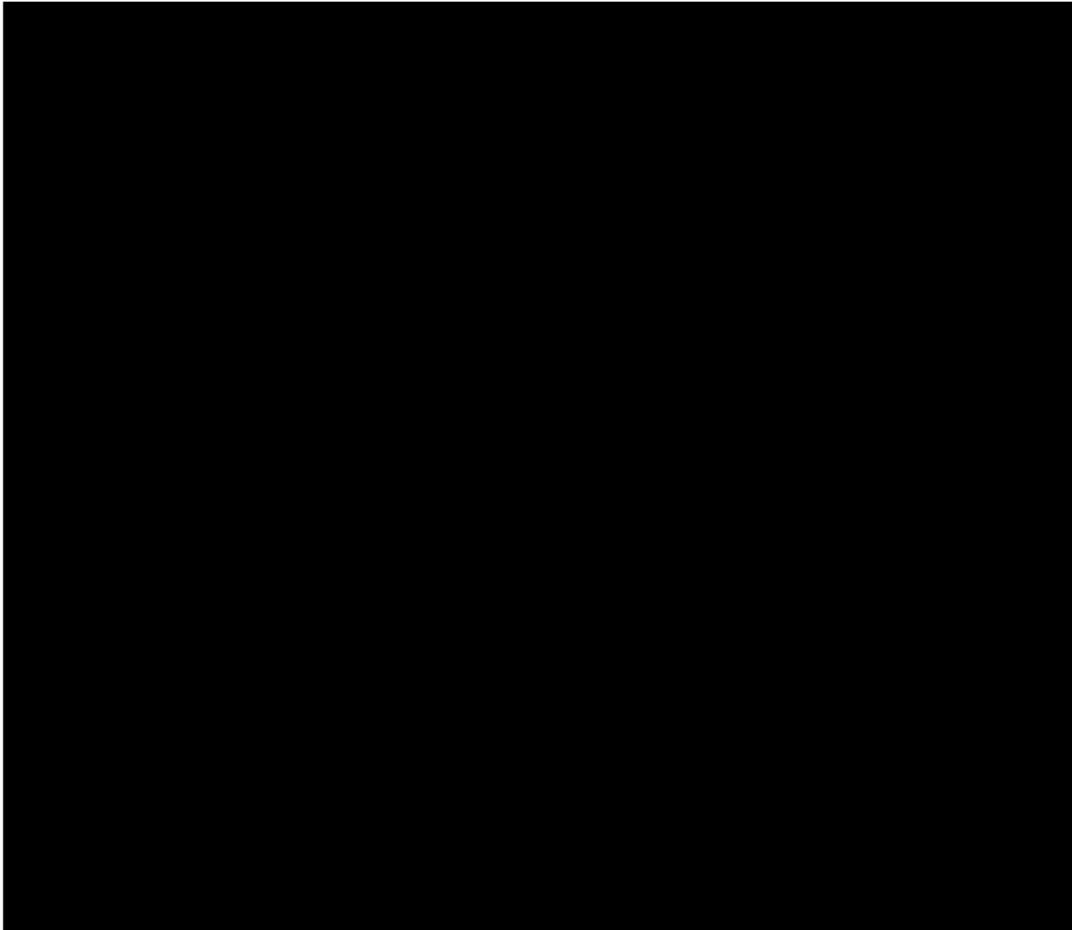
21 I know now that the boy who reported him in 1982, he was  
22 removed from Quarriers. I've learned that in later

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I just wonder,

my Lady, if there was a paedophile ring operating out of  
Quarriers with some former residents who were part of  
that.

I'm sorry, I don't like saying that about former  
residents, but given what John Porteous was trying to do



I have to say that

and I'm stating that.

LADY SMITH: Can I just take you back to the places these  
things happened with John Porteous? You have talked  
about the bathroom. Where else is still clear in your

1 memory?

2 A. [REDACTED]

3

4 LADY SMITH: [REDACTED]

5 A. Yes. And the other place was the bell tower, which I've  
6 spoken about.

7 LADY SMITH: Yes.

8 MR PEOPLES: Can I, just on that matter -- I think what  
9 you've told us about, David, in the last 10 to  
10 15 minutes is covered also in your statement from  
11 paragraph 89 through to about paragraph 99, and I think  
12 I've noted that you've covered all these points in what  
13 you've just told her Ladyship.

14 On all of these occasions, I think you're generally  
15 describing occasions where the abuse that you've  
16 described in its various forms would generally be taking  
17 place [REDACTED] I would now  
18 like to ask you a little bit about two locations. The  
19 first is at paragraph 105 of your statement, David, at  
20 page 9061, [REDACTED]

21 [REDACTED] You also tell us that the shed that was used  
22 as a [REDACTED] place of sexual  
23 abuse.

24 A. Yes.

25 Q. I just want to be clear. [REDACTED]

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[REDACTED] Can you briefly tell us? I don't need to go through too much detail, but could you tell us about that?

4

5

A. I was speaking to my psychiatrist about -- because I had

6

a psychiatric report done for the inquiry because

7

I thought that would be helpful to the inquiry. I was

8

describing in detail that John Porteous used to take me

9

down to the shed and, for some reason, he would always

10

ask me to take my trousers and my pants off, or just in

11

my pyjama bottoms. It was pretending that he was

12

punishing me, but you wouldn't punish a child and take

13

their clothes off. So what he was doing was he was

14

pretending he was slapping you and basically he was

15

actually fondling you. He was fondling your genitals.

16

Q. You also mentioned he was putting his hands on your bare

17

bottom?

18

A. Yes.

19

Q. [REDACTED]

20

A. [REDACTED]

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Q. [REDACTED]

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A. [REDACTED]

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[REDACTED]

Q. So far as the cottage is concerned, you said something earlier, that when the sexual abuse you have told us about happened [REDACTED] within the cottage, John Porteous would be the only adult in the house at these times. Where would [REDACTED] have been?

A. [REDACTED]

might be out at some church evenings.

Q. [REDACTED]

A. [REDACTED]

Q. And on these occasions, he would be in your company alone, [REDACTED]

A. All the other children would have been put in bed.

Q. Were you getting a bit older by then?

A. I became at one point the oldest boy in the house.

Q. Apart from the bathroom, which was a location that he'd come to, it strikes me that when this was happening in the bathroom, as you've described, you were of an age when you didn't need someone to wash you.

A. No.

Q. You were a lot older than that. You were having a bath

1 on your own, were you not?

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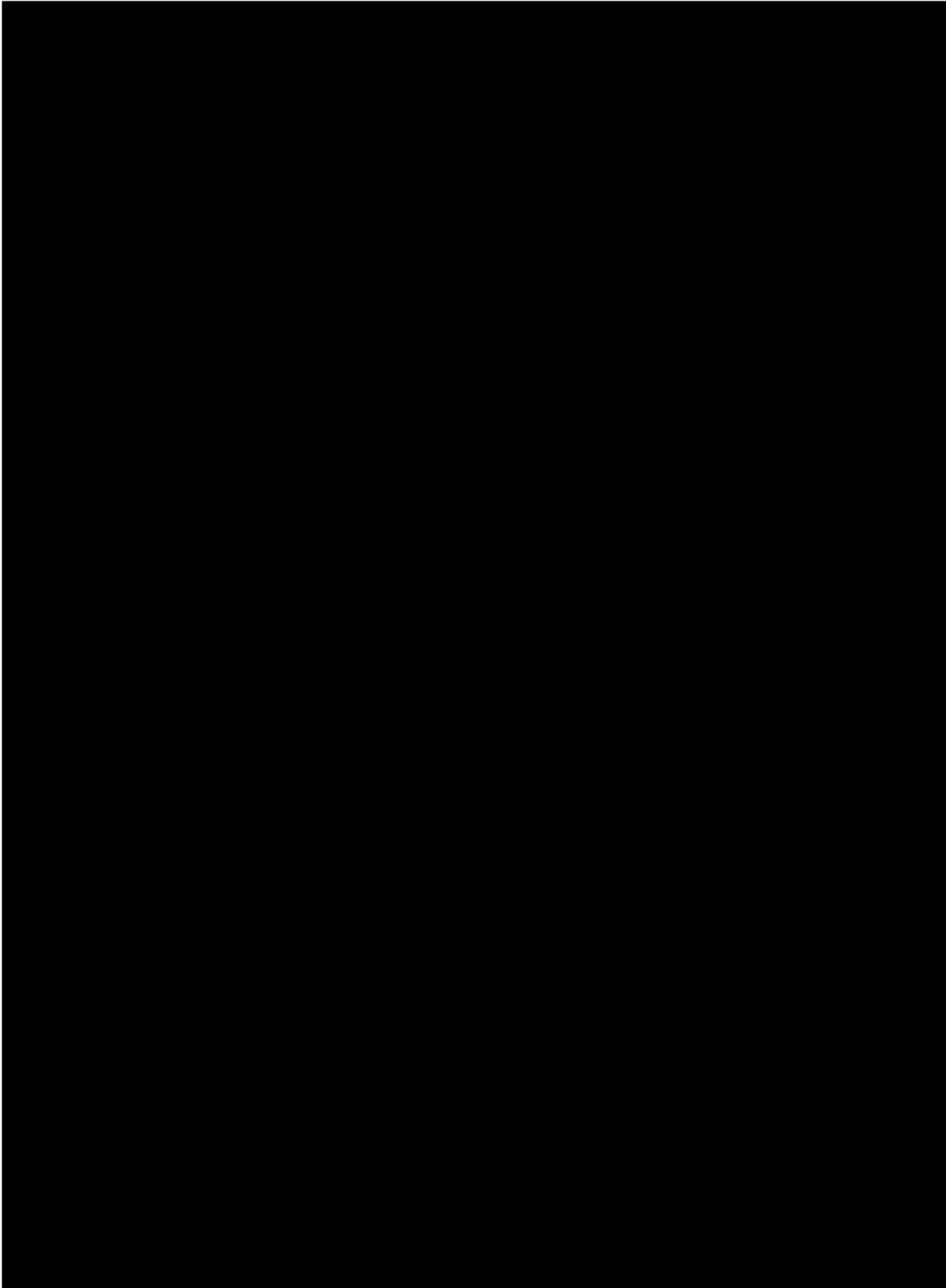
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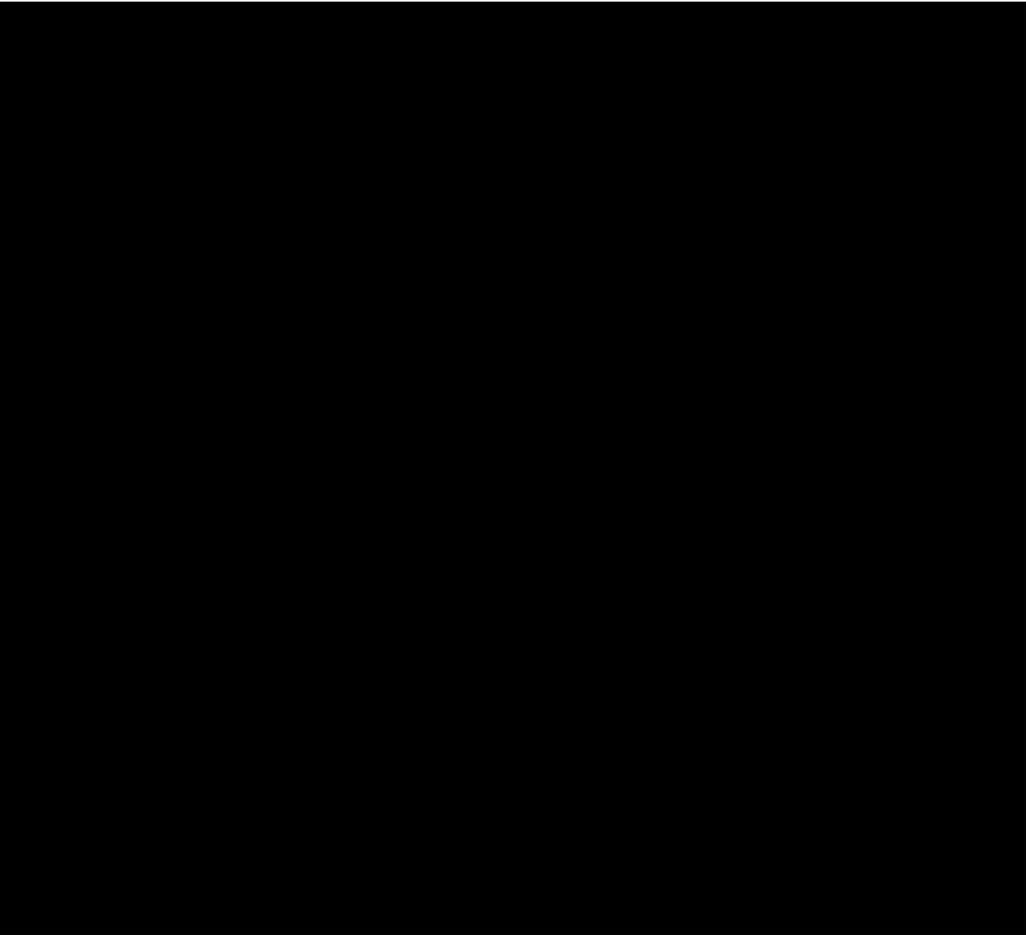
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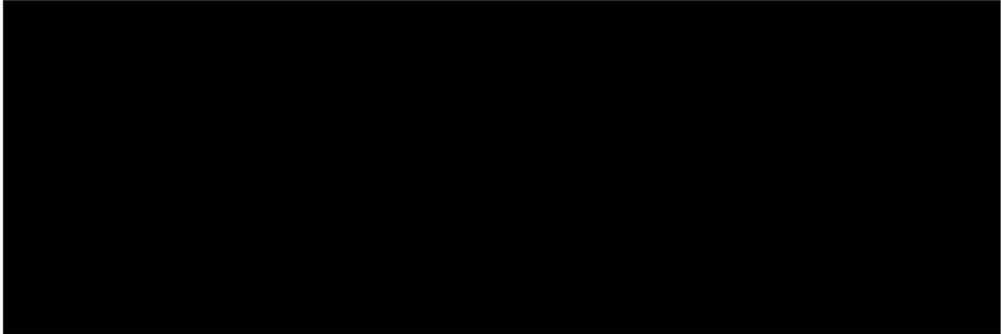


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Q. The only other location I wanted to ask you about in connection with the abuse that you've been telling us about, both in your statement and indeed in your evidence this afternoon, is you devote part of your statement to telling us a bit about what happened at the church. 



1 A. [REDACTED]

2 Q. [REDACTED]

3 [REDACTED]

4 A. [REDACTED]

5 Q. -- on a Sunday before the services --

6 A. Yes.

7 Q. -- in the bell tower?

8 A. Yes.

9 Q. You tell us about that, I think, starting at

10 paragraph 100. I just want to take briefly from you --

11 just tell us a little bit about that. You would be

12 selected, as you put it, to go and help him in the

13 church?

14 A. He felt it was a kind of treat that you were helping [REDACTED]

15 [REDACTED] Again, this was, I suppose, a form of

16 grooming, to go and help him out.

17 Q. You considered he was treating you in a special way?

18 A. Yes.

19 Q. And in that way, therefore, you went with him and felt

20 you were being treated differently and more favourably?

21 A. Yes, yes.

22 Q. You tell us that obviously it was a Sunday and I think

23 on Sunday you had to dress in a particular way.

24 A. Yes, we had to -- part of the years I was in Quarriers,

25 we wore what they called a Sunday best, and it would be

1 a kilt -- other times, and maybe in later years, it  
2 might have been trousers and whatever. But we  
3 certainly -- there was a period [REDACTED]  
4 that we wore kilts to church and stuff.

5 I don't believe he was officially the church officer  
6 when this happened; I don't know who was the church  
7 officer. But I think occasionally, when someone was on  
8 holiday, [REDACTED] may have been given that duty,  
9 to open the church.

10 Q. Certainly on the occasions you were there, it was before  
11 the services would start?

12 A. Yes.

13 Q. And how many people would be in the church?

14 A. There'd be just me and him. What he would do, he would  
15 lock downstairs and you'd be away up in the bell tower  
16 so nobody really knows you're there. The door was  
17 locked -- I now understand why -- so that no one else  
18 could come in.

19 Q. Come in during these occasions?

20 A. Yes.

21 Q. And he'd take you to the bell tower. You tell us about  
22 what happened at paragraph 102 in the bell tower, that  
23 there would be abuse which would occur there, and just  
24 tell us briefly what type of abuse would happen there.

25 A. He was telling me, again it was similar to in the

1 bathroom, "You're not tidy enough", and he'd put his  
2 hands up my kilt, he wanted me to put my hands down his  
3 trousers. He'd masturbate me. [REDACTED]

4 Q. [REDACTED]

5 A. [REDACTED]

6 [REDACTED] The thing is, if you resisted what he wanted, he  
7 became quite violent, he became physically violent, he  
8 would grab you and he's basically forcing himself on  
9 you.

10 Q. The violence, apart from what -- what type of violence  
11 was he using?

12 A. He'd physically grab you and then --

13 Q. Would he strike you?

14 A. No, I think it was more physical grabbing you, but there  
15 was always these threats about where you could be sent  
16 to.

17 Q. If you said anything?

18 A. Yes. They were all kind of intimidating threats.

19 Q. Just then, David, since I realise this is a difficult  
20 chapter of your evidence, you do want to make one thing  
21 clear, I think, in your statement, and you do so at  
22 paragraph 104. While the abuse itself happened, I think  
23 you say, on a very regular basis over a three-year  
24 period in a number of locations, so far as the bell  
25 tower is concerned, you tell us there that the abuse in

1 the bell tower didn't happen very often because you  
2 didn't go there with him for very long, although it  
3 happened a number of times. Is that what you recall in  
4 terms of frequency and number of times?

5 A. That's what I recall. What I recall was I obviously ...  
6 I suppose in my childlike way I was trying to find ways  
7 of not being with him, and I ended up using a swear word  
8 and the minister heard me and he obviously thought  
9 that's not a suitable boy that should be coming down to  
10 the church to help out on church duties.

11  write  
12 out by handwriting the longest psalm in the Bible,  
13 I can't remember, is it 174 -- I can't remember the  
14 actual ... It's the longest psalm in the Bible. So I  
15 was made to --

16 Q. For swearing in front of the minister?

17 A. Because I was told I couldn't go back because obviously  
18 the minister, who was a very decent man, very nice man,  
19 obviously you don't want boys swearing in the church  
20 vicinity.

21 Q. If you were to try to estimate the period of time over  
22 which the abuse happened in the bell tower, are we  
23 talking about weeks, months?

24 A. I think months. On ... It's difficult.

25 Q. But not over the whole three-year period?

1 A. No.

2 Q. Would it be on a Sunday?

3 A. Yes, it would always be on Sunday.

4 Q. Before the service?

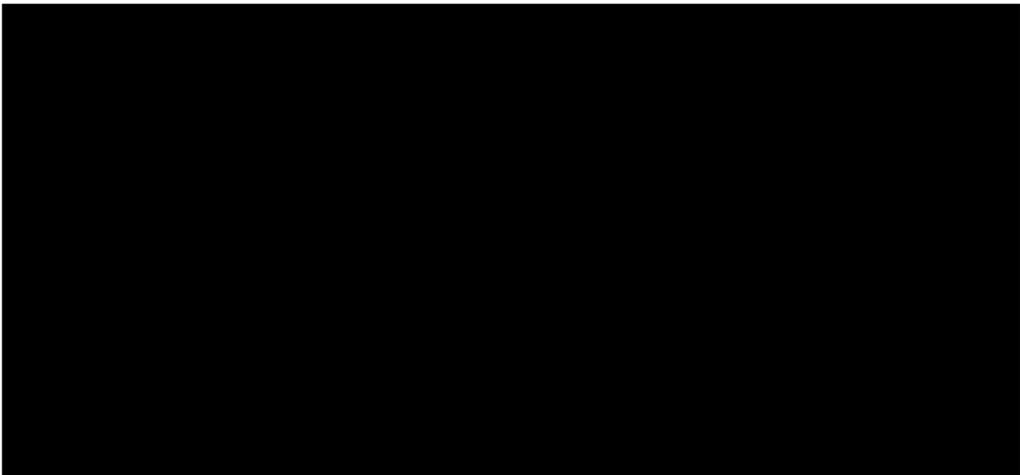
5 A. Yes.

6 LADY SMITH: Mr Peoples, would this be a good point to have  
7 the afternoon break? We've gone on a bit longer than  
8 usual.

9 MR PEOPLES: Yes, I wanted to finish this chapter.

10 David, there may be a matter I want to ask you  
11 about, but I think we've got over the bit that you've  
12 told us about recently, and when we resume, I'll move on  
13 to other things.

14 LADY SMITH: Just before we have the break, could I remind  
15 everybody about the effect of my restriction order. It  
16 means that John Porteous' identity is not protected  
17 in relation to the matters of which he was convicted by  
18 the jury, 

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Thank you.

(3.26 pm)

(A short break)

(3.37 pm)

MR PEOPLES: David, can I move on to one thing you deal with in your statement, and it's to do with the Boys' Brigade and I just wanted to take your evidence on this matter. WIT.001.001.9061. It's paragraph 106.

As you've told us, John Porteous was the leader of the Boys' Brigade within Quarriers. In that capacity, he would go on trips, is it, with boys from Quarriers? And I think on some of these trips you were there.

A. (Witness nods).

Q. Just help me. Would he have been the only adult from Quarriers that was on these trips or not?

A. From what I recall, his brother-in-law --

Q. Sandy Wilson?

A. Alexander Wilson was one of the Boys' Brigade officers.

Q. So he might have been there?

A. He might have been there. I can't remember any -- I don't recall any other adults, but there may have been.

Q. So far as these trips were concerned, how many boys would go on the trip?

1 A. I think 12 to 15.

2 Q. What sort of age range would they be?

3 A. I think they were more -- say, 10 onwards, 10 to 15.

4 Q. Can you remember any particular places where you went on  
5 these trips?

6 A. It's difficult.

7 Q. If you don't remember, just say so.

8 A. I know we went up to Aberdeenshire on one trip, but the  
9 actual location -- yes, I ...

10 Q. Would these be trips to places where other BB groups  
11 would be gathered or would it be just a trip away for  
12 the boys in the BB?

13 A. No, I think there would be other groups from different  
14 brigades.

15 LADY SMITH: I think this would have been an era where there  
16 were what were called Boys' Brigade camps at some places  
17 in Scotland.

18 A. Yes.

19 MR PEOPLES: What you do say is you do have one recollection  
20 of a time about these camps, and would happen when boys  
21 were having a shower.

22 A. Yes.

23 Q. You have a recollection that there were boys in  
24 a communal shower?

25 A. Yes.

1 Q. And you have a recollection of where John Porteous --

2 A. My recollection is John Porteous used to want to shower  
3 with us. At the time I didn't think it was wrong, but  
4 clearly as an adult I think that's odd, to say the  
5 least.

6 Q. And you say the boys would be having a communal  
7 shower -- they wouldn't have any clothes on, obviously.

8 A. No, no, of course not.

9 Q. And if he was taking a shower, neither would he?

10 A. He would just walk in and want to use one of the  
11 showers.

12 Q. And of course, as an adult, as you say now, you think  
13 that to you seemed wrong?

14 A. Mm.

15 Q. Was that one occasion you recall or do you remember it  
16 happening on more than one occasion?

17 A. One occasion because -- I can't remember how many  
18 Boys' Brigade trips I went on.

19 Q.

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21 A.

22

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1 Q.

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4 A.

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6 Q.

7 A.

8 Q.

9 A.

10 Q. At paragraph 108, the time came when -- you had three  
11 years there and you left, as we've heard earlier, in  
12 1974 in May when you were aged 16.

13 One point you make at paragraph 108 -- and I just  
14 want to ask you briefly about this -- is that there was  
15 a hostel at that stage within Quarrier's Village, which  
16 we understand was used for young persons who were on the  
17 verge of leaving Quarrier's Village as a form of  
18 stepping stone or preparation for the outside world.  
19 Were you aware of that at the time?

20 A. Yes. I think my friend had been in it, who had left  
21 Quarriers. There were other -- my peer group were in  
22 it.

23 Q. But you didn't go there?

24 A. I kept asking to go, I wanted to go, [REDACTED]

25 [REDACTED]

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Q.

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A.

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Q. You tell us in your statement you left Quarriers in May of 1974. We've got this chapter, and I'm conscious it's been a long day, but can I just take some brief facts from you about this period? It's not in any way to diminish it, but we'll read it closely and take it on board.

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So far as your contact with the QKR/QKY is concerned, at paragraph 110 you tell us that there was some continuing, albeit limited, contact between 1974 and 1984 or thereabouts between you and the QKR/QKY. Would that really be the exchange of cards or --

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A. Yes, there were some Christmas cards. My sister, QKZ kept saying to me, "The QKR/QKY have been asking for you, why don't you drop them a card?" And I think when the list comes up, they're on the list, but primarily, I went back to Quarriers because, you know, I didn't have a home, I had nowhere I could call home.

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Q. So before 1984, and we'll come to the later point, one of the things you did was to go back to Quarriers from

25

1 time to time?

2 A. My best friend from Quarriers used to go back to see his  
3 house parent, and we used to arrange to meet at  
4 Quarriers.

5 (Pause)

6 Q. There's another section in your report, and I'll just  
7 mention it but I don't think I need to ask you any more  
8 questions. You have dealt in your statement and in your  
9 oral evidence about the extent to which you reported the  
10 abuse, and you have told us about what you told  
11 Mr Mortimer and what happened or didn't happen and that  
12 you didn't report the sexual abuse at the time to him or  
13 anyone else, indeed.

14 Then you have a section in your statement at 9064,  
15 and I think I'll just draw attention to it; we can all  
16 read it for ourselves. What you're trying to say there,  
17 I think, is that it wasn't all bad experiences for you  
18 and indeed you have quite a few complimentary things to  
19 say about Quarriers. One of the points you make at 117  
20 I think is that you did come across many good and decent  
21 carers in Quarriers and others within that organisation  
22 at that time. Is that your position? I don't need to  
23 know the details.

24 A. No, no, my position is I did come across -- there was  
25 many good and decent carers in Quarriers and others

1 in the organisations. I also think that the  
2 organisation had many good activities for children.  
3 I've always thought this as a child and I have always  
4 recognised this as an adult. It was a very progressive  
5 organisation in terms of what you -- it did depend on  
6 the house parents what you were allowed to do and how  
7 they controlled your access to it.

8 Quarriers had some very good activities. My sister  
9 loved sports and she was able to go on sports and do  
10 things when she was allowed to do that, and she thrived  
11 doing that.

12 My sister and I were allowed to go on a school  
13 cruise and part of the learning for that was that  
14 we would take an odd job, a Saturday job or something.  
15 I got a job where Quarriers kept all the cars and  
16 I washed all the cars and I just got extra money -- it  
17 wasn't a lot of money, but I got extra money to go  
18 towards my school cruise. My sister worked in the  
19 launderette and she also worked in the tuck shop for  
20 a little while at Quarriers and she got money similar.

21 So in many ways, Quarriers was a very decent  
22 organisation.

23 Q. Indeed, I think you even make the point at paragraph 125  
24 that you also have some fond memories and feel a certain  
25 kindness, or you experienced what you believed to be

1 a kindness, albeit I think you've indicated maybe there  
2 was a sinister side to that as well -- you had some  
3 kindness in your time with the [REDACTED] QKR/QKY There were  
4 good times there as well?

5 A. My time with the [REDACTED] QKR/QKY was not all bad. There were  
6 times when they did interact with the children, we  
7 played games, and there were times progressively towards  
8 the end, as I said to you, I felt part of being in their  
9 house. I cooked a soufflé for them and I felt part of  
10 that.

11 I think ... and I'll just put this on the record:  
12 the [REDACTED] QKR/QKY were fundamental Christians and seemed to  
13 want the children to go down that route where all the  
14 activities that they did were related to those types of  
15 activities. I think, similar to my sister, I went along  
16 with it, and I did it, but if I'm honest, I didn't  
17 really want to be in half of those activities.

18 Q. Again, if I move on in the statement you've given,  
19 I think I'll perhaps pick up something you said this  
20 morning, that once you left Quarriers -- and you have  
21 a section in your report about your life after being in  
22 care. I noted you this morning saying something along  
23 the lines of: well, I moved forward and I didn't look  
24 back. You got on with your life and indeed I think you  
25 had a successful life in work and business over the

1 years -- I'm talking up to a certain point and I'll come  
2 to that if I may. We can read for ourselves what you  
3 did, but you got on with your life and indeed, I think,  
4 you put it behind you.

5 A. I think part of the dissociation from it, Mr Peoples,  
6 was I became a workaholic and I worked very hard and  
7 I clearly didn't want to have the life of deprivation  
8 that I'd seen as a child. So I did work very hard to  
9 get where I wanted to in life. I went to college,  
10 I took on -- I got a course, a business course, I ended  
11 up setting up a business. I wanted to -- and my life  
12 was relatively stable.

13 Q. In fact, I can maybe take you then to a particular phone  
14 call. Before I ask you just to tell us a little bit  
15 about that phone call, I think it's quite well-known  
16 what the consequences of that phone call were. You deal  
17 with that in your book, No More Silence, and I think  
18 it's well-known publicly that there were certain -- what  
19 happened after that and why you went public and revealed  
20 that you were one of the complainers at the trial.

21 At paragraph 136 of your statement, at page 9069,  
22 I just want to ask you about that. You say there:

23 "I probably would have taken my abuse in Quarriers  
24 to the grave if [REDACTED] hadn't contacted me in  
25 2002."

1           So is that really --

2       A. That's really the gist of it. I had a stable life. I  
3       had -- yes, there were issues relating to what had  
4       happened to me, it came out in certain ways at certain  
5       periods. I saw a psychologist in 1984, I had seen some  
6       various counsellors prior to that. I probably  
7       overindulged in alcohol for a while just to black out  
8       what was happening or what had happened to me as  
9       a child, but I realised that that probably wasn't the  
10      answer to that.

11     Q. So although I've said that in that period you got on  
12      with your life, it wasn't plain sailing?

13     A. No.

14     Q. You had to get some help and indeed you had some  
15      problems?

16     A. Yes.

17     Q. But in broad terms you got on with it and you succeeded  
18      and you were successful?

19     A. Yes.

20     Q. Then you get this call in 2002, on a Friday, and I think  
21      you tell us about that call on page 9068 at  
22      paragraph 133. This was a call you received from  
23      ██████████.

24           Can I just be clear about this? So far as contact  
25      with ██████████ John Porteous was concerned,

1 am I right in thinking, [REDACTED]  
2 [REDACTED] that the previous  
3 contact, [REDACTED] was  
4 around 1984?

5 A. It would have been around 1984. [REDACTED]

6

7

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11 Q.

12 A.

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14

15 Q. She contacted you. Just tell us, if you can, as I say,  
16 I think it's a well-known -- she contacted you for  
17 a reason. What was that?

18 A. Well, the reason -- at the time I understand she was  
19 looking for support for [REDACTED] because some people  
20 had said some horrible things about him. I don't  
21 believe she went into any of the detail. It's difficult  
22 to recall exactly what was said. But there was  
23 a conversation around -- [REDACTED]

24 [REDACTED] I'm not 100% sure on  
25 that.

1           I told her that things had happened in Quarriers  
2           which shouldn't have.

3           Q. Did you mention [REDACTED]  
4           A. I did mention [REDACTED] and I said that John Porteous  
5           had abused me.

6           Q. Did you explain at that time to her what type of abuse  
7           there had been?  
8           A. No.

9           Q. But you made it clear that he had been abusing you?  
10          A. I was shocked by the phone call. I actually wanted this  
11          person off my phone. I'm quite polite to a degree and  
12          I won't intentionally be rude to someone, so I gave her  
13          some time, but I made it very clear that he had abused  
14          me.

15          Q. Before this call, before you received this call, do  
16          I take it that you were unaware that there was any  
17          activity or investigation into allegations of abuse by  
18          John Porteous?  
19          A. I was not aware of anything.

20          Q. So this came out of the blue and was news to you?  
21          A. Mm-hm, completely.

22          Q. I think, as you tell us -- and indeed, again, we can  
23          read this for ourselves -- you indicate at paragraph 134  
24          you tell us that you spoke to certain people, including  
25          your eldest sister and others, and the upshot was that

1           your sister, the eldest sister, her response was fairly  
2           clear, that you should go and tell the police.

3           A. I spoke to my sister. My sister -- I went to see her  
4           last weekend, she said, "I was always a bit jealous that  
5           youse had been put in a very nice home". So yes,  
6           I spoke to my eldest sister and she said, "Look, you  
7           need to go to the police about this".

8           Q. Before you spoke to your sister on the matter and was  
9           given this advice, had you ever confided in either your  
10          older sister or **QKZ** or any other member of the family  
11          about what had happened to you in Quarriers in terms of  
12          the sexual abuse?

13          A. No.

14          Q. I mean, **QKZ** would know what was happening in terms of  
15          what was going on in the household with **QKY**

16          A. She was only there for five weeks --

17          Q. She was only there for a short time, but she would have  
18          experienced or seen some of this treatment if it was  
19          happening before your time?

20          A. Yes. The conversations **QKZ** and I had as adults was --  
21          I would say, "He shouldn't have been looking after  
22          children". I put it in cryptic terms.

23          Q. But you didn't elaborate to explain why you were of that  
24          opinion?

25          A. No.

1 Q. You have a section in your statement about the trial  
2 itself. I think, as we discussed earlier today, there  
3 were a number of charges. I don't think we need to go  
4 through it because these are a matter of record and  
5 I think I tried to summarise some of it earlier today.  
6 You did give evidence and indeed we know that there were  
7 convictions on four charges, two of which related to  
8 you.

9 So far as the trial is concerned, your sister,  
10 QKZ in the event didn't give evidence at the trial.

11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED] Again, if you're able to help  
14 us, can you explain why you believe that she didn't give  
15 evidence at the trial, or are you able to tell us?

16 A. Yes. I believe there's a number of witnesses who may  
17 have been down to give evidence and who didn't  
18 ultimately give that evidence because John and  
19 [REDACTED] were contacting witnesses, as you can see  
20 from her phone call to me, and I ... They nobbled the  
21 witnesses.

22 Q. You can certainly use your own example, that when  
23 John Porteous was facing some allegations,  
24 [REDACTED] at least was getting in touch with you  
25 and you understand that they were getting in touch with

1 other people, including your sister?

2 A. Yes, and I have evidence, which I can give to this  
3 inquiry, that they were getting in contact with other  
4 people as well.

5 Q. Okay. The trial itself took place and indeed on  
6 7 November 2002, as you tell us in your statement,  
7 John Porteous was convicted and on the charges of which  
8 he was convicted, the trial judge sentenced him to eight  
9 years in prison.

10 Paragraph 146 deals with that matter at page 9071.  
11 I would just like you to -- I think you quote the words  
12 of the trial judge, Lord Hardie, when he was passing  
13 sentence. Can you read that?

14 A. "There could be no doubt that you presented a face of  
15 respectability. It is clear from the discerning verdict  
16 of the jury that between 1969 and 1977 you had a more  
17 sinister side to your character. You abused two boys  
18 entrusted to your care over a period of eight years on  
19 numerous occasions. Those boys were entrusted to your  
20 care because they had personal difficulties and the last  
21 thing that was expected or needed was for you to add to  
22 their difficulties by sexually abusing them. These were  
23 children who came to regard you as a father figure and  
24 it is impossible to determine what psychological damage  
25 you have caused them in later life."

1 Q. We know that John Porteous appealed against conviction  
2 and sentence and that two of the charges were quashed  
3 for legal reasons, as her Ladyship explained earlier  
4 this afternoon. I think, as a consequence of that  
5 appeal, the sentence was reduced from eight years to  
6 five years.

7 But as you point out, one of the presiding appeal  
8 judges, Lord Gill, did say, as you tell us at page 9072,  
9 that it remained the fact that John Porteous was  
10 convicted of very grave offences in relation to children  
11 in his care --

12 A. Yes:

13 "Lord Gill reiterated that the crimes Porteous  
14 remained convicted of were grave offences, committed  
15 when he had a serious responsibility in relation to  
16 children who were already disadvantaged."

17 Mr Peoples, can I just go to the bathroom? Sorry.

18 LADY SMITH: Yes. A five-minute break.

19 (4.00 pm)

20 (A short break)

21 (4.04 pm)

22 MR PEOPLES: David, you quoted from the trial judge's  
23 remarks at the time of sentencing. I think at that  
24 stage the reason the date 1977 was mentioned as the end  
25 date was because I think there was another complainer

1 and the offences that were found proved in relation to  
2 that complainer covered the period up to 1977. I think  
3 one of those charges was quashed on appeal as well for  
4 the same reason as your charge, but that's why that date  
5 would have been used. In your case it wasn't 1977  
6 because clearly you had left Quarriers by then. It's  
7 just in case anyone was thinking that 1977 was a date  
8 that related to your charges.

9 A. Okay.

10 Q. That, as I understand it, was the position at the time  
11 of the trial and the conviction.

12 A. Yes.

13 Q. I'm conscious of the hour and I'm conscious that you set  
14 out in quite considerable detail that you felt that  
15 following the trial, and indeed during the trial and  
16 perhaps prior to the trial, there was some degree of  
17 what might be regarded as either trying to derail the  
18 process or to intimidate and have some campaign to  
19 discredit those who were making complaints. I think  
20 that's your broad position and I think we can see the  
21 basis on which you advance that opinion.

22 Obviously, it's not our function in this inquiry to  
23 look into that matter, but we have your evidence on it  
24 and be assured that we will read it and take note of it.

25 There is, however, another point you make, that

1 following the trial, I think it's certainly your view  
2 that Quarriers, as an organisation, if not explicitly,  
3 but tacitly, you felt to some extent were supportive of  
4 those who were convicted rather than those who were the  
5 victims of those convicted. That was your view at the  
6 time; is that correct?

7 A. And I still have that view because of -- I had a meeting  
8 with the former chief executive, Phil Robinson, in 2004.  
9 I met him at my request and I was trying to find a way  
10 where survivors or victims of what had happened in  
11 Quarriers could get external support, what was the right  
12 support. I'd actually been dealing with Kevin Scullion  
13 before that, who was very supportive, very helpful --  
14 I think he was a director of family services in  
15 Quarriers. He clearly wanted to try and find a route to  
16 see how they could support people who had been through  
17 the trials and stuff. Obviously, they had to let the  
18 process go through its course, but he understood there  
19 was a need for support services and stuff.

20 But I was shocked by Phil Robinson and the  
21 after-care workers' sort of attitude to, in a sense,  
22 what they expressed at the meeting that I had in 2004 --  
23 and I have provided to Mr Gale actually handwritten  
24 notes that I took of that meeting, which I've  
25 subsequently typed up. It was just that the person

1 convicted was more important than the actual victims of  
2 the crimes and then there were other comments made about  
3 how long they'd been in service and some other ... It  
4 was just some other stuff that they made some comments  
5 about.

6 I'll just say this very briefly about the after-care  
7 service. It was always going to be very difficult for  
8 people in my situation and other former residents who'd  
9 been through the trials to touch base with the  
10 after-care service that Quarriers kind of seemed to  
11 promote because clearly that wasn't an appropriate route  
12 for people to go and get the support from the  
13 organisation from where they had been abused.

14 Then there was another issue with the after-care  
15 service, and it came after 2005. Another former  
16 resident informed me -- and she actually submitted  
17 a formal complaint to Quarriers, Phil Robinson -- her  
18 name is [REDACTED] -- and she made a formal  
19 complaint about the after-care service and the  
20 after-care workers because what they were doing was  
21 making derogatory statements and derogatory comments  
22 about me after the trial of John Porteous, which I was  
23 unaware of, but I've since been made aware that she put  
24 a formal complaint in about it.

25 Q. So David, I think, in fact, at paragraphs -- from 149 to

1 172 of your statement, you deal generally with why  
2 you're critical of Quarriers and its former  
3 chief executive in relation to a number of matters, one  
4 of which, as you've just touched upon, is the issue of  
5 after-care support. I think you felt that there was  
6 more support for those convicted than those who were  
7 victims, and you've got various other concerns, which  
8 you raise in that chapter of your evidence, including  
9 the issue of their involvement or otherwise in the  
10 Frontline Scotland programme that was broadcast after  
11 the conviction and also things such as the response to  
12 your civil claim, which you raised after the conviction.

13 A. I mean, Quarriers -- Phil Robinson stated, the former  
14 CEO of Quarriers, said that Quarriers were open and  
15 accepted the verdicts of the court at the time and that  
16 their sympathies laid with the victims. Quarriers in  
17 2006 opposed the time bar to the Scottish  
18 Law Commission.

19 When he was the CEO of the charity, Phil Robinson  
20 even issued a disingenuous and qualified apology on  
21 behalf of Quarriers in the Scottish Parliament in 2004,  
22 "If abuse occurred". Afterwards, Quarriers' legal  
23 people, in the civil cases, said the apology in the  
24 Scottish Parliament was based on a hypothesis and had no  
25 relevance. So Mr Robinson and the past chair, Robin

1 Wilson, and the Quarriers board did one thing in public  
2 and done other thing behind the scenes.

3 It's not good enough today for the Quarriers board  
4 of the past, the Quarriers board of today, its past  
5 chairmen, Robin Wilson and Mr Phil Robinson, they simply  
6 can't abdicate the responsibility for Quarriers'  
7 actions, its legal representatives and insurers when  
8 they were responsible for the charity -- including  
9 Quarriers' charities and its representatives'  
10 underhanded and disgraceful attempts to discredit and  
11 undermine the victims, including me, in the civil courts  
12 previously.

13 Quarriers' QC stated at the opening of stage 3, and  
14 I quote:

15 "We have been instructed by Quarriers ..."

16 I have a question for Quarriers' legal team: are  
17 they instructed by Quarriers or are they instructed by  
18 the insurers in this inquiry?

19 Q. David, we will be hearing evidence from the former  
20 chief executive and no doubt he will have to try and  
21 respond to some of these criticisms you make.

22 All I should say is, and I think you'll be aware,  
23 that they don't necessarily see things the way you see  
24 them, so there are two sides in this.

25 I think you would agree that, even in 2004, you were

1           having a dialogue with them and correspondence and  
2           meetings and you were raising certain concerns. Is it  
3           fair to say, whatever you thought of the responses, they  
4           were engaging with you and they were making  
5           a position -- you might not agree with what they were  
6           saying, but there was engagement with you?

7           A. There was engagement, but it wasn't -- there's been  
8           a different engagement by Quarriers in the last couple  
9           of years, when Alice Harper took over as CEO. There's  
10          been a positive engagement with her. There's been more  
11          understanding from the organisation of the victims'  
12          positions and what we've gone through. I contrast that  
13          sort of position with what has gone on in the past.

14          Q. Can I just -- because obviously I'm here and I have to  
15          at least, I think, given that there is some difference  
16          between the two sides on this -- just put -- you've  
17          accepted there was engagement and you had concerns and  
18          you are not necessarily satisfied with how these  
19          concerns were responded to. But there was a response  
20          and indeed there were public statements by the  
21          organisation. I think you don't necessarily think they  
22          were the correct statements or perhaps they were not  
23          unconditional enough, but one of the matters I think  
24          that they sought to reassure you on was, for example,  
25          that they fully accepted the verdicts and the

1 convictions. Was that not their position at least --

2 A. If you accept the verdicts, why do you employ false  
3 memory experts, so-called false memory experts? What  
4 Quarriers tried to do in the civil courts was actually  
5 usurp the decision made by the jury in my case. What  
6 they tried to do is discredit and undermine me in the  
7 civil court. So if you're saying that's their position  
8 and that's acceptable --

9 Q. I'm not.

10 A. You're saying that's Quarriers' position.

11 Q. I'm saying that is a position that they said publicly --  
12 and I think they said in correspondence and I have  
13 a letter which I think you probably did receive on  
14 17 August 2004 -- and I'll just give the reference  
15 because I don't want to take up time going through it,  
16 but it's WIT.003.001.8074. That I think is a letter to  
17 you, setting out the fact that they say to you -- and  
18 I think they said it in public -- whatever you may think  
19 of the statements, that they fully accept the outcome of  
20 the judicial process.

21 Then I think they also sent you a letter, and again  
22 you may not be content with what they said, but I just  
23 put it on the record just now, and they can no doubt  
24 tell us about these matters and address the concerns  
25 you've raised. But on 5 October 2004 --

1 WIT.003.001.8073 -- this was another letter from  
2 Phil Robinson to you to make it clear that so far as the  
3 organisation was concerned, they had not -- sorry, they  
4 had not done anything to provide, for example,  
5 accommodation to John Porteous following conviction.

6 I think you raised an issue about whether they were  
7 going to take him back and they explained the legal  
8 position about [REDACTED] tenancy and so forth.

9 So they were corresponding and saying, we're not  
10 doing things to help him, in fact we can't stop people  
11 wandering about Quarrier's Village because we don't have  
12 control of the village.

13 A. Can I say this? This inquiry is looking at child  
14 protection issues for the future. What you're looking  
15 at is the failures of the past. If Quarriers have  
16 properties and they rent those properties out to third  
17 parties and they don't know who those individuals are  
18 and who's accessing those properties, but there's a gap  
19 in child protection when a charity who's caring for  
20 vulnerable adults and caring for vulnerable children  
21 acts in that way.

22 I'm going to -- I mentioned this yesterday, but I'm  
23 going to say it. I've read some of the correspondence  
24 in relation to how they couldn't prevent Mr Porteous  
25 accessing certain properties in Quarriers and things

1 like that. That deeply concerns me, sitting here today,  
2 and the reason it deeply concerns me is, including the  
3 current church in Quarrier's Village, which residents  
4 within the services of Quarriers' charity, they use that  
5 church -- yet an A1-plus offender, sex offender,  
6 Quarriers can't do anything about him going to church,  
7 which I understand, he has a right to go to church.

8 But their primary concern has to be the protection  
9 of the residents that they're looking after. The reason  
10 Porteous has managed to get away with all of this is  
11 because he has facilitators. [REDACTED]

12 [REDACTED]  
13 [REDACTED] So this is how this person has managed to  
14 evade the systems and is available to still sort of  
15 operate under cover, and I'm not saying he is abusing  
16 children today, but what I'm trying to say to you is  
17 some of these gaps is why things are still happening,  
18 and it can't be right that Quarriers, as a charity, is  
19 saying they can't do anything about certain things.

20 Q. I think we'll hear from them, and no doubt they'll  
21 respond to these points, and I think one of the things  
22 they may tell us is to what extent they took steps to  
23 prevent John Porteous having any access to their  
24 buildings and so forth. We'll have to hear from them  
25 and no doubt decide whether you have raised an issue

1 that does need to be looked at.

2 The only other matter I'd say about Quarriers -- and  
3 I think I have to say it while you're here -- is that  
4 I think the other thing that they said to you in the  
5 correspondence I've mentioned, and you may or may not  
6 agree with what they said, is that they told you in  
7 terms, I think, that they had no involvement as an  
8 organisation in the "Secrets and Lies" programme.

9 I think that's what they told you. Is that not correct?

10 A. That's what they told me, but actually what the BBC told  
11 me -- and I provided those letters to the inquiry --  
12 is that professional people connected to Quarriers had  
13 been part of the programme gathering.

14 Q. Who did you mean by "professionals connected to  
15 Quarriers"? Do you mean current members of the  
16 organisation?

17 A. Well, I provided those letters and it clearly says  
18 "professionals connected to Quarriers".

19 LADY SMITH: So you're not saying employees of Quarriers?

20 A. What I'm saying, my Lady, at the time there may have  
21 been -- it says "current professionals connected to  
22 Quarriers". That's what the BBC letter said to a former  
23 resident, they said it in a similar letter, and I have  
24 provided those letters as part of this inquiry to show  
25 that Mr Robinson is saying one thing, the BBC are saying

1 another thing.

2 For me, that chapter's closed, but I don't take it  
3 at face value that no one from the Quarriers  
4 organisation in 2003 hadn't provided any assistance  
5 whatsoever.

6 MR PEOPLES: So that's your belief and you think there's  
7 a basis for it. I think we've got the position, and  
8 don't worry, we've noted it and no doubt those listening  
9 can see whether they have an answer to that and I'm sure  
10 they'll take account of what you're saying and tell us  
11 what -- give their response to what you've said today.

12 You did raise an action -- I don't want to take up  
13 too much time today because it's a matter you deal with  
14 in your statement and it's a matter of record that you  
15 took a legal case against Quarriers. You deal with this  
16 starting at paragraph 162 at page 9076. Indeed, you say  
17 at the outset of that paragraph it wasn't your intention  
18 to take a legal case against Quarriers, but after the  
19 programme that was broadcast and you waived your  
20 anonymity -- I think after that, as a result of it, you  
21 made the decision to proceed with legal action.

22 A. I did. At the time, I was in -- and as you know, client  
23 confidentiality with the solicitor, et cetera, but I can  
24 now tell this inquiry, at the time I was in discussions  
25 with Cameron Fyfe about getting an apology from

1 Quarriers. That was my ultimate aim. But what happened  
2 then is -- and I'm sure you'll understand because  
3 we have had all these laws changed or new laws enacted.

4 Q. You don't have to tell us about things because there's  
5 been a legal change --

6 LADY SMITH: Just to put matters shortly, David, I think you  
7 accept that the reason your litigation failed was  
8 because of the law on time bar --

9 A. Yes.

10 LADY SMITH: -- and you appreciate, I'm sure, that the  
11 decisions about time bar were not decisions as to  
12 whether you could be believed or not when you said you'd  
13 been abused, because the case, being a time bar issue,  
14 didn't get to that stage. It was purely a matter of  
15 looking at the law of time bar and whether it applied so  
16 as to say that your case couldn't go ahead and I think  
17 you understand that.

18 A. I understand that completely, my Lady.

19 LADY SMITH: Subsequently, of course, matters have moved  
20 forward in the Scottish Parliament on the issue of  
21 whether this time bar law is right for these types of  
22 case.

23 A. I completely accept that, my Lady. And I emphasise that  
24 I accept your decision made in my case in the civil  
25 courts as the law stood at that time and I want to put

1           that on the record.

2           LADY SMITH: Thank you. You'll know a number of judges had  
3           to make similar decisions and these were not judgments  
4           on the merits, as we would say, of the claims; these  
5           were decisions in law as to what the law directed had to  
6           be the result.

7           A. But I think what I was trying to say was about the  
8           apology. To establish liability -- to establish -- even  
9           to get an apology at that point in time, you had to  
10          establish liability.

11          MR PEOPLES: Don't worry too much about whether the two were  
12          related. I know what you're saying, David, because it  
13          wasn't only Quarriers that had problems with the effect  
14          of an apology where there was legal action outstanding.  
15          I think that exercised government as well. It's  
16          a matter we will look at and no doubt we'll try to  
17          explain how we see -- why these things were done in  
18          a certain way. So rest assured, we're not --

19          A. But my case wasn't about initially in relation to  
20          compensation. To establish liability -- I had to take  
21          a case to establish liability to actually get an  
22          apology. Things have changed because we've had an  
23          apology law enacted in Scotland which the survivors,  
24          FBGA, were part of getting put into legislation.

25          Q. I know that's your campaign and we know about it and

1 obviously a lot has happened since you formed the FBGA  
2 and others have campaigned for various changes and  
3 reforms.

4 Can I put it this way just so I'm clear: had  
5 Quarriers given you what you regarded after the  
6 conviction as an unconditional apology and clear  
7 acknowledgement that the abuse that John Porteous was  
8 convicted of had occurred, are you saying that you  
9 wouldn't have thought about going to court?

10 A. I wouldn't have thought about going to court.

11 Q. But you didn't get that is basically what you --

12 A. I didn't get that and subsequent events determined  
13 matters differently.

14 Q. Maybe just on that point, one document I will show  
15 you -- and maybe I can see where you're coming from.  
16 I don't want at this stage in the day to have  
17 a discussion about the position of people who have  
18 insurance and who pulls the strings; we can no doubt  
19 hear about that in due course. But I will show you one  
20 letter which is in the bundle, WIT.003.001.2332.

21 It's a letter from Quarriers' insurers to your then  
22 solicitor on 7 April 2003 following -- this was after  
23 the conviction of John Porteous in November 2002.

24 I think the background to this letter was that a letter  
25 of claim had been sent on your behalf by your agents to

1 Quarriers and passed to Quarriers' insurers, the  
2 Norwich Union.

3 What they said to your solicitors was the following:

4 "From the information in our possession, we deny  
5 your client was abused by John Porteous and we are not  
6 prepared to consider your client's claim."

7 Is that the sort of thing that made you very  
8 unhappy, that response?

9 A. Well, I think it has been proven in law that  
10 John Porteous abused me.

11 Q. So you were particularly distressed by getting this  
12 response?

13 A. I think it was shocking. I mean, on top of everything  
14 else that occurred, the programme, Quarriers' position  
15 in civil cases, what they've done, my Lady, is they've  
16 compounded the issue for the survivors or the victims.  
17 They've compounded ... I actually feel as if I've been  
18 re-abused all over again by Quarriers, by their actions.

19 This is why we campaigned for this inquiry. We felt  
20 like we were disbelieved including after the court  
21 cases. We should never have been put in that position.  
22 What they've done is they've actually, by their actions,  
23 by their representatives' actions, caused enormous  
24 further harm and damage to the victims.

25 Q. David, I'm going to turn finally -- there's one matter

1 I'm just going to raise with you. In your statement,  
2 you make a number of observations and concerns about the  
3 matter of records. We have noted them and no doubt it's  
4 something we have to consider. You have concerns about  
5 how records are kept, stored, who gets access, and you  
6 feel that perhaps, at least in the past, Quarriers'  
7 record-keeping system was open to serious criticism  
8 about who stored the records or how they were stored and  
9 how had access and so forth. We can read that for  
10 ourselves and no doubt it's something the inquiry will  
11 look into and form a view.

12 LADY SMITH: And you'll be aware that you are not the only  
13 person who has made similar complaints and I have heard  
14 some graphic descriptions as to why -- one particular  
15 ex-resident was very concerned about the state of her  
16 records.

17 A. My Lady, can I just put on the record -- I got records  
18 and I got records for my sister. But in actual fact,  
19 we'd never received any medical records from Quarriers  
20 for my sister in all the years that she was in the  
21 organisation.

22 MR PEOPLES: That can be noted. I'm sure that the issue of  
23 records is not one that will -- we'll have to look into.

24 The last point I want to make, David, is that  
25 you will be aware that the inquiry has obtained

1 statements from [REDACTED] QKR/QKY seeking  
2 a response to some of the matters you've raised in your  
3 statement. [REDACTED]

4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 So what I want to do is simply put a few things to  
11 you that have been said by those parties, just to give  
12 you the opportunity to comment. I'm not going to go  
13 through the whole of their statements because a lot of  
14 it is probably uncontroversial in terms of background  
15 information, but there are one or two things.

16 The first thing I want to put to you is what

17 [REDACTED] QKR has said to the inquiry about mealtimes.

18 It's this:

19 "If the child did not like the food they were asked  
20 why and given an alternative, bread and butter most  
21 probably, but most of the children ate well. The  
22 children were encouraged to eat, but if they didn't, the  
23 food would be removed until they felt like eating."

24 That doesn't sound like what you told us today.

25 A. It's not what I've told you today. It's not what my

1 sister said [REDACTED]

2 Q. So which is the true position?

3 A. The true position is what I'm telling you today.

4 Q. So far as [REDACTED] QKR [REDACTED] recollection of the matter of  
5 discipline and punishment is concerned, what she has  
6 told the inquiry is that:

7 "I do not remember a lot of disciplining or  
8 punishment."

9 What do you say to that? Was there not a lot?

10 A. [REDACTED] QKR [REDACTED] has always claimed I've got a false  
11 memory, but it appears that she's not got a memory about  
12 the actions that her and her husband took while they  
13 were running the cottage.

14 Q. And what she says is that:

15 "If a child did something such as stealing,  
16 swearing, fighting, telling lies, bullying [she says],  
17 what would happen is that the child would be removed  
18 from the room, spoken to, asked to apologise. Sometimes  
19 they would be told they could not watch television for  
20 the evening, and that [she] administered such sanctions  
21 unless they were more serious, in which case the  
22 director of care [and I think that's someone like the  
23 superintendent] would be involved."

24 Is that the way things were done?

25 A. No. The punishments and the administration of them were

1 done by QKY and Mrs QKR There was no  
2 involvement of Joe Mortimer or anybody from the office.

3 Q. On the matter of physical punishment, as she terms it,  
4 she said:

5 "Children were only physically punished if they  
6 became hysterical, in a tantrum, and all other methods  
7 of calming them had failed."

8 Is that the way it was done?

9 A. No, I don't recognise that sort of method. The methods  
10 I have told you today are the methods I recognise and  
11 recollect.

12 Q. In relation to, I think, some of the things you've said  
13 in the statement, the more specific things you've said,  
14 she was asked to respond to give her the opportunity to  
15 make any response that she wished to make. First of  
16 all, she tells us what she says you were like and  
17 I think I should put this to you:

18 "He was a bright boy, initially pleasant and  
19 helpful, but became a bully to younger boys."

20 What do you say to that?

21 A. Children in the cottage, we had arguments, we fought  
22 over toys, we fought over items, we argued over things.  
23 I was no different to any other child. I don't believe  
24 I was any worse than any other child. I was never  
25 involved in a fight with a child, a physical fight, in

1 cottage [REDACTED] I don't recall ever being in a physical  
2 fight. As I said earlier, my sister stood up for me.  
3 I was quite an immature and timid -- but I would accept  
4 if you take another child's toy, if you call them names,  
5 if you tease them, if that's a form of bullying, I would  
6 accept that I did that.

7 Q. Okay.

8 When she was asked the question:

9 "Did you, [REDACTED] QKR [REDACTED] sanction or punish  
10 David Whelan?"

11 She said no.

12 A. Well, clearly that's not -- it's just not accurate.

13 It's actually dishonest.

14 Q. When she was asked the direct question:

15 "Did you abuse David Whelan?"

16 She said no.

17 A. That's dishonest.

18 Q. And she says:

19 "I don't recall abusing David Whelan or any other  
20 person."

21 Do you agree with that statement?

22 A. I don't agree with that statement.

23 Q. So far as [REDACTED] QKY [REDACTED] is concerned, I'll just maybe  
24 put a few points to you before I finish. In the matter  
25 of discipline and punishment, what [REDACTED] QKY [REDACTED] has

1 told the inquiry in his statement is:

2 "If a child was bullying a younger child, my wife  
3 [that's QKR would remove them to another  
4 room on their own to cool off and report it to  
5 a social worker."

6 A. Can you repeat that again, sorry?

7 Q. "If a child was bullying a younger child, my wife  
8 [QKR he means] would remove them to another  
9 room on their own to cool off and report it to  
10 a social worker."

11 Does that bear any resemblance to what happened?

12 A. No, I don't believe that happened. In fact, the  
13 [QKR/QKY left the children unsupervised.

14 Q. He goes on to say that:

15 "Things such as lying, bullying, fighting, smoking,  
16 stealing, would earn a punishment. The children would  
17 have no TV, early bed, not allowed out with friends, and  
18 reported to the main office."

19 Is that what happened?

20 A. But [QKY says in his statement that he wasn't  
21 responsible for any children, so how could that happen?

22 Q. He's telling you what happened by way of discipline and  
23 I'm wanting -- is that what happened?

24 A. No. What I described today -- [QKY was a very  
25 violent man who -- his idea of control and punishment

1 was violence.

2 Q. So you don't accept that statement?

3 A. I certainly don't accept that statement.

4 Q. Indeed, I'll just read on to what he said in addition,  
5 and I think maybe this is touching on the point you  
6 wanted to make there:

7 "My wife or the assistant [that's QKR or  
8 her assistant] dealt with the sanctions, unless it was  
9 the older boys who were too much for my wife or the  
10 assistant and I would remove them to calm them down as  
11 she did. Children were not physically punished to my  
12 knowledge."

13 What do you say to that?

14 A. QKY is telling lies and he's being completely  
15 dishonest.

16 MR PEOPLES: I think that these are all the questions that  
17 I have, after a very long day, David, and all I would  
18 like to say now is thank you very much indeed for coming  
19 today. I realise it has been a difficult day and it has  
20 been a long day, and I thank you for attending.

21 LADY SMITH: Are there any outstanding applications for  
22 questions? No.

23 David, there are no other questions for you today.  
24 It just remains for me to say thank you very much indeed  
25 for engaging with the inquiry as you have done so fully

1 and diligently, and I know --

2 MR PEOPLES: Sorry, I should have said, and I forgot. I'm  
3 not sure -- David at one point may have wanted to make  
4 a short statement. I think we may have covered a number  
5 of the matters. I obviously hoped that we would will  
6 deal with matters and I don't want to press him to do so  
7 if --

8 LADY SMITH: I was about to come to that. I know that  
9 you've attended to engage with the inquiry very fully,  
10 from our point of view, with what we've asked you, but  
11 also in doing your own work very diligently and I'm well  
12 aware that you've sourced documents and you've written  
13 things yourself that have been of enormous help.

14 Before you go today, David, which you do, as I say,  
15 with my grateful thanks for all your efforts, is there  
16 anything else that you wanted to add to the evidence  
17 that you've given us today?

18 A. My Lady, first of all I would like to thank the inquiry  
19 for giving me the opportunity to come here today.  
20 I would like to thank the inquiry support witness team,  
21 and in particular [REDACTED] for the supportive approach  
22 that they've dealt -- this has been a difficult journey  
23 for me, even to come to this inquiry, because of trust  
24 issues and stuff.

25 I just want to say this: despite the verdict of the

1 jury, my Lady, there have been numerous malicious  
2 attempts to discredit and undermine me personally by  
3 John Porteous [REDACTED] family and supporters, in the media  
4 and at public meetings. There have also been attempts  
5 to usurp the decision of the jury.

6 Mr Porteous, you maintain your denials. The jury  
7 saw through your mask of respectability and found you  
8 guilty of abusing me. John Porteous, you're a devious,  
9 manipulative, ruthless and dangerous sexual predator.  
10 You are an unrepentant paedophile. You have no victim  
11 empathy. You have shown no remorse at all for the  
12 crimes committed.

13 John Porteous, I'm no longer the child you sexually  
14 abused whenever you felt like it. I will not hide,  
15 I will not remain silent in the future.

16 I paid a very high price, my Lady, personally, and  
17 I my life changed dramatically after the phone call from  
18 [REDACTED] in 2002. Despite those personal  
19 difficulties I have no regrets whatsoever. But as my  
20 testimony will show today, and as the judgment the court  
21 will testify, the abuse of both of us in Quarriers went  
22 beyond the bounds of what would be deemed reasonable  
23 chastisement.

24 [REDACTED]  
25 [REDACTED] the care system in

1 Scotland, as it was in the past, has failed my family  
2 and failed me.

3 William Quarrier had a vision to help and support  
4 vulnerable children in need. That vision was  
5 unfortunately corrupted by others, including those  
6 convicted. I would like to thank the  
7 Scottish Government for setting up this judicial inquiry  
8 and for its recent heartfelt apology in the Scottish  
9 Parliament, followed by action in announcing the  
10 setting-up of a compensation scheme.

11 Thanks also to the Scottish Human Rights Commission  
12 chairs and commissioners past and present for all their  
13 tireless work in championing the victim survivors'  
14 groups: Mr Alan Miller, Duncan Wilson, Kay Hampton, who  
15 also worked with Time To Be Heard, Bruce Adamson, the  
16 current chair, Judith Robertson, and Elena Deering(?).

17 Part of the remit of this inquiry is to look at the  
18 impact on victims and their families. The past cannot  
19 be undone, but real lessons can surely be learned  
20 through this inquiry regarding the systemic failures  
21 pertaining to Quarriers, the state, the civil and  
22 criminal justice systems, internal and external  
23 regulatory systems, professional and non-professional  
24 bodies, and systemic failures.

25 My Lady, thank you for giving me the opportunity to

1 say that.

2 LADY SMITH: Not at all, David. Thank you again. As  
3 Mr Peoples has said, it has been a long day and you've  
4 certainly earned getting away and resting now.  
5 Thank you.

6 (The witness withdrew)

7 MR PEOPLES: My Lady, that concludes the business for today.  
8 It's very late, but I think it was essential that we did  
9 finish David's evidence today and give him the  
10 opportunity to say what he wished to say.

11 I think the next occasion will be Tuesday morning at  
12 10.00, when I think we will have some more evidence from  
13 applicants.

14 LADY SMITH: We'll pick up further evidence and no doubt in  
15 the course of next week, if there are slots, we can get  
16 back to evidence otherwise that would have been read in  
17 today, but of course that doesn't inconvenience any  
18 witnesses that that has been postponed.

19 Thank you.

20 (4.45 pm)

21 (The hearing adjourned until  
22 Tuesday, 6 November 2018 at 10.00 am)

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DAVID WHELAN (affirmed) .....1

Questions from MR PEOPLES .....3

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