

1 Tuesday, 18 June 2019

2 (10.00 am)

3 LADY SMITH: Good morning. We now turn to the third week of
4 evidence in this case study into the provision of care
5 by the Christian Brothers, looking particularly at
6 St Ninian's school in Falkland, in Fife.

7 I understand our next witness is ready for us; is
8 that right, Mr MacAulay?

9 MR MacAULAY: Yes, good morning, my Lady. The next witness
10 would like to remain anonymous and he wants to use the
11 name "James" in giving evidence. My Lady, he does
12 require to be warned.

13 LADY SMITH: Thank you.

14 "JAMES" (sworn)

15 LADY SMITH: James, please sit down and make yourself
16 comfortable. You'll see the microphone is on -- the red
17 light tells you that -- so if you can try to stay in
18 a good position for the microphone, James, that would be
19 very helpful.

20 Mr MacAulay will tell you about the red file and
21 where we're going next. If you're ready, I'll pass over
22 to him at this stage. Is that all right?

23 A. Yes, thanks.

24 LADY SMITH: Mr MacAulay.

25 MR MacAULAY: Again, my Lady, this witness would require to

1 be warned. I don't know if my Lady wants to do that
2 now.

3 LADY SMITH: I could do it now. At some point I need to
4 tell you the following and I'm happy to do it now.

5 James, you may remember that when you were
6 interviewed for the purposes of providing a statement
7 for this inquiry, it was explained to you that although
8 this is a public inquiry and not a court, you have the
9 same right not to incriminate yourself that you would
10 have if these were court proceedings.

11 I think it was explained to you that if you were
12 involved in any way in the abuse of children, then you
13 could be asked further questions about that, but you
14 weren't obliged to answer them; the same applies here.

15 If it emerges in your evidence that you had any
16 involvement in the abuse of children, then you may well
17 be asked more questions about that, but you don't have
18 to answer them if you don't want to. You still have the
19 same right not to incriminate yourself that you would
20 have in criminal proceedings or in any other
21 proceedings. It's important that you understand that,
22 but that you also understand that if you do decide to
23 answer any such questions, your evidence is being
24 recorded and it would be available at any future date
25 for anyone who sought to use it for any further

1 Q. You'll have noticed that, apart from having the hard
2 copy in front of you, the statement also comes up on the
3 screen. You may find it more convenient to look at the
4 screen rather than the hard copy. It's entirely up to
5 you.

6 James, I don't need your date of birth because you
7 want to remain anonymous, but to get a time frame I do
8 need the year of your birth. Can you confirm that you
9 were born in 1954?

10 A. That's correct.

11 Q. You've been called to give evidence here today in
12 connection with St Ninian's because you spent some time
13 working at St Ninian's in the early 1980s; is that
14 right?

15 A. That's right.

16 Q. Just before I look at that, before going to St Ninian's,
17 were you at [REDACTED] in
18 Jordanhill, training to be a [REDACTED] teacher?

19 A. Yes, that's correct.

20 Q. And did you finish the course there or not?

21 A. I finished the course, but I had become largely
22 disillusioned and failed my dissertation and I did not
23 resubmit.

24 Q. If you fail your dissertation, does that mean that you
25 don't graduate or do you graduate?

- 1 A. No, you don't graduate.
- 2 Q. In any event, you had completed the course and you had
3 the necessary training, if you like, to become a [REDACTED]
4 teacher; is that right?
- 5 A. Yes.
- 6 Q. How did it come about then that you went to work at
7 St Ninian's?
- 8 A. When I finished college, I worked for about six months
9 in Glasgow, but then came back to work in Fife.
10 I secured a job as a leisure attendant at the
11 Fife Institute in Glenrothes, which was a large sports
12 centre. Once there, my former [REDACTED] teacher knew I had
13 been to college and knew that I hadn't graduated, but
14 he was also in touch with Brother [REDACTED] LNA from St Ninian's
15 because the school used the Fife Institute regularly.
16 Brother [REDACTED] LNA told him that they were looking for
17 someone to take [REDACTED]. He suggested me and that
18 was how we established contact.
- 19 Q. Did you in due course meet up with Brother [REDACTED] LNA when you
20 were taking on the job?
- 21 A. Yes.
- 22 Q. You tell us in your statement that you were employed for
23 the academic year 1980/1981, and I think you thought you
24 started at St Ninian's in [REDACTED] 1980; is that right?
- 25 A. Mid to late [REDACTED] it would be.

1 Q. What you say in paragraph 3 of the statement is that you
2 thought you left St Ninian's in early 1982.

3 A. Approximately [REDACTED]

4 Q. So you were there for approximately 18 months or so,
5 certainly less than two years?

6 A. Yes, that's right.

7 Q. Can you just tell us what you were told by Brother [REDACTED] LNA
8 as to what your role would be at St Ninian's?

9 A. It was to teach [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q. We'll come back to look at this in a few moments. Once
13 you left St Ninian's in 1982, I think you have set out
14 in your statement the various other positions that
15 you've held over the years. That's at paragraphs 6 and
16 7, I think, in particular.

17 A. Yes.

18 Q. Essentially, these were positions that you held in what
19 one might call the leisure industry?

20 A. Yes.

21 Q. Why did you leave St Ninian's?

22 A. I came to understand that the boys didn't want to be
23 there. And at the same time as I was working at
24 St Ninian's, I was involved in coaching at the
25 Fife Institute leisure centre. People who wanted to

1 [REDACTED] were coming to my classes, but my day
2 job -- the children didn't want to be there, and
3 I wasn't enjoying it.

4 Q. How did that manifest itself? How did you know that the
5 children didn't want to be there?

6 A. Well, a variety of reasons, really. Sometimes just
7 verbally, they would tell me to eff off or, "I'm not
8 effing doing this". Some of the children would fight,
9 there would be a small altercation or something -- and
10 one young man in particular self-harmed: he said
11 he wasn't going effing anywhere and self-harmed, he was
12 banging his head on the flagstones in the courtyard,
13 things like that.

14 Q. So just let's look at the environment then. Did you
15 find it an unsettling environment?

16 A. The children were -- by and large the children were fine
17 in my classes and at games. But there would be
18 individual circumstances, individual situations whereby
19 they weren't happy, they weren't afraid to tell you, and
20 for me this was just turning me right away from the job.

21 Q. So you're saying, are you, that it was the environment
22 that you found difficult and you weren't enjoying?

23 A. The fact that the children weren't enjoying it, the fact
24 that the children didn't want to come, that's what, as
25 I say, turned me off. At the same time as I was

1 teaching there, I was teaching in a [REDACTED] where
2 children wanted to come, their parents wanted them to
3 come, and we made good progress [REDACTED]

4 Q. Let's leave that aside for the moment and just look at
5 the general set-up at St Ninian's. You've told us that
6 you had contact with Brother LNA Did you understand
7 Brother LNA to be [REDACTED] ?

8 A. [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Q. [REDACTED]

12 [REDACTED]

13 A. Brother LNA left soon after I started.

14 Q. Was Brother Farrell there when you started?

15 A. Yes, I'm pretty sure he was.

16 Q. What other brothers can you remember being there when
17 you started in [REDACTED] 1980?

18 A. There was Brother Kelly, Brother MHJ, Brother MBS
19 and I'm sure there was another brother, but I can't
20 remember his name.

21 Q. You mentioned Brother MBS He was quite an elderly
22 man, was he?

23 A. He was.

24 Q. So far as the facilities were concerned, how would you
25 describe what facilities were available for sport?

- 1 A. The games facilities were excellent. The field -- I'll
2 call it a field -- that we played football, rugby and
3 cricket in had two football pitches marked out and one
4 rugby pitch. In the summer the groundsman would mark
5 out the athletics track. We had a variety of
6 cross-country runs from the school -- I think there were
7 about five different runs which we did every Wednesday
8 after swimming.
- 9 Q. Looking at the games programme, how would you describe
10 the programme, the timetable and the commitment demanded
11 of the boys?
- 12 A. The brothers seemed to have this idea that the more
13 sport you played, the more cathartic effect it would
14 have on aggression in the boys, which was a nonsense,
15 really.
- 16 Q. Did you discuss that with the brothers?
- 17 A. No, I can't say I did. I very much looked up to the
18 brothers. I was of the opinion they were actually
19 Catholic priests. Nothing of their background was
20 actually described to me before taking the job.
- 21 Q. But you were looking at the timetable and the programme
22 then, and I think you do tell us about that in your
23 statement, but on the face of it, it was a full
24 programme of sporting activity?
- 25 A. Quite wide-ranging, yes.

1 Q. You set this out in paragraphs 30 to 32, I think, in
2 your statement. Essentially, what you are saying
3 is that most days, depending on whether it was winter or
4 summer, in the afternoons, you'd either have football,
5 rugby, cricket, athletics, or indeed go swimming as
6 well; is that right?

7 A. Yes.

8 Q. In addition you had these cross-country runs on
9 a regular basis?

10 A. Every Wednesday was swimming at Perth in the old leisure
11 pool, which is now not there, and back to the house, and
12 then cross-country. Monday, Tuesday, Thursday, Friday,
13 it would be football, rugby, football, rugby. The
14 school worked on a two-weekly basis whereby every second
15 weekend a great majority of the children would go home.

16 Q. But not all?

17 A. Not all, no, but there would only be two or three
18 literally who would stay at the school.

19 Q. You have mentioned that you thought the brothers took
20 the view that exercise would take the aggression out of
21 the children, I think is what you said. Were you told
22 that or is that something you inferred?

23 A. No, it's just something I could take, you could see from
24 it. They wanted them to be kept as active as possible
25 [REDACTED] and that's what I tried

- 1 to do.
- 2 Q. You thought this notion was nonsense?
- 3 A. I wouldn't use the word "nonsense". If I did earlier,
4 I shouldn't have. I see I've used it in my statement,
5 sorry. It's not nonsense, it's incorrect, I would say.
- 6 Q. Why do you say that?
- 7 A. If anything, it made the children fitter to run away
8 from the local bobby chasing them. If you watch PRO14
9 rugby, intense levels of exercise, it doesn't take away
10 the aggression; sometimes it can intensify.
- 11 I did have the opinion that in some regards, I was
12 filling time in the day. The children would do academic
13 subjects in the morning and then [REDACTED] in the
14 afternoon. There would then be a short break and then
15 there would be an hour of supervised activity between 6
16 and 7, where I could offer them [REDACTED] physical activity
17 or sometimes I think they had the opportunity to watch
18 videos; there was a television room very close to the
19 gym.
- 20 Q. Can I then just, in light of what you said there, look
21 at your own commitment timewise? I think you tell us in
22 your statement your working hours on a daily basis were
23 essentially from 2 pm to 7 pm; is that correct?
- 24 A. Yes.
- 25 Q. So you'd require to be on the premises to be ready for

- 1 2 o'clock?
- 2 A. Yes. Typically, I would be there about 1 o'clock for
3 preparation.
- 4 Q. Would then from 2 o'clock onwards be devoted to some
5 form of [REDACTED] activity?
- 6 A. Yes.
- 7 Q. So what about lessons then? Were lessons over by that
8 time?
- 9 A. My understanding was that academic subjects were taught
10 in the morning, then lunch, and then on to [REDACTED].
- 11 Q. I think most schools in the country would have lessons
12 in the morning and the afternoon, but you're saying that
13 at St Ninian's it was morning for lessons and afternoon
14 [REDACTED]?
- 15 A. Now that you're making me think on it, they didn't all
16 do [REDACTED] in the afternoon, because from 2 until 3
17 I would have only one group, so there would be another
18 group doing something in the school. What that was,
19 I can't tell you.
- 20 Q. Okay. Just looking at the age range of the boys, and
21 I think we know from looking at what's been provided to
22 us by the order, perhaps there were around 40 boys there
23 in the early 1980s. What was your impression of what
24 the age range was?
- 25 A. I think it would be ... I'm not totally definitive on

1 the lower end, but I don't think there was anybody there
2 younger than 10 years old. When they became 16, they
3 left.

4 Q. So there's quite a wide range of age there from what
5 you've said if you're looking at that sort of range. So
6 far as your commitment would be concerned [REDACTED],
7 would you be covering that whole range?

8 A. No. The children were classified into juniors and
9 seniors, and that was something that the brothers would
10 do. They had a junior and senior dormitory, I believe;
11 I didn't really see it. [REDACTED] to me, I tried to
12 treat the boys individually when we were [REDACTED] So
13 the age range was irrelevant and I just set it according
14 to the children in front of you and the skill and
15 ability level.

16 For games, we split junior team, senior boys.
17 Brother Kelly used to take the junior boys for football
18 and I would take the senior boys. When it came to
19 rugby, sometimes we would put all the children in
20 together and we would manipulate the game, if you
21 understand.

22 Q. You've mentioned your working hours from 2 pm to 7 pm.
23 What about weekends? Did you have any commitment at the
24 weekends?

25 A. Yes. If the boys were at the school then I was at the

1 school 9 until, I think, 1 o'clock and then not in on
2 a Sunday. On some Saturdays, we would have games
3 against other schools. We played rugby against what is
4 now Beath High School and rugby against St Andrew's High
5 School in Kirkcaldy. We played cricket in the summer
6 against Viewforth High School and I'm sure we played
7 rugby against Viewforth as well.

8 Q. I think it's clear from what you've been saying to us,
9 James, that you did not live on the premises.

10 A. Oh no, no; I lived in Kirkcaldy.

11 Q. I take it at that time you were married; is that right?

12 A. Yes, about two or three weeks.

13 Q. Before you took up the job?

14 A. Yes.

15 Q. So you'd go home every day after 7 o'clock once you'd
16 finished at St Ninian's?

17 A. That's correct.

18 Q. And you'd go home at the weekends once you'd completed
19 your duties at St Ninian's?

20 A. Yes.

21 Q. You have mentioned the gymnasium. Perhaps we can just
22 identify that on a plan. This will come up on the
23 screen in front of you. CFS.001. 006.8297 is the first
24 plan I want you to look at.

25 If we get that round the right way, you'll see the

- 1 car park to the right and then there's a front door
2 indicated and there's a large entrance hall; is that
3 right?
- 4 A. Yes.
- 5 Q. Then you move into this main hall area and can we see,
6 between the letters N and H, there's an indication of
7 there being a staircase that goes up to a higher level.
8 Do you see that? Between the N and the H there's the
9 little lines drawn across to indicate where stairs might
10 be?
- 11 A. Sorry, I can't see any reference to N and H.
- 12 Q. The N and the H in "main hall". If you go up from
13 there --
- 14 A. That's the grand staircase, yes.
- 15 Q. And that takes you to an upper level?
- 16 A. Yes.
- 17 Q. So far as the gymnasium was concerned, was that on this
18 ground level?
- 19 A. Yes.
- 20 Q. We see there is an area that's been designated as the
21 gymnasium; is that where it was?
- 22 A. Yes. The television room is not entirely accurate
23 though.
- 24 Q. Was there a television room somewhere?
- 25 A. Yes.

- 1 Q. What's your recollection as to where it was?
- 2 A. Approximately where it is shown. If you look, going
3 from the main hall, there seems to be a doorway that
4 goes into the area which is marked "television room".
5 That first doorway was actually a small changing room.
- 6 Q. Was that a changing room that could be used if you were
7 going into the gymnasium?
- 8 A. Yes.
- 9 Q. Indeed we see there's a door leading into the gymnasium
10 from that area.
- 11 A. Yes.
- 12 Q. Was that for the boys or for yourself?
- 13 A. For the boys. The boys would come in, get changed, and
14 then into the gym.
- 15 Q. Is it right to say that there weren't any showers at
16 that level?
- 17 A. No showers there, that's correct.
- 18 Q. If boys wanted to have a shower after the gymnasium,
19 what was the process?
- 20 A. The activities we ... the activities we carried out in
21 the gymnasium weren't very strenuous, so the boys
22 wouldn't shower.
- 23 Q. Generally speaking, if you had activities outside then,
24 let's say football or rugby, where would the boys
25 shower?

- 1 A. If you move the diagram down the screen -- sorry, up,
2 please. You'll see where it says "courtyard".
- 3 Q. Yes. And was there a lower level there below the
4 dormitory level where there were changing rooms and
5 showers?
- 6 A. Yes.
- 7 Q. Did you yourself have an office or an area where you
8 could, for example, change if you wanted to get changed
9 [REDACTED]?
- 10 A. Yes.
- 11 Q. Can you see it on this plan?
- 12 A. Not really. I can tell you the area it was in. You
13 would come in the main hall, the entrance hall, turn to
14 the right, along the corridor towards the chapel, and
15 stopping at the matron's room and turning to the right,
16 there were, I think, two or three steps down and two or
17 three steps up again, and straight in front was a small
18 room that I was able to [REDACTED] change on
19 a daily basis.
- 20 Q. Just going back to the routine, can I ask you, first of
21 all, did you keep any records of your interaction with
22 the boys?
- 23 A. It seems very naive to say it, but none at all. Well,
24 except for they would do [REDACTED] and they would go
25 through the [REDACTED] Award Scheme. So I would

1 have had a record of which skills the boys could
2 achieve. Other than that, I was only asked on one
3 occasion by the headteacher to fill in an A4 sheet of
4 paper -- I think it was for every boy. I've only seen
5 a record for one boy since then.

6 Q. What information were you given by anybody in connection
7 with the boys that you required to deal with?

8 A. By and large, no information at all. I asked, because
9 I said, well, should I not know anything that's really
10 important. I was told by Brother Farrell and
11 MBV, the [REDACTED], that they didn't want
12 me to prejudge having been given background information.

13 There was one exception -- no, sorry, there were two
14 exceptions. I was told that one boy was a fire-raiser
15 and never to be allowed anywhere near matches. And
16 another boy, never to be in a situation alone with him
17 because he had made an allegation against a member of
18 staff in another school or institution. That was the
19 only two times.

20 Q. But did you form -- and this may be evident from what
21 you've said before -- a view that at least some of the
22 boys that were coming to St Ninian's were troubled and
23 had troubled backgrounds?

24 A. Oh yes. The one in particular that I mentioned earlier,
25 the boy who self-harmed in the courtyard, he was a very

1 troubled wee boy. Some of the other children ... I can
2 remember asking Brother Farrell about one in particular
3 because he seemed to be of quite obvious low intellect
4 and Brother Farrell agreed with me that he probably
5 wouldn't be in a mainstream school.

6 Some of the children weren't very clean. Some of
7 the children would come back to the school from
8 a weekend wearing smart clothes. I remember one boy
9 coming back and him talking to me and me speaking back,
10 but what he had was a small pen that recorded everything
11 you said. It was a joke, but this boy seemed to have
12 a good family background.

13 Q. Do you think it would have been helpful to you if you'd
14 had more information given to you about the boys that
15 you required to deal with?

16 A. Yes, definitely. I was given no guidance at all on what
17 to do, just simply, [REDACTED] off you go".

18 LADY SMITH: And am I right in thinking you were about
19 26 years old when you started this job? It was 1980.

20 A. Yes, 26.

21 LADY SMITH: You'd have had your birthday by then, I think.

22 And as you say, you'd finished at Jordanhill shortly
23 before this?

24 A. [REDACTED] 1979.

25 LADY SMITH: And then you'd spent some time in the leisure

- 1 centre after that?
- 2 A. Yes.
- 3 LADY SMITH: But you hadn't had an enormous amount of
- 4 experience by that stage?
- 5 A. Absolutely not.
- 6 MR MacAULAY: Were you given any advice at all as to how you
- 7 ought to interact with the boys?
- 8 A. No.
- 9 Q. I take it you had had no training of any kind that would
- 10 help you to deal with the sort of boy that you had to
- 11 deal with on a daily basis?
- 12 A. Not from time at college, definitely not, no. The only
- 13 in situ training that you had was teaching practice,
- 14 which you did each of your four years for different
- 15 lengths. I couldn't be specific now what the lengths
- 16 were, but one, I think, was a whole term in a school,
- 17 working in the [REDACTED].
- 18 Q. So far as the care of the children was concerned, do
- 19 I understand from what you're saying that was not any
- 20 part of your responsibility?
- 21 A. That's correct.
- 22 Q. But was that then the responsibility of the brothers?
- 23 A. Yes, that's my understanding.
- 24 Q. The brothers also taught the children at the school;
- 25 is that correct?

- 1 A. Yes, but there were other laypeople.
- 2 Q. Yes. In your statement, in fact, at paragraph 36, you
3 mention a particular layperson who taught at the school.
- 4 A. Yes.
- 5 Q. We don't need the name, but you talk about a particular
6 incident there. Can you help me with that? What
7 happened?
- 8 A. It was a Sunday afternoon -- because I was at the
9 school, I would be there from about 3 o'clock until
10 7 o'clock. I had been inside. I came out into the car
11 park to find a boy getting out of that individual's car,
12 who was quite happy and cheery and said hello to me.
13 And the individual said, "Oh, don't worry, it's okay,
14 I've okayed it with Brother Farrell", because the boy by
15 then had said something about, "We've been out for the
16 day". That lay teacher said, "I've okayed it with
17 Brother Farrell".
- 18 Q. And why did that strike you as unusual or ...?
- 19 A. For an adult to take a child out for a day, I thought it
20 was a bit strange. If I'd known then what I know now,
21 I would have followed it up; I didn't follow it up at
22 all.
- 23 Q. What do you know now that's different?
- 24 A. Child protection policies.
- 25 Q. So far as changing after games would be concerned,

1 I think you've told us that at a lower level, where the
2 changing rooms were, there were also showers for the
3 boys; is that right?

4 A. Yes.

5 Q. Did you yourself have anything to do with the showering
6 arrangements?

7 A. No. When we came off the games field, you had to --
8 well, there was a road that took you round, but
9 everybody took a shortcut across a stream and up a small
10 hill. Then you had a sort of arched doorway to the
11 courtyard, which I presume would have been the stables
12 in times gone by.

13 In there were the changing rooms and showers and
14 they were supervised by, typically -- do you want the
15 person's name?

16 Q. By a member of staff?

17 A. Yes.

18 Q. Was this a lay member of staff?

19 A. Yes.

20 Q. What about brothers? Do you know if brothers supervised
21 showers?

22 A. Not after games.

23 Q. At least you never saw that happening?

24 A. No.

25 Q. Was there any particular reason why this particular

1 person was supervising the showers?

2 A. I don't know.

3 Q. Did boys having showers require to be supervised?

4 A. I would think so.

5 The children, being children, they would have messed
6 about. Sometimes you come off a games field and
7 somebody's got a score to settle, they may feel. That
8 sort of thing could happen and I think that was why
9 a member of staff was allocated to that task.

10 Q. But this wasn't a task you ever carried out?

11 A. No.

12 Q. We've heard some evidence about the set-up with the
13 showers. These were open showers; is that correct? By
14 that I mean if you went into the showers, you'd see the
15 naked boys?

16 A. Yes. I was very rarely in that environment, but I would
17 be ... I would put the kit out in the two changing
18 rooms, which from memory were to the right as you go
19 in the corridor here (indicating) and on the left,
20 I think, were showers. But there were no cubicles.
21 It would be open-plan.

22 Q. Why didn't you supervise the showers?

23 A. After games, I had to get myself in, changed, and ready
24 for the next activity, which would be -- they would have
25 a snack, followed by an hour of supervised activity.

- 1 Q. As far as the showers would be concerned, and the boys
2 coming in to have their showers, would the boys be of
3 the same sort of age who were having showers at the same
4 time, or would there be a range of age?
- 5 A. There would be the full range of age because if it was
6 football, we'd finish both games at the same time, rugby
7 they would all be playing, probably.
- 8 Q. This person who you talk about in paragraph 38, you do
9 say that you did ask him once why he supervised the
10 showers.
- 11 A. Yes.
- 12 Q. Why did you ask him that?
- 13 A. I just wondered if it was in fact necessary. He gave me
14 a really strange reply, as you'll see there.
- 15 Q. What was the reply?
- 16 A. To make sure the boys were all circumcised properly.
17 At the time I thought that was strange, but ...
18 I forgot about it for years afterwards.
- 19 Q. Were you aware of there being a shower area elsewhere
20 within the building?
- 21 A. Yes. In the main entrance hall, turn to the right, go
22 towards the chapel, turn right again, and if you
23 remember I said my changing room was about here
24 (indicating), go round to the right and forward, and
25 there were showers in this area (indicating).

1 Q. Is that in the dormitory area?

2 A. Yes.

3 Q. But I think that's an area that you did not frequent?

4 A. No, no. No need to.

5 Q. What about the dining area? Did you eat with the boys

6 or not?

7 A. Typically, no. I can remember being in the dining area,

8 so there may have been some occasions I would perhaps

9 just have been helping supervise. They would have

10 a snack, sort of late afternoon, before they had their

11 supervised activity. But, no, I didn't work beyond

12 7 o'clock.

13 Q. Do you know if the brothers ate with the boys or not?

14 A. I think some of the brothers did, but some of the

15 brothers ate in their own dining room, which was near to

16 the chapel, I believe.

17 Q. You mentioned a little while earlier

18 a Mr [REDACTED] MBV --

19 A. Yes.

20 Q. -- who I think you described as a [REDACTED].

21 A. Yes.

22 Q. Were you aware at that time that he had been a brother?

23 A. No. At some point, [REDACTED] MBV had said to me that

24 he trained as a brother, but he didn't say he actually

25 graduated to that position. His wife and my wife got on

- 1 very well and occasionally we would socialise, but it
2 never came up that he had actually been a brother.
3 I knew him definitely as a layperson.
- 4 Q. What did you see his role to be at St Ninian's?
5 A. Liaison with social work and the boys.
6 Q. Did you see if he had any role to play in boys coming to
7 St Ninian's?
8 A. When I say social work, yes, that's what I mean. There
9 was a lady based in Glasgow who was a social worker and
10 she would liaise with the school and with **MBV**
11 and Brother Farrell about potential placements. I can
12 actually only remember one occasion, a social worker
13 being in the school and I had mentioned it to
14 **MBV** and he said, yes, he was aware the man
15 had been in.
- 16 Q. What was the turnover of boys like at St Ninian's during
17 your 18 months or so there? I mean, would boys leave,
18 and would boys come in to fill the gaps?
19 A. Yes. There was one boy who Brother Farrell on one or
20 two occasion described him as the head boy of the
21 school. **MBV** his name was -- do you want the second
22 name?
23 Q. No, the first name will do.
24 A. This young man was an excellent athlete, very nice boy,
25 well-mannered, gave 100%, whatever you asked him to do.

1 He was the first boy I was aware of leaving the school.

2 And then other boys, as I say, got to 16.

3 Q. But are you saying that in relation to boys coming in,

4 really it was [REDACTED] MBV [REDACTED] who managed that sort of

5 process with [REDACTED]

6 A. That's my understanding.

7 Q. One thing you tell us in your statement is that you have

8 no recollection of there being a library at the school.

9 A. I'm thinking ... In the way I would see a school

10 library, similar to the one I attended myself,

11 I certainly wasn't aware of anything like that. There

12 may have been some books available, probably in the

13 television room.

14 There were two other large rooms off the main

15 corridor. If you walked past the grand staircase you

16 had one room to the right, one to the left. One of them

17 was used for -- I'm pretty sure there was a pool table

18 and such, and the other room, I think was for table

19 tennis and also for school assemblies.

20 Q. You have mentioned your own school. It would be quite

21 unusual for a school not to have a library.

22 A. I would think really unusual. St Ninian's was very

23 different from my secondary school. So where there were

24 differences, I would probably assume it's because of the

25 nature of the establishment.

1 LADY SMITH: Can you help me with other differences that
2 stick in your mind?

3 A. I suppose one would be volume of pupils. I was used to
4 a very busy -- this is -- currently the school has
5 a roll of 1,500, and here we were at St Ninian's with
6 roughly 40 children. You developed a much better
7 understanding of the individual boys at St Ninian's.

8 Behaviour. Behaviour was very different. I'm sure
9 I mention in my statement an incident where I think it
10 was three or four boys were getting at somebody and then
11 they started spitting all over him and it was absolutely
12 disgusting. If that had happened at my secondary
13 school, these boys would probably have been excluded or
14 something. There, I just had to stop them, tell the boy
15 to go and get washed and changed, and I reported the
16 three boys -- it would either be Brother Farrell or
17 MBV ... I'm struggling to be definitive.

18 MR MacAULAY: You do talk about that in your statement and
19 it's clearly an indication of bullying going on.

20 A. Yes.

21 Q. I think you say in your statement the boy that was being
22 spat on was a younger boy.

23 A. Yes, he was.

24 Q. And these were older boys that were dealing with him in
25 this way; is that right?

1 A. Yes, it would be.

2 Q. Looking at bullying more generally, what was the
3 position so far as you could see on that front?

4 A. The boys had a definite pecking order, but some ...
5 I didn't see lots of instances of bullying but some
6 boys, for example the boy I mentioned earlier, [REDACTED]
7 nobody would bother him. Not that he himself was an
8 aggressive child; he was just over here doing his own
9 thing. There were other boys who ... I could see them
10 bullying others.

11 Q. Would you do anything about it?

12 A. If I did, yes, I would stop it immediately.

13 Q. And would you report the boy or boys?

14 A. To either [REDACTED] MBV [REDACTED] or Brother Farrell.

15 Q. Why [REDACTED] MBV [REDACTED]

16 A. Well, for one thing, Brother Farrell wasn't always
17 available, so [REDACTED] MBV [REDACTED] was the, in my view, next
18 appropriate individual to tell.

19 Q. But [REDACTED] MBV [REDACTED] he was employed there as
20 a [REDACTED] is that correct?

21 A. Yes.

22 Q. So on the face of it, did he have any role to play
23 in relation to discipline?

24 A. I don't think so. But if I gave him information,
25 I would be saying, "I can't get Brother Farrell, here's

1 what's happening, can you help?" or, "Here's the
2 information if you think it's appropriate to use".

3 Q. I think you do tell us in your statement that a matron
4 was appointed during your time there. This is at
5 paragraph 52.

6 A. Yes.

7 Q. Do we infer from that that there was not a matron there
8 when you first went?

9 A. That's right.

10 Q. So from that perspective, what female input was there as
11 far as you could see in relation to the care of the
12 boys?

13 A. The care of the boys -- can I start the other way,
14 please?

15 Q. If you want.

16 A. There was a female teacher -- I've forgotten her first
17 name.

18 Q. We've heard of a Margaret.

19 A. That's it. That's the lady. She taught English
20 language and I think some creative writing, because she
21 did talk about one or two of the boys being very badly
22 dyslexic. Brother Farrell appointed two social workers,
23 a male and female, towards the end of my time there as
24 well. Ethel was the female social worker. She was
25 a lovely, gregarious person and keen to do some work

1 with youths. She was a qualified primary schoolteacher
2 at the time. I'm pretty sure she's now a headteacher at
3 a primary in Fife.

4 Domestic-wise, there was Penny Kilbane was the
5 seamstress and looked after clothes for the boys. Then
6 downstairs, there would be the lady who did the laundry.
7 I can't remember her first name, it would be a guess at
8 a second name. Then there would be the ladies in the
9 kitchen. That would be all of the female input to the
10 boys.

11 Q. But those persons you've mentioned -- for example if you
12 take Margaret the teacher, did she stay on site?

13 A. No. None of them did.

14 Q. So coming back to my question about any female input
15 into the care of the boys, for example emotional support
16 and so on, until the matron at least arrived on the
17 scene, was there anybody?

18 A. No -- sorry, I can only say no during the time I was
19 there.

20 Q. Absolutely. That's the only time you can give us any
21 evidence about.

22 A. Yes.

23 Q. What about visits from family members? Do you recollect
24 any family members coming to visit boys?

25 A. No.

- 1 Q. Of course, I think boys were allowed home every second
2 weekend, as I think you have said.
- 3 A. The great majority were. On occasion, selected boys
4 were not allowed home. I took it to be a punishment for
5 poor behaviour.
- 6 Q. But more generally, were you aware of any inspections
7 being carried out?
- 8 A. No.
- 9 Q. You've already mentioned the fact that social workers
10 would come to see boys; is that correct?
- 11 A. I was aware of one occasion where a social worker was
12 in the main hall with a boy, and the main reason I spoke
13 to him was he had given the boy a cigarette. Depending
14 on your view of it, some people would allow under 16s to
15 smoke, some wouldn't. The difficulty for me was that
16 was a stately home and a fire could have been caused
17 inadvertently and it would been a disaster.
- 18 Q. Was smoking, though, something that you witnessed
19 happening amongst the boys?
- 20 A. Not amongst the boys, no.
- 21 Q. Amongst the brothers?
- 22 A. Oh yes.
- 23 Q. On this occasion, the social worker gave the boy
24 a cigarette and the boy took the cigarette?
- 25 A. Yes.

1 Q. I think you tell us that in the context of visits that
2 other brothers would visit the school as well; is that
3 correct?

4 A. There were two I was aware of: one was a brother, one
5 was a trainee brother.

6 Q. And visiting for a short period of time?

7 A. Yes. In paragraph 61, the person who was a brother --
8 yes.

9 Q. You mentioned one who was mad keen on sports.

10 A. That's the one. He was there for periods of weeks at
11 a time. The other one was a trainee. His first name
12 was Jimmy. I don't know his second name. He was still
13 undergoing training.

14 Q. You've told us, I think, about the extent of your
15 interaction with the boys and it would appear that on
16 a daily basis you had a lot of interaction with the
17 boys.

18 A. Yes.

19 Q. Were you involved in any way in the review of the
20 progress that boys might have been making in view of
21 their care?

22 A. The short answer is no. I did mention earlier
23 Brother Farrell had asked me to complete a questionnaire
24 about boys. I can only recollect seeing one ever since
25 then. That was more on the behavioural side, I can

1 remember.

2 Q. And you've already told us that so far as records were
3 concerned, really, essentially, you didn't keep any
4 records.

5 A. No.

6 Q. Do you know if records were kept?

7 A. I don't know.

8 Q. But if records were kept, do I take it from what you're
9 saying that your input into any such records really was
10 minimal?

11 A. Absolutely, yes.

12 Q. And insofar as boys leaving the school and being
13 prepared to leave, I think you tell us you had nothing
14 to do with that?

15 A. No, no.

16 Q. Can I then just ask you about discipline, James. Let's
17 just go back to when you went to work at the school.
18 What instructions were you given as to how children
19 should be disciplined?

20 A. Brother LNA asked me if I had a leather belt for
21 discipline purposes; I said no. He told me if I had
22 a discipline issue in my class in that respect, in that
23 case, that I should use a plimsoll.

24 I should say there was a big -- if you can imagine
25 a bread basket with lots of different sizes of plimsolls

- 1 in the changing room for the boys.
- 2 Q. And plimsolls, I think we can perhaps all think back,
3 they'd be quite light shoes that you slip on; is that
4 correct?
- 5 A. Yes, very thin, sort of rubber on the bottom and thin
6 fabric.
- 7 LADY SMITH: Made of canvas in 1980-odd, were they?
- 8 A. Sorry, I can't recollect.
- 9 LADY SMITH: They would have had a rubber sole on them?
- 10 A. Very similar to what you would buy for a child today.
- 11 MR MacAULAY: You were just telling us then about what
12 Brother LNA told you as to how children were to be
13 disciplined. He asked you about a strap which you
14 didn't have, so what was the position to be?
- 15 A. He told me if I found an issue with discipline, that
16 I was to give the boy two or three smacks on the bottom
17 with a plimsoll. It was a very different world then
18 than it is now. I had gone through the education
19 system, watching people in the front of the class being
20 leathered ten times with a belt. We all know that's
21 different.
- 22 Q. Was there any written code to help?
- 23 A. None whatsoever.
- 24 Q. And then as a matter of practice, James, what happened
25 then? If you came to discipline a child, did you use

1 the plimsoll?

2 A. Yes.

3 Q. How many strokes would you use?

4 A. If it was repeatedly and serious, then I might -- sorry,

5 do you mind if I stand up?

6 LADY SMITH: Not all, whatever's most comfortable for you,

7 as long as we can hear you through the sound system.

8 A. My leg just seizes sometimes.

9 LADY SMITH: We have to do what's comfortable for you,

10 James. Also if you want a break so you can walk around,

11 do let me know.

12 A. That's okay. Thank you.

13 Sorry, what was the question?

14 MR MacAULAY: We were talking about your use of the

15 plimsoll.

16 A. It would be sparingly. If someone spat at someone, for

17 example, they would be told, "That's disgusting, don't

18 do it again". They might be excluded for a wee bit, but

19 you had to use that sparingly because maybe they just

20 wanted to be excluded. So if you did exclude, you'd

21 bring them back in fairly quickly. But if they did it

22 again, then I would probably have given them a smack

23 with the plimsoll.

24 Q. Just so I can understand how this would be done, would

25 you ask the boy to bend over?

- 1 A. Touch his toes, give him a smack, put the slipper away
2 that was it, finished.
- 3 Q. Would there an age group that this would be appropriate
4 for? Take the 15-year-olds, for example, would you use
5 a slipper on a 15-year-old boy?
- 6 A. That wouldn't work. I'm definitely of the opinion now
7 that corporal punishment is no use. If you cannot get
8 through to the child by talking to them, then perhaps
9 you're not the right person to talk to the child.
- 10 Q. Would the slippering that you've mentioned really be
11 directed towards the younger boys rather than the older
12 boys?
- 13 A. Yes.
- 14 Q. If you had a boy that really was being very difficult,
15 would you report that boy to one of the brothers?
- 16 A. Typically, Brother Farrell, if I felt it necessary.
- 17 Q. Would it be Brother [LNA] before Brother [LNA] left?
- 18 A. It would have been, but Brother [LNA] was only there
19 a matter of weeks.
- 20 Q. If you punished a boy in the way you've described, would
21 you record the punishment?
- 22 A. I did not. That was something else that I found out
23 that should have happened, but I was not told to do it.
- 24 Q. By that, do you mean when you went there in the first
25 instance, you weren't told that if you punished a boy

1 using corporal punishment, that had to be written down?

2 A. No, I wasn't told that at all.

3 Q. Do you know if there was a punishment book, punishment
4 record kept?

5 A. I do not.

6 Q. Did you ever see a punishment book or a punishment
7 record?

8 A. No.

9 Q. Did you ever witness the brothers disciplining boys?

10 A. No.

11 Q. You tell us about an incident in paragraph 80 of your
12 statement involving Brother Kelly, where you had
13 a conversation with him. This is prompted, I think, by
14 Brother Kelly, who kept on yawning, I think you tell us.

15 A. Yes.

16 Q. What was the conversation you had with him?

17 A. I said I need to paraphrase it here, but something along
18 the lines of, "Paul, did you not get any sleep last
19 night?" and his reply was, "You wouldn't either if you
20 had MCU in your room all night". I said, "Paul,
21 I don't think that's a very appropriate thing to
22 happen", and he didn't reply and we just moved on.

23 LADY SMITH: James, don't tell me anything further about the
24 boy's name, all right?

25 A. Sorry, right.

1 LADY SMITH: It's okay. Everybody in the room knows that
2 children who were at St Ninian's have the protection of
3 a general restriction order that entitles them to
4 anonymity.

5 A. Right. I knew the boy and the boy seemed to have -- he
6 seemed to be the teacher's pet.

7 MR MacAULAY: Which teacher?

8 A. Brother Kelly. I thought maybe he's got a bunk bed or
9 a lilo or something at the end of the room. We didn't
10 talk about it any more and it just didn't click with me.
11 Nowadays, I would definitely think differently.

12 Q. But at the time, did you think it was appropriate that
13 there be a boy in Brother Kelly's room overnight?

14 A. I didn't think it was appropriate, no, but I didn't know
15 the interaction between them and the location of where
16 each slept. I basically moved on.

17 Q. Did you consider raising it with Brother Farrell, for
18 example, that this comment had been made?

19 A. I didn't, not at that time. Now -- very different.

20 Q. I think what you say is in hindsight you probably should
21 have done something even at the time?

22 A. Yes.

23 Q. I've already asked you about the atmosphere at the
24 school, James. Were you aware, for example, that
25 children did run away from the school?

1 A. Yes. On one occasion, in fact -- and this must have
2 been very early in my time at St Ninian's -- to start
3 with, I didn't have any transport so I used to get the
4 bus from Kirkcaldy to Falkland, walk through the village
5 and up to the school. On one occasion, I saw one of the
6 boys in the village, and when he saw me he started to
7 run. So I went after him and I can't remember exactly
8 how, but he stopped, we got together, we spoke --
9 I actually took him to -- there was a small cafeteria,
10 Kynd Kittock's Kitchen, just up from the monument in
11 Falkland. We sat there and he had a juice and a biscuit
12 or something, and I managed to persuade him to go back
13 to the school.

14 Q. Did he tell you why he was running away?

15 A. No.

16 Q. Did you ask him?

17 A. I can't remember. But I did say to him -- no, no,
18 I cannot say anything definitive about our conversation,
19 but I'm sure I would have tried to explain that if he
20 ran away, he would be brought back and it was better
21 just to go back and that would be it.

22 Q. You're telling us there about one particular incident
23 you yourself witnessed.

24 A. Yes.

25 Q. Were you aware of there being, more generally, boys

1 there who did run away?

2 A. I can remember boys would sometimes say, "Oh, he's done
3 a runner, he's off to see his auntie or his mum", but
4 that was all. I was never party to what happened when
5 they were brought back.

6 Q. You didn't see what happened when they came back?

7 A. No, no.

8 Q. Was there any discussion amongst the staff about this
9 problem or issue that boys would run away?

10 A. You have to understand, I had very restricted contact
11 with any of the staff. Primarily, I worked with
12 Brother Kelly on the games pitches, and that really
13 would be it. Brothers MHJ and MBS were never
14 involved in games.

15 There was one man there. He taught
16 a layperson. He on odd occasions -- in fact I can only
17 remember one -- when Brother Kelly wasn't available, he
18 refereed the junior football.

19 So my contact and the sort of discussions -- they
20 didn't happen.

21 Q. You told us a little while ago that to begin with, you
22 would go to the school by bus; is that right?

23 A. Yes, that's right.

24 Q. Did there come a time when you invested in a motorbike
25 and you used the motorbike to go to school?

- 1 A. Yes.
- 2 Q. I think when you were asked to give your statement,
3 something was put to you in connection with the
4 motorbike. Do you remember that being put to you?
- 5 A. Yes.
- 6 Q. In the folder in front of you, if you turn to the very
7 front of the folder, you'll find what we can describe as
8 a key, where the name of a boy is given and then his
9 pseudonym is also there. Do you see that?
- 10 A. Yes.
- 11 Q. There's a particular boy whose pseudonym is Alan.
12 Do you recognise the name? Don't give us the name.
13 Do you recognise the boy's name?
- 14 A. Yes, I know who you're talking about.
- 15 Q. In paragraph 85, you set out in your statement what was
16 put to you about -- the allegation being made by this
17 particular boy. I'll just read that out to you:
18 "James was the [REDACTED] teacher and was also guilty of the
19 odd hit. He would ask me to wash his motorbike. He
20 used to give me a Mars bar as payment."
21 So far, did that happen as far as you can remember?
- 22 A. No, definitely not.
- 23 Q. Was the bike a motorbike on the premises?
- 24 A. Yes.
- 25 Q. Would it be accessible to the boys or did you have it

- 1 somewhere --
- 2 A. No, absolutely not. When I got this bike, it was my
3 pride and joy. It was a [REDACTED] The
4 first day I came up to the school with it, I parked it
5 besides the cars in the car park and by coincidence,
6 Brother Farrell was there and he said, "Get that in [REDACTED]
7 storeroom." He had just given the boys a talking-to:
8 someone had done graffiti, scored one or two cars. So
9 I took the bike round through the back through the big
10 arched doorways into the courtyard. From there, into [REDACTED]
11 storeroom it was wide corridors, paved with flag stones.
12 So it was eminently suitable to take the bike round.
13 [REDACTED] storeroom would be approximately from the large
14 pillar behind you up to that wall (indicating) and the
15 whole length.
- 16 Q. A large area?
- 17 A. A large area. That's where [REDACTED] all the sports kit,
18 all the new sports kit, and there was a lot of that: new
19 football boots, lots of different things that the
20 children didn't have access to. So my bike was stored
21 in there any time I was on the premises. I had a key.
22 The man who was the [REDACTED] teacher had a key and
23 Brother Farrell had a key. But nobody had access to
24 that bike.
- 25 Q. You're aware that Alan goes on to say that he was

1 washing the bike when this other boy appeared and gave
2 the bike a kick, leaving a mark on the exhaust:

3 "At the time I was inside eating my Mars bar, James
4 knew that this boy had done this, but he slapped me and
5 punched me in the stomach."

6 That's the allegation he has made against you.

7 A. Absolutely incorrect. Definitely not.

8 Q. There was also something put to you about an incident
9 that happened involving a flagpole, and in particular
10 a boy stabbing Alan with the flagpole. Did you know
11 anything about that?

12 A. I didn't know anything about -- there were two aspects
13 to that. I'll deal only with the one you're giving me
14 if you wish. I knew nothing about this alleged stabbing
15 with a flagpole. The flagpole certainly had pointed
16 ends.

17 Q. But you knew nothing about the incident itself --

18 A. Nothing at all.

19 Q. -- or the background to the incident, which involved
20 a fight between two boys that no one intervened with?
21 Did you know anything about that?

22 A. If a fight between two boys started, then I would
23 separate them, stand between them, and stop it. The
24 allegation that was made was that Brother Kelly was
25 present when this fight started. Now, that wouldn't

1 happen, because when that boy was playing football, he
2 would be in the seniors, and Brother Kelly was 200 yards
3 away refereeing the junior match.

4 So I can only think of one time that Brother Kelly
5 and myself would both be on a pitch, and that would be
6 if it were rugby and we would certainly not allow two
7 people to fight.

8 Q. Can I ask you a little bit about the brothers then, the
9 brothers you recollect, James? There are brothers whose
10 names we put to you that you couldn't really remember,
11 but Brother Farrell is someone you clearly remember?

12 A. Yes.

13 Q. You tell us in paragraph 99 that he lost his temper,
14 I think on more than one occasion.

15 A. Yes.

16 Q. Can you just give us some understanding as to what
17 happened on these occasions?

18 (Pause)

19 A. I'm trying to think. I'm sure there were three
20 occasions.

21 Q. I think earlier on in your statement you talk about an
22 occasion when you were going home and you were asked to
23 stay back.

24 A. Yes. I was literally walking out the door and going out
25 of the door and I had to go round -- for some reason

1 I couldn't go along this corridor. I was literally --
2 the door was there, I was here, and he was asking,
3 "I want you to stay tonight if you can, we need you
4 tonight, people aren't well". I said, "I'm sorry, you
5 cannot give me 30 seconds' notice; I have to go home",
6 and he was not a happy person.

7 Q. How did he behave?

8 A. Well, "Off you go then, go on, forget about it". I knew
9 he wasn't happy, but ... Yes. I was recently appointed
10 to a job, I was recently married, we had got our first
11 flat together, we were decorating, we were doing lots of
12 things. I didn't want to stay in the school overnight.
13 He never, ever asked me again.

14 Q. The example you give at paragraph 99 is an incident,
15 I think you describe, where you and a group of boys were
16 seeing what you could do about an overgrown tennis
17 court --

18 A. Yes.

19 Q. -- in order to convert it for another activity.

20 A. Right.

21 Q. What you say is that:

22 "Brother Farrell was incandescent with rage."

23 A. It's not a word I would use frequently. He was very
24 angry.

25 Q. Why was he angry?

1 A. I don't know. It was an hour before supervised
2 activity, before supper, and somebody told me, "Why
3 don't we play tennis? There's a tennis court round the
4 side of the school". I had never been round the side of
5 the school. Right enough, here it was. I think at one
6 time it had had wire netting round the outside. From
7 memory, it would be what you would call red blaze, but
8 it was grossly overgrown.

9 So I said to them, "Come on then, this could be
10 another activity area for us". It could have been
11 tennis, it didn't have to be tennis, it could have been
12 an outdoor football pitch or a mini-football pitch. We
13 set to pulling lots of weeds out, making a pile, and I'm
14 not sure if I mentioned it to Brother Farrell, but we
15 must have stopped and the boys went off for supper.
16 I can't remember if I mentioned it then to
17 Brother Farrell or later, but he was absolutely furious
18 and I was told never to go near that tennis court again.

19 Q. Well, how did this manifest itself? What did he say?

20 A. He was shouting at me, "Don't ever go back there. Don't
21 allow any of the children there. That's not going to
22 happen". I've no idea -- as I say in the statement
23 here, I still have no idea why he was so angry.

24 Q. What was your reaction at the time?

25 A. If that's his attitude, then I'll do as I'm told.

1 You have to understand my feeling: Brother Farrell
2 was the headmaster, so he was my superior. He was also,
3 as I thought, a priest, a man of the cloth, and I had
4 been a member of the Church of Scotland and I respect
5 the ministry. So if he told me to do something, I did
6 it. I told the police about it, I don't know if they
7 did anything about it or not.

8 Q. Generally, how did you see Brother Farrell interacting
9 with the boys?

10 A. I didn't see it very often. I'm trying to cast my mind
11 back to specifics -- it's 39 years ago. It's rather
12 difficult. I never saw him shout or hit any of the
13 boys. I could hear him -- well, for example, some of
14 the boys didn't have a summer holiday, so the school
15 took them down to a place near Dolgellau in Wales.

16 Q. Did you go with the school?

17 A. I was told that was part of my responsibility. We
18 travelled in the school bus, which housed about -- it
19 could house up to about 40 people. One day, we were
20 going into a seaside village somewhere, a seaside town,
21 and the boys were all given money as they got off the
22 bus to go. The boys all went. When we got off the bus,
23 at the end of the street Brother Farrell saw two of the
24 boys, so he shouted them over. And he said, "Right,
25 empty your pockets", and they did. And they had lots of

1 little trinkets and things which they had stolen from
2 a shop. They still had all their money, but they'd also
3 acquired sweets, this, that and the other.

4 The most I saw there was him adopting a serious
5 attitude and saying to the boys, "You are going back to
6 that shop, where you're going to apologise", and that
7 was about the strongest terms, I think, I would ever see
8 him interacting with the boys.

9 MR MacAULAY: My Lady, I am nearly finished, but it's 11.30.

10 LADY SMITH: James, we normally take a break at this time in
11 the morning, so if that would be suitable for you, we'll
12 do that now.

13 (11.30 am)

14 (A short break)

15 (11.50 am)

16 LADY SMITH: James, are you ready to carry on now?

17 A. Yes, thank you.

18 LADY SMITH: Mr MacAulay.

19 MR MacAULAY: My Lady.

20 The other brother I want to ask you about in
21 particular is Brother Kelly. Did you see how
22 Brother Kelly interacted with the boys at the school?

23 A. Typically, only through games, when we were playing
24 football, rugby or swimming. Brother Kelly was about
25 the same age as me. We were both very keen on sports.

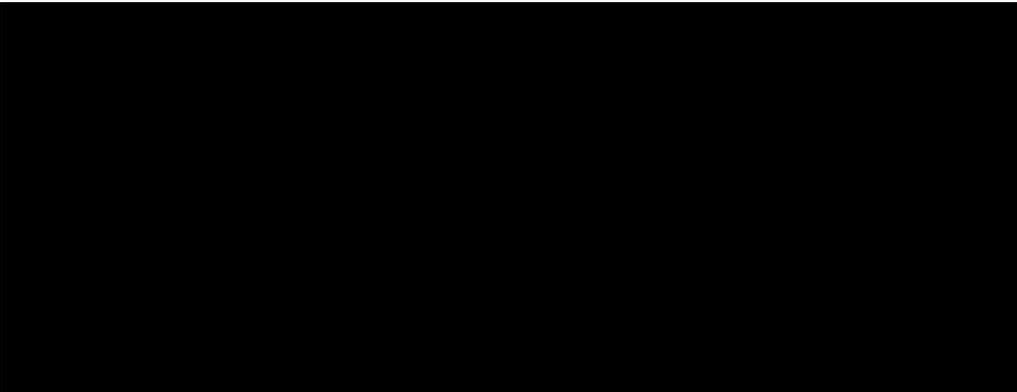
1 I had what I would think was a good working relationship
2 with him, to the extent I would have called him
3 a friend, not just a colleague. I have to say, that's
4 without the benefit of what I've seen now.

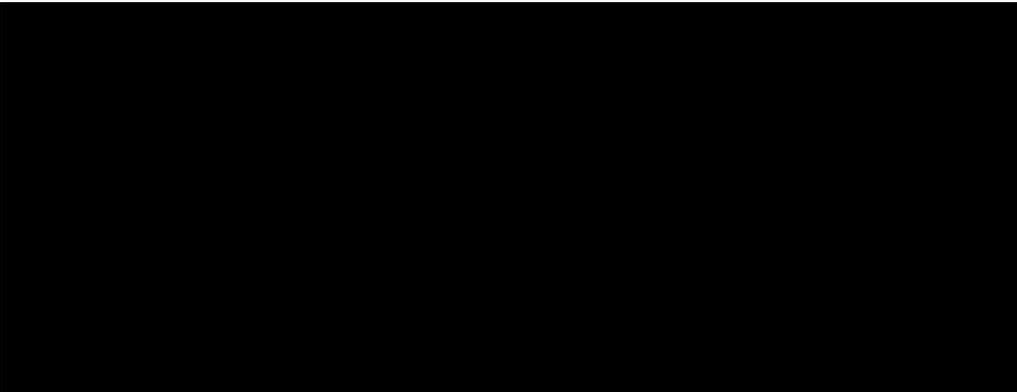
5 Q. But as you said, essentially your involvement with
6 Brother Kelly with the boys was in the sporting context?

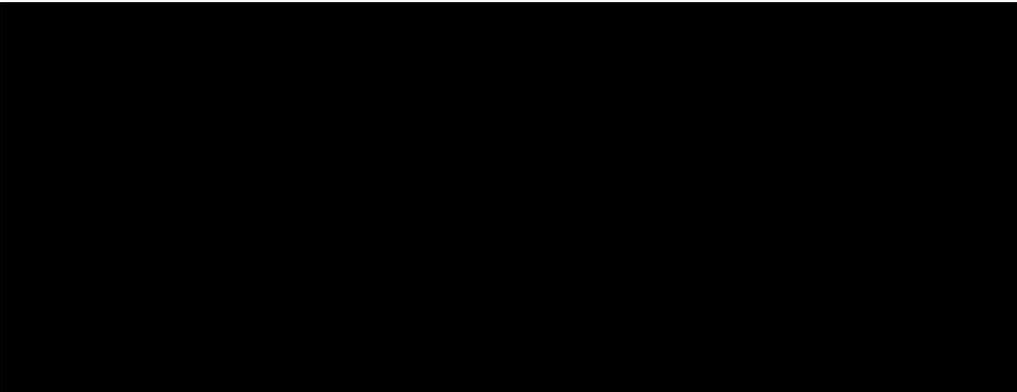
7 A. Yes.

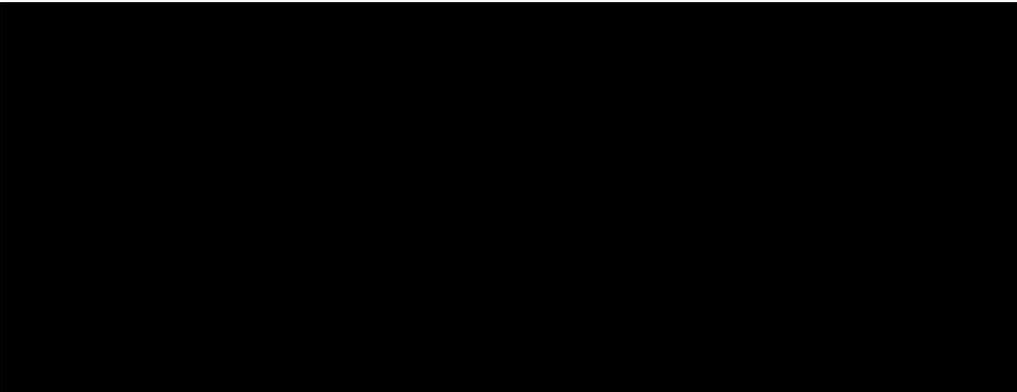
8 Q. You came to leave St Ninian's, and we have looked at the
9 background to that already, and went into other
10 positions. But there came a point in time more recently
11 when there was a police investigation into St Ninian's.

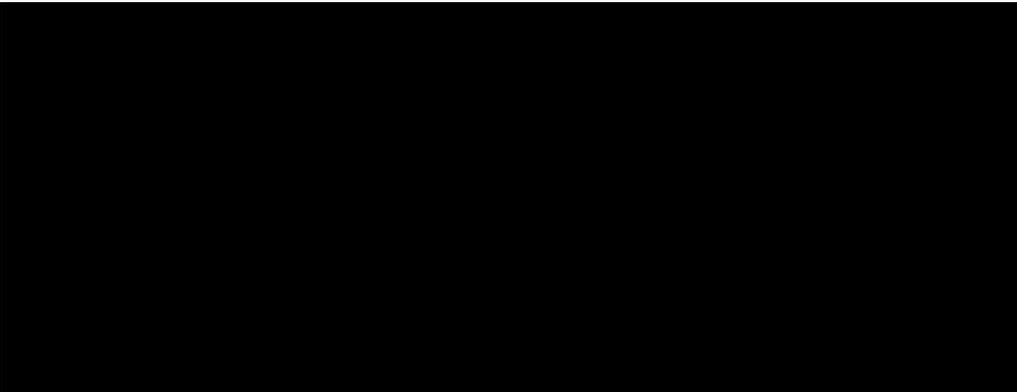
12 A. That's correct.

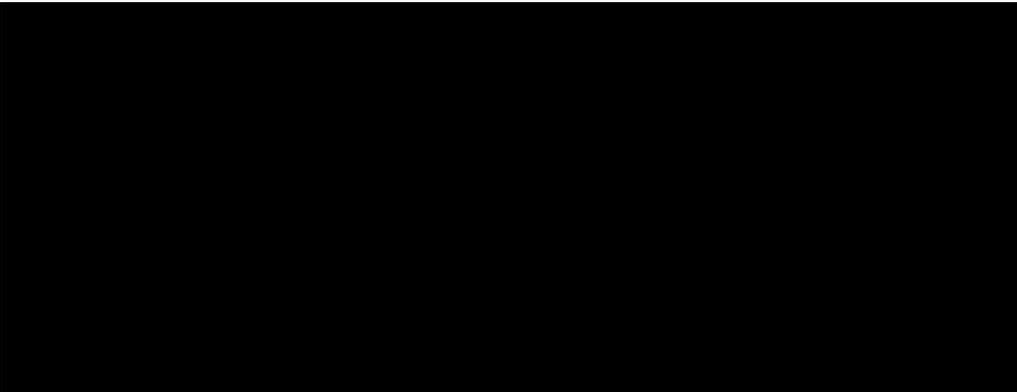
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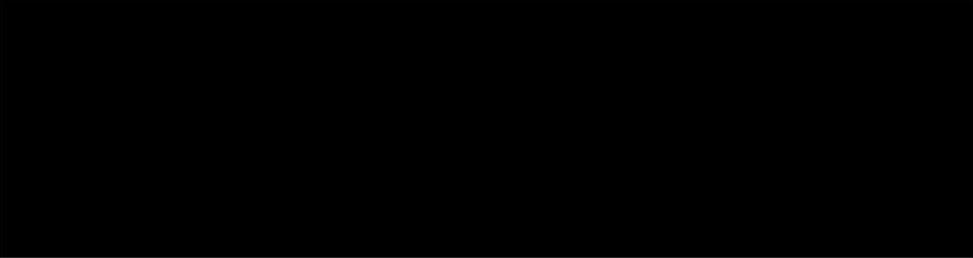
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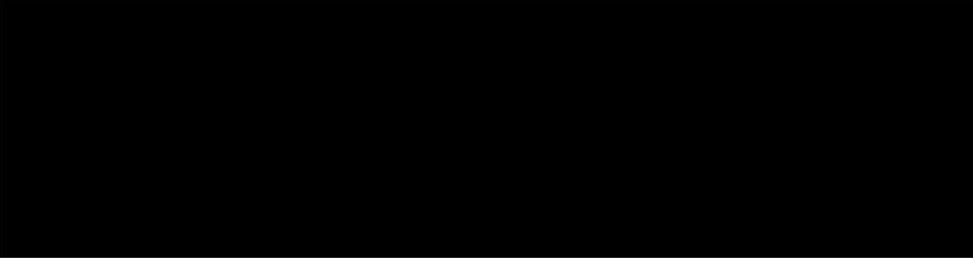
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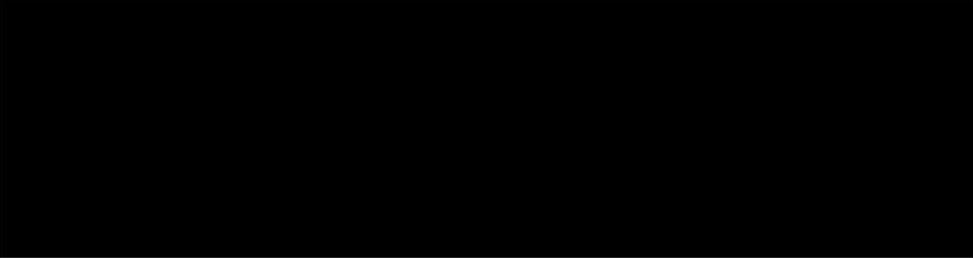
18 A. 

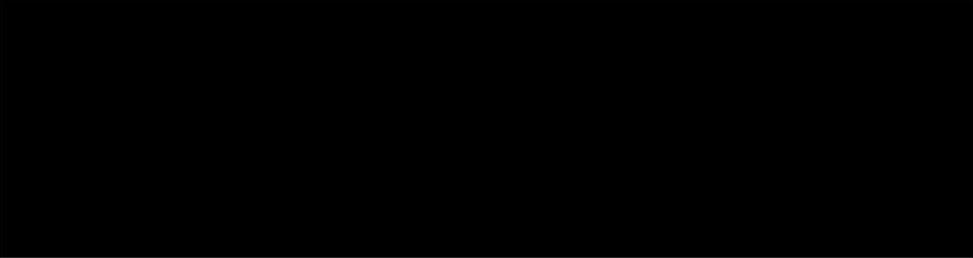
19 Q. And in particular, Brothers Kelly and Farrell were two
20 of the accused 

21 A. That's correct.

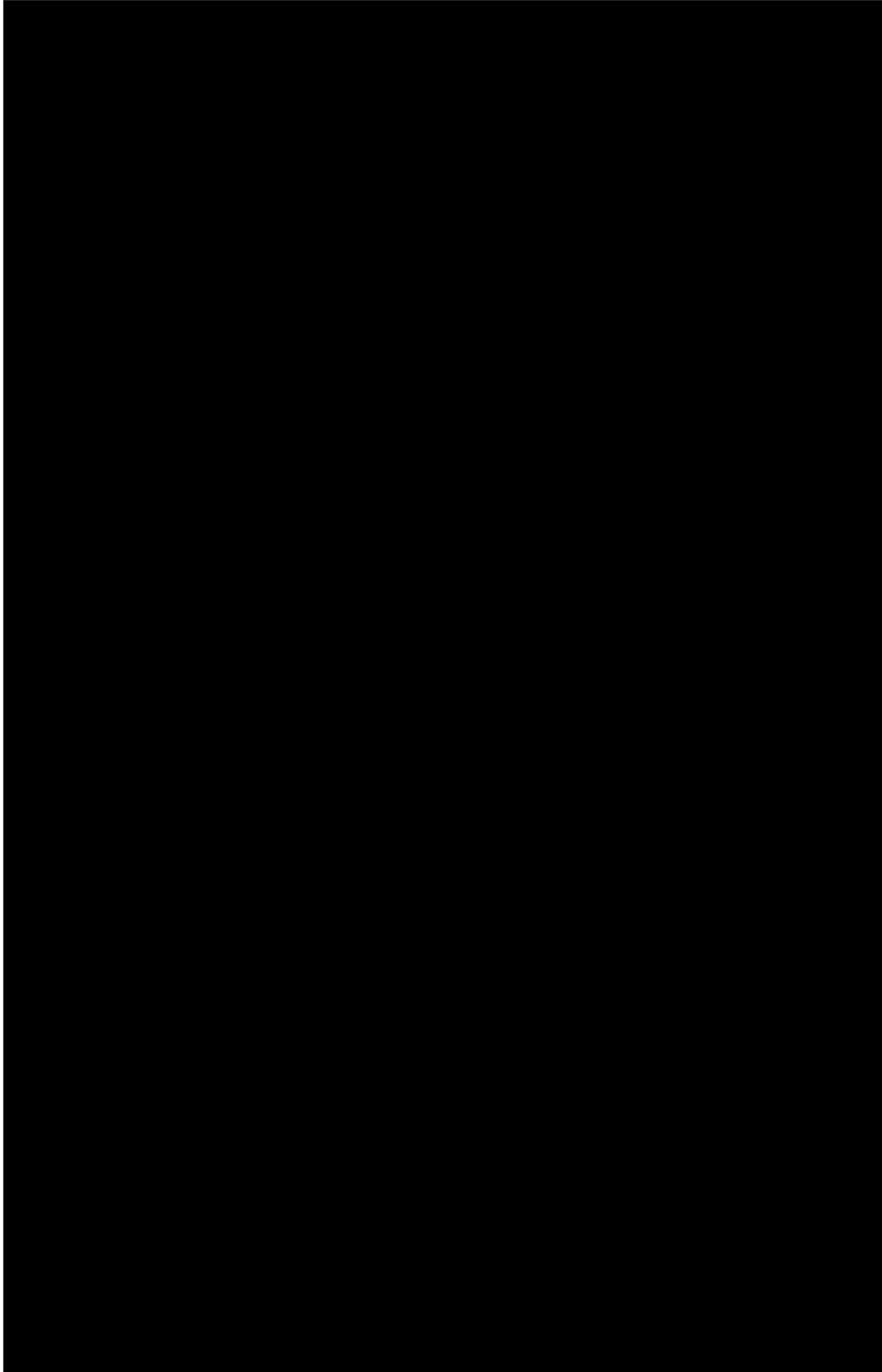
22 Q. 

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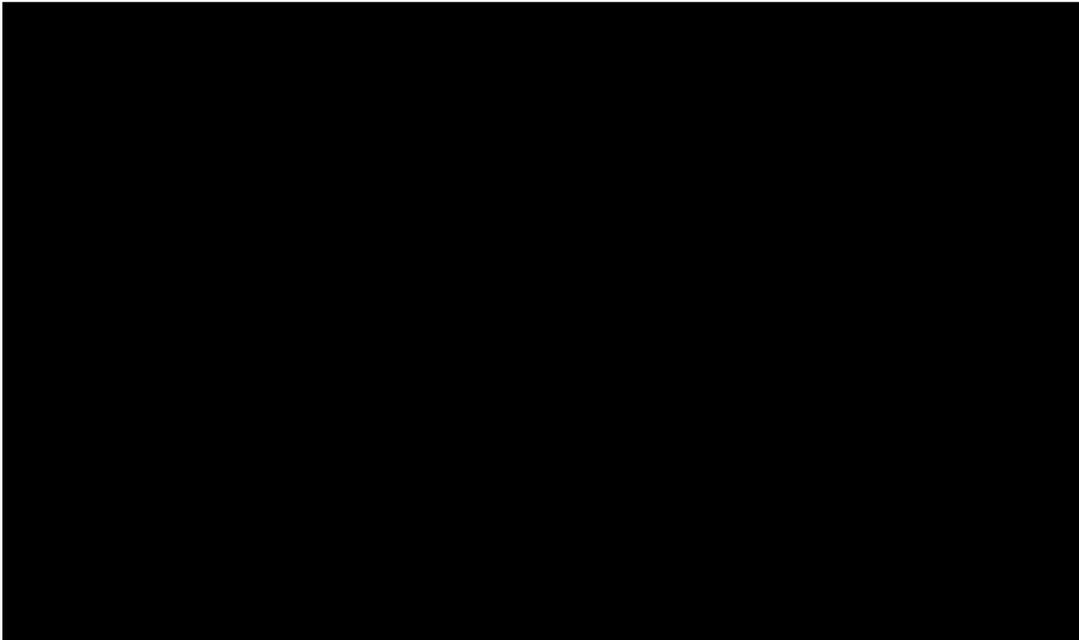
24 Q. 

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2 A.
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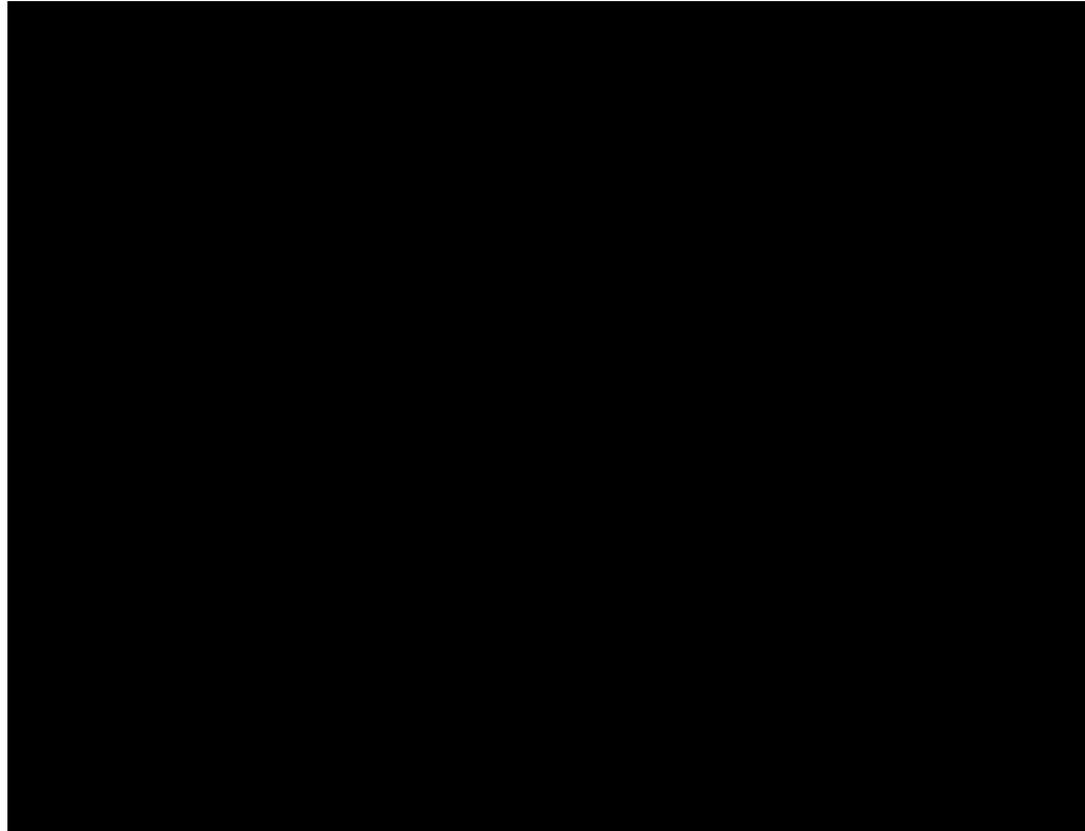


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Q. I think are you now retired?

A. Yes.



- 1 [REDACTED]
- 2 A. [REDACTED]
- 3 Q. I think, taking it shortly, you found the police
- 4 investigation [REDACTED] to be quite
- 5 a traumatic experience for you?
- 6 A. Definitely. After the first interview by the police,
- 7 I came out of that interview probably displaying
- 8 symptoms of shock. [REDACTED] some
- 9 of the graphic descriptions that were given just
- 10 absolutely revolted me and I couldn't stop thinking
- 11 about them. The whole business has affected me greatly.
- 12 Q. It is a fact that two men that you knew at St Ninian's,
- 13 Brothers Kelly and Farrell, were both convicted of
- 14 serious sexual abuse type offences.
- 15 A. And what I cannot understand is how I could work with
- 16 them for 18 months and not know any of that was going
- 17 on.
- 18 Q. I suppose one answer might be that your involvement at
- 19 St Ninian's was at a particular part of the day. You
- 20 weren't there and didn't stay overnight. That's the
- 21 position, isn't it?
- 22 A. Yes, that's true.
- 23 Q. If we look, then, at the final bit of your statement,
- 24 James, a section headed "Lessons to be Learned", at
- 25 paragraph 113, you confirm there what you've already

1 said, that you were given no instructions to follow when
2 you went to St Ninian's; is that correct?

3 A. Yes.

4 Q. And your position now is that there have to be systems
5 and procedures in place, particularly from the
6 perspective of child protection?

7 A. Yes.

8 Q. Indeed, you say that you were the child protection named
9 person for a particular trust at one point; is that
10 right?

11 A. Yes.

12 Q. Involved in writing policy and guidelines?

13 A. That's correct.

14 MR MacAULAY: Very well, James. That's all I propose to ask
15 you today.

16 My Lady, I haven't been asked to ask any other
17 questions of James.

18 LADY SMITH: Are there any outstanding applications for
19 questions of this witness?

20 James, those are indeed all the questions that
21 we have for you. Thank you very much for your
22 engagement with the inquiry, both in terms of your
23 written statement that's got so much helpful detail in
24 it, and coming along today to give us your oral
25 evidence, to expand and build a bigger picture than we

- 1 A. Good afternoon.
- 2 Q. I'm going to be asking you questions today about your
3 witness statement. There's a copy of your statement in
4 the folder in front of you. I'll give the reference for
5 the transcript: WIT.001.002.5720.
- 6 Could you turn to the final page of the statement
7 for me. Have you signed the statement?
- 8 A. Yes.
- 9 Q. In the final paragraph do you say:
- 10 "I have no objection to my witness statement being
11 published as part of the evidence to the inquiry"?
- 12 A. Correct.
- 13 Q. And do you go on to say:
- 14 "I believe the facts stated in this witness
15 statement are true"?
- 16 A. Correct.
- 17 Q. Chris, were you born on [REDACTED] 1941?
- 18 A. Yes, a war baby, yes.
- 19 Q. Are you now 77 years old?
- 20 A. 77.
- 21 Q. I'll begin by asking you just a little bit about your
22 educational background. I think you tell us in your
23 statement that you attended a juniorate in 1955; is that
24 correct?
- 25 A. Yes. That was when I decided to join the brothers, the

- 1 Christian Brothers, yes.
- 2 Q. And where did you go from there?
- 3 A. From Ledsham to Toddington in Gloucestershire.
- 4 Q. Did you do your A levels in Gloucestershire?
- 5 A. Yes, I did some in Gloucestershire and then I did others
- 6 later on when I was teaching.
- 7 Q. I think you tell us that you then went on to Strawberry
- 8 Hill in Twickenham to do your teacher training?
- 9 A. Yes, I did.
- 10 Q. Did you then teach for a couple of years?
- 11 A. I did, yes.
- 12 Q. Was that in a residential environment or a day school?
- 13 A. I can't think where it was now. It would have been
- 14 in the junior -- I think it would have been in the
- 15 juniorate. Before that, I taught in Hooton, which was
- 16 a prep school, if you will, a little junior school.
- 17 Q. You then, I think you tell us, went to
- 18 Liverpool University to do a science degree.
- 19 A. I did. I did botany and zoology, yes, and chemistry.
- 20 Q. After being at university, I think you tell us you spent
- 21 a year at Prior Park College in Bath?
- 22 A. Yes.
- 23 Q. Were you a Christian Brother by this time?
- 24 A. Oh yes, yes.
- 25 Q. When did you become a Christian Brother?

- 1 A. I became a Christian Brother when I was 25. That would
2 be for life, yes.
- 3 Q. So is that while you were at Liverpool University?
- 4 A. I took my finals, yes, it'd be about that time, yes.
- 5 Q. After Bath, I think you tell us you spent some time
6 abroad teaching, and then returned to England?
- 7 A. Yes.
- 8 Q. Then you were posted to St Ninian's?
- 9 A. St Ninian's, yes.
- 10 Q. I'll look at St Ninian's in a moment. But you tell us
11 that after St Ninian's, you went to teach in England, in
12 Liverpool?
- 13 A. Yes.
- 14 Q. Are you now retired?
- 15 A. Oh yes. I've been retired a few years, yes. I'm 77
16 now.
- 17 Q. So looking at the period you spent in St Ninian's,
18 I think you tell us that you went there in around
19 September 1981 --
- 20 A. Right.
- 21 Q. -- for around four months; is that right?
- 22 A. It would be about that, yes.
- 23 Q. Is that the only time you were at St Ninian's?
- 24 A. Yes.
- 25 Q. How did it come about that you were to go there?

1 A. Well, it was helping out as an assistant, really, to
2 help out. It's like a boarding school, if you will, so
3 it's quite a difficult -- I suppose I was suited for it
4 in the sense ... sporty and young at the time.

5 Q. Did somebody ask you to go?

6 A. Oh yes. You'd be asked by your provincial council.

7 Q. And what was your understanding then at that time of
8 what St Ninian's was?

9 A. Well, I knew it was a place for children who were
10 struggling. I don't know how you would really express
11 it, home backgrounds and so on, yes, a lot of
12 Glaswegians.

13 Q. What was your role to be?

14 A. Well, I was just one of the teachers there. A carer in
15 a sense, but a teacher as well.

16 Q. How many boys were at St Ninian's during the months you
17 were there?

18 A. I think in the early 40s, around that sort of number.

19 Q. I think you tell us in your statement that you recollect
20 the boys being aged about 12 up to O level age.

21 A. Yes. Something like that. Something around that, yes.
22 It's 40 years ago, so it's very difficult to be exact,
23 you know.

24 Q. What about the brothers? Can you tell me which brothers
25 were at St Ninian's when you were there?

- 1 A. I'm trying to remember now. I can't just remember
2 exactly.
- 3 Q. Can you remember who was in charge?
- 4 A. Yes, brother what's his name, um ... I can't put
5 a name -- I can't remember his name. If you give me
6 a name, I'll tell you.
- 7 Q. Do you remember a Brother Farrell?
- 8 A. Farrell, yes.
- 9 Q. What was his role?
- 10 A. I presume he was just in the school, just in
11 St Ninian's, like, yes.
- 12 Q. And I think you mention in your statement
13 a Brother Kelly.
- 14 A. Yes. Paul Kelly, yes.
- 15 Q. What was his role?
- 16 A. He was in the school, but he was like a ... A very --
17 how would you put it? Very prominent role. He was very
18 good on discipline and teaching, yes.
- 19 Q. Do you remember who was in charge of the school at the
20 time?
- 21 A. I'm not certain, no, I can't remember exactly.
- 22 Q. Do you remember there being a particular area in the
23 school where the boys slept?
- 24 A. Oh yes.
- 25 Q. Did you have a room in the school?

- 1 A. Yes.
- 2 Q. Where was your room?
- 3 A. My room was just on the corridor. It'd be the first
4 floor -- I think it's the first floor, yes, at the end.
- 5 Q. Was your room in the same area as the boys' rooms?
- 6 A. Oh yes, yes.
- 7 Q. I'm going to put a plan on the screen. It'll come on
8 the screen in front of you, just to see if you can
9 assist me as to where your own room was. The plan is at
10 CFS.001.006.8297.
- 11 If you just take a few minutes to get your bearings.
12 You'll see the car park marked outside and then the
13 entrance hall.
- 14 A. Yes.
- 15 Q. Do you recognise this as a plan of the main floor in
16 St Ninian's?
- 17 A. Sort of. Not fully as the way it's written out there,
18 but yes. What are you asking me then?
- 19 Q. If we look to the rectangle towards the top of the plan,
20 do you see an area marked "courtyard"?
- 21 A. Yes.
- 22 Q. Do you remember if that was the area where the boys'
23 dorms were?
- 24 A. Yes. They'd be around that, like it shows on there,
25 yes.

1 Q. By looking at that plan, do you remember where your room
2 was?

3 A. I think it was down the right on the left-hand side.
4 Down the right, turn right.

5 Q. Okay. Chris, the plan is actually also on a screen
6 behind you. I wonder if you could assist me by just
7 pointing out the room or the area where you think your
8 room was.

9 A. I think around here (indicating).

10 Q. So the bottom right side of --

11 A. I think something like that.

12 Q. -- the lower dormitories. Okay.

13 A. Yes. I'm trying to just remember. I think that's about
14 it, yes.

15 Q. Did any other brothers have rooms in the dormitory area
16 while you were there?

17 A. I think Paul Kelly would have had one down there.

18 Q. Do you remember where his room was?

19 A. I think somewhere round one of these (indicating). Yes,
20 one of those.

21 Q. Okay. So in the same row of dormitories as your own
22 room; is that right?

23 A. Yes, I think so, yes.

24 Q. In paragraph 15 of your statement, you talk about who
25 you might have spoken to if there was a problem.

- 1 I think what you say is:
- 2 "I suppose you would have told Brother Paul Kelly if
- 3 there was a problem."
- 4 A. Yes, Paul, yes.
- 5 Q. So did you see him as somebody who was your superior or
- 6 you were answerable to?
- 7 A. Well, Paul had been there a good while and he was
- 8 a strong personality. He had a big influence within the
- 9 place, yes, and because he was nearby, yes.
- 10 Q. So I just want to find out a little bit more about your
- 11 own role. Did you say you had a teaching role?
- 12 A. Yes, I'd have been teaching there, yes. I would have
- 13 had one of the classes, yes.
- 14 Q. Do you remember what subject you taught?
- 15 A. Maths. It would probably have been maths, but probably
- 16 some English as well, you know. It's not like schools
- 17 these days. It was a different situation then. But
- 18 maths and some English.
- 19 Q. I just want to ask you a little more about the classroom
- 20 situation. How were the classes organised? Was it by
- 21 age, by ability, by subject?
- 22 A. I think mainly -- I'm guessing this more -- I think
- 23 mainly by ability and they would include age as much as
- 24 possible. They wouldn't want a child in a class who
- 25 wasn't coping, so it'd be flexible, really.

- 1 Q. Was there a curriculum at St Ninian's?
- 2 A. Yes, there'd be a timetable and so on, yes.
- 3 Q. Were the boys working towards exams?
- 4 A. I think that might be stretching it a bit in those days.
- 5 I think they would eventually, but we didn't do the
- 6 exams there, like if you think about O levels or
- 7 whatever, CSEs, no.
- 8 Q. If there were boys there of, let's say, 15/16 years old,
- 9 do you know why they weren't put forward for O levels?
- 10 A. Well, in those days, it wasn't like ... I think
- 11 possibly the backgrounds and everything. Because some
- 12 of these children came from really difficult
- 13 backgrounds, you know. Just thinking of like the
- 14 Gorbals in Glasgow, there was a lot of difficulties
- 15 around.
- 16 Although in certain cases they might have done
- 17 certain exams, but it wasn't a regular thing like you'd
- 18 see in schools these days.
- 19 Q. Did that surprise you, having come from a background of
- 20 working in other schools?
- 21 A. No. I knew the school I would be in in Falkland.
- 22 That's why when I was asked to go I had no problem
- 23 because that's the sort of thing I wanted to do, to help
- 24 kids like that.
- 25 Q. Were you given any training when you arrived at

- 1 St Ninian's as to how to deal with the children, assist
2 the children?
- 3 A. Well, yes, you know, you'd be told and so on, but I was
4 a youngster, I went to a boarding school in Blackpool as
5 well, you see. There were no schools near us at home,
6 I'm from the countryside, so I had a good idea.
- 7 Q. When you arrived at St Ninian's, did anybody explain to
8 you or give you any advice as to how you should go about
9 your work?
- 10 A. Oh, well, they would have said, you know...
- 11 LADY SMITH: Chris, can you move a little bit further
12 forward? I can certainly hear you better there.
13 Thank you.
- 14 MS MACLEOD: Do you remember who spoke to you about things
15 like that?
- 16 A. Probably before I went. I'd have a good idea what the
17 score was, you know.
- 18 Q. What were your first impressions of St Ninian's when you
19 arrived?
- 20 A. I thought, considering ... I thought it was a good,
21 homely place, but actually I was only there five months.
22 But that was my impression, yes.
- 23 Q. To what extent did you have information about the
24 backgrounds and circumstances of the children?
- 25 A. Not a great deal, I would say. Not a great -- I suppose

- 1 you'd have snippets, but not a massive amount.
- 2 Q. Is that something that you think might have been
- 3 helpful?
- 4 A. Well, it probably -- looking back on it now, it's
- 5 a different age now, like 40 years on. It's different
- 6 now. Ordinary schools are totally different now as
- 7 well, you know.
- 8 Q. You've told me about your role as a teacher. Did
- 9 you have any role in looking after the boys in the
- 10 dormitory area?
- 11 A. No, not really, no. No.
- 12 Q. What was the purpose in you having a room in the
- 13 dormitory area?
- 14 A. Well, it's a matter of space within the place. If there
- 15 was a room available, that would be it. There was no
- 16 particular thing, really.
- 17 Q. Were you involved in getting boys up in the morning?
- 18 A. No, not really, no. No.
- 19 Q. Were you involved in getting boys ready for bed and
- 20 supervising that process?
- 21 A. No, not really, no. Obviously, if there was a problem,
- 22 you might be asked to talk to someone or something like
- 23 that, but, no, not as a general rule, no.
- 24 Q. What about showering? Were you involved in supervision
- 25 or monitoring of the showering process?

- 1 A. No.
- 2 Q. Do you remember where the showers were at St Ninian's?
- 3 A. Kind of vaguely, yes. I think on that corridor you were
4 talking about before.
- 5 Q. In the dormitory area?
- 6 A. It's not too far away, I think, yes.
- 7 Q. Do you remember if the showers in that area were
8 open-plan or if there were cubicles for the boys?
- 9 A. I can't really remember, to be honest.
- 10 Q. What about through the night? Who looked after the boys
11 if anything needed to be done during the night?
- 12 A. Well, I suppose whoever was in -- Paul, Paul Kelly would
13 have looked after one section, whoever was there. With
14 only being there for five months, you didn't get
15 a prominent role -- you were there, but you wouldn't
16 have a prominent role where you'd be supervising
17 dormitories and stuff.
- 18 Q. Who did have the role of supervising the dormitories
19 when you were there?
- 20 A. Well, I suppose Paul would be the main man.
- 21 Q. What about the showering process? Who looked after that
22 during your time?
- 23 A. To be honest, I'm not sure.
- 24 Q. Do you remember there being issues with bed-wetting at
25 the school?

- 1 A. Yes, there would have been, yes, because -- there would
2 have been bed-wetters for certain, yes.
- 3 Q. What do you remember about bed-wetting at the school?
- 4 A. Not a big lot, really. If someone ... I'll tell you
5 now, if someone wet the bed, the sheets would be brought
6 downstairs and the lady doing the laundry, she used to
7 sort that out and get, I presume, another set of sheets,
8 whatever, yes.
- 9 Q. Who took the sheets down?
- 10 A. I don't know.
- 11 Q. Did you have any role in sports and games?
- 12 A. Oh yes. Yes, yes, I used to referee games, football,
13 rugby, I'd be very much involved in that.
- 14 Q. After sports and games, what did the boys do in terms of
15 showering?
- 16 A. I presume they'd have a shower, you know. I can't
17 really remember. I'll tell you something good about the
18 games though, just for your own information. I don't
19 know if I've mentioned this to you before, but there
20 used to be moles and they used to come up on the pitch,
21 you'd get little molehills. Because I'm from the
22 countryside myself in England, I was used to catching
23 moles, as my mother used to make ... I would show them
24 how to catch a mole, you see, and then I'd say, "Look"
25 -- because I didn't want to kill it in front of them.

1 I said, "We'll put it into that field over there where
2 it'll be okay". So I put it in the field next door, and
3 the next day we'd have a few molehills. The kids used
4 to be in stitches at this. They'd say, "There's
5 molehills", and I'd say, "That mole is alive, he's
6 making a few molehills, but he's okay over there". They
7 used to love stuff like that.

8 Q. Do you remember any records being kept while you were at
9 the school?

10 A. No.

11 Q. Did you see any books like visitors' books or registers,
12 anything like that?

13 A. I presume there would have been, but I don't remember
14 actually.

15 Q. What about inspections? Do you recall any inspections
16 of the school?

17 A. No.

18 Q. Was there any bullying going on between the boys while
19 you were there?

20 A. Not that I can remember. If there was, it would have
21 been stamped out, you know, because we were totally
22 against bullying. I can't remember anything in
23 particular.

24 Q. And if something like bullying needed to be stamped out,
25 how would that be done?

- 1 A. I don't know whether they'd get lines or what ... they
2 would get a talking to and so on. Sometimes
3 explanations to a kid is more important than lines,
4 even.
- 5 Q. Who was in charge of discipline at the school?
- 6 A. I think Paul probably was, although there was no set
7 member. I think Paul was ... you tended to do your own
8 discipline. It wasn't like a big school nowadays.
9 You'd talk to them and tell them something.
- 10 Q. Were you given any instructions about how to deal with
11 discipline and punishment at the school?
- 12 A. No. That never arose, really, from that point of view,
13 no. You can always use a sense of humour with kids and
14 many times I'd be using a sense of humour with them.
- 15 Q. Is that what you did?
- 16 A. I would have done, yes.
- 17 Q. Did you see any children being physically punished in
18 any way?
- 19 A. No. It's funny, no, I didn't, no.
- 20 Q. What kind of punishments do you recall?
- 21 A. I don't know. I presume writing, writing stuff out.
- 22 Q. Is that something you remember?
- 23 A. No. Not really. That's the sort of thing I think would
24 have happened.
- 25 Q. Do you remember if boys might be asked to stand in the

- 1 hall, in the main hall, for a period of time?
- 2 A. Oh yes, I think that happened. Definitely, yes.
- 3 Q. What kind of things would need to have happened for that
- 4 kind of punishment to be given?
- 5 A. I don't know. I suppose someone out of control,
- 6 someone ... Someone out of control, really, I suppose,
- 7 yes.
- 8 Q. Do you recall how long children would be standing in the
- 9 hall?
- 10 A. Oh, not too long. It wouldn't be too long.
- 11 LADY SMITH: What do you mean by that? How long?
- 12 A. I haven't a clue, to be honest. If you ask me, they
- 13 wouldn't be there for ... probably 20 minutes, something
- 14 like that, half an hour, something like that. But
- 15 I haven't got ...
- 16 LADY SMITH: Just a minute, Chris: are you guessing or is it
- 17 that you just don't know?
- 18 A. No, I'm guessing.
- 19 LADY SMITH: Thank you.
- 20 MS MACLEOD: Do you remember if children ran away from
- 21 St Ninian's during your period?
- 22 A. No, I can't remember that in particular, no.
- 23 Q. Do you remember seeing or hearing about any
- 24 inappropriate sexual behaviour between the boys?
- 25 A. No.

1 Q. We mentioned Brother Farrell earlier and he is somebody
2 you remember being there?

3 A. Yes.

4 Q. What was Brother Farrell like? How would you describe
5 him?

6 A. I suppose fairly strict.

7 Q. In what way was he strict?

8 A. Well, discipline from the kids, making sure they weren't
9 being cheeky or whatever, you know.

10 Q. How did he discipline the kids?

11 A. I can't remember, to be honest.

12 Q. So when you mentioned strict, what comes to your mind?

13 A. I suppose he'd be serious. When I say "strict", serious
14 on telling them off.

15 Q. Did you see anything in relation to Brother Farrell that
16 caused you concern in his interactions with the
17 children?

18 A. No. No, I didn't, no.

19 Q. Did you hear anything about Brother Farrell at the time
20 that caused you concern?

21 A. No, no, no.

22 Q. The inquiry has heard evidence over the past couple of
23 weeks, including from former boys who were at the
24 school, some during the short period you were there, who
25 say that they were abused by Brother Farrell. What's

1 your own response to that?

2 A. I wouldn't know. I couldn't comment on that, to be

3 honest.

4 Q. I think you say in your statement that you are aware

5 that Brother Farrell was convicted of abuse --

6 A. Yes.

7 Q. -- in relation to children at St Ninian's.

8 A. Yes.

9 Q. And I think you go on to say in your statement:

10 "... but I would be very surprised if it was true."

11 A. Yes, that's right. I think that's my attitude on life,

12 I think, that would make me say something like that

13 because I couldn't imagine someone being like that with

14 kids from ... yes.

15 Q. Did you hear any of the evidence at the trial?

16 A. No.

17 Q. Do you know what the allegations were?

18 A. No, I don't even know the allegations, actually.

19 Q. Do you know what Brother Farrell was convicted of?

20 A. No. I know he's in prison, but I don't know what he was

21 convicted of.

22 Q. What about Brother Kelly?

23 A. Yes, Paul, yes.

24 Q. What was he like?

25 A. Paul was like a father figure, really, for those kids.

1 But you never heard any ... you know, anything to do
2 with sexual relationships or anything like that. He was
3 just like -- they respected him. That's the way
4 I remember him. Like a headteacher in a way.

5 Q. How did he interact with boys?

6 A. There was no messing. Some of these kids had come from
7 wild backgrounds. He wouldn't have any messing. He
8 would speak sternly. That'd be what I'd remember, yes.
9 But he was very, very kind-hearted as well.

10 Q. How did he discipline children?

11 A. Oh, I don't know whether he gave them something to write
12 out or something like that.

13 Q. You say in your statement that all the brothers looked
14 up to Paul.

15 A. Yes.

16 Q. Can you elaborate upon that for me?

17 A. Well, the way they looked up to him was because he had
18 such control. He was a good disciplinarian, but he had
19 a heart of gold with them. These are my memories of
20 him.

21 Q. What made him a good disciplinarian?

22 A. Well, I presume he didn't stand any messing, put it that
23 way.

24 Q. What would he do then if someone was messing around?

25 A. I don't know whether they had to do some writing out or

1 stuff.

2 Q. What do you recall him doing?

3 A. Perhaps writing from a book, that sort of thing.

4 LADY SMITH: Chris, did you see that happening or are you

5 guessing that that's what was happening?

6 A. No, I think that happened, yes.

7 LADY SMITH: Well, did you see it?

8 A. You're asking me did I see it.

9 LADY SMITH: Yes, I am.

10 A. I don't remember actually seeing it, no.

11 LADY SMITH: Well, that is perfectly all right, Chris, if

12 you don't remember. I know you were only there

13 four months and it's a long time ago now but what

14 I don't want you to do is to guess or make assumptions,

15 please.

16 A. No, I won't.

17 LADY SMITH: Thank you.

18 MS MACLEOD: I would like to ask you, Chris, about a piece

19 of evidence that the inquiry heard during this part of

20 the hearings. I'm going to put a short piece of

21 transcript in front of you, and it'll come up on the

22 screen in front of you.

23 A. Right.

24 Q. If I can ask you -- it'll come up there, yes. If I can

25 ask you, first of all, to look at the first page in your

1 red folder. You will see there that there's a page
2 which has some names of witnesses and the pseudonyms
3 they took when giving evidence. I don't want you to say
4 the name other than the pseudonym. Do you see the
5 pseudonym "Alan"?

6 A. Yes.

7 Q. Do you recognise the name that's beside that pseudonym?
8 Do you recognise that?

9 A. No, sorry.

10 Q. According to the Christian Brothers' records, Alan was
11 at St Ninian's from 1979, when he was aged 13, through
12 to [REDACTED] 1982. So according to that information he would
13 have been there while you were there.

14 A. Right.

15 Q. So I just want to ask you about something he said. If
16 we could put the transcript up at TRN.001.006.0666.
17 That's the beginning of Alan's evidence. I would like
18 to look at page 0715.

19 If we could look at line 6 onwards of that -- is it
20 possible to zoom in on the screen?

21 (Pause)

22 At the beginning of this page, the witness Alan is
23 speaking about some tension that he says there was
24 between certain brothers. At line 6 he says:

25 "And Brother Brown was a really good

1 Christian Brother."

2 A. That's probably an exaggeration!

3 Q. He remembers you being there:

4 "Question: Brother Brown was a really good
5 Christian Brother?

6 "Answer: Yes, he was supportive and he was a caring
7 Christian Brother. He played rugby with us as well and
8 that. You know what I mean? I felt safe round about
9 him. He was one of the -- probably the only one that
10 I really felt safe about."

11 Do you see that this witness Alan remembers you
12 being there?

13 A. Right.

14 Q. I want to move on to the next page of the transcript.
15 In this part of the transcript he's describing something
16 that he says happened in your room. There's no
17 suggestion that you were present, but I just want to ask
18 you about it.

19 At line 3 he is asked:

20 "Question: You tell us in your statement about an
21 occasion when you were in Brother Brown's room listening
22 to music. Can you tell me what happened on that
23 occasion?

24 "Answer: Yes. I come back on the Sunday night and
25 Brother Brown -- when Brother LNA left, Brother Kelly

1 moved into his dormitory, and when Brother Brown arrived
2 he moved into Brother Kelly's room."

3 He then goes on to say:

4 "So I went into Brother Brown's office -- well,
5 room, and a couple of the other kids, we used to sit
6 about and play music. He had a cassette player in there
7 so we'd listened to music."

8 Did you have a cassette player in your room?

9 A. I don't think so. I don't even remember that. It would
10 be unusual, to be honest.

11 Q. He then goes on to say:

12 "Answer: Another boy, he came in and punched me in
13 the face because I wouldn't turn the music off. But he
14 hung about with Brother Kelly in his room, and all of
15 a sudden he came in that night and tried to demand the
16 run of Brother Brown's room. He came in and bullied me
17 and I wouldn't change the cassette or turn it off, so he
18 punched me in the face. So I turned round and picked up
19 the stool I was sitting on and smacked him over the head
20 with it."

21 So he is describing here that he did this to the
22 other boy who'd come into the room.

23 He's asked:

24 "Question: The other boy?

25 "Answer: Yes, because he had been bullying me for

1 a couple of years and this was the final straw.

2 "Question: Did Brother Kelly become involved in
3 this?

4 "Answer: A few minutes later, he became involved
5 and he dragged me out of the room."

6 At line 6 he says:

7 "He came around to the room and somebody must have
8 told him that there was a carry-on. He come in and he
9 grabbed me and out myself at the door of Brother Brown's
10 dormitory that we were in, shouting and pinning me
11 against the wall -- because the passageway's only about
12 two and a half, three feet wide.

13 "Question: So he pinned you against the wall,
14 Brother Kelly?

15 "Answer: Pinned me against the wall and punched me
16 in the stomach a couple of times and on the head. This
17 is when he whacked me with this part of his hand."

18 And he's indicating:

19 "Question: The palm?

20 "Answer: Yes.

21 "Question: Where did he whack you?

22 "Answer: On the side of the head, but he had me
23 pinned. It was like he was choking me while this was
24 going on and I had the grazes and that from him because
25 the boy that I hit, that was his favourite pupil."

1 There's no suggestion here that you were there,
2 although it's said to have taken place in your room. Do
3 you recall anything at all about this incident?

4 A. No. Not at all, no. I don't recall anything about
5 that.

6 Q. What is your response to this?

7 A. That's completely ... That's not acceptable, that, no.

8 Q. So you weren't aware of anything like that happening?

9 A. No, no, no. No, I would have been up in arms against
10 anything like that. With these kids, life is about
11 goodness with these type of kids. Goodness always
12 shines through.

13 Q. Did Brother Kelly have favourite boys?

14 A. I can't remember that. I don't think so. I don't know
15 to be honest, I can't remember.

16 Q. I think something you do mention in your statement
17 is that you remember there being boys in Brother Kelly's
18 room.

19 A. Yes.

20 Q. Can you tell me about that?

21 A. Well, the only thing I'd say about that is some kids
22 wouldn't go to sleep and they wouldn't -- I presume they
23 were homesick or whatever. Whether they were just
24 pulling a fast one, pulling a flanker, as they say,
25 I don't know, but that's all I would say.

- 1 Q. What do you remember seeing? Did you see boys in
2 Brother Kelly's room?
- 3 A. Oh yes. Yes.
- 4 Q. And were the boys spending the night in Brother Kelly's
5 room?
- 6 A. I don't know. I'm not sure about that -- some slept on
7 the floor. I know one or two ... I can't fully
8 remember. I have a recollection of some of them
9 sleeping on the floor. That's a kind of recollection
10 for me.
- 11 Q. You say in the statement:
- 12 "The boys would be around his bed at night and he
13 would make sure they would settle in their duvets."
- 14 A. Yes. He would make sure they were settled. That was
15 his strong point: he'd have them settled down at
16 night-time and he did a good job with them, you know,
17 yes. You see, some of them were from very disturbed
18 homes, so it was a great thing, yes.
- 19 Q. What exactly did you see? Not what you think happened,
20 but what did you see in Brother Kelly's room with boys
21 there?
- 22 A. Well, just that they'd be -- he'd be settling them down
23 before they went to sleep. To be honest, I wouldn't see
24 them after ... I don't remember actually seeing ...
25 I know they slept on the floor. That's all I know, yes.

- 1 Q. What did you think at the time about boys spending the
2 night in Brother Kelly's room?
- 3 A. Some of the ones from disturbed backgrounds, for me that
4 was fine, them sleeping on the floor there. There was
5 no problem. I wouldn't think of anything else.
- 6 Q. What does their background have to do with it?
- 7 A. Well, I suppose they're unsettled. If they've come from
8 some really tough areas -- there were some of them
9 sleeping rough, even. This would come to my mind.
- 10 Q. What's the link between that and sleeping in
11 Brother Kelly's room?
- 12 A. Well, I suppose sleeping on the floor, they've got --
13 they feel protected, I presume. I'm kind of guessing
14 that, but I presume that.
- 15 Q. In hindsight, how appropriate do you think it was for
16 Paul Kelly to have boys sleeping in his room overnight?
- 17 A. Well, it's a most unusual situation. You wouldn't have
18 that nowadays, no. That's most unusual, yes.
- 19 Q. In the 1980s was that not most unusual?
- 20 A. Well, in the circumstances, it depended on the kid, on
21 the child, what difficulties he'd come from. You know
22 what I mean? Whether he couldn't sleep in a room with
23 other kids because of fear, I don't know ...
- 24 Q. Something you say in your statement is:
25 "I recall boys spending the night in his room to

1 allay their fears."

2 What do you mean by that?

3 A. Well, I suppose they'd feel protected. If there was

4 some bullying going on which he didn't know about, for

5 example, or ...

6 Q. Did anyone tell you at the time why boys were sleeping

7 in his room?

8 A. No.

9 Q. Did you ask?

10 A. No.

11 LADY SMITH: Why not?

12 A. Sorry?

13 LADY SMITH: Why did you not ask?

14 A. Well, you have to realise that because Paul Kelly was

15 a really good person and he'd be doing it through

16 goodness, nothing else. That was my impression.

17 MS MACLEOD: You say in relation to this in your statement:

18 "Paul had his own methods."

19 A. Yes.

20 Q. I just wondered what you meant by that.

21 A. Well, I suppose the way he talked to them was very -- it

22 was a strong thing. The way -- he spoke and the kids

23 listened. They would do what they were told with Paul,

24 yes. Like, I'm speaking as someone who was only there

25 for a short time and he was in charge, if you will.

1 Q. The inquiry has heard evidence from former pupils of the
2 school, including some pupils who were there during the
3 time you were there, that they were abused physically
4 and sexually by Paul Kelly. What do you make of that?

5 A. I don't know. To be honest, like -- you never saw
6 anything like that, so I can't comment on that. I don't
7 know.

8 Q. I think you're aware that Paul Kelly was convicted in
9 2016 of serious sexual offences in relation to children.

10 A. That's right.

11 Q. What do you make of that?

12 A. To be honest, in my own mind, I have my doubts about the
13 conviction.

14 Q. Why is that?

15 A. Well, because I knew him as such a good person. That is
16 the reason why. I didn't know him as anything else.

17 A generous-spirited person. That's all I can say.

18 LADY SMITH: Did I pick you up correctly as saying you
19 weren't in court during the trial?

20 A. Whose trial is this?

21 LADY SMITH: Kelly's. You didn't hear the evidence and you
22 don't know what the charges were?

23 A. No.

24 LADY SMITH: Thank you.

25 MS MACLEOD: I think you say in your statement that:

1 "To [your] mind Paul Kelly being in jail is a
2 complete injustice."

3 A. Yes. That's the way I looked at him, you see. This was
4 my opinion of him, as a brother there, that he had been
5 doing such a good job. I'm not talking about anything
6 else which may have happened, I'm just talking about as
7 I saw him.

8 Q. You go on to say:

9 "Paul is in jail for being good."

10 What does that mean?

11 A. That's probably my anger coming out, thinking that he's
12 in jail from the good he was doing up there. You saw
13 what he did with the kids and I didn't see this other
14 side of it. So I'm just looking at the good points of
15 him.

16 Q. You say:

17 "They got it wrong."

18 Who got it wrong?

19 A. The people who condemned him. That was my impression.
20 I wrote this out in a bit of anger as well, thinking of
21 him in jail.

22 LADY SMITH: Who do you mean when you say "the people who
23 condemned him"?

24 A. The people who -- whatever sentence he got, you know.

25 LADY SMITH: The sentence would be imposed by a single

1 judge, but you appreciate that the decision on the
2 verdict was made by a jury?

3 A. Yes.

4 LADY SMITH: Fifteen people?

5 A. Yes.

6 LADY SMITH: After listening to many weeks of evidence?

7 A. Right.

8 LADY SMITH: Did you understand that, Chris?

9 A. Yes, yes. I'm just going from what I saw, you see.
10 I can't deny what I saw.

11 MS MACLEOD: In paragraph 64 of your statement I think you
12 summarise your own position, Chris. You say:
13 "I did not witness any behaviour I considered to be
14 untoward during my time at St Ninian's."

15 A. Yes.

16 Q. Do you think it's possible that the passage of time has
17 affected your recollection of that in any way?

18 A. No, I was always in awe of what happened in St Ninian's,
19 the good that was done there. I suppose in a sense
20 I could be biased from that point of view, from those
21 five months, but I'm not talking about the whole
22 lifespan of St Ninian's, I'm talking about my time
23 there.

24 Q. At paragraph 65, you make some comments on the
25 allegations and where they may have come from. You say:

1 "I haven't a clue where the allegations have come
2 from. You would have to look at the people making the
3 complaints to see if they are motivated by any reward."

4 I just wonder what you mean by that.

5 A. I'm not sure myself to be honest now. I don't know.
6 When I wrote that, I was kind of upset about the whole
7 thing, really, so I'm not sure exactly what I meant
8 there.

9 LADY SMITH: Chris, why is it funny?

10 A. There's nothing funny.

11 LADY SMITH: You just laughed.

12 A. I wasn't laughing at anything funny. If a smile comes
13 to my face, I'm not laughing at something funny.

14 LADY SMITH: Do you still stand by saying:

15 "You have to look at people making the complaints to
16 see if they're motivated by any reward"?

17 A. I'm not too sure about that. I'm not convinced about
18 that.

19 LADY SMITH: All right.

20 You mentioned a few minutes ago about the good that
21 was done at St Ninian's. What is it that you have in
22 mind? Is there something in particular that you know
23 about St Ninian's that you want to tell me about?

24 A. No, just the care that went on there.

25 LADY SMITH: You're talking about the four months that you

1 were there; is that it?

2 A. Yes.

3 LADY SMITH: Thank you.

4 MS MACLEOD: At paragraph 66, you say that you couldn't find

5 fault with any of the brothers.

6 A. Yes.

7 Q. Is that during your time there?

8 A. Yes, yes, yes.

9 Q. And you go on to say:

10 "In the Catholic Church, they were walking saints."

11 A. Yes because it's easy to deal with situations and people

12 who have suffered all their lives like that. It's

13 a difficult thing. It's like in school, if you're

14 dealing with the bottom group in a year, the bottom set,

15 the amount of patience that is needed and so on.

16 Q. If a child had wanted to raise a concern in relation to

17 one of the brothers, what would they have done?

18 A. I don't know. I presume they would have gone to whoever

19 was the boss there, you know.

20 Q. And what if it was something they wanted to raise about

21 that person who was the boss?

22 A. I'm not sure what would have happened there.

23 Q. You say that:

24 "In the Catholic Church, the brothers were walking

25 saints."

1 It could have been quite difficult for children to
2 make a complaint against people who were viewed in that
3 way, couldn't it?

4 A. Right. I was just referring to the brothers in Falkland
5 when I was there. Oh yes, I'm not ... I'm just saying
6 that the job they were doing with these kids, you know,
7 was outstanding stuff. Taking them back to the Gorbals,
8 for example, when they were going home, and the families
9 used to come out and they'd cheer when they saw a bus
10 coming round. They knew it was a St Ninian's bus and
11 there would be a massive cheer because they knew the
12 good that was being done.

13 Q. In paragraph 68 you make some comments about the justice
14 system. You say:

15 "The fact that people have been condemned to jail
16 means there is something wrong with the system. The
17 whole justice system is wrong and needs to be looked at
18 very carefully."

19 I just wondered if you could help me with what you
20 think is wrong with the justice system.?

21 A. No, when I was writing that, those were my feelings
22 expressed, you know, that there is someone who I would
23 consider innocent in jail. That's my expression.

24 Q. Is that your view today?

25 A. Well, I don't ... I don't know. I don't really know.

1 Q. In the final paragraph of your statement you summarise
2 that you don't recall anything untoward happening and
3 that that is what you makes you suspicious of all these
4 inquiries. You say you're very suspicious; I just
5 wondered what you're suspicious about.

6 A. I suppose I'm just ... I suppose not believing that
7 they could do that, you know. That's my suspicion
8 within myself.

9 Q. And in relation to this inquiry, can I ask you, Chris,
10 what are your hopes for this inquiry?

11 A. Oh, I hope the truth comes out. The truth is very
12 important.

13 MS MACLEOD: Thank you, Chris. I don't have any further
14 questions for you.

15 My Lady, I'm not aware of any other questions for
16 Chris.

17 LADY SMITH: Thank you.

18 Are there any outstanding applications for questions
19 of this witness?

20 I'm seeing shaking heads, Chris. That means that
21 I am able to let you go. We have no further questions
22 for you today and we can let you off neatly before
23 lunchtime.

24 Thank you very much for coming along to for answer
25 the questions today and for providing us with your

1 written statement. It's very helpful.

2 (The witness withdrew)

3 LADY SMITH: Ms MacLeod, does that mean we've finished the
4 evidence for today?

5 MS MACLEOD: It does, that does complete the evidence.
6 We're not sitting tomorrow.

7 LADY SMITH: Thursday morning: is that starting with a video
8 link?

9 MS MACLEOD: It is starting with a video link at 10 and two
10 further witnesses.

11 LADY SMITH: Very well. That's all for today. We're not
12 sitting tomorrow, as we've just confirmed, and we will
13 sit again on Thursday. Thank you very much.

14 (12.55 pm)

15 (The inquiry adjourned until
16 Thursday, 20 June 2019 at 10.00 am)

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"JAMES" (sworn)1

Questions from MR MacAULAY3

CHRISTOPHER BROWN (sworn)55

Questions from MS MacLEOD55

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