

Friday, 14 June 2019

(10.00 am)

HARRY HARRINGTON (continued)

LADY SMITH: Good morning to the fourth day of evidence this week. I'm glad that we've all got a little bit of light to look out to today instead of the Edinburgh gloom that's been surrounding us.

We return to your evidence, Harry, if that's okay with you, if you're ready to begin, and I'll hand you over to Ms MacLeod to carry on. Thank you.

Questions from MS MACLEOD (continued)

MS MACLEOD: Good morning, Harry. You told us yesterday that prior to going to St Ninian's, you spent a couple of years working in a secondary school.

A. Yes.

Q. I think you tell us in your statement that in that school you were teaching the full range of classes up to A level.

A. Yes.

Q. Did you take your final vows as a Christian Brother while you were at that school?

A. That's right, 1975.

Q. Do you remember which vows you took?

A. The three main vows. I think it was just poverty, chastity and obedience.

1 LADY SMITH: I have asked another witness this already: is  
2 it right that although the Christian Brothers focused on  
3 the provision of education, you didn't actually take  
4 a vow of education?

5 A. Well, from my memory -- I mean, things changed around  
6 the time of the Vatican Council.

7 LADY SMITH: Yes.

8 A. And I think before that, there was a kind of vow called  
9 the gratuitous instruction of youth or something like  
10 that. There were more than just the three main vows but  
11 I think after the Vatican Council it was just the  
12 poverty, chastity and obedience.

13 LADY SMITH: I see, thank you.

14 A. I think there were five. I don't know what the other  
15 one was.

16 LADY SMITH: I've heard of the fourth related to education,  
17 but I hadn't heard of a fifth.

18 A. Yes, that's going back a long way, but I think it was  
19 part of the vow formula: you're committing yourself to  
20 the gratuitous instruction of youth, but whether you  
21 were vowing to do that, I don't know.

22 LADY SMITH: Thank you.

23 MS MACLEOD: At St Ninian's were you involved in teaching  
24 the boys from age 12 through to 16?

25 A. Yes, I think so. Yes. I haven't got a great deal of

1 memory of all the different classes I taught, but

2 I think I would have been involved, yes.

3 Q. Can you tell me how the classes were arranged? Was it  
4 by age group or by subject or something else?

5 A. By age group. I think they were broken into four  
6 different age groups, four different classes.

7 Q. Would the classes of boys move around between different  
8 classrooms or would they stay in the one classroom?

9 A. I think they stayed in the one room, I think it was the  
10 teachers who moved round but I can't be absolutely sure.

11 Q. Withing these classes then for each age group were the  
12 boys of mixed ability?

13 A. Yes.

14 Q. Was there any indication while you were there that any  
15 of the boys were encouraged to progress towards taking  
16 any kind of national exam?

17 A. I don't think so, no. It may well have happened, but  
18 I have no memory of it, no.

19 Q. Do you remember wondering at the time whether boys  
20 should be put forward, for example, for O levels?

21 A. No, I don't think so. It's strange considering I come  
22 from a very highly exam-orientated system, but I don't  
23 think so. I just accepted that that was the curriculum  
24 for the place I think.

25 LADY SMITH: Did you ever see a curriculum?

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

2 MS MACLEOD: What did you make of that at the time having  
3 come from a background where you had been teaching at  
4 O level and A level grade?

5 A. I think generally, I enjoyed teaching, so I wasn't too  
6 fixated on the levels and that kind of thing. I kind of  
7 quite enjoyed the challenge of: can I make these lessons  
8 interesting, entertaining, valuable. And I think a lot  
9 of it was kind of remedial education and that. I think  
10 when the lady, Margaret, came she gave us a lot more  
11 insight into how to approach that.

12 Q. When you say "remedial education", what do you mean by  
13 that?

14 A. Well, a lot of the children had missed school or  
15 truanted from school. I think I remember one case where  
16 Margaret was telling me that there was a child there she  
17 was teaching who had learnt a bit to read and then  
18 forgotten to read and then it was quite a strange  
19 experience of him kind of relearning to read and that.  
20 So I think it was compensating for a lot of missed  
21 education in most cases.

22 Q. Was this remedial education you're describing taking  
23 place in every class or was this a support that was  
24 offered on the side to those who needed it?

25 A. I think it was more or less central. It was the main

1 approach, I think. I know that in the older classes  
2 I think there was a bit more emphasis on trying to  
3 prepare them for the world outside, the world of work,  
4 and they used to go on work experience visits, and that  
5 kind of thing, have people occasionally come to speak to  
6 them and that. No, I think it was generally a lot of  
7 maths and English, but other subjects as well. But as  
8 I say, there was no clear, definite curriculum. I don't  
9 think that we were following what was then related to  
10 targets and attainment and all that kind of thing.  
11 I don't think so.

12 LADY SMITH: We know from what we have heard from some of  
13 the people who were at St Ninian's there were amongst  
14 them individuals who had academic potential because  
15 later in life they acquired degree qualifications and  
16 other qualifications. Do you remember any effort being  
17 made to identify which children did have such potential  
18 and separating them out for more education than simply  
19 remedial?

20 A. I don't think that ... I have no memory of that  
21 happening. I've very limited memory of actually what  
22 went on, but I think that would have struck me if it had  
23 taken place.

24 LADY SMITH: Let me put it this way, and forgive me if it  
25 sounds blunt: was the assumption made that none of these

1 children were up to much in the way of academic  
2 education?

3 A. That's putting it in a kind of very sort of negative  
4 way. That sort of --

5 LADY SMITH: Can you gainsay it?

6 A. No, not really. I think that's true, yes. But it was  
7 not ... I think there was a genuine effort to want to  
8 do well, but obviously not to challenge them probably as  
9 much as should have been.

10 LADY SMITH: Thank you.

11 MS MACLEOD: One thing you say in your statement, Harry, at  
12 paragraph 124, is that you don't think they were taught  
13 about life skills. I just wondered if you could  
14 elaborate on that.

15 A. At the time I had no memories of a kind of particular  
16 programme of learning for life skills. I don't know.  
17 I mean they had a range of activities, craft activities.  
18 I don't remember them doing any sort of things like  
19 cooking or that kind of thing or being trained for  
20 interviews or whatever. I have no memory of that.

21 Q. I think you also say in that part of your statement,  
22 just in the paragraph before that, at 123, you say:

23 "I don't want to say the schooling wasn't important,  
24 but other things were the priority. Things like boys'  
25 general well-being, their socialisation, and that kind

1 of thing", is what you say.

2 A. Yes. That would be my sense. I'm not quite sure what  
3 I mean by that, but kind of ... relating to each other,  
4 getting on well with each other, having a full range of  
5 activities to engage them. But as I say, there wasn't  
6 a strong push for educational achievement that I can  
7 remember.

8 Q. What kind of things do you have in mind that were done  
9 to enhance the boys' well-being?

10 A. Well, I suppose ... I think I made a statement there it  
11 was kind of almost like the Victorian public school  
12 approach of plenty of ... rounded education, healthy  
13 education, good food, keep them engaged, plenty of  
14 activities, and that kind of thing. I don't know  
15 whether that answers your question.

16 Q. What kind of emotional support was on offer for the  
17 boys?

18 A. I don't know of anything specific. I think staff were  
19 genuinely caring and would listen, pay attention, and  
20 try and help and counsel youngsters. But again, I don't  
21 know of any specific programme or protocols or whatever.

22 Q. The inquiry has heard evidence from boys who were at  
23 St Ninian's over a period including the four-year period  
24 that you were there, to the effect that they had nobody  
25 to turn to to tell how they were feeling and to tell

1           about things that were happening to them. What's your  
2           own take on that?

3       A. Well, yes, I can probably understand that might be true  
4           from their point of view. I don't think members of  
5           staff there would ... I'm surprised to think that they  
6           were not considered to be approachable and that kind of  
7           thing, because my overall memory of the place was that  
8           I don't remember it as being kind of overly strict,  
9           harsh, authoritarian, and that kind of thing.  
10          I think ... There seemed to me to be a reasonably easy  
11          relationship between staff and pupils. I would have  
12          thought they could have, but obviously if that was their  
13          experience, then that's true.

14                The other thing I think is that given there was  
15                a kind of small staff, what I would think by today's  
16                standards is very understaffed, I don't think the place  
17                would have worked without a lot of positive cooperation  
18                from the young people themselves. So I'm surprised to  
19                think that people found that staff were unapproachable  
20                or they couldn't talk.

21       Q. During the period you were at the school, did you stay  
22           there all year round or were there times when you had  
23           holidays or breaks away?

24       A. Yes, I would have had some kind of a holiday in the  
25           summer, I think, yes. I remember visiting family.



1 Q. What about Christmastime?

2 A. I can't really remember. I think I was there for some  
3 of the Christmases. I think probably all of them.  
4 I can't remember going away at Christmastime. I can  
5 imagine I might have driven away for a couple of days or  
6 something like that, but I don't remember any holidays  
7 at that time.

8 Q. Did the boys go home for holidays or did they stay  
9 at the school?

10 A. My memory was that I think, particularly when I first  
11 went there, I think all of them went home. But there  
12 was maybe one or two Christmases I was there where there  
13 may have been a few children who stayed behind.

14 Q. What about weekend leave? Were there boys who went home  
15 at weekends?

16 A. Again, I think it was like every second week, I remember  
17 taking the majority of them over to Glasgow and dropping  
18 them at the bus station. I don't have a clear memory  
19 of ... There were children from Dundee and I think from  
20 Edinburgh and one or two other places. I'm not quite  
21 sure what arrangements -- I can't remember what they  
22 did. But I think wherever possible, the children would  
23 go home once every two weeks.

24 Q. You told us yesterday that you don't recall external  
25 inspections of St Ninian's. I just wonder if you recall

1           any kind of inspection by the order or a visit even by  
2           the order.

3       A.   There was an annual, what was called a visitation, where  
4           a member of the Provincial Council would come, and  
5           mainly I think that was the brothers. I don't remember  
6           them sort of inspecting the school side in any sort of  
7           formal kind of way. They probably must have wanted to  
8           know what was going on, but I think it was essentially  
9           for the community that they came.

10      Q.   Okay. Could I ask you to look at a document, which I'll  
11           put on the screen for you, at CBR.001.001.2338. This  
12           looks to be a visitation report of a visit by the  
13           Congregation to St Ninian's between 4 and 8 June 1977.

14      A.   Right, yes.

15      Q.   So you'd have been there at that time.

16      A.   Yes.

17      Q.   I think if we look at the top of the page where it says,  
18           "Community", it lists there:

19           "Brothers Titus Coffey (superior), MHJ

20           , LNA LMZ

21           and Harry Harrington."

22           That's yourself?

23      A.   Yes.

24      Q.   I just wanted to look at a couple of things in this  
25           report with you. If we look towards the bottom of this

1 page, where there's a section detailing -- entitled  
2 "Religious observance". It says here:

3 "Titus, **MHJ** and Harry are regularly present for  
4 morning prayer and recite the office in common. **LMZ**  
5 comes in occasionally, usually very late, and joins  
6 in the concluding prayers with great gusto. **LNA** is  
7 rarely present, if ever, for morning prayer, as he  
8 supervises the boys when they get up."

9 A. Right.

10 Q. Do you recall that Brother **LNA** was rarely present for  
11 morning prayers?

12 A. I don't particularly recall it or remember it, but  
13 I kind of understand. My memory was that he had to be  
14 in and out, that the children were getting up round  
15 about the same time, and the chapel and the dormitory  
16 areas were quite close by.

17 Q. Was it him who dealt with the children in the morning?

18 A. I think so, yes. I'm not sure to what extent **LMZ**  
19 did as well. My memory was he was there in the boarding  
20 area. Whether he was involved in supervising them,  
21 getting up in the morning or not, I don't know.

22 Q. If we then look to the third page of that document,  
23 which is at 2340, and if we go to the foot of that page.  
24 Do we see there that in the section entitled "Brother  
25 **LNA**" it reads:

1           "Brother [REDACTED] LNA [REDACTED] life is centred completely on  
2           the children committed to Falkland. He is with them  
3           in the mornings when they get up so that he does not  
4           attend morning prayers and in the evenings before supper  
5           so that he cannot attend evening prayer either."

6           Then it goes on to say:

7           "He is always present for Mass. He is firm but kind  
8           in his management of the school and it is clear that he  
9           has the welfare of the boys at heart at all times. He  
10          believes that the school should be available for the  
11          children all the year, and consequently he keeps it open  
12          at Christmas and Easter for the boys who have no home to  
13          go to."

14        A. Right.

15        Q. Does that accord with your recollection?

16        A. Yes. I think that's a very good summary. But as I say,  
17          I don't remember children being there every Christmas.  
18          They might have been and it would only have been  
19          a handful. I think that -- yes.

20        Q. Do you remember if there was a rota for who was on duty,  
21          as it were, with the boys, let's say in the morning and  
22          the evening?

23        A. In the morning I think, as it suggests there,

24        [REDACTED] LNA [REDACTED] mainly kind of supervised that kind of  
25          period. Then I think in the evening it was shared

1           around. But I think most evenings he would be on duty.

2           There was normally two or three on at a time, I think.

3       Q. I'll put another document on the screen, which I think  
4           accords with your memory on that. That document is at  
5           CBR.001.001.2350.

6           Do you see that this is entitled "St Ninian's  
7           Falkland" and looks like a rota system?

8       A. Right.

9       Q. If we go to the foot of the table, you'll see the date  
10          there is November 1977.

11      A. Right.

12      Q. Do you remember seeing this kind of rota system when you  
13          were at St Ninian's?

14      A. I can't remember it, no, but I presume there must have  
15          been something like that.

16      Q. So if we just focus on the morning and evening time,  
17          if we look, first of all, at the morning at the top of  
18          the document, do you see that between 8.30 and 9.30 it  
19          looks like every day -- Monday, Tuesday, Wednesday,  
20          Thursday, Friday -- that's Brother LNA on duty?

21      A. Right, yes.

22      Q. So would that be the time that boys would be getting up  
23          in the morning and getting ready for school?

24      A. Yes, I would have thought so.

25      Q. I think you told us yesterday that you don't remember

1           being involved in the morning routine.

2       A. No.

3       Q. Then if we go nearer the foot of the document, do we see  
4           that in the column which deals with 7.30 to 9.30 pm,  
5           would that be the getting ready for bed kind of period?

6       A. Yes, I would ... 7.30 seems a bit early. I think there  
7           would have been some kind of evening recreation and that  
8           going on, and I see BHB and Mr MIK are  
9           mentioned there. They wouldn't have been involved in  
10          the dormitories at all. So I presume in that period,  
11          whether some of the juniors had gone earlier I don't  
12          know, but I think that period would have been  
13          a recreation period. And then 10.30 seems a bit late.  
14          I can't remember what time lights out was, but that  
15          would definitely be the kind of dormitory settling them  
16          down and that.

17       Q. So you told us yesterday, Harry, about your own  
18          involvement in the showering process, for example, when  
19          boys were getting ready for bed.

20       A. Yes.

21       Q. When would that take place, would that be in the 7.30 to  
22          9.30?

23       A. I would have thought later, but I'm not absolutely sure.  
24          It's just 10.30 strikes me as being a bit late for  
25          lights out.

1 Q. If we look, first of all, then at the 7.30 to 9.30  
2 period, do you see that certainly at this point in time,  
3 November 1977, you yourself appear to be on duty on  
4 a Monday with Brother Coffey and Brother LMZ  
5 Do you see that?

6 A. Yes.

7 Q. You also seem to be on duty on a Thursday with  
8 Mr BHB and Brother LMZ

9 A. Yes.

10 Q. Do you have any memory of that specifically?

11 A. I remember, like, sort of the room -- there was  
12 a television room on the left-hand side, and there were  
13 two or three other rooms and it was kind of ... I don't  
14 know what time ... whether the weather was reasonable,  
15 they might go outside at that time as well. So I think  
16 MIK would have tried to create some kind of  
17 activities or something, creative, arty sort of stuff to  
18 do.

19 It was kind of just a general recreation time and  
20 I think they were fairly free to move around between the  
21 different rooms.

22 Q. Do you see in the final column of the timetable, between  
23 9 and 10.30, we see there that during the week, the  
24 school week, that Brother LNA is on duty, or appears to  
25 be on duty, four out of five nights, Monday, Tuesday,

1           Wednesday and Friday?

2           A. Yes. I think that's right, yes.

3           Q. Then if I can ask you to look at one more document,  
4           which is at CBR.001.001.2351.

5           Do you see that this document is entitled "Weekend  
6           duty rota"?

7           A. Yes.

8           Q. And then if we look to the foot of this document again,  
9           we'll see the date, November 1977. So it seems to be  
10          from the same time as the previous rota.

11          A. Right, yes.

12          Q. Do you remember seeing a weekend duty rota?

13          A. I don't remember, but I understand it would have been  
14          a reasonable -- you would have needed something like  
15          that.

16          Q. If we look to the first period of the day, as it were,  
17          in the weekend rota, do we see that for rising and  
18          breakfast it seems to be Brother **LNA** on duty, Saturday,  
19          Sunday, during the boys' weekend at St Ninian's, and  
20          Saturday, Sunday, during the boys' weekend at home?

21          A. Yes. I think that was -- I don't think it was like  
22          a kind of heavy duty in a sense, it was a fairly relaxed  
23          supervision, I think, particularly at the weekends when  
24          they were at home. He had a room in the dormitory area,  
25          so he was there. So I think he was just generally



1           around.

2       Q.   But we can see you weren't on duty then?

3       A.   No.  I think one of ...  Part of the timetable will be  
4           allowing for the opportunity to prepare lessons and that  
5           kind of thing.

6       LADY SMITH:  Harry, help me a moment: why is there a rota  
7           for the section that's headed "Boys' weekend at home"?  
8           Forgive me if I'm being stupid but that would mean that  
9           the boys weren't at St Ninian's.

10      A.   I think there would generally be -- there would never be  
11           all of them going home.  I think there would  
12           occasionally be a small number who weren't able to go  
13           home for one reason or another.  I don't know if that  
14           was always the case, but I think there would have been  
15           a few.

16      LADY SMITH:  Were there just some weekends that boys were  
17           allowed to go home as opposed to every weekend?

18      A.   My understanding was they went home -- the routine was  
19           one weekend at St Ninian's, where everybody was there,  
20           and then one weekend at home.

21      LADY SMITH:  Right, okay.  So in some schools, it would be  
22           called the exeat weekend, I think, and that wouldn't be  
23           every weekend?

24      A.   No.  I don't think so.

25      LADY SMITH:  Is this then telling me that it was recognised

1           there are weekends that all the boys would be there and  
2           weekends that a small number of boys would be there?

3       A.   That's my understanding of it, yes.

4       LADY SMITH:   I've got it, thank you.

5       MS MACLEOD:   Then if we look to the foot of this document  
6           for the weekend rota, do we see for the 7 to 9 o'clock  
7           period, you appear to be on duty on a Saturday with  
8           Brother **LMZ** and Brother **MHJ** --

9       A.   Yes.

10      Q.   -- on the weekends that boys were at St Ninian's?

11      A.   Right.

12      Q.   Do you see that?

13      A.   Yes.

14      Q.   Then do we see that, after that, after 9 o'clock, where  
15           it's entitled "Dorms", do you see that it appears that  
16           Brother **LNA** is on duty Saturday and Sunday, whether  
17           it's a weekend the boys are there or not?

18      A.   Yes.

19      Q.   Thank you.

20           You told us yesterday that your own room in  
21           St Ninian's was on the top floor of the building --

22      A.   Yes.

23      Q.   -- somewhere above the main hall.

24      A.   Yes, I think it was over to the left of the main hall,  
25           looking down towards the drive.   I've looked at pictures

1 of it and it's hard for me to recall the room, but I do  
2 think it was looking down on the drive. I've only one  
3 vivid memory of being in the room and that was the day  
4 that the Pope John Paul I died, and I remember waking up  
5 bolt upright because he'd only been Pope for 30 days.  
6 That's the only memory of the room that I can recall.

7 Q. I'll put up a plan of the rooms in case it assists you.  
8 That's CFS.001.006.8296. You'll see, this plan says  
9 it's the second floor. In fact, that should say the  
10 first floor, we've advised by the person who put the  
11 plan together. So if we could zoom in on the plan.  
12 Do you recognise that as possibly the first floor of the  
13 building?

14 A. Yes, I definitely realise ... I didn't realise there  
15 were five classrooms there. I recognise the four on  
16 that side of the building.

17 Q. Don't worry too much with the words. It's really your  
18 own recollection of what the set-up was. I wonder if  
19 you could tell me where your own bedroom was on that  
20 floor.

21 A. I'm not absolutely sure, but I think it was probably the  
22 top right one.

23 Q. The corner --

24 A. I think so.

25 Q. -- bedroom?

1 A. Yes, but I'm not absolutely sure.

2 Q. Were there other brothers who had bedrooms on that floor  
3 when you were there?

4 A. Yes, I mean, I ... From my memory, I thought where it  
5 said "office", that was where Brother [REDACTED] MHJ was.  
6 I thought that was his room.

7 LADY SMITH: Don't worry about this writing. It's not meant  
8 to indicate how the rooms were being used during your  
9 time.

10 A. I see, yes. Where it says "office", I think that was  
11 his room. I don't remember who else. Numbers of  
12 brothers did come and go for short periods, and I can't  
13 remember all of them, so the other two rooms where it  
14 says "brother's bedroom" and "staff bedroom", I don't  
15 really remember who would have been in those rooms, but  
16 I do think the one I was in was on the top right.

17 MS MACLEOD: Were you ever asked when you were at  
18 St Ninian's if you wanted to move to the dormitory area?

19 A. I don't think so, no. No.

20 Q. Were you ever asked if you wanted to take on  
21 responsibility for the dorms at any time through the  
22 night?

23 A. No, I think from memory there was, like, either one  
24 night or one weekend over the whole time I was there.  
25 I think brother [REDACTED] LNA asked me would I supervise and

1 I think it was a weekend when most of the boys were  
2 away. But it's a very vague memory.

3 Q. You weren't asked to take on that role?

4 A. No, never, no.

5 Q. Were you ever asked to take on the responsibility of  
6 getting boys ready in the morning?

7 A. Not that I remember, no.

8 Q. Were you one of the more junior brothers at St Ninian's  
9 at the time you were there?

10 A. Yes. For the first three years, definitely, I was the  
11 youngest, yes, the junior.

12 Q. Did it surprise you at the time that you weren't asked,  
13 for example, to take on more responsibility for the  
14 dorms?

15 A. No, I don't think it occurred to me, no. I think I was  
16 very kind of fully involved with all the sort of games  
17 activities and that kind of thing, and, no, it never  
18 occurred to me that I would want to be asked.

19 Q. Can I ask you about bed-wetting at St Ninian's. Do you  
20 remember there being an issue with bed-wetting?

21 A. Yes. It was an issue and it was more on the junior  
22 side. It seemed to tail off quite considerably on the  
23 senior side of the dormitory. From the one time  
24 I supervised the dormitory there, I came to the  
25 impression that it might have a lot to do with the fact

1           that there was a stream running outside the junior side  
2           of the dormitory and you could hear the water trickling  
3           away at night. I think that might have had something to  
4           do with it. The sound of water, I think, might have  
5           encouraged the bed-wetting.

6           It did strike me: why did it suddenly cease to be  
7           an issue when they moved to the more senior side of the  
8           dormitory?

9       Q. How did you know at the time that there was an issue  
10       with bed-wetting?

11      A. Well, it would come up in conversation and I think the  
12       arrangement was that -- I don't think a big issue was  
13       made of it. From my memory, I don't think the children  
14       themselves particularly found it or were made to find it  
15       embarrassing, and I don't think among their peers that  
16       they were made fun of or that kind of thing.

17           I think the routine was that they would fold up  
18       their stuff and take it down to the laundry to be washed  
19       or something. They would strip the bed. That's my  
20       memory.

21      Q. I think I asked you how you knew there was a problem  
22       with bed-wetting. Is that something you were told  
23       at the time or could you see it for yourself?

24      A. Well, it would come up in conversation among the  
25       brothers and that kind of thing and I would know the

1 children going down to the dormitory with their -- to  
2 the laundry area with their sheets and that kind of  
3 thing.

4 LADY SMITH: What was said? You said it came out in  
5 conversation; what was said and by whom?

6 A. The names of certain children who would have wet the bed  
7 or something like that.

8 LADY SMITH: Well, something must have been said about the  
9 fact they were wetting the bed. What was said?

10 A. As to why they were wetting the bed or --

11 LADY SMITH: How did you know from what whoever it was said  
12 that there were children wetting the bed?

13 A. Well, nothing more than that I would have been told  
14 that. I don't know.

15 LADY SMITH: Told what?

16 A. That certain children were wetting the bed or were  
17 bed-wetters or something. Not all of them were.

18 LADY SMITH: "Harry, certain children are wetting the bed";  
19 is that what was said?

20 A. Yes, I would have thought so, yes. I can't think of  
21 anything more than that.

22 LADY SMITH: How was it regarded?

23 A. As I say, I don't think it was kind of something that  
24 the children were made to feel bad about. I don't think  
25 there was any great understanding about it or how to go

1           about dealing with it or even perhaps looking at what  
2           might have been the underlying reasons. My memory of it  
3           was it was just part of the routine.

4       LADY SMITH: Was it a nuisance?

5       A. I don't think so, in the sense of making the children  
6           feel awkward or awful. I have not a great memory of the  
7           laundry area, but I think it was just a routine more  
8           than anything else. It happened and the sheets were  
9           washed and changed. I would be very surprised if  
10          somebody said that they were made to feel bad about it  
11          or they were causing a nuisance.

12       LADY SMITH: Harry, just going back to my original question:  
13          who was it told you that children were wetting the bed?

14       A. It would be -- I mean, I suppose it would be  
15          Brother LNA and I think LMZ when he was in the  
16          dormitory area and that.

17       LADY SMITH: Did they describe the bed-wetters in any  
18          particular way?

19       A. No, I don't think so. I think "bed-wetters" might have  
20          been the phrase.

21       LADY SMITH: Words like "pee the beds" or anything like  
22          that, or "pissy beds"?

23       A. I don't remember that, no. Not calling them names or  
24          giving them names, nothing like that.

25       LADY SMITH: Ms MacLeod.



1 MS MACLEOD: What happened to the wet sheets once beds were  
2 wet?

3 A. As I say, the youngsters themselves took them down, from  
4 my memory, and I think they were washed there.

5 Q. Where did they take them?

6 A. I think that -- I can't remember it, but I think there  
7 must have been some kind of laundry room down near the  
8 kitchen/dining room areas because I remember one of my  
9 responsibilities would be make sure there was clean kit  
10 for when they were playing games and that. So I can't  
11 remember a laundry room, but I'm assuming there was one  
12 down there, and I think the children were taking their  
13 sheets downstairs.

14 Q. Who washed the sheets?

15 A. I don't remember. I don't remember who -- whether  
16 anybody was employed for that particular job. I don't  
17 think the children ... They may have had to rinse them  
18 out in a bath or something, but I'm not sure about that.  
19 I don't know why that comes back to me, but ... Sorry.

20 Q. Who put the sheets back on the bed?

21 A. I don't know. I presume it -- I don't know, I don't  
22 know. It could have been a staff member, I don't know,  
23 or whether it was the boys themselves, I can't say.

24 Q. Did you ever put sheets back on the bed?

25 A. I have no memory of doing that, no.

1 Q. Did you ever wash sheets?

2 A. I have no memory of doing that either, no.

3 Q. Did a child ever speak to you about the issue of  
4 bed-wetting?

5 A. Not that I can remember, no.

6 Q. I think you tell us in your statement at  
7 paragraph 130 -- we can just put that on the screen for  
8 you, WIT.001.002.5673. You say:

9 "I have a vague memory of a new boy coming to me  
10 really upset about it."

11 Do you remember that?

12 A. I don't recall it now. Obviously I signed that  
13 statement and that, but ... I don't particularly  
14 remember it now, no, I can't ...

15 Q. Do you remember saying that at the time you gave your  
16 statement?

17 A. Yes, I remember saying it. When I was reviewing the  
18 statement, whether I slipped up on that, but I can't  
19 particularly recall that incident now.

20 Q. So what were you referring to then at the time you gave  
21 your statement when you said that?

22 A. I'm really not sure. It may have been a case -- as  
23 I say, a new boy coming in and feeling distressed.

24 LADY SMITH: Harry, you signed this statement on 2 May, just  
25 over a month ago.

1       A. Yes. I'm really sorry about that, but I just ...  
2       I can't ... No, I can't recall that.  
3       MS MACLEOD: Do you remember --  
4       A. I realise I've signed that.  
5       Q. Do you remember a boy coming to you at any time, being  
6       really upset?  
7       A. No, not particularly, no.  
8       Q. Did you ever see inappropriate sexual behaviour between  
9       the boys?  
10      A. No, I have no memory of that.  
11      Q. Is that something you would forget?  
12      A. I wouldn't have thought so, no.  
13      Q. Do you remember hearing anything about inappropriate  
14      sexual behaviour between the boys?  
15      A. No, no.  
16      Q. If I could ask you to look at another document, which is  
17      at CBR.001.001.0670. If we could perhaps, first of all,  
18      go to the cover page, which is at page 0668. Do you  
19      recognise this document, Harry?  
20      A. Yes.  
21      Q. What is it?  
22      A. It's the kind of rulebook, I suppose, for members of the  
23      congregation.  
24      Q. Is this a book that you were aware of when you were at  
25      St Ninian's?

1 A. Yes.

2 Q. Was there a copy of this book available at St Ninian's?

3 A. Yes, I would think so. I think every individual brother  
4 would be given a copy of the constitutions.

5 Q. Could I look, just briefly, at chapter 17 of the  
6 document, which deals with schools, and in particular at  
7 page 0688.

8 If we could look at paragraph 173 at the top, and  
9 perhaps zoom in on that if possible, do we see here it  
10 says:

11 "During the play hours, they are to guard the pupils  
12 as far as they can from moral as well as from physical  
13 danger. In residential schools, special vigilance is  
14 required in guarding the morals of the pupils."

15 A. Right.

16 Q. Do you remember that paragraph in the constitution?

17 A. I don't remember it, no. No.

18 Q. What's your understanding of what the purpose of that  
19 might have been?

20 A. As it says, keep them safe from physical dangers and  
21 that kind of thing. Moral dangers ... I suppose it's  
22 in relation to your previous question, examples of  
23 sexual abuse and all that kind of thing. I don't think  
24 we had any kind of formal training and all that kind of  
25 thing. So I don't know how much significance I would

1           have read into that at the time.

2       LADY SMITH: Are we to take it that the rulebook of your  
3           order was telling you that in a residential school it  
4           was to be assumed there was a higher risk of moral, to  
5           use an old-fashioned word, turpitude, such as  
6           inappropriate sexual behaviour occurring because the  
7           boys would be in a residential setting?

8       A. Sorry, can you repeat that?

9       LADY SMITH: It sounds as though the rulebook was telling  
10          the brothers that they must assume that boys in  
11          a residential school were at higher risk of moral  
12          danger, for example inappropriate sexual behaviour.

13      A. Right, yes. I have a feeling ... I don't know how to  
14          express it really. I have a sense of ... I think  
15          a sense of a certain naivety and lack of understanding  
16          as to what the full implications of what that might be.

17      LADY SMITH: What other than sexual danger could be a risk  
18          in a residential setting that isn't perceived as a risk  
19          in a non-residential setting?

20      A. Yes.

21      LADY SMITH: This is about sex, isn't it?

22      A. Yes. I think ... I think, you know, the level of  
23          awareness or expectation of kind of constant moral  
24          threats and that kind of thing, I don't have a sense of  
25          being aware of that as kind of I would now in terms of

1           how things have been spelt out so clearly and so ...

2           I really don't know how to put it.

3                   I'm aware of the things there, but ... I don't know  
4           how to say, whether it was a ... whether I was naive or  
5           whether I didn't see things that I would see differently  
6           now. I just don't know. I understand what the  
7           constitution is saying, but I'm not quite sure what my  
8           depth of understanding or awareness of what all that was  
9           about at the time would have been. It does seem naive,  
10          but I'm just not ...

11       LADY SMITH: Harry, I'm just trying to ascertain what the  
12          order was thinking in the instructions it was sending  
13          out, and I think we've got that, and I think you're  
14          telling me, well, the message didn't really reach the  
15          ears of people like you at that time.

16       A. Yes, that possibly might be the case. I can't remember  
17          myself being on high alert thinking: this is a big  
18          issue, I have to watch for that kind of thing. I think  
19          part of it might be related to the kind of training we  
20          went through, to be taken or to go from your home at 13  
21          and join a religious congregation, and to be honest with  
22          you, I think there was a kind of -- it's understandable  
23          at the time, but I think there was a kind of failure  
24          in the full human development of people joining the  
25          religious order. In a sense, I think there was a very

1 strong focus on the spiritual development, but ...

2 I went through my adolescent years kind of in  
3 a religious habit or something, and looking back now,  
4 that was absolutely, totally inappropriate.

5 I remember in the novitiate, the novice master,  
6 a lovely man, a very holy kind of man, he took us  
7 through the vows, and I remember it struck me at the  
8 time that he left the vow of chastity until the last  
9 couple of weeks of the novitiate. The preoccupation was  
10 what constituted a mortal sin or something like that.  
11 It was all very legalistic. There was no kind of --  
12 nothing involving the kind of human development of the  
13 young novice.

14 Throughout my time in the novitiate, I don't think  
15 I ever remember kind of a straightforward lesson on the  
16 facts of life and things like that. So it was in that  
17 sense very inadequate, and within the novitiate there  
18 were kind of little rules which were given. At the  
19 time, 15 years of age, doing a religious training, which  
20 is kind of ridiculous really, but the little rules like:  
21 don't have particular friendships, or, when you go on  
22 a walk afternoon, always go in threes, and that kind of  
23 thing.

24 I remember the rules being there, and looking back  
25 now, I know exactly what that's all about, but at the

1           time I didn't have the same sense of it. That led to  
2           a certain naivety going through, which explains why I'm  
3           kind of struggling with trying to explain what my  
4           response to that particular statement is.

5       LADY SMITH: Ms MacLeod.

6       MS MACLEOD: If we can look at one more chapter of the  
7           constitution at page CBR.001.001.0680. This is  
8           chapter 7, headed "Chastity". I want to focus in  
9           particular on paragraph 85 of this page. Do we see that  
10          that reads:

11                "Whilst the brothers should cherish an affection for  
12           all their pupils, especially the poor, they are  
13           forbidden to manifest a particular friendship for any of  
14           them. They must not fondle their pupils and, unless  
15           duty and necessity should require it, a brother must  
16           never be alone with a pupil."

17       A. Right.

18       Q. Do you recall that part of the constitution?

19       A. Yes, as you present it to me now, it's coming back to  
20       me.

21       Q. What was the purpose, as far as you're aware, of, in  
22       particular, the last part of that, that a brother must  
23       never be alone with a pupil?

24       A. I suppose it must ... It must relate to sexual abuse  
25       and that kind of thing. Yes, that was the intention of



1           it.

2       Q.   As we've seen, even from looking at the rota for  
3           St Ninian's, there were times when brothers were alone  
4           with pupils.

5       A.   Right.   Yes.   And partly that would have been related to  
6           the understaffing, I suppose.

7       Q.   We spoke yesterday about the evening showers and I just  
8           want to go back to this very briefly to ask you a little  
9           bit more about it.   You explained that you remember  
10          supervising in the evening --

11      A.   Yes.

12      Q.   -- including the showering area.

13      A.   Right.

14      Q.   I just want to ask you in relation to that: do you  
15          remember at that time yourself or any other brother  
16          assisting the boys to wash themselves?

17      A.   No.   No.   No.

18      Q.   Do you remember yourself or any other brother checking  
19          the boys to see if they'd washed themselves properly?

20      A.   Not really, no.   No, I mean ...

21      Q.   Did you see any adult make contact with a boy in the  
22          shower area?

23      A.   I have no memory of that, no.

24      Q.   I think you told us last night that the showers are open  
25          plan.

1 A. Yes.

2 Q. So the boys could see each other?

3 A. Yes.

4 Q. Were the boys naked when they showered?

5 A. Yes.

6 Q. So when you were supervising the shower area, could you  
7 see the boys naked?

8 A. Yes.

9 Q. At the time what was your view on the appropriateness of  
10 yourself and other brothers being able to see the boys  
11 showering naked?

12 A. I don't think I ever considered it inappropriate,  
13 because I think even ... Within a kind of day school  
14 context, if you were involved in games activities and  
15 that, you'd also be involved in supervising shower  
16 activities. I suppose my own experience at university  
17 and college and playing on rugby teams, open showers,  
18 even sort of before the whole AIDS crisis, there would  
19 be communal baths and that kind of thing for sports  
20 teams. So I don't think it occurred to me as being  
21 anything inappropriate, no.

22 Q. I suppose the difference in these situations is that  
23 that would be adults together or children together.  
24 What I'm asking you about is the appropriateness of an  
25 adult looking at boys in the shower.

1 A. Yes, I understand that. My memory is not of kind of  
2 just standing there in the shower constantly monitoring.  
3 It was kind of moving up and down the corridors, "Come  
4 on, hurry up, finish that shower, there's more to go",  
5 that kind of thing.

6 Q. In hindsight, looking back at it, what's your view now  
7 on the appropriateness of an adult being able to even be  
8 walking in and out of a showering area where young boys  
9 were showering naked?

10 A. Yes, I think it would be considered inappropriate now.  
11 It would kind of -- shower cubicles would be the norm  
12 and would be most appropriate, I would have thought.

13 Q. Can I ask you now a little about the discipline and  
14 punishment at St Ninian's. What advice were you given  
15 at St Ninian's as to how you should discipline and  
16 punish the boys?

17 A. I don't remember being given any particular advice.

18 Q. Who was in charge of discipline?

19 A. Most of the time I was there, it would have been

20 LNA

21 Q. I think what you say in paragraph 153 of your statement  
22 is that Brother LNA had the

23

24 "I think his strength of character, in a sense,  
25 tended to ensure that."

1 A. Yes. I think it came across as a mixture of relatively  
2 stern but also kind as well. I had a sense that he kind  
3 of carried that responsibility and it was like a heavy  
4 responsibility for just ensuring the smooth running and  
5 good order of the place.

6 Q. How did [REDACTED] LNA discipline children?

7 A. My memory was a lot of it did involve kind of talking to  
8 the children or lecturing the children. I know that  
9 a common strategy was, if somebody was found  
10 misbehaving, to go and stand in the main hall, which  
11 seemed quite a lenient approach at the time. But it  
12 could have been quite intimidating I suppose in a sense,  
13 but he would often go up and speak to them and maybe on  
14 occasions give them corporal punishment.

15 Q. So if we look at standing in the main hall, first of  
16 all, can you just tell me a little bit about how that  
17 would work. If a boy required to be punished and that  
18 was to be the punishment, what would happen to the boy?

19 A. I just have memories of them standing up -- as you look  
20 in from the front door, standing on the left-hand side  
21 along the wall there, waiting to be spoken to I think.

22 Q. How long would a boy be waiting for?

23 A. I have no real memories, but maybe anything up to  
24 an hour I suppose. I wouldn't have thought it was  
25 longer than that.

1 Q. The inquiry has heard evidence that on occasions boys  
2 were made to stand in the main hall for several hours at  
3 a time. Could that be right?

4 A. I couldn't ... I have no memory of that. I couldn't  
5 confirm it. I just do have a memory of them standing in  
6 the hall. As to the length of time, I wouldn't be sure.

7 Q. How would the standing in the hall come to an end?

8 A. Again, I think they would be spoken to or it could  
9 involve corporal punishment as well.

10 Q. Who administered corporal punishment?

11 A. My memory is certainly Brother LNA I remember  
12 Brother LMZ As I've thought about it, I don't think  
13 there was any sort of set guidelines as to who did or  
14 did not administer corporal punishment. So I can't  
15 remember any incident where I administered corporal  
16 punishment, but I don't either remember that it was  
17 restricted to certain members of the staff or what.

18 Q. So if we look at Brother LNA first of all, how did he  
19 administer corporal punishment?

20 A. It would have been using this leather strap.

21 Q. Did you see him using the strap on boys?

22 A. I think so, yes. I think I can remember that.

23 Q. How many strokes of the strap would he give a boy?

24 A. I know from the constitutions, and I think it was the  
25 practice, that the maximum would be a total of two.

1 Q. How many strokes do you recall Brother LNA giving  
2 a boy?  
3 A. I have no memory of him giving more than two.  
4 Q. Where on the boy's body would he be struck?  
5 A. On the hands.  
6 Q. Did the brothers each have their own belt or was there  
7 a shared belt?  
8 A. I don't think so. I think there was one kept in the  
9 office. I don't think all the brothers had a belt.  
10 Q. Apart from belting boys, did you see Brother LNA  
11 physically punish boys in any other way?  
12 A. Not that I can remember, no.  
13 Q. We've heard evidence that Brother LNA would sometimes  
14 use his knuckles to hit a boy on the top of the head; do  
15 you recall that?  
16 A. No. No, no.  
17 Q. You mentioned Brother LMZ --  
18 A. Yes.  
19 Q. -- administering corporal punishment. What's your  
20 memory of what he would do?  
21 A. I think similar, the same, the use of the strap.  
22 Q. Again, how many strokes do you remember him  
23 administering?  
24 A. I can't remember more than two. I have no memory of an  
25 excessive punishment, like more than two strokes.

1 Q. What about yourself? Did you administer corporal  
2 punishment at any time?

3 A. I can't remember an incident, but as I say, I don't  
4 think it was restricted to certain brothers, so I assume  
5 that I must have done on some occasions, yes. But  
6 I have no actual memory of ...

7 Q. Apart from the belt, did you physically punish a boy in  
8 any way?

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

10 Q. What kind of things would a boy have had to do to get  
11 the belt?

12 A. I can't remember specifically. What I do remember  
13 is that Brother LNA and Brother LMZ made a big issue  
14 of smoking. I think another problem at the time was the  
15 problem of glue-sniffing and that kind of thing.  
16 I think that might have involved corporal punishment.  
17 I do remember Brother LNA saying to me once that he did  
18 make a big fuss about smoking and his argument was that  
19 if you made a big fuss about smoking then the children  
20 would -- that would be the rule they would be trying to  
21 break and it would divert them from other, more  
22 potentially serious activities.

23 Q. What kind of fuss did he make about smoking?

24 A. I always find it ironic in the sense that both  
25 Brother LNA and Brother LMZ smoked quite a bit

1           themselves. I think it would be kind of lecturing them  
2           that this wasn't allowed and that kind of thing.  
3           I think that led to corporal punishment. I think  
4           probably conflict or fighting between them, things like  
5           that as well.

6           Q. Did Brother LNA ever search the boys' rooms or bags for  
7           cigarettes?

8           A. I don't remember it, but I imagine that might have  
9           happened, yes.

10          Q. In paragraph 40 of your statement you say:

11                 "I do remember, I think, towards the end of  
12           LNA time there, he was feeling the strain of  
13           and there were a few instances of boys  
14           running away. I think LNA may have thought he might  
15           have been losing his grip of control."

16                 I just wonder if I can explore that with you. What  
17           do you mean by that:

18                 "[You] think he may have thought he might be losing  
19           his grip"?

20          A. I think he was a strong presence for the good order of  
21           the place, and, as has been shown, he was pretty full  
22           time in his role of supervision and all that kind of  
23           thing. I just think that -- I seem to remember having  
24           a conversation with him where he kind of felt that  
25           he was losing his grip.



1           Running away used to happen from time to time, but  
2           I think towards the end there was a period, maybe  
3           a month or two, where there was a kind of frequent  
4           number of running-aways to the extent that it was  
5           becoming an issue in a way that it hadn't been a major  
6           issue before. I think he felt that perhaps, yes, he was  
7           kind of losing his authority or he was beginning to tire  
8           of the job or needed a change or a break or whatever.  
9           Something like that.

10        Q. Did you have any concerns during your time at  
11        St Ninian's of how Brother LNA was treating the boys?

12        A. No, I don't think so.

13        Q. Did you ever have any suspicion that anything untoward  
14        was going on between Brother LNA and the junior boys?

15        A. In terms of abuse and that kind of thing, is that ...

16        Q. Anything untoward.

17        A. No, no.

18        Q. Did you see anything that caused you concern in relation  
19        to Brother LNA and mistreatment of the boys?

20        A. No, no, no.

21        Q. Did any boy ever mention anything to you about  
22        Brother LNA ?

23        A. Not that I can remember, no.

24        Q. Are you aware that allegations of physical and sexual  
25        abuse have been made against Brother LNA ?

1 A. Only quite recently, yes.

2 Q. Are you aware that a number of these allegations cover  
3 the period you were at St Ninian's with Brother LNA

4 A. No, not specifically, no. I tried to do some background  
5 reading, kind of submissions that have already been made  
6 to the inquiry to kind of prepare for this but ...

7 Q. The inquiry has heard evidence from a number of  
8 witnesses, both in statements and in hearings over the  
9 last week, to the effect that boys were abused by  
10 Brother LNA including during the time you were there.  
11 What's your response to that?

12 A. That does surprise me. Because it's only kind of fairly  
13 recently that I've been aware that accusations were made  
14 against him. So I am surprised. That's all I can say.  
15 I have no evidence of that, you know. The thing that  
16 kind of strikes me is that within -- the young people  
17 themselves, they weren't ... A lot of them were kind  
18 of -- particularly the senior ones -- lively, feisty.  
19 They would talk ... I think they had a sense of kind of  
20 what was appropriate what was not appropriate and that  
21 kind of thing, and I would be surprised if nothing was  
22 said or something hinted at that you would have picked  
23 up on.

24 Q. If a boy had come to you and expressed a concern about  
25 Brother LNA who would you have gone to to speak about

1           that?

2           A. The obvious straight answer is it would be the  
3           provincial. It would have been within the order,  
4           I think. I don't know how I would have handled it.  
5           It's very difficult. I can understand approaching  
6           police or civil authorities. I would have found that  
7           very unlikely, you know. I think it would have had  
8           to -- the first initial step would have been within the  
9           congregation itself.

10          Q. You tell us in your statement that a Brother Kelly  
11          arrived in your final year --

12          A. Yes.

13          Q. -- at St Ninian's; is that right?

14          A. Yes. I'm not exactly sure when, but we were there  
15          together for a period of time. I think it was that  
16          final year.

17          Q. Is he a brother who was roughly around your own age?

18          A. Yes, I think he might have been a bit younger, a year or  
19          two younger.

20          Q. I think you tell us that Brother Kelly worked in the  
21          dormitory area or had a presence in the dormitory area.

22          A. Yes.

23          Q. How did it come about that Brother Kelly was allocated  
24          to the dormitory area?

25          A. I don't know who left who was supervising. It's only

1           since I've seen the documents there that I realise that  
2           Brother Coffey was supervising the dormitory area for  
3           a period. So whether he came and took his place or  
4           something ... He came in and I think that was a role  
5           that was given to him.

6       Q.   What did you make of Brother Kelly at the time?  
7           What was he like?

8       A.   Well, he was ... He came in, I think he was quite  
9           committed to the work. He was quite involved in --  
10          sporty and that kind of thing. My impression was he got  
11          on quite well with the work, with the boys, and that  
12          kind of thing.

13      Q.   Something you tell us at paragraph 201 of your  
14          statement, I think what you say is:

15                "I was aware that boys sometimes spent the night in  
16          Paul Kelly's room. Allowing boys to sleep over in his  
17          room wasn't a common practice or anything like that, it  
18          was an exception."

19      A.   Right, yes.

20      Q.   I want to ask you about that. How did you become aware  
21          of boys spending the night in Brother Kelly's room?

22      A.   I think it was something he would have mentioned to me.  
23          That's my memory.

24      Q.   Do you remember what he said?

25      A.   No. I just ... My memory was it was that I think it

1           was to do with -- the second weekend, when most of the  
2           boys were away, I don't think it was anything that --  
3           kind of during the school week or the weekend when a lot  
4           of the boys were there. I think it was just when --

5           I don't remember what he said, I don't remember  
6           particularly witnessing what took place, but I think my  
7           general understanding of it at the time was that because  
8           it was a weekend when everybody was away, things were  
9           a bit more relaxed. Perhaps the lights out period might  
10          have been relaxed. I can't remember what they were  
11          doing, whether it was watching videos or what kind of  
12          thing, I don't know. That's my understanding of it and  
13          I kind of ... From memory, I don't think it was ever an  
14          individual child at the time. I just think he wanted to  
15          create a relaxed kind of easy-going atmosphere at the  
16          time. That was my understanding at the time.

17        Q. Did you see children in his room?

18        A. Not sleeping in his room, but I think, given the nature  
19          of the dormitories, for the whole period I was there it  
20          was kind of -- it was shower activities, it was  
21          changing, it was children talking in the rooms. They  
22          would go in and out of Brother Kelly's room,  
23          Brother LNA room, whatever, chatting, asking for  
24          things. It was a kind of fairly free and easy sort of  
25          thing.

1 Q. Did you see a group of children congregating in  
2 Brother Kelly's room?

3 A. Not sleeping, but they would have kind of come in and  
4 out. They would have sat chatting with him or chatting  
5 with each other or whatever, yes.

6 Q. Did you see boys with their duvets in Brother Kelly's  
7 room?

8 A. I don't remember that, no.

9 Q. In 1979 I think you would have been about 29 yourself.

10 A. Right, yes.

11 Q. And I think we can see from information we have that  
12 Brother Kelly would have been about 27.

13 A. Right.

14 Q. When he told you boys were staying over in his room,  
15 what did you think? What did you make of that?

16 A. As I say, I thought it was ... I didn't have any  
17 suspicions. I just thought it was kind of relaxed.  
18 I think the only thing that I would have had any anxiety  
19 about is we've got a group of boys here, 40-odd kids,  
20 don't have favourites or don't treat some boys  
21 differently from other boys. I don't think I ever said  
22 that to him, but I think that might have been what would  
23 have crossed my mind.

24 But certainly, whether naively or that, I wouldn't  
25 have saw anything that aroused suspicion or anything

1           like that.

2       Q.   You mentioned favourites there: did Brother Kelly have  
3           favourite boys?

4       A.   I think there were a few that tended to follow him round  
5           very closely.  Whether it was him favouring them or them  
6           latching on to him, I don't quite know what the dynamic  
7           was.

8       Q.   Would that be following him around the school building?

9       A.   Possibly sometimes, yes.  I think, yes.

10      Q.   I think you go on to say in your statement that:

11                 "Looking back, it would be a red flag sort of  
12           issue".

13      A.   Yes.

14      Q.   Referring to the boys being in his room.

15      A.   Yes.

16      Q.   Why would that be a red flag sort of issue?

17      A.   I think, as I say, I have friends who kind of have been  
18           involved in foster care and all that kind of thing, so  
19           I'm conscious of the level of guidance and protocol  
20           that's given in these kind of situations now.  It's all  
21           spelt out very clearly, very specifically, and you know  
22           exactly what they're talking about.

23                 There wasn't that same awareness at that time,  
24           I don't think, no -- I've lost the thread of the  
25           question, I'm afraid.

1 Q. The inquiry has heard evidence to the effect that  
2 Brother Kelly abused boys, both sexually and physically,  
3 including during that year, 1979 to 1980, when you were  
4 there. What's your own response to that?

5 A. Well, it surprises me in the sense -- well, two reasons.  
6 I never saw any evidence of that. I have a sense that  
7 among the youngsters themselves -- I mean, they  
8 weren't ... I would have ... Among the whole body of  
9 the children, particularly the senior boys, if something  
10 was going on, it would have surfaced in some way or  
11 other. I don't know. Something would have been said  
12 or ... It surprises me that something like that could  
13 happen and then not become -- generally people become  
14 aware of.

15 Q. Are you aware that in 2016 Paul Kelly, formerly  
16 Brother Kelly, was convicted of offences in relation to  
17 child abuse --

18 A. I am, yes.

19 Q. -- at St Ninian's?

20 A. Yes.

21 Q. What's your response to that?

22 A. Well, I don't look back and say, "Ah yes, now I see  
23 this, I see that". It doesn't create an awareness in me  
24 of something that I missed at the time and can see now.  
25 I haven't followed the details of the trial. I've kind



1 of tried to access a few newspaper reports online. It  
2 does surprise me that something like that could happen  
3 and there not be any -- and not be aware of something.

4 Q. Do you remember Brother Farrell at St Ninian's?

5 A. I do, yes.

6 Q. What's your recollection of when he arrived?

7 A. I don't remember exactly when, but I think he came and  
8 Brother LNA left. I don't know whether they were there  
9 together for any period of time or what, but eventually  
10 he took on the role of being [REDACTED]

11 [REDACTED]

12 Q. In a statement Brother Farrell has given the inquiry he  
13 says he was at St Ninian's initially between 1977 and  
14 1978 and that he then came back at a later period. Does  
15 that ring any bells with you?

16 A. No, I don't remember it. I can't remember specifically  
17 when he came. I don't remember him being there for two  
18 separate periods, but I accept that was the case.

19 I think that would probably be -- I don't remember him  
20 kind of [REDACTED] Brother LNA  
21 Brother LNA leaving and him coming. So that would make  
22 sense in the sense that there was a period where the two  
23 of them were together, [REDACTED]

24 [REDACTED]

25 Q. How did Brother Farrell interact with children?

1 A. Well, my memory was kind of warm, enthusiastic. He was  
2 quite a lively individual.

3 Q. Did you have any concerns in relation to his treatment  
4 of children?

5 A. No.

6 Q. The inquiry has heard evidence that children were abused  
7 by Brother Farrell, including during the period you were  
8 there.

9 A. Right.

10 Q. What's your response to that?

11 A. Well, again, I have no memory of any incident which  
12 would have caused me concern and I have no recollection  
13 of any youngster raising any concerns. So again, it  
14 does surprise me.

15 Q. Again, are you aware that Brother Farrell has been  
16 convicted in relation to offences --

17 A. Yes.

18 Q. -- against children at St Ninian's.

19 A. Right, yes.

20 Q. Looking very briefly at [REDACTED] MBV [REDACTED] what's your  
21 recollection of him?

22 A. I'm not sure exactly when he came, but I knew that it  
23 was ... I think that there was [REDACTED]  
24 attached to the place before [REDACTED] MBV [REDACTED] came. I think  
25 we all felt it was a really positive step forward in

1 a sense to have somebody who [REDACTED]  
2 [REDACTED] could take on a lot of the work of  
3 attending to Children's Panels and things like that.  
4 I think that kind of eased the situation for  
5 Brother LNA to some extent.

6 Q. Did you have any concerns about the way in which  
7 MBV [REDACTED] interacted with children?

8 A. No, not at all, no. I think there was some confusion.  
9 I had to rectify in the statement that he wasn't ever  
10 resident in the place; he had a family and lived  
11 outside. So I don't think he was involved in any  
12 dormitory activity or that kind of thing.

13 Q. I think your position, Harry, is, and you set it out at  
14 paragraph 168, that:

15 "I would have to say I never saw any form of abuse."

16 Is that right?

17 A. I think so, yes. Yes.

18 Q. Well, is that right?

19 A. Yes, yes.

20 Q. I think what you go on to say at paragraph 229 of your  
21 statement is:

22 "For a child from a broken home to be placed in  
23 St Ninian's for their safety and nurture and then to be  
24 abused and traumatised in the home is shocking and  
25 totally unacceptable."

1 A. Yes.

2 Q. But you yourself weren't aware of any abuse?

3 A. No, no. I genuinely didn't kind of have any awareness  
4 or any real concern. So when I initially became aware  
5 of all this kind of thing, it was a shock and it was  
6 also, I suppose, very depressing to think that we'd been  
7 involved in something where you feel everybody was  
8 highly motivated for the best interests of the children  
9 and then this is the end result.

10 Q. I think what you say in paragraph 230 is that you're not  
11 denying the occurrence of abusive treatment, but in the  
12 interests of creating a balance, you say:

13 "It must be pointed out that many good and  
14 idealistic people worked at St Ninian's with the  
15 intention of giving the children the best possible  
16 nurturing and care."

17 A. Yes, I genuinely believe that. I think there was a lot  
18 of good work done. There was a lot of highly motivated  
19 people there, very concerned for the young people, and  
20 I think my overall memory of the place is that there  
21 were a lot of good times, positive times, happy times.

22 Q. I think in terms of lessons to be learned from the  
23 experience of childcare at St Ninian's, you suggest  
24 that:

25 "Appropriate training, monitoring and evaluation is

1           essential and for the voices of those in care to be  
2           heard."

3       A.   Yes.  I think that is important.  Looking back, I think  
4           it was of its time and the training I received was done  
5           kind with the best intentions, but it was lacking -- to  
6           an extent that it really put both staff members and  
7           children in an unsafe situation.  I suppose those are  
8           the lessons of the time.

9           I'm aware there is so much greater understanding now  
10          and things are spelt out so much more clearly in terms  
11          of what's appropriate in caring for children.

12       Q.  Are these things, training, monitoring and evaluation,  
13          things that in your view the set-up in St Ninian's would  
14          have benefited from?

15       A.  Yes, absolutely, yes.  It's strange looking back to  
16          think that ... from the authorities, the supervision of  
17          the educational programme, the supervision of the  
18          childcare kind of thing seemed to be so limited.

19       MS MACLEOD:  Thank you very much, Harry.  That's all I have  
20          to ask you today.

21               My Lady, I'm not aware of any other questions for  
22          Harry.

23       LADY SMITH:  Thank you.  Are there any outstanding  
24          applications for questions?  No.

25               Harry, that does complete all that we have to ask

1           you. Thank you very much for the way you have assisted  
2           us with your evidence, both with your written statement  
3           and coming along here to give oral evidence, both  
4           yesterday and today. I'm now able to let you go and,  
5           again, thank you for being prepared to come back this  
6           morning when I didn't originally expect to do that.

7       A. Can I just express my thanks to the Witness Support  
8           team? That has been a tremendous help for me and I'm  
9           very grateful for that provision being made.

10   LADY SMITH: Thank you for that. I'm sure they'll  
11           appreciate it.

12           I will take the morning break now since it's nearly  
13           11.30 and sit again after we've had that.

14           (11.30 am)

15                           (A short break)

16           (11.45 am)

17   LADY SMITH: Mr MacAulay.

18   MR MacAULAY: The next witness wants to remain anonymous and  
19           he wants to use the pseudonym "Jim" in giving evidence.

20   LADY SMITH: Thank you.

21                           "JIM" (affirmed)

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

23           You look as though you immediately understand what you  
24           need to do. You will be asked to look at that red file  
25           in a moment when I hand you over to Mr MacAulay.

1           You'll see the light's come on the microphone and  
2           that should pick up your voice clearly for everybody.  
3           If you can try and stay in the right position for it.

4           Mr MacAulay.

5                       Questions from MR MacAULAY

6       MR MacAULAY: Good morning, Jim. In the red folder in front  
7           of you, you'll find a copy of the statement you provided  
8           to the inquiry. I will give the reference number for  
9           the transcript: WIT.001.002.6598. If I could ask you to  
10          turn to the last page, can you confirm you have signed  
11          the statement?

12       A. That's my signature, yes.

13       Q. And if you turn to the previous page, do you say in  
14          paragraph 86:

15                "I have no objection to my witness statement being  
16                published as part of the evidence to the inquiry"?

17                Is that correct?

18       A. That's correct, yes.

19       Q. Do you go on to say:

20                "I believe the facts stated in this witness  
21                statement are true"?

22       A. That's correct.

23       Q. I don't need to have your date of birth, Jim, all I need  
24          is the year of your birth so I can get a time frame for  
25          what I'm going to be asking you about. Can you confirm

1           that you were born in 1948?

2       A.   I can, yes.

3       Q.   I'm going to ask you about matters that happened quite  
4           a significant number of years ago and if I ask you  
5           a question and you really don't remember what the answer  
6           should be, just say you don't remember. Likewise, if  
7           you think of something that you think may be relevant,  
8           then please feel free to tell us. Do you understand  
9           that --

10      LADY SMITH:   Jim, there's one other preliminary that I would  
11           like to mention at this stage. You know that this  
12           inquiry is looking into whether or not children were  
13           abused in the past and this case study in particular is  
14           focusing on St Ninian's in Fife.

15           I think when you were interviewed for the purposes  
16           of giving your statement, it was explained to you that,  
17           although this is a public inquiry and not a trial, you  
18           still have a right not to incriminate yourself and it  
19           was explained that if anything you said involved  
20           mentioning that you took part in the abuse of children,  
21           you could be asked further questions about that. But  
22           because of your right not to incriminate yourself, you'd  
23           be entitled not to answer them, but if you did so, your  
24           answers will be recorded and they could be used as  
25           evidence at any time in the future. That could include



1           any trial.

2           Could I just reiterate that although this is  
3           a public inquiry and not a trial, you have not lost that  
4           right, so if it were to be the case that it got to the  
5           stage that you were being asked questions about whether  
6           you were involved in the abuse of children, you are  
7           entitled not to answer them. But if you did decide to  
8           do so, any of your answers would be available at  
9           a future date as evidence if anyone, such as those  
10          involved in a criminal trial, wished to use them. Do  
11          you understand that?

12       A. I understand that, yes.

13       LADY SMITH: Thank you.

14       MR MacAULAY: Can I then begin, Jim, by looking to the  
15          background as to how you came to become involved with  
16          St Ninian's School in Fife. I think what you tell us in  
17          your statement is that, after you left school, you  
18          became and worked as a professional photographer;  
19          is that right.

20       A. That's correct, yes.

21       Q. But at a point in time you also became interested and  
22          involved in [REDACTED]

23       A. That's correct, yes.

24       Q. How did that come about?

25       A. It came about in a simple way: myself and a few friends

1       used to go to a miners' institute to play snooker on the  
2       top floor. Now and again when were going up or down we  
3       noticed various banging noises and jumping noises coming  
4       from the floor that we passed. And we used to stick our  
5       head in to have a look what was going on and discovered  
6       they were playing [REDACTED]

7       After a few times that we had stuck our heads in to  
8       have a look, the people there said to come in, which we  
9       did, and they then said, do you want to watch, and we  
10      said, yes, and then they say, would you like to play,  
11      and I said, yes, although I didn't know how to play. So  
12      they showed me how to play. My friends at this point  
13      got a bit bored and vanished, but I went back again and  
14      again and started to get coached in [REDACTED] at that  
15      point.

16      Q. I think you tell us you became a member of a [REDACTED]

17      [REDACTED] at that time; is that right?

18      A. That's correct.

19      Q. And you went on to become an umpire?

20      A. Yes. The person --if I can just backtrack slightly,  
21      the person organising the group was a miner and there  
22      was a disaster at the Michael pit. He was down the pit  
23      that day and managed to get out by the skin of his  
24      teeth. But because of the disaster, the pit was closed,  
25      he lost his job, and he decided to move to Luton to work

1 down there with his family. They asked me to take over  
2 the running of the group at that point, and that's when  
3 I went to train in coaching and umpiring.

4 Q. Indeed, did you also decide to start a [REDACTED]  
5 [REDACTED] in Fife?

6 A. Well, we discussed amongst ourselves what we'd like to  
7 do and the group said -- or we agreed as a group why not  
8 set up a small league and see if anybody else was  
9 interested in playing. So I put an advert in the local  
10 press and a number of clubs or people got in touch.

11 Q. Is that the background then to how you came to make  
12 contact with St Ninian's School?

13 A. It's because they were one of the groups that contacted  
14 us. [REDACTED] MBV [REDACTED] was the contact person from  
15 St Ninian's, who asked if they could enter one or two  
16 teams, and we said yes, and there were teams from  
17 various local clubs asked to join at that point.

18 Q. Did this, as time went on, involve you going to  
19 St Ninian's?

20 A. Well, some of the clubs decided that they needed some  
21 help and some coaching. So obviously because of the  
22 training I was doing at that time, they all started  
23 saying, could I come out and visit. So St Ninian's was  
24 just one of the clubs that said could I come and do some  
25 coaching for the young people to bring them up to, if

1           you like, par to be equal to other young people.

2       Q.   Was there a particular brother at St Ninian's that you  
3           had dealings with in that connection?

4       A.   For the [REDACTED] MBV [REDACTED]  
5           Because he was the contact from the school, he became  
6           a member of the committee for the [REDACTED].

7       Q.   And at this time were you also applying to  
8           Dundee College because you were interested in becoming  
9           a community education worker?

10      A.   Yes.   So I applied to Dundee to join one of the -- it  
11           was quite an early course for them to do, community  
12           education work, and unfortunately they turned me down on  
13           application, only for the reason that they felt I needed  
14           more practical work and they said: go and do something  
15           more practical and come back next year.

16      Q.   And did you also in your dealings with St Ninian's come  
17           across a Brother [REDACTED] LMZ [REDACTED]

18      A.   Yes, Brother [REDACTED] LMZ [REDACTED] was, I think, maybe the youngest  
19           brother who was there.   And certainly when I went out to  
20           coach, probably maybe once a month, every four or five  
21           weeks, I would chat with Brother [REDACTED] LMZ [REDACTED] maybe have  
22           a cup of tea before I left and a biscuit.   That's how  
23           I met [REDACTED] LMZ [REDACTED]

24      Q.   Was he ultimately influential in you taking up  
25           a position at St Ninian's?

1 A. Well, at some point I explained to him how I had  
2 a conundrum of the application to Dundee College being  
3 turned down and how the only way I could probably get in  
4 was to have some practical experience, but that would  
5 mean giving up the job that I had at that time. So it  
6 was a bit of a conundrum to work out what I should do.

7 So I did chat with him but I did chat with two or  
8 three other people to make my decision about what  
9 I wanted to do. That's where I left it. It was  
10 probably a number of weeks later that Brother LMZ got  
11 in touch and asked me to go up to the school, which  
12 I did, and he explained that he had had a chat with the  
13 brothers and Brother MBV and him had got consent, if  
14 you like, for me to be offered a short-term post to get  
15 that practical experience.

16 Q. Were you given a particular title in that time?

17 A. They called it house parent.

18 Q. I'll come on to what your roles were in a moment, but  
19 can you give me some time frame? Can you remember when  
20 it was you first started in that position at  
21 St Ninian's?

22 A. It would be 1971.

23 Q. Can you be a bit more precise?

24 A. It would be in the autumn of 1971 because the college  
25 course, once I was accepted, was starting in 1972, so

1 I would only be there for that nine months starting  
2 around [REDACTED]

3 Q. Was it always your intention then that this would be  
4 essentially for that sort of period and you'd move on  
5 and apply again for the college course?

6 A. It was always sold to me that it was just a short-term  
7 contract, if you want to call it a contract. It wasn't  
8 a permanent post, it was just a short-term placement, if  
9 you like.

10 LADY SMITH: You say your job title was house parent?

11 A. House parent, yes.

12 LADY SMITH: You were 23 years old?

13 A. 22. Something like that, yes.

14 MR MacAULAY: Again, just so we can try and get the time  
15 frame, I'll put this document on the screen for you to  
16 look at: CBR.001.001.2135.

17 Can I just explain to you what this is? This is  
18 a transcript of entries made into what's referred to  
19 either as a logbook or a daybook that was being kept at  
20 St Ninian's during this time.

21 A. Mm-hm.

22 Q. If you look towards the top, although the dates are  
23 blanked out, I can tell you that the date I want to look  
24 at, which is the third entry from the top, is  
25 [REDACTED] 1971. Can we see an entry there that:

1 "Boys present: 43."

2 And there's reference to:

3 "... going to Scotus to win both senior and junior  
4 football", and so on, "under the supervision of Brothers

5 BHD LNA MCY LMZ MBV and

6 MCS "

7 Do you see that?

8 A. Mm-hm.

9 Q. So can we take it that, at least by that date in

10 [REDACTED] you were in the position you have mentioned  
11 at St Ninian's?

12 A. I would think so. I don't remember that or don't recall  
13 that, but it's possible I was there at that point.

14 Q. As her Ladyship has just mentioned, at that time in

15 [REDACTED] 1971, with your date of birth being

16 [REDACTED] 1948, then you'd be 23 years of age; is that

17 correct?

18 A. I thought 22, but I'm not ... I haven't sat and  
19 calculated it.

20 Q. You were young?

21 A. I was young, yes.

22 Q. And I think from what you've said, you received no  
23 training for the job that you were taking on as house  
24 parent.

25 A. Yes. I'm just trying to think how you said it. I think

1           their main objective was to get me there to do [REDACTED]  
2           [REDACTED] basically. Other people were after my  
3           expertise, if you like, so I think they wanted to raise  
4           St Ninian's, if you like, in the [REDACTED] and  
5           that was one of the ways of doing it, because my main  
6           job was working outside the school hours of the school  
7           and the [REDACTED] would have taken up probably four  
8           nights of the week, if not five nights of the week.

9           Q. Okay. That was to be my next question: what roles and  
10          responsibilities did you in fact take on as time went on  
11          at St Ninian's?

12          A. Well, initially, it was solely -- well, initially it was  
13          solely to work with the young people in their out of  
14          school hours. So that was after lunch and after supper.  
15          As I say, the majority of the work was probably around  
16          coaching, training and coaching, training in umpiring,  
17          and also the rules of the game. So that would probably  
18          have taken up a couple of nights a week.

19                 The league required the school put two teams into  
20          the league, which meant two evenings would be spent  
21          either at home or away. So that was two nights a week  
22          doing that. So that's what I'm saying: there would be  
23          at least four nights a week coaching or playing the --  
24          the teams playing away from home or at home.

25          Q. During that period then did you yourself stay at home?



1 A. How do you mean at home?

2 Q. In your own home.

3 A. Sorry, I stayed roughly five nights a week at  
4 St Ninian's and the other two nights I would go home.

5 Q. We'll look to see where you stayed in a moment at  
6 St Ninian's, but did your responsibilities and duties  
7 change over the period?

8 A. I think with any job because the title they gave to the  
9 job is not the sort of title I would have given to the  
10 job. I would have called it a support worker because  
11 certainly, not long after I was there, I'd call that the  
12 honeymoon period, where I wasn't necessarily doing  
13 a great deal, but was kept occupied if you like with  
14 working with the young people in the evenings, but then  
15 the brothers realised I could play probably a more  
16 important role and that was to release them when young  
17 people needed to go for appointments to doctors,  
18 dentists, opticians, hospital and that, and I would then  
19 be asked to take the young people to those appointments.

20 If a young person was in hospital, I would go in  
21 daily and spend a couple of hours visiting them, taking  
22 anything they needed, and sit and chat to them, and  
23 hopefully break up their day a bit if they were stuck in  
24 a hospital bed.

25 Q. Looking to the time, your hours of work, I think you

1           said a moment ago you were five days on, two days off?

2       A.   Correct.

3       Q.   But your hours tended to start at about lunchtime or

4           midday?

5       A.   Lunchtime I did my first, if you like, coming on duty.

6       Q.   On the five days that you're on duty then, I think

7           you're telling us that you did stay overnight at

8           St Ninian's?

9       A.   I did, yes.

10      Q.   Where did you have your room?

11      A.   The room was in the main building.  From what I remember

12           it was a long, thin, not a very attractive room, quite

13           chilly and cold.  It was in the main house.

14      Q.   Was that on the upper floor?

15      A.   Yes.

16      Q.   If I ask you to look at a plan, it's CFS.001.006.8297.

17           Jim, if you can get your bearings, you'll see the car

18           park, bottom right, and then the entrance door and the

19           entrance hall.  That takes you into a main hall.  We can

20           see an indication of where there were stairs taking you

21           to an upper level.  Are you pointing to that level as to

22           where your room was?

23      A.   Sorry, I'm a bit confused about where you are.

24      Q.   I think I should actually put this in front of you.

25      A.   Because the floor I'm looking at is the ground floor.

1 Q. You're quite right. We say there are stairs that would  
2 take you to a higher level.

3 A. Right. There were two sets of stairs going through the  
4 building and I presume that's because it was owned by --  
5 I think it was Onesiphorus Tyndall-Bruce who owned the  
6 building. So the stairs you've got marked there are the  
7 main staircase. Most of us probably used the side  
8 staircases, which is where the servants would go up and  
9 down.

10 Q. Is that towards the area that's marked on the plan as  
11 being the television room?

12 A. Just off to the right of that, yes.

13 Q. Then if you look at the next plan, CFS.001.006.8296,  
14 I think we're now looking at the upper level, where  
15 there's a landing and there are areas where classrooms  
16 have been designated. Was it in this area that you had  
17 your room?

18 A. I'm just trying to get my bearings. Is the right-hand  
19 where the front of the building is or was it on the  
20 left?

21 Q. I think the right-hand side is where the front of the  
22 building is because we see there are the stairs which  
23 I think you had in mind a little while ago.

24 A. Is that the main stairs where it says "landing"?

25 Q. Yes, indeed.

1       A. As far as I remember ... The room I was in was  
2           certainly on the side, facing the driveway. That's all  
3           I can -- the only way I can describe it. You would come  
4           up to where the front door was, but my room would look  
5           out on to the actual driveway coming up and it was quite  
6           a thin room, so it was probably maybe originally  
7           a storeroom or something like that.

8       Q. There's a room there that's been designated "staff  
9           bedroom"; is that the general area that you're talking  
10          about?

11      A. That would face the front of the house, which I didn't  
12          face. I was on the side of the house, facing down the  
13          driveway.

14      Q. In any event, it was in that area that your bedroom --

15      A. It was on that first floor, yes.

16      Q. So far as you were concerned, Jim, if you were dealing  
17          with any of the boys who were there, how would you  
18          address the boy? By that I mean, would it be a first  
19          name?

20      A. It would be just their first name.

21      Q. And how were you addressed by the boys?

22      A. By first name.

23      Q. In your statement you provide us with some comments on  
24          the brothers that you had some dealings with. Let's  
25          just look at what you say.

1            Brother BHD what did you understand his role  
2            to be?

3            A. As far as I understood, he was the [REDACTED] and  
4            he was also [REDACTED]

5            Q. You describe him as being quite stern and brusque.

6            A. Well, to me, he came over, yes, as quite sort of stern,  
7            kind of a bit offhand at times, not very warm.

8            Q. Did you have much to do with him?

9            A. Not a great deal because, again, he was -- as I say,  
10           he wasn't that chatty with me, so I didn't spend much  
11           time trying to chat to him.

12           Q. Did you ever see him discipline boys?

13           A. I never saw him discipline anyone.

14           Q. You have mentioned Brother MBV already. Did you ever  
15           see him discipline boys?

16           A. I never saw him discipline anyone.

17           Q. Did you have much to do with him during your time once  
18           you were at St Ninian's?

19           A. I probably saw him quite a lot because, obviously,  
20           he was on the [REDACTED] committee. So obviously  
21           through him we would be organising the [REDACTED]  
22           matches that had to be played at home and away.

23           Q. And Brother LMZ who you've already mentioned, I think  
24           you were quite friendly with him; is that right?

25           A. Yes. I would regard him as, if you can use the term,

1           a mentor. He was someone I could go to if I had any  
2           issues or any concerns or if I just needed someone to  
3           chat to, he was there for them.

4       Q. Did you ever see him discipline any of the boys?

5       A. I never saw him discipline anyone.

6       Q. Another brother you mention is Brother LNA Again,  
7           do you recollect Brother LNA ?

8       A. I do.

9       Q. Did you have much to do with Brother LNA

10      A. Not a great deal. As I say, because all the brothers  
11       were in classrooms during the day, so obviously I didn't  
12       see them at all during the day. So it was only in the  
13       evenings and at weekends, if I was there at a weekend,  
14       that you would see most of the brothers out and about.

15            Brother LNA stood out because he always wore  
16       a white jumper type, cardigan type thing. He was always  
17       wearing that all the time. I'm sure we would have  
18       discussed some stuff to do, organising events and that,  
19       and him checking -- or I would be asked maybe to check  
20       if the kitchen staff had the right drinks and biscuits  
21       and things for visitors coming.

22      Q. Did you ever see Brother LNA discipline the boys?

23      A. I never saw him discipline anyone.

24      Q. Looking generally in the relation to the brothers and  
25       any other brother that might have been there, did you

1           see any brother discipline any boy during your time  
2           there?

3       A. I never saw that at all, no. The only thing I saw was  
4       occasionally, if I went -- we were on the first floor  
5       now, so if I was ... I presume going to my room or that,  
6       you might find one of the lads standing in the hallway  
7       on the first floor, in the main part outside the  
8       classrooms. If nobody was around, I would go, "Pssst,  
9       why are you standing here?" and they'd say, "I was  
10      messing about", or, "I was making an aeroplane", or  
11      whatever, and I would just say, "Well, I'll see you  
12      at the break", and that would be it. I'd scurry off, so  
13      I didn't get them into any trouble.

14      Q. One of the teachers that you mention is a BHB  
15      Do you remember BHB ?

16      A. I remember him as the teacher.

17      Q. And did you ever see him discipline any boy in any way?

18      A. Never, not once, no.

19      Q. So I understand your position then, Jim, in the period  
20      that you were there-- and I think we might say that was  
21      for about 10 months or so -- you never saw any boy being  
22      disciplined other than the example you have given of  
23      perhaps a boy standing in the hall; is that correct?

24      A. That's correct, yes.

25      Q. How was the good behaviour of the boys maintained so far

1 as you could see?

2 A. How was the good behaviour?

3 Q. Yes.

4 A. I'm not sure what the question means, because the young  
5 people were, as I say -- they seemed quite happy, they  
6 seemed contented, they seemed to get what they wanted or  
7 needed; I didn't see anybody corralling them around.

8 Q. What you say in your statement, I think, is that:

9 "So far as [you were] concerned, the atmosphere was  
10 a happy and relaxed atmosphere during the times that  
11 [you were] there."

12 A. Yes.

13 Q. Is that correct?

14 A. That's correct.

15 Q. Do you remember seeing boys smoking?

16 A. No, never.

17 Q. Did you smoke at that time?

18 A. I've never smoked.

19 Q. Frank McCue, who I think you remember from your time at  
20 St Ninian's, would you say you were on friendly terms  
21 with Frank?

22 A. I was in more no friendly terms with Frank than any  
23 other lad at the school. But I do remember Frank, yes.  
24 That's for a specific reason.

25 Q. But were you aware that boys were interested in having



1 cigarettes?

2 A. I wasn't, no, because I never saw anyone smoking, so ...  
3 Because I didn't smoke, so the only people I saw smoke  
4 were -- some of the brothers smoked, Brother MBV  
5 I think smoked a pipe. He's the only one I can remember  
6 that smoked.

7 Q. If I could take you to another entry in the logbook or  
8 daybook. This is at CBR.001.001.2141. There's a entry  
9 there for [REDACTED]. You won't see the date because  
10 it's blanked out. It's just above the reference to  
11 page 66. There's a reference to boys who intended to  
12 run away. I'll leave that for the moment. Then we  
13 read:

14 "Someone stole 20 cigs from Brother LMZ room.  
15 Some tension among the boys as the result of certain  
16 pressures."

17 Were you aware this sort of behaviour was going on,  
18 that boys were stealing cigarettes?

19 A. I don't recall that at all, no.

20 Q. Frank McCue gave evidence that you used to buy  
21 cigarettes for boys and they weren't to tell anyone.  
22 The way he put it was:

23 "He used to buy us fags."

24 You'd say he is wrong about that?

25 A. That never happened, no.

1 Q. So far as Christmas was concerned, you'd have been  
2 involved with St Ninian's for one Christmas. Were there  
3 some children who did not leave the home for Christmas  
4 and stayed there?

5 A. Not that I'm aware of. As far as I know, once they'd  
6 finished the sort of Christmas celebrations, I'm sure  
7 there was a Christmas -- some sort of farewell meal type  
8 thing, and as far as I know, the whole school then left  
9 to go on holiday. I either left just before the lads  
10 left or I left immediately they left and didn't return  
11 until the school came back two weeks later.

12 Q. I think you tell us in your statement that, so far as  
13 the issue of visitors and inspections would be  
14 concerned, you don't remember if there were arrangements  
15 for visitors to come and visit the boys; is that  
16 correct?

17 A. If you're talking about social workers, I wasn't privy  
18 to whether social workers came or didn't come.

19 Q. What about family?

20 A. I wasn't involved in --

21 Q. What about family members, do you have any recollection  
22 of family members coming to visit?

23 A. The only people I remember coming is ex-pupils who would  
24 come semi-regularly, like different ones, not  
25 necessarily the same one all the time, but different

1           ones would come for a visit. Some would stay overnight  
2           for a day or two and some might only come for the day.

3           I never saw any parents come, no. Again, I wasn't  
4           asked to be involved in meeting parents anyway.

5       Q. We've touched upon discipline already, but one aspect of  
6           that is whether or not there was any bullying or  
7           fighting amongst the boys. Were you conscious of there  
8           being any bullying or fighting?

9       A. None at all. I was quite pleasantly surprised at how  
10          everybody got on well together and, as I say, I never  
11          saw any bullying or had to ... I didn't have any  
12          discipline over the lads, but I didn't need to shout or  
13          cajole people to stop doing certain things. They seemed  
14          to respect each other and get on well.

15       Q. Insofar as discipline is concerned, again we've had  
16          evidence in connection with that, and for example, again  
17          it was Frank McCue, who said -- and I'll give the  
18          transcript reference, TRN.001.006.0276, and what he said  
19          is:

20                "Discipline was strict, really strict. Strict to  
21                the point of it being abusive. There was a threat of  
22                violence behind everything you were told to do."

23                Clearly, from what you've been telling us, Jim,  
24                that is not your perception.

25       A. That's not what I saw happening, if you like. What

1           happened in the classrooms, I don't know, because  
2           I wasn't there, I wasn't a teacher, so I wasn't invited  
3           into the classrooms. But I never saw anyone being, if  
4           you like, threatened by the brothers or anything like  
5           that.

6       Q. Is it the case that boys did abscond from St Ninian's?

7       A. They did. I certainly remember one who did.

8       Q. I'm sorry?

9       A. I do remember one lad who absconded.

10      Q. If we look at, again, one or two entries in the logbook.

11           Let's go to CBR.001.001.2137.

12           We're looking here at an entry for 5 November 1971,  
13           which would cover your period. The boys' names have  
14           been blanked out, but there are a number of boys --  
15           eight in total, I think -- that had absconded and they  
16           were discovered by the police in a derelict building in  
17           Dundee. Do you have any recollection of this particular  
18           event?

19      A. I don't. No, I don't recall that at all.

20      Q. Can I say I don't want to take you to all the entries,  
21           but over the period that you were at St Ninian's -- and  
22           I think that takes us up to perhaps the July of 1972 --  
23           there were at least, I think, I have noted, nine  
24           examples of children absconding. Did you have a sense  
25           during your time that absconding was quite a regular

1 occurrence?

2 A. As I say, I can only remember one instance, one lad who  
3 absconded. If you're looking for a reason I would think  
4 young lads might abscond, that was the fact that they  
5 were so far away from home and they wanted to get back  
6 to see their families and that and possibly the only way  
7 to do that would be to head off on their own.

8 Q. Let's look at one or two of the entries then. Let's  
9 look at CBR.001.001.2144. Again, we're looking at the  
10 logbook entries.

11 On this particular page, there are two instances of  
12 children absconding, one for 22 April 1972, which would  
13 cover your period, and if we just move down a little  
14 bit, the bit that's blanked out there talks about:

15 "Four boys absconded after dinner and the police  
16 were involved and they were caught in Kirkcaldy, and  
17 they were collected by the [REDACTED]"

18 Who would the [REDACTED] be? Would that be  
19 Brother [REDACTED] BHD

20 A. What month are you talking about?

21 Q. We're talking about April 1972.

22 A. I would think that would be Brother [REDACTED] BHD, yes.

23 Q. If we look towards the bottom of the page, the date here  
24 is 27 April, "Boys present: 43". And then there are two  
25 boys who absconded at dinnertime, about 2 pm:

1 " MCS tried to find them by using the house  
2 car."

3 Do you have a recollection of that?

4 A. I don't, no.

5 Q. Another entry then at 2146. And the entry begins on the  
6 previous page, and the date is 9 May 1972. And if we go  
7 over to page 2146, there's an entry here dealing with  
8 a boy who did not return and I think you ended up in  
9 Newcastle. The entry tells us that Brother BHD and  
10 you set out for Newcastle at 10 am and returned with the  
11 boy at 6 pm, tired and exhausted.

12 I think the boy complained that he was being  
13 constantly harassed by certain boys who called him  
14 feminine names. Do you remember this particular  
15 incident, the travelling to Newcastle?

16 A. Yes, and no. If it's the only one that includes  
17 Newcastle, the only time, as I say, that I remember was  
18 one lad who, for some reason, reached Newcastle and part  
19 of my job then was I was despatched on my own to go and  
20 pick him up from a police station in Newcastle.  
21 Brother BHD certainly wasn't with me. I went on my  
22 own to pick up a lad from Newcastle. So I don't know --  
23 if this is another instance, it certainly didn't include  
24 me, but I certainly did go to Newcastle to pick up  
25 a lad, but I was on my own.

1 Q. This boy's first name -- I don't want his second name --  
2 was [REDACTED] Was it [REDACTED] who you picked up from Newcastle?

3 A. I can't recall who it was now.

4 Q. You've advanced a reason as to why you thought that boys  
5 might abscond. I think we do have a pattern here over  
6 the period that you were there of boys absconding on  
7 a regular basis. You think it was because they wanted  
8 to go home; is that what you're --

9 A. That's the only thing I can think, that they would be  
10 homesick and wanting to return back to see their family,  
11 yes.

12 Q. Can I just put before you what, again, Frank McCue put  
13 forward as the reason he saw why children absconded.  
14 This is at TRN.001.006.0282. This will come on the  
15 screen, your screen and Lady Smith's screen. Because of  
16 redaction issues it won't come on the general screens at  
17 the moment.

18 It's about halfway down the page, when he's talking  
19 about having run away, his first episode, he says:

20 "One of my friends woke up, saw I was in a bit of  
21 a state, and I told him I just couldn't take it.  
22 I couldn't take that kind of discipline, you know,  
23 getting slapped when you walk past somebody, things like  
24 that, and I told him I was running away, and he said,  
25 you won't be going on your own, and we ended up with

1 a crowd of us."

2 Then he goes on to say:

3 "These boys weren't running away because they were  
4 homesick; they were running away because they were  
5 scared."

6 Did you get any sense at all that there was fear  
7 amongst the boys?

8 A. Not at all, no. As I said, the only reason I thought at  
9 that time was that they were homesick and I didn't see  
10 anything that reflected fear in what they were doing.

11 Q. There is one incident involving Frank McCue that I think  
12 you were asked about when you provided your statement;  
13 is that correct?

14 A. Yes.

15 Q. Can I just look at that with you then, Jim, for a moment  
16 or two. Again, I'll put the transcript of what Frank  
17 told us in his evidence on the screen. If we can  
18 perhaps begin at TRN.001.006.0297. As we're going  
19 through it, I'll ask you some questions about it.

20 If we look towards the bottom of that particular  
21 page, where he's giving his evidence, and at line 25 he  
22 says:

23 "We were on the fields one night, and one of the  
24 boys said, 'That's those three girls from the disco'.  
25 There were two or three girls walking along a country



1 path. Before they got to us [you, you're mentioned,  
2 Jim] came running across the field. I had running  
3 before and he looked frantic. And, 'Up, up in the  
4 house, in the house'. We said, 'We were going to go and  
5 talk to them, MCS he wasn't brother, by that time  
6 he was our pal."

7 And he confirms that he referred to you by your  
8 first name; is that correct?

9 A. Well, all the boys called me MCS so that'd be nothing  
10 unusual.

11 Q. But do you remember this part of this incident, you  
12 being involved at this point?

13 A. I don't recall that and I certainly wouldn't react  
14 in that way because in the work I'd been doing  
15 previously with young people, as far as I'm concerned,  
16 if they were -- if Frank and friends were going to talk  
17 with some girls, I would certainly have not stopped  
18 them. There was no reason to stop them. I certainly  
19 wouldn't have got frantic about it. I'd have been quite  
20 happy for this because certainly when they held the  
21 discos and they invited groups in like that, I thought  
22 it was one of the best things for the lads to meet up  
23 and socialise with other people.

24 Q. He goes on. This is where he tells us about how you  
25 used to buy them cigarettes, but we've dealt with that.

1           He goes on to say that you said, "I'll tell the  
2 brother". Did that happen?

3       A. I would never have -- I think in all my time, I never  
4 went to the brothers to report any lad for anything.  
5 Because again, I learned early on in my work elsewhere  
6 that if you're having an issue with a young person or  
7 a group of young people, the best way to deal with that  
8 or the only way to deal with that was to deal with it  
9 yourself, because if you went off, if you like, to ask  
10 someone else to deal with it, that undermined what you  
11 were doing, and I certainly wouldn't have gone to the  
12 brothers to report any of the lads for anything. So  
13 I certainly wouldn't have gone to the brothers to report  
14 them.

15       LADY SMITH: Mr MacAulay, one moment.

16           When you say you learned early on in your work  
17 elsewhere to deal with matters yourself, what was this  
18 work elsewhere? Where was it?

19       A. That was in a local technical college. So I worked  
20 doing two things there. One was again a [REDACTED]  
21 night and one was working at a general youth club.

22       LADY SMITH: When did you work there?

23       A. That would be around probably the year before I went to  
24 St Ninian's. It might be 1970.

25       LADY SMITH: Mr MacAulay.

1 MR MacAULAY: Frank goes on to say in his evidence:

2 "I knew who he was talking about. I had told him  
3 about my run-ins with Brother BHD He knew I was  
4 scared of BHD He threatened to go and tell him so  
5 I just told him to eff off, not in an aggressive way,  
6 and he ran away."

7 A couple of points. First of all, had Frank in the  
8 past told you about any run-ins he had with  
9 Brother BHD

10 A. He hadn't, no.

11 Q. Did you know he was scared of Brother BHD ?

12 A. I didn't, no.

13 Q. If I can pause there for a moment and take you back to  
14 the logbook: CBR.001.001.2148. There is an entry in the  
15 logbook narrating, at least in part, what happened on  
16 this occasion. We'll see reference, page 80, if we move  
17 down the page, to the year 1972, and then three lines  
18 down, the date is 9 June, and we see the reference:

19 "Boys present: 45."

20 And a few lines down it says:

21 "Frank McCue and some senior boys meet girls from  
22 Strathmiglo near playing ground around 9 pm."

23 Did this happen at about that time, do you know?

24 A. Did what happen?

25 Q. This incident, do you know if it happened in the

1           evening, the incident involving Frank? Because I think  
2           we move on to look at what happened --

3       A. Are you talking about the incident with the girls in the  
4           playing field?

5       Q. Yes.

6       A. Well, I don't recall that ever happening, so I mean, as  
7           I say, I can't recall something that didn't happen. As  
8           far as I'm concerned, that incident never happened.

9       Q. I think you come to the aftermath of what happened.  
10           Let's leave that aside for the moment. The entry goes  
11           on to say:

12                "These three girls have become a nuisance,  
13           constantly phoning Frank. LHC angry at this  
14           unprecedented use of the phone. Frank McCue insults  
15           a member of staff."

16                And your name is given in brackets:

17                "Refuses to go into the house."

18                That entry tends to suggest that you were insulted  
19           by Frank McCue in the course of this particular  
20           incident. Is this wrong?

21       A. Well, I don't recall that at all, so I think that's  
22           wrong.

23       Q. The suggestion here seems to be that:

24                "He [Frank] spouts forth in front of girls and boys  
25           about his rights, he refuses to do what he's told, the

1 [REDACTED] gets very angry", and so on.

2 Could you have forgotten this particular part of the  
3 episode that you were involved with when Frank McCue and  
4 others were speaking to the girls?

5 A. Well, there's always a possibility, but it's just the  
6 way it's described, it's not something I would do. So  
7 it's not -- I would never have, if you like, rushed off  
8 to a brother to complain about one of the lads telling  
9 me to eff off or whatever. I would have dealt with that  
10 in my own way, which would have probably been to say,  
11 "Well, that's not a great way to talk to me", and that  
12 would have been about it.

13 Q. Certainly the author of the entry has proceeded on the  
14 basis that you were insulted. That's what the entry  
15 suggests.

16 A. That's maybe their interpretation, if it happened like  
17 that, but it's certainly not something I recall  
18 happening. As I say, I don't think I ever was insulted  
19 by any of the young people.

20 LADY SMITH: It does read as though the [REDACTED] got to hear  
21 that evening that the boy, Frank, had insulted you,  
22 doesn't it?

23 A. Well, I can only disagree with what's there, because, as  
24 I say, I would never have gone to the brothers to report  
25 anyone. So I don't know why that's there.

1 LADY SMITH: Well, it doesn't say you reported it, but  
2 somehow it has been relayed to the head that you were  
3 insulted. There are different ways the information  
4 could have got there.

5 A. Well, as I say, I can't recall that, but I don't think  
6 I'd have been insulted by anything Frank would have said  
7 to me.

8 LADY SMITH: Is it possible that Frank would have told you  
9 to eff off?

10 A. He may have done in the heat of the moment, but as  
11 I say, it's not something I would run off to someone  
12 else with.

13 LADY SMITH: I don't think anyone is suggesting you clyped,  
14 if I can put it that way.  
15 Mr MacAulay.

16 MR MacAULAY: Frank then goes on to describe what happened  
17 once he got into the vicinity of the boot room, which we  
18 understood is towards the basement part of the building.  
19 As he got out of the boot room, he said he was attacked  
20 by Brother BHD using a golf club and was beaten  
21 quite severely by Brother BHD Did you witness  
22 that particular event?

23 A. I didn't. As I say in the statement I have given,  
24 I arrived after Frank had been attacked and I didn't see  
25 him that night. So I didn't see what had happened to

1 him specifically at that time.

2 Q. Did you see him before -- I think he was moved to a bed;  
3 did you see him before he went to the bed?

4 A. No, I didn't see him until the next day or the next day  
5 after that.

6 Q. So when Frank says at 0304 -- at line 14 I think this  
7 is -- that:

8 "Answer: MCS came, Brother LMZ came,  
9 Brother LNA came, several other ones. They dragged  
10 Brother BHD off us and they carried me into the senior  
11 sitting room.

12 "Question: Who did that?

13 "Answer: MCS Brother LNA  
14 Brother LMZ "

15 Do I take it then you don't agree with that?

16 A. I don't recall that at all. I think I would recall that  
17 happening if it had included myself, but I don't recall  
18 that at all.

19 Q. If we turn to the next page, 0305, at line 9 what Frank  
20 has said in evidence is:

21 MCS actually told me after that that LNA  
22 actually punched him in the mouth to calm him down."

23 And that's a reference to Brother BHD Did you  
24 say that to Frank McCue?

25 A. I have no knowledge of Brother LNA striking anyone, so

1           that's something I couldn't have told Frank.

2       Q.   On the next page, 0306, what Frank says at line 3 is:

3           "Answer: I woke up in the morning. MCS was  
4           standing at my bed. I lifted my hands up and I started  
5           crying. Again, he was my pal. And I said, 'Look what  
6           they've done to me'.

7           "Question: Was there blood?

8           "Answer: He started crying."

9           Do you remember that?

10       A. I don't recall that at all.

11       Q. Do you remember going to see Frank?

12       A. Only a day or two after the incident. Not on the same  
13       day.

14       Q. Or the next morning?

15       A. On the next morning? No.

16       Q. But is this something that could have happened and  
17       you've just simply forgotten because of the passage of  
18       time?

19       A. I'm not sure if it's something you could just forget  
20       because, obviously, it's quite a traumatic event for  
21       Frank, if you like, and it must have been a traumatic  
22       event for those who witnessed it. I've thought about  
23       that a bit in the last few weeks, if you like, and as  
24       you've just said, could I have forgotten it? Maybe,  
25       I don't know. Maybe it was so traumatic that I've



1           blanked it out, but that I don't know either.

2           Certainly, when I look in my head, if you like, and try  
3           to put that into a picture of something that happened,  
4           there's nothing there.

5       Q.   But I think what you are saying is that at least you  
6           understand there was a fairly traumatic event involving  
7           Brother **BHD** and Frank McCue.

8       A.   Yes, well, certainly I recall the aftermath, if you  
9           like, that certainly that Frank was badly injured and  
10          Brother **BHD** was the person who did that.   So  
11          I remember that definitely happened.

12      Q.   The reference, as we read on --

13      LADY SMITH: Did I pick you up rightly? You recalled the  
14          aftermath, you said. Did you say that you were appalled  
15          that Frank was badly injured?

16      A.   Well, I was shocked and angry, certainly, about what had  
17          happened.

18      LADY SMITH: Thank you.

19      MR MacAULAY: If we read on while we have this on the  
20          screen, what Frank has said in evidence:

21                "I tried to sit up and the pillow was stuck to my  
22                face where the blood had dried, then I vomited. Just in  
23                an awful state."

24                Do you remember anything like that?

25      A.   I don't remember that, no.

1 Q. But however that may be, Jim, you do know that there was  
2 a severe attack by Brother BHD on Frank McCue?

3 A. That's correct.

4 Q. And as you said, you saw the aftermath and you saw the  
5 injuries?

6 A. I can't recall the injuries, but certainly the way Frank  
7 was holding himself and the way he was walking, he was  
8 obviously in great pain and that -- I certainly remember  
9 that he was not comfortable, he was walking with  
10 difficulty and moving with difficulty. You might say,  
11 how do you know that? But once he was able to get up  
12 and about, him and I would go walking most days in the  
13 grounds and we'd just walk slowly and talk, so obviously  
14 I could see from the way he was moving that he was  
15 injured.

16 Q. Do you know that he spent a number of days in bed?

17 A. As I say, I can't remember how quickly I saw him after,  
18 but it certainly wasn't that night and it may not have  
19 been the next day. It certainly would have been within  
20 the next day or two. In my mind I just remember being  
21 told I would see him later by one of the brothers.

22 Q. And you've mentioned that you went walking out in the  
23 grounds with Frank and Frank gave evidence of that to  
24 the inquiry. But this is at page 0313 where he's asked  
25 the question at line 7:

1           "Question: What then did MCS tell you about  
2 what was going on to happen in relation to  
3 Brother BHD "

4           And this is what he said in he is:

5           "Answer: He [that's yourself] told me that  
6 Brother BHD life was in ruins because of what I had  
7 done. You know, nothing about his life being in ruins  
8 because of what he had done. I felt as if it was my  
9 fault. And he kept coming back to me and he told me,  
10 Brother BHD was having a year's sabbatical in Rome.  
11 Then the next thing you knew he was going to stay with  
12 his family in Ireland for a short while, but there was  
13 going to be a hearing that the brothers -- the top  
14 brothers, there was going to be some kind of meeting  
15 where Brother BHD was going to be questioned about his  
16 role in this."

17           And Frank thought it was all just to placate him and  
18 to stop him from going near a police station to say  
19 he had been assaulted.

20           Do you remember conversations along these lines  
21 in relation to what was to happen to Brother BHD ?

22       A. Not specifically like that, because, again, I would  
23 never have been privy to what the brothers were going to  
24 do or not do, because that was never given to me.  
25 Certainly, in regard to me making excuses for

1 Brother [BHD] that would never have happened,  
2 because at that time I probably hated the man for what  
3 he had done and I certainly would never have defended  
4 him in any, any way at all. So I would never have said  
5 to Frank that it was his fault, like Frank's fault, that  
6 he was attacked, et cetera, and that Brother [BHD]  
7 was hard done by. I would never, ever have said that,  
8 because, as I say, I probably hated the man at that  
9 point and certainly had nothing to do with him. That's  
10 why I probably wouldn't get information about what was  
11 happening to him.

12 Q. Do you have any recollection of saying to Frank McCue  
13 that Brother [BHD] was going to be dealt with in some  
14 shape or form?

15 A. I would have said that because the person I was speaking  
16 to all the time was Brother [LMZ] and I kept asking  
17 Brother [LMZ] ever day virtually, what was going to  
18 happen regarding the assault on Frank and what was going  
19 to happen with Brother [BHD] and I was told  
20 basically it was being dealt with and that is all  
21 I could feed back to Frank, that the brothers were  
22 dealing with it. But there was no outcome at that time.

23 LADY SMITH: Did you have any thoughts yourself about what  
24 might happen to Brother [BHD]?

25 A. I didn't. I mean, I think the best outcome I thought

1           would be that Brother [REDACTED] BHD [REDACTED] should have left. But  
2           that was probably all that I could think of at that  
3           time.

4       LADY SMITH: Left and gone where?

5       A. That, I don't know. Just left St Ninian's.

6       LADY SMITH: Okay, thank you.

7       MR MacAULAY: But did that happen during your time?

8       A. No.

9       Q. Do you remember having a meeting with Frank shortly  
10       after he had left St Ninian's, I think in the area of  
11       Buchanan Street bus station?

12      A. I don't recall that, no.

13      Q. Because I think if we go to the transcript at 0315,  
14      towards the bottom of the page, at line 18, he is asked  
15      the question:

16                "Question: You do tell us in your statement that  
17      after you left St Ninian's, you made an arrangement to  
18      meet with [REDACTED] MCS "

19                And the answer is:

20                "Answer: Yes, he had made an arrangement with the  
21      boy [REDACTED] He was going to meet him at Buchanan Street  
22      bus station, so I said to [REDACTED] I would come as well; it  
23      was local for me."

24                Do you remember [REDACTED] and arranging to meet [REDACTED] at  
25      Buchanan Street bus station?

1 A. No, I don't recall that, no.

2 Q. And I think the plan was that you were taking [REDACTED] to  
3 Campbeltown. Do you remember that?

4 A. I don't. I remember going to Campbeltown, but ...

5 Q. You do remember?

6 A. I don't remember going with [REDACTED] but I certainly  
7 remember going to Campbeltown.

8 Q. If you turn to page 0317, at line 5, he's asked:

9 "Question: Did you say anything to Frank about  
10 Brother [REDACTED] BHD ?

11 "Answer: Yes. Again every time he saw me he kept  
12 telling me how difficult things were going to be for  
13 Brother [REDACTED] BHD And as far as I was concerned, well,  
14 he deserves everything he gets, I couldn't care less.  
15 But he kept emphasising what a mess Brother [REDACTED] BHD life  
16 was in -- and it turns out it was a whole pack of lies."

17 Do you have any recollection of saying something to  
18 Frank along these lines, that Brother [REDACTED] BHD life was in  
19 a mess?

20 A. As I say, I would never have defended Brother [REDACTED] BHD  
21 with one ounce of my energy, so I wouldn't have defended  
22 him in any way and given that to Frank or talked about  
23 that with Frank.

24 LADY SMITH: Would it have been fair to say that  
25 Brother [REDACTED] BHD life was indeed in a mess?

1 A. That I don't know.

2 LADY SMITH: Well, you've got a brother in a position of  
3 responsibility, at a boys' residential school, and  
4 you're aware he has beaten up a boy.

5 A. I knew that had happened.

6 LADY SMITH: Yes.

7 A. But I don't know what he was thinking or doing or  
8 what was happening to him because nobody ever told me.  
9 I wasn't privy to that information.

10 LADY SMITH: Okay.

11 MR MacAULAY: You did tell us that after the event, you did  
12 speak to Brother LMZ about what had happened.

13 A. I spoke to him continually about what had happened, yes.

14 Q. Can you tell me what the nature of the conversations  
15 were?

16 A. It would just be that obviously I was upset by what had  
17 happened to Frank and, basically, what the brothers were  
18 going to do in regard to the incident that had happened.  
19 And I would have -- I certainly was asking that probably  
20 on a daily, if not bi-daily, interval.

21 Q. What response were you getting from Brother LMZ ?

22 A. It was being dealt with, which wasn't really  
23 satisfactory, but that's the only answer I got. The  
24 other brothers, like Brother MBV or any of the other  
25 brothers, not that I brought it up, I think, with any

1           other brothers, but I may have brought it up with  
2           Brother MBV but I certainly recall that they didn't  
3           seem comfortable discussing it.

4       Q. Did this incident, do you think, have any bearing on  
5           when you actually came to leave St Ninian's?

6       A. I would think so, yes.

7       Q. Can you explain that to me?

8       A. Well, it was just -- I can't remember how long after,  
9           but Brother LMZ told me at one point that  
10          Brother BHD had asked that I leave St Ninian's. My  
11          response was a bit strange because I said, "Can he do  
12          that?" and Brother LMZ said, "Yes, he can". And  
13          obviously I left shortly after that. I think it's quite  
14          obvious why I was asked to leave because I was fighting  
15          for Frank.

16                That just reminds me, a paragraph or two back,  
17                because I don't think Frank knew how much I was fighting  
18                for him in the background on a sort of daily basis. And  
19                I think I must have just been a thorn in  
20                Brother BHD side, so he decided to get rid of me.

21       Q. When you say you were fighting for Frank, are you  
22           alluding there to your conversations with  
23           Brother LMZ ?

24       A. Yes.

25       Q. Essentially, you were asking Brother LMZ what was



1           going to happen. Is that --

2       A. Yes, I was trying to find out what they were going to

3           do --

4       Q. Did you make -- sorry, carry on.

5       A. Just that something should be done, but again I was

6           quite young at that time so I didn't know what should be

7           done or could be done.

8       Q. Did you make any suggestions as to what ought to be

9           done?

10      A. I don't recall making any, no.

11      Q. Did it ever cross your mind at that time to make contact

12           with the police?

13      A. No, it didn't.

14      Q. Was there any mention of the police in your

15           conversations with Brother LMZ

16      A. I don't recall any, no. I just know that -- I seem to

17           remember that there didn't appear to be any contact with

18           a social worker, because I didn't hear anything about

19           that, I didn't hear anything about the police being

20           involved. After the incident, I don't remember a doctor

21           being called or an ambulance coming to the school. So

22           I certainly recall that part, if you like, that none of

23           these agencies seemed to turn up. Not that I might

24           necessarily be privy to that, but I think I may have

25           noticed if something like that was happening.

1 Q. What contact, if any, did you have with Brother BHD  
2 after this event?  
3 A. None.  
4 Q. Well, were you in his company at any time?  
5 A. Not if I could help it, no. As I said earlier,  
6 I basically at this point hated the man, really, and  
7 didn't want to be near him. So if he came into a room,  
8 I would leave the room. I didn't want to be near him,  
9 speaking to him or anything.  
10 Q. I think you've indicated that you consider that it was  
11 your reaction to the event and the way that you were  
12 pressing Brother LMZ that led to you having to leave.  
13 Is that --  
14 A. That's correct, yes.  
15 Q. What led you to think that?  
16 A. Well, I suppose just the fact that I kept fighting for  
17 Frank, to get some justice for what had happened, and at  
18 the end of the day that never happened as far as I know,  
19 and I was asked to depart the house.  
20 Q. Do you know if Brother BHD apologised to Frank?  
21 A. I don't, no.  
22 Q. Do you know if he made any apology?  
23 A. I don't, no.  
24 Q. If we go back to the logbook at CBR.001.001.2148, this  
25 is the entry that we looked at earlier, just below

1           halfway, for 9 June, which appears to have been the date  
2           when the incident took place. For 10 June, which is the  
3           next entry, it reads -- that's the next day:

4           [REDACTED] apologises to Frank McCue in front of  
5           all boys in chapel for the angry and unfair punishment  
6           meted out the night before."

7           Do you know anything about that?

8           A. I don't, no.

9           Q. Do you know who the author of the entries in what's  
10          referred to as the logbook, the daybook?

11          A. I don't, no.

12          Q. Is it your understanding that certainly the next day,  
13          Frank McCue was still in bed because of what had  
14          happened?

15          A. Well, reading that, it would be strange for Frank to be  
16          in the chapel. I know I wouldn't have been in the  
17          chapel. The chapel was quite small in the school, so  
18          I'm not sure how you would get all the pupils in there  
19          because it was quite a small little chapel. But as far  
20          as I know, Frank was in bed for a day or two. I can't  
21          see them lifting him, because I don't think he would  
22          have been able to walk easily. So I can't imagine them  
23          lifting him into the chapel. So possibly that never  
24          happened, but again I wasn't there for that, so I don't  
25          know.

1 LADY SMITH: Or it was an apology made in Frank's absence --

2 A. It could have been.

3 LADY SMITH: -- and not repeated in front of Frank?

4 A. It could have been, yes.

5 MR MacAULAY: I think you do say at paragraph 70 of your  
6 statement, Jim -- and we can perhaps put that on the  
7 screen at WIT.001.002.6617. You have touched upon this  
8 already, I just want to put it to you. Paragraph 70.

9 What you have said there is:

10 "There is a possibility that the passage of time may  
11 have affected my recollection of events in regard to  
12 Frank McCue. Because of the time that has passed, it is  
13 possible things have been blocked from my memory or that  
14 certain things have been taken away."

15 Is that your position?

16 A. That's true, yes.

17 MR MacAULAY: I have a few more points to put to you, Jim,  
18 and perhaps that's something I could do after lunch,  
19 my Lady, since it's now 1 o'clock.

20 LADY SMITH: Yes. We'll take the lunch break now and  
21 I think we'll sit again at 1.45 to ensure that we make  
22 the progress that we need to make this afternoon, if  
23 that's all right with you, Jim. Is that okay? We'll  
24 stop now and have three-quarters of a hour for the lunch  
25 break and I'll sit again then.

1 (1.00 pm)

2 (The lunch adjournment)

3 (1.45 pm)

4 LADY SMITH: Jim, are you ready for us to continue now?

5 A. Yes, fine, thank you.

6 LADY SMITH: Mr MacAulay.

7 MR MacAULAY: Good afternoon, Jim. I have one other area

8 that I want to explore with you and it relates to

9 another allegation that's been made against you, or

10 a particular allegation that's been made against you.

11 If you look at the red folder in front of you, you'll

12 find what I'd refer to as a key there. The person who

13 has made this particular allegation wants to remain

14 anonymous. You'll see on one side of the key the

15 person's name and you'll see on the other side the

16 pseudonym that he has adopted, which is James.

17 Do you recognise the name?

18 A. I don't, no.

19 Q. James gave evidence in relation to certain things that

20 he said about you and your use of photography. I think

21 you're aware of the evidence that James gave.

22 A. I am, yes.

23 Q. What I'll do, first of all, is I'll take you to that

24 evidence and then I'll ask you to comment on it. So

25 we're looking at the transcript at TRN.001.006.0369.

1 (Pause)

2 We're at the relevant page, I think, and if we move  
3 towards the bottom, about halfway, James is giving  
4 a description of the shower area that would have been  
5 used by the boys after games. At line 17 he is asked:

6 "Question: You tell us in your statement about this  
7 person and what happened with him when you were in the  
8 showers. Can you describe that for us?"

9 And he says:

10 "Answer: Well, I can recollect every time I seen  
11 him, he always had a camera dangling from his neck and  
12 quite often he would come into the showers and you would  
13 be facing where the water was coming from, so you had  
14 your back to the corridor and he would usually come out  
15 with something like, 'Have you washed your knees  
16 properly? Could you turn round and check?' and when you  
17 turned round, he would take a photograph. This didn't  
18 happen every time you were in the showers, but it  
19 happened regular."

20 And he's asked:

21 "Question: Did you see any of these photographs?"

22 And he replies:

23 "Answer: I have not seen any photographs that he's  
24 taken, but he must have thousands of them because  
25 wherever he went, his camera was with him."

1           "Question: Would any brothers be present when this  
2 was happening?

3           "Answer: There was usually some outside, like. If  
4 two boys -- if one boy was coming out of the showers,  
5 then because there was a big queue, if one come out, one  
6 went in, and if three came out, three went in, and you  
7 just had to wander about and see which cubicle they had  
8 come out -- which one was empty and then you would go  
9 in."

10           And he talks about the brothers being in the shower  
11 area. So the essence of what he is saying is you would  
12 be in the shower area and taking photographs of naked  
13 boys. That's the essence of it. What's your response  
14 to that?

15       A. Well, it's obviously not me because I had no  
16 responsibility for shower areas or going into that area  
17 and I never, ever, ever was in there at any time.

18       Q. Were you involved in taking photographs generally  
19 in relation to sporting activities, for example?

20       A. The main thrust of the photographs was probably at the  
21 end of the sporting year when we took the -- or I was  
22 asked to take the kind of team photographs, which --  
23 I handed some over in my interview the other week. That  
24 was the main thing that I took photographs of.  
25 Personally, I took some photographs of the building from

1           the outside because I thought it was quite a beautiful  
2           building so I took a few pictures of the outside of the  
3           building.

4       Q.   But did you go around the premises with a camera?

5       A.   No, no.   I had a job to do, so I can't see how I could  
6           do my job carrying a camera and taking pictures of  
7           everything and anything.   The main thrust was the work  
8           that I did and that doesn't include a camera, because if  
9           I was coaching [REDACTED] or working in that area, you  
10          can't hold a camera and do that, it's impossible.

11      Q.   The witness, I think, described this person as being  
12          perhaps 30 to 40 years old.   We know you weren't as old  
13          as that, you may have been 23 at about this time.

14      A.   22.

15      Q.   Although the perception of a younger person might be  
16          different.   But "wee and skinny", I think he also said.

17      A.   Certainly I'm not wee and skinny.

18      Q.   So is your position then, if this witness is telling the  
19          truth, then it's a case of pointing out the wrong man?

20      A.   It would appear so, yes.

21      LADY SMITH:   You do tell us in your statement that you not  
22          only had an interest in photography, but you actually  
23          worked as a professional photographer before  
24          St Ninian's.

25      A.   That's correct, yes.



1 MR MacAULAY: We've already gone over how you came to leave  
2 St Ninian's, Jim. I think you did in fact get accepted  
3 on to the course that you wished to go on to.

4 A. I did. When I reapplied I was re-interviewed and  
5 Dundee College accepted the practical work that I'd done  
6 at St Ninian's, and offered me a place.

7 Q. Is it right to say that you did not go back to work at  
8 St Ninian's thereafter?

9 A. I didn't, no.

10 Q. Indeed, I think you have pursued your career down south;  
11 is that correct?

12 A. That's correct. I headed for Dumfries & Galloway and  
13 then down from there.

14 Q. You have, I think, heard about what the experiences some  
15 of the boys who went to St Ninian's had; is that right?  
16 You've read about them?

17 A. Well, the first I knew about anything untoward that had  
18 gone on at St Ninian's was probably in 2014 when the  
19 news broke and I think Frank and another lad were --  
20 I don't know if I can say his first name or not.

21 Q. You can say his first name.

22 A. David. They were on the news and I was quite shocked  
23 and surprised at what they were saying had happened to  
24 them and some of that might have happened when I was  
25 there, I don't know. Some of it may have happened when

1 I was there.

2 Q. Of course, so far as Frank McCue is concerned, you were  
3 there when he suffered the attack we've already  
4 discussed.

5 A. That's correct. Well, I can confirm he was certainly  
6 attacked by Brother BHD and he was certainly  
7 injured by that attack, yes.

8 MR MacAULAY: Very well, Jim. That's all the questions  
9 I have for you. I can confirm, my Lady, that no  
10 questions have been submitted. I can perhaps also point  
11 out that I think Jim, who wants to remain anonymous, his  
12 name might have just come out in evidence and no doubt  
13 your Ladyship will assure him that his name will not be  
14 made public.

15 LADY SMITH: Yes. Just let me follow up on that: this  
16 witness has chosen to use the name "Jim", which he is  
17 entitled to do, and no other name can be used in respect  
18 of him outside the hearing room because he's covered by  
19 my general restriction order.

20 Let me check if there are any outstanding  
21 applications for questions. Are there? No, there  
22 aren't any more questions.

23 It simply remains for me to thank you very much for  
24 engaging with us, both by providing your written  
25 statement, which has so much helpful detail in it, and

1           by coming along today to give us your evidence in  
2           person. It adds again to the picture that I'm building  
3           of St Ninian's and it's of great value. Thank you very  
4           much. I'm now able to let you go.

5       A. Thank you.

6                               (The witness withdrew)

7       LADY SMITH: Mr MacAulay.

8       MR MacAULAY: The next witness also wants to remain  
9           anonymous and he wants to use the name "Tim" in giving  
10          evidence.

11      LADY SMITH: Thank you.

12                           "TIM" (affirmed)

13      LADY SMITH: Tim, please sit down and make yourself  
14          comfortable. We need you to be in a good position  
15          in relation to the microphone, please.

16          The red folder, Mr MacAulay will explain to you in  
17          a moment. If you're ready, I'll invite Mr MacAulay to  
18          explain to you what happens next; is that all right?

19      A. Yes.

20                           Questions from MR MacAULAY

21      MR MacAULAY: Good afternoon, Tim. In the red folder you'll  
22          find your statement. Could I ask you to look at the  
23          statement? I'll provide the reference for the  
24          transcript: WIT.001.002.5956. If I could ask you to  
25          turn to the last page of the statement.

1           Can I ask you to confirm that you have signed the  
2           statement?

3       A.   Yes, I have.

4       Q.   Do you tell us in paragraph 89:

5           "I have no objection to my witness statement being  
6           published as part of the evidence to the inquiry"?

7           Is that the case?

8       A.   Yes, okay.

9       Q.   And do you go on to say:

10          "I believe the facts stated in this witness  
11          statement are true"?

12       A.   Yes.

13       Q.   Tim, I don't require your date of birth, but to obtain  
14          a time frame I require to confirm the year of your  
15          birth. Can I confirm that you were born in 1951?

16       A.   Yes, I was.

17       Q.   You've come to give evidence today because we want to  
18          ask you about your time as a teacher at St Ninian's in  
19          Falkland. Before I come on to that, do you tell us in  
20          your statement, just looking at some background, that  
21          you studied geography at Durham University?

22       A.   Yes.

23       Q.   And thereafter, did you spend a few years doing  
24          different --

25       A.   Yes, three years doing all sorts of different things:

1           running youth hostels, working -- gardening -- around an  
2           oil rig(?) and things, working at a painting school in  
3           the Isle of Mull.

4       Q.   There came a point in time when you applied to  
5           Moray House College in Edinburgh to do a postgraduate  
6           degree in secondary teaching; is that right?

7       A.   I think that's what it's called, something like that,  
8           anyway.

9       LADY SMITH:   Tim, if you just sit back slightly.

10           Just before Mr MacAulay gets into any of the detail  
11           about your time at St Ninian's, there's something I want  
12           to mention to you that I think has been explained to you  
13           already.

14           Although this is a public inquiry and not a trial,  
15           you have all the rights of not being obliged to  
16           incriminate yourself that you'd have in a courtroom.  
17           That means that if at any time the evidence goes to the  
18           subject of child abuse and you indicate you were  
19           involved in anything that was the abuse of children, you  
20           could be asked further questions about that, but it's  
21           important you understand you are not obliged to answer  
22           them because you have a right not to incriminate  
23           yourself and you're entitled to stay silent in response  
24           to those questions.

25           But if you do answer, your answers are being

1 recorded, and they will be there for any future use.  
2 I have to explain that to you because it's important  
3 that you understand what your rights are. Does that  
4 make sense?

5 A. Yes, thank you.

6 LADY SMITH: Thank you.

7 Mr MacAulay.

8 MR MacAULAY: By this time, were you married when you were  
9 doing your teaching training?

10 A. Yes, I was.

11 Q. Did your wife at about this time also become involved in  
12 running a small home for children?

13 A. Yes, a family group children's home with six children in  
14 Kirkcaldy.

15 Q. And did you help her in that?

16 A. Yes, we just stayed there. It's like having children,  
17 basically.

18 Q. Did you then apply for the position that plainly was  
19 advertised for St Ninian's in Falkland?

20 A. Yes.

21 Q. And you were accepted for that position?

22 A. Yes. For a number of years -- I wrote a number of years  
23 married one number of children six and being Catholic,  
24 because it was like having six children.

25 Q. So far as St Ninian's is concerned, I think you tell us

1           that you started work at St Ninian's in 1976 at the age  
2           of 25; is that right?

3       A.   Yes.

4       Q.   You were there until 1983?

5       A.   Yes.

6       Q.   A period of six, seven years, thereabouts?

7       A.   Seven years, yes.

8       Q.   What subjects did you teach when you started?

9       A.   To start with, it was like [REDACTED]

10           A couple of lessons of [REDACTED] But especially  
11           for the first two years, because I had a geography  
12           teaching qualification and so that was part -- because  
13           I was under probation for the first two years so I had  
14           to ... So that was applicable for that, that was okay  
15           for that. But after that, I gradually took more [REDACTED]

16           [REDACTED] Because the  
17           brothers would come and go and some would -- they could  
18           usually teach geography or something like that, but they  
19           very often couldn't or weren't interested in doing [REDACTED]

20           [REDACTED]

21           But you had to be adaptable.

22       Q.   You have mentioned the brothers and we understand the  
23           school was run by the Christian Brothers. Over the  
24           period of seven years or so that you were there, there  
25           were different brothers there, weren't there?

1 A. Yes, very much so.

2 Q. Are there particular brothers' names that stick in your  
3 mind?

4 A. Well, I was interviewed by Brother LNA and  
5 Brother MHJ Brother MHJ was [REDACTED]  
6 [REDACTED] and Brother LNA was [REDACTED]. I'm not  
7 sure how long it had been like that or how long they had  
8 been there at all. But I went for an interview and it  
9 was a good laugh, it was a nice atmosphere in the place  
10 and they chose me.

11 But there were other ones. There was  
12 brother MBS at some point and Brother LMZ who  
13 was great, lots of energy. I could go on about him in  
14 great detail if you wanted.

15 Then there was Brother Paul and Brother Mark.

16 Q. You mentioned --

17 A. They were afterwards, but there were others as well.  
18 I can't remember all the -- and Brother MHG at the end  
19 as well. I can remember the ones at the beginning and  
20 the end, but there were some ...

21 Q. I'm not asking you to do a memory test. You mentioned  
22 Brothers Paul and Mark. I think you're referring there  
23 to Paul Kelly; is that correct?

24 A. Yes.

25 Q. And he was in the latter period of your time at



1 St Ninian's?

2 A. Yes.

3 Q. Similarly, with Brother Farrell?

4 A. Yes.

5 Q. And he was there in the late 1970s --

6 A. Yes. I'm not sure exactly who was in charge of the

7 order. I think Mark was in general charge, but perhaps

8 Paul was headmaster -- I'm not sure, I don't know how it

9 worked at that period.

10 Q. When you went there, you thought that Brother LNA was

11 [REDACTED]?

12 A. He was [REDACTED] definitely, and

13 Brother MHJ was [REDACTED] Because there

14 were usually about five Christian Brothers there.

15 Q. Did brothers come and go as well? Were there brothers

16 who might visit?

17 A. Yes. Some would not get on and some would find it

18 difficult because they were very difficult kids. They

19 were from Glasgow and things. It was quite a culture

20 shock for me, but I'm sure it must have been for them.

21 Some of them had been in the English province in

22 Liberia -- some of the brothers had been in the English

23 province in Liberia where anything could happen and you

24 had to pass people, otherwise their dad might come up

25 with a machete or something like that. That's even

1 more ...

2 So Brother LMZ or LMZ as he was known by the  
3 kids, he would do everything through music. He learned  
4 to do that there -- and the enthusiasm and getting  
5 through things. At the school he used to do like Joseph  
6 and His Amazing Technicolor Dreamcoat and we had all  
7 these people -- and sometimes you had problems with some  
8 of the lead characters getting arrested in Glasgow or  
9 something and not being able to come back.

10 So he did everything, tried to go everything by  
11 music and I learned a lot from him.

12 Q. That's Brother LMZ ?

13 A. Or LMZ as he was called, yes. He died of a heart  
14 attack. He said he was going to die of a heart attack  
15 and he did.

16 Q. I think that's some time ago in fact.

17 A. Yes, a long time. I'm not sure whether it was ... or  
18 just afterwards. Quite soon afterwards anyway.

19 Q. Looking to your own routine, can I just understand what  
20 your commitment was over this period and, in particular,  
21 what were your working hours at St Ninian's?

22 A. I think it was 9 until 4 and then on a Tuesday it was  
23 until 7 and then a Thursday, it was until 9. So  
24 I didn't have a -- 9 was when they went to bed.  
25 7 o'clock was -- I can't remember. Perhaps it was

1           supper they had at 7 -- no, they probably had an earlier  
2           tea, I think sometimes we had ... but up until then,  
3           you'd -- basically I was there for activities and  
4           looking after the kids in the evenings. That was --  
5           9 o'clock must have been ... I really can't remember --

6       Q. What you're saying I think is that essentially, the  
7           school day that you were committed to was 9 to 4 --

8       A. Yes, there was a break at 11 or something like that and  
9           then another one at 1.30 or something, I don't know,  
10          I can't remember, and then afterwards --

11      Q. But there were two evenings where you had some  
12          post-school commitments?

13      A. Yes, when I had some post-school commitments.

14      Q. Do I take it from what you have said that you never  
15          stayed overnight?

16      A. No, never.

17      Q. You never worked in the dormitories?

18      A. I never went to the dormitories. I think I might have  
19          walked through them once or twice when the kids weren't  
20          there but I didn't ...

21      Q. Insofar as schooling was concerned, and that was your  
22          main task, can you describe the classroom set-up for me?

23      A. What do you mean?

24      Q. We have a group of boys, let's say there's about 40  
25          boys -- it might have changed a bit over the period --

1 A. Yes.

2 Q. -- of age range certainly from 12 to about 15 or 16;  
3 is that right?

4 A. I don't know, 11 until 16. I think at 16, yes, they  
5 would leave straightaway because there wasn't -- they  
6 were -- by below average intelligence -- they could be  
7 up to an IQ of 100 or something, but they tried not to  
8 get them -- even when they had fewer numbers they had to  
9 get more pupils in that wouldn't necessarily be suited  
10 to the place, but then especially when it was full  
11 numbers, they still didn't take ones with severe or very  
12 severe problems like ... I don't know how to describe  
13 it.

14 Then if they were above average or just -- let's say  
15 a 100 IQ, that sort of thing, they would go somewhere  
16 else.

17 Q. They wouldn't leave St Ninian's, would they?

18 A. No, I meant they wouldn't come there in the first place,  
19 probably. I'm not talking about severely --

20 Q. Can we leave that aside and can we just focus on the  
21 classroom set-up. Were there a number of different  
22 classrooms to accommodate --

23 A. Yes, there were a number of different classrooms and a  
24 very good and very well-appointed beautiful rooms  
25 upstairs in the -- looking out over the countryside

1           and -- [REDACTED] I once  
2           brought in a pigeon, a homing pigeon, and talking about  
3           it and taking it in and letting it out and we used to  
4           go -- we had all sorts of projects. It was good fun.  
5           I had to keep thinking of new things.

6           To start with there was [REDACTED] so  
7           that was in this room -- and Margaret Nicholl, who was  
8           brilliant, she was brilliant, so much of the education  
9           revolved around her because she did the numeracy and  
10          literacy and numeracy and she kept scores about -- they  
11          would gradually see how they would progress. She always  
12          used to be really upset -- at the end of the summer  
13          holidays, where someone she was desperately trying to  
14          get to read, to actually read, and then everyone would  
15          have gone back again so she had to start again. She was  
16          very patient. Was it SRA? SRA has just dropped into my  
17          mind, that sort of thing. But she kept ...

18          So we would fit into that, they would come up for  
19          an hour, and we would teach them. Later on, when  
20          I started doing the [REDACTED]  
21          downstairs and I even had a pottery along in the  
22          dungeons as well. It worked. They learned. [REDACTED]

23          [REDACTED]

24          Q. Let's take the [REDACTED] --

25          A. Okay.

1 Q. You're teaching that class. In that particular class  
2 do you have boys of the same age or do you have boys of  
3 different ages?

4 A. It was the same age. Basically, the same. Yes,  
5 different abilities but the same age. You tried to get  
6 things -- especially later on, you would try and get  
7 things for different abilities. It would be by age  
8 definitely.

9 Q. But different abilities in --

10 A. Different abilities but at the same age. Because they  
11 were small enough classes so you could do -- was it 8 or  
12 12? I really can't remember whether it was 8 or 12.  
13 But it was quite small classes so you could have  
14 individual programmes for them.

15 Q. Was there a timetable?

16 A. Yes, there was a timetable.

17 Q. What about when you got there, was there a curriculum?

18 A. I had to make up my own one, really. As I say, the main  
19 thing was the reading and writing. And anything that  
20 could contribute to that -- obviously trying to work out  
21 some sort of curriculum which is all-encompassing was  
22 difficult. I would have a lot of say in that. I can't  
23 remember them vetting my -- what I had to -- the  
24 Christian Brothers vetting what my curriculum was going  
25 to be, but they must have done at some point.

1 Q. You say you made up your own curriculum?

2 A. Yes. It was like learning about the world [REDACTED]

3 [REDACTED]  
4 [REDACTED] like you'd  
5 take them up to hill forts. Because they were small  
6 classes you could take them out to hill forts in the  
7 snow, just to see what it was like, "You're really lucky  
8 living now", but that was history. Or taking them up to  
9 the reservoirs [REDACTED]

10 [REDACTED] You had worksheets and  
11 it was very much written stuff, as much as you possibly  
12 could, and obviously of different standards.

13 Q. In relation to reading and writing, for example, that  
14 wasn't for you --

15 A. Well, I did lots of reading and writing for them, with  
16 them, yes, as much as you possibly could to fit in --  
17 no, for obvious reasons, yes. To get them -- that was  
18 felt that was the main thing. Obviously, to make them  
19 pleased with themselves, [REDACTED]

20 [REDACTED] You try and get them so they can produce  
21 something that they're pleased with because obviously  
22 their self-image was difficult -- was very low in lots  
23 of cases, their self-image, so you'd try and improve  
24 their self-image so they could take something --  
25 especially if they could take something home. They

1           loved that, something they could show off that they'd  
2           done. My thing used to be that. So [REDACTED]  
3           later on it wasn't so much writing down, it was all  
4           sorts of different things, whether it's -- you still  
5           want [REDACTED]

6       Q. Let's move on --

7       A. [REDACTED] you did have -- I would  
8           definitely make worksheets and that presumably must have  
9           been vetted by -- we had a Banda machine and we used to  
10          Banda out these things for them -- and not really enough  
11          books. I could have done with more. That was my first  
12          placement. I could have really done with more time in  
13          a secondary school. I had two or three five-week things  
14          in normal schools, but then it was just ...

15      Q. Yes. You were an inexperienced teacher?

16      A. I was at that time, yes. I had quite a lot of knowledge  
17          of life and things like that and enthusiasm and  
18          discovery. [REDACTED] it was discovery.  
19          All these processes, whether they were weaving or lino  
20          cutting or painting or printing or going outside and  
21          concreting bridges and building paths and stuff like  
22          that. As much physical stuff -- and things they could  
23          do.

24      Q. Of course you had been taught as a teacher.

25      A. Yes.



1 Q. Had you received any training in relation to the  
2 emotional needs for children such as --

3 A. I can't remember. We used to discuss the pupils --  
4 especially if new pupils were coming, we would have  
5 staff meetings. We would have staff meetings, like  
6 definitely at the beginning of terms and other times as  
7 well, and we'd discuss what were likely to be the  
8 problems.

9 Later on, we got more and more better at like  
10 quantifying what their problems might be and trying to  
11 just be specific in addressing the problems. But for  
12 some there would just be enthusiasm, trying to get them  
13 inclusive (sic) and trying to get everyone doing things  
14 and joining things like the whole school activities.  
15 They had assemblies of course as well --

16 Their sense of -- the brothers were really good  
17 for ... I've been to other schools since then, special  
18 schools, supply teaching or something. It's horrifying,  
19 the lack of discipline. The brothers did have basic  
20 overall -- they would have problems, like sometimes  
21 they'd have kids running away --

22 Q. I will come and look at that.

23 You also tell us that, apart from term, you also  
24 spent time at the school during holidays because some  
25 children did not go home during holiday periods; is that

1 right?

2 A. Yes. I know there were sometimes kids that -- I'm  
3 not ... to other schools since and I'm not sure ...  
4 I know sometimes there were kids there during the  
5 holidays, but I don't know whether it was ... whether  
6 they introduced a 52-week thing, I'm not sure, later on.  
7 I really don't know. Because that wasn't my  
8 responsibility. I came in to look after rabbits once  
9 and that was --

10 Q. I was going to ask you about that actually because what  
11 you say in your statement is:

12 "[You] do remember the school had rabbits and birds  
13 and I helped look after them during the holidays."

14 A. That was once or twice I'd come in and feed them if the  
15 brothers were going away.

16 Q. What birds were --

17 A. I can't remember -- there was a parrot, but I didn't  
18 have much to do with that. It was mainly the rabbits.

19 Q. I'm interested in the birds. What other birds were  
20 there apart from the parrot?

21 A. I can't remember. I can't remember. I just remember --  
22 I can't remember mentioning birds and parrots.

23 Q. You don't mention parrots, but you mention birds. Look  
24 at paragraph 26 of your statement at 5962:

25 "I remember the school had rabbits and birds."

1 A. Oh.

2 Q. But your recollection of is a parrot in the singular  
3 rather than birds plural?

4 A. I can't remember. I can't remember -- they might have  
5 had budgies or something, I really don't know, because  
6 I've taught in other places as well. I can't remember  
7 writing birds. I know they had a parrot. I know they  
8 had rabbits. The kids loved them. They would queue up  
9 to go and look after them.

10 Q. Do you remember any inspections taking place?

11 A. I don't remember any actual inspections. I would have  
12 thought I would have remembered working furiously to get  
13 inspected -- I have certainly been inspected in other  
14 schools -- so I don't think I -- there might have been  
15 a partial one for ... there could well have been  
16 a partial one, but not one that I had people sitting in  
17 on. I'm sure I would probably remember that if I had  
18 people sitting in on my lessons and things like that.

19 Q. So you have no recollection of that over that seven-year  
20 period?

21 A. I have no recollection but there might -- somewhere  
22 in the back of my -- it was a long time ago. There  
23 might have been a partial inspection that they inspected  
24 what was happening. There might well have been.  
25 I really cannot say either way.

1 Q. Do you have a recollection of social workers coming to  
2 see the children?

3 A. Yes, occasionally. They would bring them there -- it  
4 was a culture shock with these kids from Glasgow. This  
5 place was in the middle of nowhere and it was about  
6 50 miles away or something and sometimes their first  
7 instinct would be to go off and run away. Their  
8 social workers would come. Some would come back to help  
9 with them -- occasionally they'd come with -- the  
10 parents would come as well. I can't remember any  
11 particular open days. There might have been --  
12 sometimes occasionally you saw the parents, but not as  
13 a matter of course. Then the social workers -- because  
14 it was a long way for them to come, but some would be  
15 a lot better than others, which I'm sure happens ... by  
16 better I mean more ... more trying desperately to help  
17 this pupil get on.

18 We were all trying to be as positive as possible.  
19 At least I was. I remember trying to positively get the  
20 pupils so that they could, at the end, when they're 16  
21 leaving ... and sometimes it was a difficult time of  
22 their growing up to get them through, so when they left  
23 at 16 -- later on we did more things, you might be  
24 asking that. I don't know.

25 Q. I'll come to that. I want to ask you now about

1 discipline.

2 What instructions, if any, were you given  
3 in relation to how children were to be disciplined by  
4 you?

5 A. I can't remember much in detail. Certainly I can't  
6 remember written some things about exactly what you did  
7 and what you did then.

8 Q. Were you given any instructions about how you were to  
9 discipline children who --

10 A. No, I wasn't to give them the belt or anything like  
11 that.

12 Q. So what's the answer? Were you given any instructions  
13 or not?

14 A. Sorry, it's a long time ago. I must have been given  
15 some -- sorry, I must have been given some unofficial  
16 instructions or perhaps I was given some official  
17 instructions. But it goes ...

18 LADY SMITH: Why do you say that? Why do you say you must  
19 have been given some such instructions?

20 A. Well, certainly, about how to deal with pupils.

21 LADY SMITH: Yes, but why do you say you must have been  
22 given these instructions?

23 A. Because it's a general thing about coping. The brothers  
24 were good at it ... I used to try and do things by being  
25 enthusiasm (sic) -- I wasn't enough of a disciplinarian

1 (overspeaking).

2 LADY SMITH: Tim, hang on: I think what I'm getting at is  
3 are you telling me that it would be certainly normal  
4 practice in a school for staff to be given instructions  
5 about what types of discipline were permissible in that  
6 school --

7 A. We must have done. One or two things I can remember is  
8 the fact that you had to put a pupil outside the class  
9 and then I must have been able to send another pupil to  
10 get a Christian Brother or something to escort the pupil  
11 upstairs or you could send them to the -- they used to  
12 stand upstairs for the rest of that lesson if they  
13 couldn't cope with the class itself. Is that the sort  
14 of thing you mean? So that came by the by. I can't  
15 remember being sat down having a big list of dos and  
16 don'ts -- obviously don't hit the kids and don't do  
17 that. I don't know whether that was officially said.  
18 But I didn't anyway.

19 Q. So you didn't have a strap?

20 A. I didn't have a strap.

21 Q. So you never hit a child?

22 A. No, I didn't.

23 Q. If we look at paragraph 33, halfway down:

24 "I remember having a conversation in the  
25 social worker's office where one of the boys said that

1 Brother LNA used to do something with his knuckles and  
2 their ears and that they found this painful."

3 Do you remember that?

4 A. Yes, I do remember that. That was in the  
5 social worker's office. And one kid -- I wasn't exactly  
6 sure what it was that he did. I don't know whether ...  
7 flicking ... I didn't understand it at the time -- or  
8 now.

9 Q. What about the knuckles? Did you understand --

10 A. Something about ... I didn't understand what it was.  
11 I know it was something to do with the ears and the  
12 knuckles and things.

13 LADY SMITH: Did you say something about flicking?

14 A. Flicking or something. I didn't understand it at the  
15 time and I'm not going to understand it 30 years later.  
16 It was something about flicking -- or something with  
17 a knuckle and the ears. I really can't be more  
18 specific. I didn't actually work out exactly ... It  
19 certainly wasn't part of an official policy and  
20 I certainly didn't do anything like that.

21 MR MacAULAY: Did you say a moment ago that you did know  
22 that boys would be required to stand?

23 A. Yes.

24 Q. And that would be in the main hall?

25 A. The main hall or the front hall. It was called the

1 front hall. So brothers would come past or not or do  
2 something with the pupil. Usually it worked. I think  
3 it could be ongoing. If they'd done something bad it  
4 could be more than just the end of that lesson. But  
5 they would be seen -- so many things come back. I'm  
6 sure they would be seen by a Christian Brother or  
7 something like that or something and then at break  
8 time -- I don't know. I presume some of them were there  
9 during break time -- they must have been during break  
10 time as well.

11 Q. Did you see a Christian Brother, apart from the standing  
12 in the hall matter, discipline a child in any other way?

13 A. In any other way? Obviously talk to them and -- they  
14 had a lot of power over them. They did have a lot of  
15 power over them. I thought they would generally do what  
16 the brothers wanted them to, certainly like the  
17 headmaster or the other one. I mean, brothers would  
18 vary. There were some who were -- there were quieter  
19 brothers who'd come who wouldn't have so much of a ...  
20 whatever the word is, an effect on the pupils. They  
21 worried about what the brothers thought.

22 There was a lot to do with the ethos and the  
23 religion and everything did come into it, about what was  
24 right and what was ... and the religion. You'll  
25 presumably come to the religious life later on. But



1           they did use that sort of thing as well. That was all  
2           part of it.

3       Q. Did you see a Christian Brother use the belt on any  
4       child?

5       A. I can't remember, no. I would have remembered,  
6       actually. I saw it in normal schools before that in  
7       teaching practice, but I can't remember. I heard tales  
8       of -- Brother LMZ had told me that in previous times  
9       they had been pretty nasty, a lot of the  
10      Christian Brothers could be really violent towards the  
11      pupils, especially like -- there's one ... I think they  
12      were queueing up for a haircut or something, there was  
13      some machine, I don't know, but then they would strap  
14      them if they didn't. It was a pretty horrifying  
15      description. That's before I came to the place.

16      Q. Is that information Brother LMZ was giving you about  
17      St Ninian's --

18      A. About St Ninian's, so he must have been there for some  
19      time. I don't know for how long. I think they had  
20      a vow of obedience, so some of them didn't want to come  
21      there, but they had to because they had taken a vow of  
22      obedience. So they didn't say, hey, can I go to  
23      Falkland, or something like that. They'd be told --  
24      they'd be told what their names were and, "You will go  
25      to Liberia" -- for seven years, I think, there had been

1           one of the leaders of the order had been there. I can't  
2           remember what his name was. He used to -- I said it in  
3           there. He'd been headmaster of three direct grant  
4           public schools I think for -- he wasn't actually paid by  
5           the Scottish Government any money because he didn't take  
6           the six-month course, conversion course from English  
7           education to Scottish education, so they didn't get  
8           money for him, but they got money for the others if they  
9           took a course, this conversion course.

10        Q. Can I take you back to discipline for a moment or two?  
11           I just want to understand how these children were, as it  
12           were, kept in line, if you like.

13                Let's just look at the children themselves first of  
14           all. These were children who came from different  
15           backgrounds; is that correct?

16        A. Yes.

17        Q. Were you given information about the backgrounds of the  
18           children?

19        A. Certainly later on when you had new pupils coming in,  
20           yes.

21        Q. Later on?

22        A. I don't know right at the beginning whether I was given  
23           things, but they were better -- they got better later on  
24           about giving case -- before the pupils came, we'd have  
25           a case study and we'd talk about why they were there and

1           what we could do to help them and what we would have to  
2           be careful of and what they were like and what problems  
3           they had caused to get them to come to the place.

4       Q.   So you'd have some information at least later on?

5       A.   Yes.

6       Q.   And in any event I would imagine you'd at least infer  
7           this, that these were children, at least some of these  
8           children, would have had perhaps been involved in some  
9           criminal activities?

10      A.   Oh, yes, lots of them.

11      Q.   Some also with --

12      A.   Some were school refusers -- in special schools it  
13           tended to be either ones who had been thrown out of  
14           normal schools or else school refusers -- and some had  
15           been, like the local church people would get it  
16           organised, but then --

17      Q.   And some from troubled backgrounds and other  
18           backgrounds?

19      A.   And social workers, yes.  At one point they had  
20           a special -- they had a social worker person in Glasgow  
21           who was attached -- basically sort of attached to school  
22           to get new pupils to come because they had 44 pupils.  
23           Sometimes it went down -- in the middle it went down  
24           quite significantly.

25      Q.   I think I understand what you're saying and that is

1           you have a cohort of children --

2       A.   Yes.

3       Q.   -- from --

4       A.   They could stay there four years.

5       Q.   -- with troubled backgrounds, perhaps unruly

6           backgrounds --

7       A.   Yes.

8       Q.   -- perhaps being involved in criminal activity?

9       A.   Yes.

10      Q.   I just want to understand how this cohort of children

11           were kept in check by the brothers.

12      A.   Yes.  It's a good question because now you get -- there

13           were just five Christian Brothers and, like, Margaret

14           was half time, **BHB** was there during the day, and I was

15           there some of the time.

16      Q.   Your job essentially was educational.

17      A.   It was educational, but in a couple of evenings it was

18           looking after -- it's a good question.  I don't know.

19           A lot of it was by expectations.  I don't know

20           everything.  As I say, I wasn't there at night or in the

21           mornings.  I wasn't there all the time so I don't know.

22           But they would have an expectation, expectations of

23           doing -- of what the kids -- they expect the kids to do.

24           Basically talk to them.  I never saw any physical --

25           not only the strap -- I can't remember and I'm sure

1 I would remember if they'd strapped pupils. Not in  
2 my ...

3 LADY SMITH: Tim, can I just check if I've picked you up  
4 correctly on something you said a few minutes ago,  
5 I think in relation to the school's own social workers  
6 going to Glasgow. Was it to get new pupils to come, you  
7 said?

8 A. Yes, I think there was at one point a woman or man, I'm  
9 not sure, who was Feeney, someone Feeney. I don't know.  
10 That came into my head then.

11 LADY SMITH: Don't worry about the names. I was just  
12 interested in what seemed to be your understanding that  
13 they were wanting more pupils than they had; is that  
14 right?

15 A. At one point the numbers did go down in the middle. To  
16 start with, it was 44, and they found it easy enough,  
17 but then there was a bit when they went out. I don't  
18 know why. I have no idea why. But then ... I'm not  
19 sure, either to start with or later on, I know they had  
20 a social worker on their case. I don't know whether  
21 they were paid full-time by them or whether it was  
22 someone related to them. I don't know whether it was an  
23 official employee or anything.

24 LADY SMITH: Don't worry.

25 A. It wasn't my concern.

1 LADY SMITH: I'm not particularly concerned about the  
2 position of the social worker, but you have given me the  
3 impression that the brothers would be concerned for  
4 financial reasons if numbers dropped; is that right?

5 A. Presumably. Presumably. Is that a good enough answer?

6 LADY SMITH: No, no, I'm not trying to put words in your  
7 mouth. I am just trying to understand what you were  
8 getting at.

9 A. It was closed eventually because of lack of  
10 Christian Brothers rather than very much -- because it  
11 was a full ... And when Mark and Paul took over, and  
12 there was -- MBV was a he used to  
13 go through to Glasgow and he was brilliant. He used  
14 to ... obviously they -- he would have meetings with  
15 social workers. That's away from ...

16 LADY SMITH: Did you have the impression they needed the  
17 income that more pupils would bring them?

18 A. I can't remember thinking of it in terms of income, no.

19 So -- to make it viable, I can't remember ...

20 I absolutely can't remember meetings saying, hey, we've  
21 got to get some pupils, because there were limits, even  
22 if they had -- no.

23 Lesser numbers, there were limits to the sort of  
24 pupils -- if they were really severely difficult ...  
25 There's a proper name for that. I'm not talking about

1           maladjusted. Severely ... No, clinically ... thing. We  
2           couldn't help them. They wouldn't take them but they  
3           would take more difficult kids and we'd try and look  
4           after them.

5       LADY SMITH: Thank you.

6       A. I can't remember that many being sent away because they  
7           couldn't cope, if that helps. A lot of them would be  
8           there for four years, and it would be good to have  
9           a general thing.

10      MR MacAULAY: I just want to put to you some evidence that  
11           has been given to the inquiry by former pupils and what  
12           their experience at St Ninian's was like during your  
13           time. If I can -- what I'll do is I'll put the  
14           transcript of the evidence given on the screen in front  
15           of you.

16           While I'm doing that -- and I'll give the reference  
17           to the document manager, that's TRN.001.006.0686. If I  
18           could ask you, Tim, to go back to your red folder. to Go  
19           the front of the folder.

20      A. Yes, I saw two things written down there, yes.

21      Q. The first one is not a problem because that person has  
22           not sought to claim anonymity. That person, whose name  
23           is Alexander Shannon -- and indeed he's done rather well  
24           in the sense he is [REDACTED] He  
25           gave evidence to the inquiry recently and I want to put

1 to you what he said. But first of all, do you remember  
2 the name Alexander Shannon?

3 A. Not really, no. It could ...

4 Q. Can I tell you that he was there, just to be clear about  
5 this, he thought, between 1979 through to [REDACTED] 1981.

6 A. Yes. Okay, yes.

7 Q. It would coincide with part of your latter period.

8 A. Yes, probably. I'm not saying ... I can't remember.  
9 I can't visualise him. I can say that.

10 Q. That doesn't matter. Can I put to you what he said in  
11 evidence?

12 A. Yes.

13 Q. And this is when he was being asked about discipline.  
14 At line 13 he's asked:

15 "Question: Can I now ask you a little bit about  
16 discipline? Can you help with that? What forms of  
17 discipline, punishment, call it what you will, were used  
18 during your time?

19 "Answer: There were three types of discipline: the  
20 belt, the cane -- it was only a short cane -- and hands  
21 and fists --"

22 A. I can't remember that.

23 Q. "They ranged in severity depending on who you were and  
24 what you'd done."

25 And then he's asked:



1           "Question: Let's take the belt to start with. Who  
2 would use the belt?

3           "Answer: Predominantly Brother LNA

4           "Question: Did the other brothers also use belt?

5           "Answer: Yes. The only one I didn't see --  
6 Brother LNA used the belt and a small cane, he carried  
7 about with him. He was the only person that used  
8 a cane. The belt was commonly used."

9           And he goes on to say that the belt was legal.

10          Then he goes on to say -- at line 15, he mentions  
11 Brother Farrell who you have mentioned:

12          "Answer: Because I'd been fighting down at the  
13 gymnasium I thought I was going to get the belt on the  
14 hands and I went in to speak to him, but I ended up  
15 getting slapped across the legs with belt and across the  
16 buttocks and all that area. Again, I never had it off

17 MBV I just thought that was the common  
18 thing."

19          There we have a description by this witness of  
20 different types of punishment: the belt, the cane and  
21 hands and fists. Did you ever see any of that?

22 A. I can't remember that at all. I can't remember it.

23 Q. You say you can't remember. Could it have happened then  
24 and it's something you've forgotten about?

25 A. I wouldn't have forgotten ... It probably wasn't when

1 I was there. So the belt -- I know because there was  
2 talk about giving up the belt, so there probably was  
3 a belt. I can't remember this small cane. I can't  
4 remember that.

5 Q. If I move on to the next page, 0762, at line 23, here  
6 there's some discussion about the cane. The question at  
7 line 23:

8 "Question: That was Brother LNA in particular?

9 "Answer: Yes. That was his favourite thing.

10 "Question: How would he use the cane?

11 "Answer: He used it like going back to the old  
12 days, he would use it on the bare buttocks."

13 A. I didn't hear any of them say that and I have no  
14 knowledge of that at all. Seriously, I have no  
15 knowledge of that at all.

16 Q. Okay. He goes on at line 12:

17 "Question: Was it painful?

18 "Answer: Yes. The cane left a different thing on  
19 you -- like the belt was typical leather. I'd received  
20 that many times at school, whereas the cane was  
21 something I had never experienced before and that was  
22 more of -- it could leave a kind of burning line across  
23 the checks of your backside."

24 So there he is giving a fairly graphic description  
25 as to what the impact of the cane was. Do you --

1 A. I honestly ... I didn't know that. I really don't  
2 know. This is interesting for me.

3 Q. Can I put this to you then, Tim. On page 0764 -- and  
4 this is at line 12 -- he's asked the question:

5 "Question: Were you aware of other children having  
6 a similar sort of treatment?

7 "Answer: Yes, it was common knowledge. We spoke  
8 about it then in the home. People probably don't  
9 understand. When these things are happening, you get  
10 into a position where it becomes survival of the  
11 fittest: as long as it's not happening to you and it's  
12 happening to someone else, then I'm safe."

13 That's his description of the atmosphere, if you  
14 like, in the home, that it was survival of the fittest.  
15 Did you get any sense of that during your time?

16 A. Survival of the fittest? Well, that's ... amongst  
17 the ... the pupils would shop each other all the time.

18 Q. I'm sorry?

19 A. The pupils would shop each other if somebody had been  
20 causing some problem and things. No, because they were  
21 like that, they would sort of try and get each other  
22 into trouble and that sort of thing. Is that what you  
23 mean by survival of the fittest? I don't know exactly  
24 what he means in that situation.

25 Q. Okay. Then he's asked about his third example of

1 punishment with hands and if I move on to the next page,  
2 0765, at line 2 he says:

3 "Answer: I had a terrible temper back then as  
4 a 13-year-old boy, but I was fearful of the brothers and  
5 we were all really scared of [REDACTED] MBV [REDACTED]."

6 You have mentioned [REDACTED] MBV [REDACTED]. He was

7 [REDACTED]:

8 "Answer: But at the drop of a hat it could be  
9 anything. If any of the boys had done wrong, you were  
10 definitely getting slapped around the head or punished,  
11 again depending on the brother. Not every one was like  
12 that, but the majority of them, and [REDACTED] MBV [REDACTED],  
13 in the first two days I was there ..."

14 And he gives an example. At 15:

15 "Answer: He then chased me from the dining room up  
16 to the brother's [REDACTED] office, because  
17 I didn't know where to run in the home and they cornered  
18 me in there. And I must have then got punched and  
19 kicked for quite a while and I remember it was pitch  
20 black. I remember howling and screaming and I just  
21 wanted away."

22 So he's providing us with quite a serious attack.

23 A. Really, I have no knowledge of this. I'm not trying to  
24 cover up anything -- perhaps I ... I don't know, in the  
25 past ... I didn't know of that happening at all.

1 I certainly wasn't part of it.

2 Q. Perhaps I could take you to 0768 --

3 A. I understand more about this inquiry -- even more about  
4 this inquiry with that sort of thing happening, yes.

5 Q. Let's just put to you what I want to put to you. At  
6 line 19 he's asked:

7 "Question: And one of the things you say in your  
8 statement is:

9 "'The level of violence they used was like an adult  
10 on an adult.'

11 "What do you mean by that?

12 "Answer: I'd only seen that kind of stuff on the  
13 streets of Glasgow, watching adults fighting with  
14 clenched fists and throwing punches. I hadn't seen  
15 anything like that since I left Glasgow."

16 So he's talking about a quite significant level of  
17 violence being inflicted on children by --

18 A. Yes.

19 Q. -- brothers and others at St Ninian's. This is complete  
20 news to you, is it?

21 A. It is. Perhaps I left it to them, I don't know ...

22 Q. Sorry?

23 A. That's the wrong thing.

24 I don't know, perhaps I subconsciously left it to  
25 them. I didn't know of this happening because I'd never

1           been part of it. I was there for seven years and ...

2           I don't know whether ... I don't know.

3       Q. Your commitment was essentially towards the school;

4           I think that's what you've said to us.

5       A. Yes.

6       Q. And to evenings and during the week.

7       A. Yes.

8       Q. Otherwise, the care of the children was in the hands of  
9           the brothers?

10      A. Yes. Every other weekend -- I think it was every other  
11         weekend, pupils, quite a few of the pupils, would stay.  
12         Perhaps one weekend they would all stay there.

13         Actually, that's ... Perhaps ... I really don't know.

14         I know some weekends there were a few of them, I know  
15         that, because on the Friday afternoon I used to take  
16         them up the burn and build a path and do all sorts of  
17         things, outdoor fun stuff with them on the Friday  
18         afternoon. Perhaps the other weekends, they might have  
19         been there for weekends as well, I ... Because it  
20         wasn't part of my job, I just -- I'd finish on Friday  
21         afternoon. I don't know.

22                 In retrospect, sometimes -- as I say, there were  
23         definitely a few kids there at the weekend and  
24         sometimes -- I presume there were more, but I really  
25         don't know. I know they used to take a double-decker

1 bus and take it through to Glasgow and things like that.

2 LADY SMITH: Where did you go at the weekends?

3 A. What?

4 LADY SMITH: Where did you go at the weekends?

5 A. To start with, I'd be running the children's -- at the  
6 children's home?

7 LADY SMITH: No, at the weekends. I think you weren't  
8 working at the weekend, you said; is that right?

9 A. I went to the children's -- we lived at the  
10 children's home, it was like our house. We lived there  
11 for two and a half years. In fact we had our first son  
12 there, was a baby there, and we stayed there. They  
13 reduced the numbers to five then, and when another one  
14 was on the way, we left. That was doing things all the  
15 time with the kids there, just fun things, taking them  
16 on walks, full time. You asked what I did at the  
17 weekend: I did a lot of things at the weekend with them.

18 LADY SMITH: I asked where you went.

19 Where did you go to live after you stopped living --

20 A. We went to [REDACTED].

21 LADY SMITH: That's quite close to Falkland, isn't it?

22 A. It is quite close. Once or twice the brothers --  
23 I know, about twice, did they bring the kids there? I'm  
24 not absolutely sure. But yes, I still didn't do things  
25 at the weekend. I had children by then, so you do

1 things with them all the time or do music things or go  
2 walking or that sort of thing.

3 MR MacAULAY: Can I ask you this, Tim: so far as you could  
4 see, was there bullying going on? In the sense of boys,  
5 bigger boys bullying younger --

6 A. Yes, I'm sure there was. You'd try and stop that. If  
7 they were fighting each other, you had to pull them off.  
8 I'm sure we must have talked about something about  
9 restraint at some point and you had to restrain them.  
10 I think they might have gone into details of exactly how  
11 you did it, but I can't remember the exact specifics.

12 Obviously, if you saw one kid beating or fighting  
13 another one, you'd obviously pull them off.

14 Q. Can I ask you to look at another section of transcript  
15 for me.

16 A. Someone else's transcript or mine?

17 Q. This is someone else. Again I'll put it on the screen  
18 and I'll ask you about it. It's at TRN.001.006.0694.  
19 While it's coming up, Tim, could you look at that piece  
20 of paper in front of you?

21 A. Yes.

22 Q. This is what we call the key. I'm now looking at the  
23 second name on the list and this is someone who wants to  
24 remain anonymous and he wants to use the name "Alan"  
25 when referred to. Do you understand that? Do you see



1 the name next to the name "Alan"?

2 A. I don't see an Alan at all -- there's a [REDACTED]

3 LADY SMITH: Hang on a minute. Ms MacLeod, could you just  
4 check what sheet Tim has? We'll just check that you've  
5 got the right key sheet.

6 "Jack" is the pseudonym. Okay?

7 A. Yes.

8 MR MacAULAY: It's my mistake, I think I said "Alan" when it  
9 should have been "Jack".

10 So if we refer to this individual as "Jack" just to  
11 preserve his anonymity. I think I wanted to take you to  
12 page 0694. We now have that on the screen. At the very  
13 top of the page, Jack says:

14 "Answer: I was bullied quite often until I started  
15 fighting back when the older ones left. The boys in the  
16 year above me and my year, I started going back down to  
17 them -- and that was what I started fighting back and  
18 bullied the bullies.

19 "Question: And this bullying gang culture you  
20 described, did this go on for the whole time you were at  
21 St Ninian's."

22 And he said yes. And I can tell you that Jack was  
23 at St Ninian's from [REDACTED] 1979 at the age of 13 until  
24 [REDACTED] 1982, aged 15, so he covered your period.

25 A. Mm-hm.

1 Q. Do you recognise Jack's name? Don't tell us the name,  
2 but do you recognise it?

3 LADY SMITH: Don't read it out. You've got the full name  
4 there.

5 A. Okay. Not ... It rings a bell. It's like the first  
6 name, it sort of -- Alexander Shannon. It rings a bell  
7 but there were lot of kids and I have taught I don't  
8 know how many different kids and I have had different  
9 things ... I don't know. It's a long time ago.

10 MR MacAULAY: I'm not suggesting you should remember --

11 A. I don't know. It could well be. Anyway.  
12 I wouldn't ... It doesn't stand out. Again, I can't  
13 visualise that person.

14 Q. This person answers the question:

15 "Answer: The whole time. By the time I was 14,  
16 I was starting to stick up for the younger ones that  
17 were getting bullied, same as what I got a couple of  
18 years before, a year before, and it was like I was able  
19 to stick up for them."

20 "Question: You have mentioned some of the brothers  
21 becoming aware of this by hearing a commotion and things  
22 like that. Do you think all the brothers at St Ninian's  
23 would have been aware of this bullying culture you're  
24 describing?"

25 A. I can't see that bit.

1 Q. And we read on:

2 "Answer: Yes, and some of the teachers as well.

3 There was one teacher that wouldn't report major  
4 incidents. On days out and things like that, if a big  
5 fight happened, he wouldn't report it because he knew  
6 the Christian Brothers would have been angry and hit the  
7 kids for misbehaving so he sort of kept it away from  
8 them.

9 "Question: Which teacher are you referring to?"

10 And he makes reference to you:

11 "Answer: ... and he stayed in [REDACTED] [and you  
12 just confirmed that a moment ago], not far from the  
13 home. He was the [REDACTED] teacher and he was  
14 actually scared to report any incidents to the  
15 Christian Brothers.

16 "Question: What makes you think he was too scared  
17 to report incidents to the Christian Brothers?

18 "Answer: Because he threatened to use that to us  
19 if we didn't behave -- not me, but to some of the boys  
20 that were getting out of hand. He used to say, 'I'll  
21 report youse'. He'd never report them because he knew  
22 that there would be violence. It would have ended up  
23 with the kids he complained about would have been picked  
24 on."

25 What do you say to that?

1 A. No, absolutely not. I absolutely refute that:

2 "He would never report them because he knew there  
3 would be violence."

4 Absolutely totally refute that -- no, you report  
5 some things and -- you play it by ear, basically, and  
6 I would report quite a few things -- obviously if there  
7 are accidents. But that's his vision of what there  
8 might have been sometimes when there weren't things and  
9 perhaps I wasn't -- I'm sure I wasn't a perfect teacher  
10 and wouldn't report everything all the time because  
11 you'd hope that you could deal with it yourself,  
12 I suppose.

13 Q. I think what he's saying here in a way is that you're  
14 being protective of the children, I think that's what --

15 A. Yes. You obviously try -- I know there's one kid who  
16 was small and who was a Rangers supporter and you would  
17 think he'd get totally bullied but he wasn't because he  
18 went around smiling around the place. Given that, there  
19 were occasions when people would get bullied, yes. They  
20 are all together, they have time on their own together.

21 Q. I think what he is saying here -- the message here  
22 is that you wouldn't report the children that were  
23 misbehaving because you knew that there would be  
24 violence --

25 A. No, I absolutely refute that. I absolutely refute that.

1 Not because there would be violence. Violence by the  
2 Christian Brothers to them?

3 Q. Yes.

4 A. No, absolutely not.

5 Q. That's why I'm putting it to you.

6 A. I do. I would remember some things. I can't even  
7 remember the belt thing. There must have been,  
8 I suppose. But then ... I didn't see that happening,  
9 so I'm not ...

10 LADY SMITH: Tim, can you give --

11 A. Perhaps -- I was a teacher, I was a young teacher --  
12 obviously what the Christian Brothers thought of me as  
13 a teacher was obviously important, but then you would  
14 report some things and not others, obviously.

15 LADY SMITH: Tim, can you give me an example of something  
16 you did report to the brothers?

17 A. Oh God ... No, I can't remember specific incidents.  
18 I can't remember specific incidents.

19 LADY SMITH: Can you give me then examples of the type of  
20 thing you would report to the brothers?

21 A. Well, obviously if a kid had attacked another kid, yes,  
22 you would definitely tell the Christian Brothers. You'd  
23 put the child outside and, as I said, sometimes they'd  
24 be seen by the Christian Brothers and not, and sometimes  
25 you'd go and get someone -- I said that, I think, later

1           on in my statement because I changed my statement  
2           because I remembered sending a pupil to get the  
3           headmaster or something when one had been attacking  
4           another kid or something or was ... swearing or  
5           something I don't know, swearing or something. I don't  
6           know. I can't remember the exact -- it's a long time  
7           ago.

8       LADY SMITH: I get that. What did you think would happen to  
9           a child if they were reported to the headmaster?

10      A. I didn't think there would be violence. I don't know.

11      LADY SMITH: What did you think would happen to them?

12      A. I don't know. That they'd be reprimanded, that they'd  
13           maybe lose their liberty for a bit, you know. I ...

14      LADY SMITH: Mr MacAulay.

15      MR MacAULAY: Can I finish off with this particular piece of  
16           evidence, because we normally have a break in the next  
17           couple of minutes.

18           If I can take you, with the same witness, to page --

19      A. I wasn't told anything about having other people going  
20           over this at all. I wasn't told. It's very important.  
21           It is important. I wasn't told anything about this  
22           happening, about this going through piece by piece. All  
23           I was told several times, it's all on my statement --  
24           it's obviously important, I'm not saying it's not  
25           important, but I wasn't told anything about this. I'm

1           trying as best as I can to answer as fairly as I can.

2       Q.   And I'm grateful to you for that --

3       A.   But it's a long, long time ago.  I've had so many things  
4           happening in my life as well.  A lot of them good, and  
5           things like that, but different pupils, different  
6           schools.  I've taught in every school in Dundee for  
7           six months, at least six months.  I've taught in every  
8           -- in Perth and in Kinross, I've taught in every school  
9           there.  I've taught in different kinds of special  
10          circumstances in Rimbleton House.  All sorts ... so  
11          don't necessarily get at me because I can't remember  
12          every detail about why I --

13      Q.   No one's getting at you --

14      A.   Yes, well, it seems like it.

15      Q.   I just want to put this final section of transcript to  
16          you.  Page 0714.  It's the same witness.  At line 6,  
17          he's asked:

18                "Question:  What you tell us in your statement at  
19          paragraph 45 is:

20                        "'It was just constant violence and threats.'"

21                        He says --

22      A.   Is that from the pupils or from the Christian Brothers?

23           I don't know.  I want the relevance of this.

24      Q.   I'll read on:

25                "Answer:  That was what the place was about to me

1           anyway. It was like violence, threats and punishments.

2           It was just like there was no justice.

3           "Question: I think you say the violence and threats  
4           were from both the staff and the bully boys who were  
5           running wild.

6           "Answer: Yes."

7           So I think that answers your question:

8           "Question: And when you say 'staff', do you include  
9           the brothers in that?

10          "Answer: Yes. The Christian Brothers, MBV and  
11          MCG The rest of them, BHB and [that's you]  
12          and Ethel they were never violent."

13       A. Thank you for that.

14       Q. And you would agree with that?

15       A. Oh Ethel! I'd forgotten totally about Ethel -- or  
16       Mrs Mitchell.

17       Q. What this witness is saying, the violence that was  
18       inflicted on him was from staff such as the brothers,  
19       but he does not include you in that; do you see that?

20       A. Yes.

21       MR MacAULAY: My Lady, that might be an appropriate time  
22       to --

23       LADY SMITH: Yes, we normally take a break in the middle of  
24       the afternoon for five or ten minutes.

25           I know you're trying to help. We're not criticising



1           you. The questions you're being asked are questions  
2           that we have to ask because of the evidence we have to  
3           explore.

4       A. I understand that. Having read that -- yes,  
5           I understand that now. I wasn't told anything.

6       LADY SMITH: Go and relax for five and ten minutes, have  
7           some tea or coffee or whatever you would like and we'll  
8           resume after that.

9           I'll rise.

10       (3.00 pm)

11                               (A short break)

12       (3.10 pm)

13       LADY SMITH: Tim, are you ready for us to carry on?

14       A. Yes.

15       LADY SMITH: Thank you very much.

16       MR MacAULAY: Tim, in your statement, you say at one point  
17           in paragraph 51, towards the bottom, that you were  
18           shocked when allegations surfaced about physical and  
19           sexual abuse at St Ninian's; is that right?

20       A. Yes, I was, yes. I don't need to look at it. Yes,  
21           I was, I didn't think about that at all.

22       Q. Are you aware in relation to sexual abuse that Brothers  
23           Farrell -- Father Farrell as he became -- and  
24           Brother Kelly were convicted of serious sexual crimes in  
25           Glasgow High Court?

1       A. I knew they'd been convicted, I didn't know for how long  
2       or for what.

3       Q. Brother Kelly was sentenced to ten years' imprisonment  
4       and Farrell to five years' imprisonment for crimes  
5       committed at St Ninian's. And I understand your  
6       position is you knew absolutely nothing about that.

7       A. I knew absolutely nothing about that.

8       Q. Can I take you to paragraph 52 of your statement, Tim.  
9       We've touched upon this already. You say there:

10                "I don't think we were given much background on the  
11       kids in the school. I remember there was one kid whose  
12       father had murdered his mother. When he found out about  
13       this, he went wild and broke the window. I'm not sure  
14       he will still be of this world as the police said  
15       a large number of the kids committed suicide after they  
16       had been to St Ninian's and I would say he would have  
17       been one of them."

18       A. Yes. Well, I could phrase it differently, but you  
19       started off that by saying the fact that I didn't get  
20       much background, but later on -- and that was a pupil  
21       who was later on as well -- and I know sometimes we'd  
22       have discussions -- I think we had discussions whether  
23       we could take a pupil when there was a possible kid  
24       being referred. I'd forgotten about this. There's so  
25       much -- memory works like that. You remember more

1 things.

2 But I think we had meetings about whether someone --  
3 I think he was aged 3 at the time or something like  
4 that. He was on glue, really bad glue, bad ... and to  
5 see him like that with so much violence towards himself,  
6 towards other people, I would imagine if a lot had  
7 committed suicide, I would have imagined, because he had  
8 problems, really had difficult problems ... not just  
9 because of what had happened to him but because of the  
10 glue and the make-up and the physical make-up.

11 Q. And the suggestion that children who had been at  
12 St Ninian's had committed suicide, I think you tell us  
13 that's something that you were told by the police at  
14 a point in time; is that correct?

15 A. Yes.

16 Q. Can I take you on a little bit in your statement to what  
17 you say about school records. Did you keep records?  
18 This is at paragraph 76. Did you keep records of the  
19 children that you dealt with?

20 A. We had to do reports once a year, so we had to do things  
21 for that. I didn't do much marking of them. We had to  
22 have a general thing on how they were getting on at  
23 least once a year. That's all I can say really.

24 Q. Where would these reports go?

25 A. I don't know, I don't know. They would be official,

1           they wouldn't be just for me. They would collate them.

2           Eventually staff meetings would take more time and

3           they'd collate them together and then ...

4       Q.    Would you imagine these reports would be kept at  
5           St Ninian's?

6       A.    I presume so. Well, later on, certainly they would do  
7           things, they would have ... they would have like  
8           social workers' reports. Everyone would have to give  
9           a report on this kid and then **MBV** would write them up  
10          and ... and perhaps the social workers and perhaps even  
11          the parents might come there for a meeting there rather  
12          than in Glasgow, come to think of it. Memory is  
13          a strange thing. You do remember more.

14      Q.    Do I understand from what you're saying it's not just an  
15          academic report?

16      A.    No.

17      Q.    It's a more wide-ranging type of report?

18      A.    Yes, you'd say something about -- but I seem to remember  
19          they'd have different ... talk about different things.  
20          I don't know what happened. They would be collated,  
21          usually by **MBV** or the headmaster or something  
22          and he would write up the official report but I don't  
23          know whether my official one was part of it -- obviously  
24          how they're getting on with other pupils, how they're  
25          getting on with the work, whether they were

1           enthusiastic, whether they were ... I don't know about  
2           happy.

3       Q.   Was it your understanding that these reports would have  
4           been kept at St Ninian's, either by the headmaster or by  
5           somebody who was in charge?

6       A.   At the end anyway they were for sending to the  
7           social work department, the people who were paying for  
8           the pupil to be there. They would have that and they  
9           would be meeting there so they wouldn't just be staying  
10          at St Ninian's.

11      Q.   The other topic you mention in your statement that  
12           I want to raise with you, for a moment or two, is the  
13           arrangements that were put in place for children leaving  
14           St Ninian's. I think what you tell us is that the  
15           procedure did change over your time. This is at  
16           paragraph 78:

17                "At first children were just allowed to leave when  
18           they reached a particular age but that changed and other  
19           arrangements were put in place to try and help children  
20           after they had left St Ninian's."

21                Is that your recollection?

22      A.   Yes. I was impressed because I didn't know much about  
23           Catholic education or Catholicism in general. I was  
24           Church of England, Church of Scotland. But I was quite  
25           impressed that there was a lot of inclusiveness. It's

1 all bringing them into the fold, so to speak, so that  
2 they would do some of that. I know we got better at the  
3 end about working out what was happening to them when  
4 they were back in Glasgow. Because I got the air of  
5 them caring about the pupils and thinking -- trying to  
6 do a good job and to get them back. I remember telling  
7 this to a few people. Part of our job was to get them  
8 through school, through a difficult time with their  
9 parents, because it was by far the best to stay with  
10 their parents. We realised that. So sometimes being  
11 that far away and at a different school could make it  
12 easier for them to go back when they're slightly more  
13 mature or when they could get some money in, so they  
14 wouldn't totally fall down and get into the care system.

15 I knew the care system with the children's home  
16 running there. That was the same sort of thing: at 16  
17 they could be thrown out. You'd try to arrange  
18 fostering. There wasn't any legal obligation for doing  
19 anything after 16. But later on, they'd try and get  
20 them to do things, to have some view of what happened  
21 when they went back.

22 Q. Can I just move on to another topic, quite briefly.

23 During your time, your seven-year stint at St Ninian's,  
24 were there children who absconded?

25 A. Yes. Definitely.

1 Q. Was that a regular thing?

2 A. Every so often. Once or twice they had mass absconding;  
3 I don't know what happened to them. I remember once  
4 they just all disappeared, all ran off, or half of them.  
5 Especially for different reasons I think.

6 Q. Can I just ask you about that? What did you understand  
7 the reasons to be?

8 A. They would be different with different pupils. As  
9 I say, there were two main types. I know they had to --  
10 at the end of a weekend they had to get there was one  
11 kid they had to get back from the top of his wardrobe  
12 because he so hated the idea of coming back.

13 Q. Why did he hate the idea of coming back?

14 A. Because some were school refusers. There was this -- in  
15 special education, less than half of them are school  
16 refusers in general, and the others are being thrown out  
17 because they're so difficult in schools. But the school  
18 refusers would hate, absolutely hate to come back. So  
19 they might run away or presumably if a kid is being --  
20 felt they were being unjust to or bullied or something  
21 I suppose, I don't know, or sometimes there are  
22 different ... It did happen fairly often. I think  
23 I said at one time the police -- this person, policeman,  
24 was there in an unmarked car, and this person tried to  
25 hitch a lift to Glasgow and he picked him up and just

1 brought him back. So he was used to that happening and  
2 knew exactly where he was from.

3 Q. Were there any discussions among the staff to see what  
4 it was that caused children to run away from  
5 St Ninian's?

6 A. I don't know all the reasons. We must have had -- it  
7 must have been part of it. That's all I can say. It  
8 must have been part of it. I can't ... Perhaps if  
9 I ...

10 LADY SMITH: Sorry to interrupt --

11 A. You'd try and stop them.

12 LADY SMITH: Hang on, help me with this: you say, "It must  
13 have been part of it"; what do you mean?

14 A. Because if kids -- it's a natural reaction of teachers  
15 or people running an establishment to try and stop that  
16 happening. So you could stop it happening by -- if they  
17 were about being bullied, you could try and stop them  
18 from being bullied. I have thought about more things,  
19 kids bullying themselves, that would definitely be some  
20 of it. But sometimes they would just want to get back  
21 home, being homesick must have been -- it's a completely  
22 different atmosphere to what they were used to right in  
23 the middle of the country. It was a beautiful place.  
24 That's why I suppose there were opportunities for  
25 bullying and that sort of things because of the grounds.



1           They had quite a lot of freedom sometimes outside. It  
2           wasn't locked up, so they could go round.

3           But you'd obviously try to make lives happy. I'd  
4           try to make lives interesting. It made my life  
5           interesting and useful, discovering all sorts of things  
6           for them to do as well. That's part of it.

7       MR MacAULAY: Very well.

8       A. Does that answer your question?

9       LADY SMITH: Thank you, yes.

10      MR MacAULAY: Can I then move on just to look at your own  
11      life after St Ninian's. St Ninian's, of course, closed  
12      in 1983, but you'd left before then; is that right?

13      A. I left when it closed. It was because of a lack of  
14      Christian Brothers, because there were fewer and fewer  
15      Christian Brothers, and they had different schools down  
16      south and so ... I called in at one school that had  
17      about three Christian Brothers for about a thousand  
18      pupils or something like that and they couldn't believe  
19      that here was a school with five Christian Brothers and  
20      44 kids.

21      Q. But you pursued a career in teaching; is that correct?

22      A. Yes. I got a job in a local -- another special school.

23      Q. You do tell us in your statement that you became part of  
24      a police investigation but that no charge was ultimately  
25      made against you.

1       A. It was to start with, but it was taken away.

2       Q. I don't want to take you through this. You tell us  
3       about your involvement with the police. You didn't find  
4       it a particularly pleasant experience.

5       A. No, no, because I'd asked for a solicitor. I had to  
6       have a solicitor and one wasn't there and they expected  
7       me to start talking without a solicitor. So I was  
8       adamant -- so I got thrown in a cell instead of being  
9       asked to wait in a place -- a café or something. I'd  
10      come up there voluntarily, it had been my idea, "I'll  
11      come up, you don't have to come down". So to be  
12      thrown -- and they took my belt and shoes and I was  
13      stuffed in a police cell. I could understand why  
14      because the solicitor just said, just say, "Say no  
15      comment, no comment". They would have got more from me  
16      if they'd been reasonable.

17             I was going to say -- I have said at the end, like,  
18      some final things, but one of the things is it's so  
19      traumatic. Suddenly out of the past, when you think  
20      you've really done your best, you've really done your  
21      best, and then you get charged by something, for  
22      something completely out of the blue. It's -- quite  
23      apart from memory or something like that, it was  
24      absolutely horrific when I'd tried so hard to be good.

25      Q. But as you said it wasn't pursued?

1       A. No, no.

2       Q. You then tell us at the very end of your statement --

3       A. Can I say, it wasn't pursued -- because they said they

4       had corroborating evidence. It wasn't. It was

5       completely different. And it was obvious to my

6       solicitor that I eventually got that it was completely

7       different. It wasn't corroborating evidence at all. So

8       the kids could -- obviously they'd say anything that

9       came into their heads. But you tended to believe --

10      members of the staff rather than the kids. You'd take

11      everything you heard with a pinch of salt, but obviously

12      there's so many things to come out. I saw the list of

13      charges for -- I was absolutely shocked. And for kids

14      who you wouldn't think were necessarily -- be totally

15      make things up (sic). They would be difficult ...

16      What's ... What's the word? Not difficult, not

17      difficult. I mean the opposite to difficult. Quiet

18      kids, quiet unassuming kids.

19      Q. Okay. Can I finally take you to the last main paragraph

20      of your statement, which is where you set out some

21      lessons that you think ought to be learned by the

22      inquiry. That's paragraph 88. Can you take me through

23      that? You're talking about vetting there, which is

24      an important point.

25      A. Yes. Are you talking about just the first sentence?

1 I've only got the first sentence on my ...

2 Q. We'll move on to second part of it.

3 A. Okay, if it's that sentence we're discussing, fine.

4 Q. I just want to hear from you: what do you think are the  
5 lessons this inquiry could learn from the sort of  
6 evidence that's now come out in connection with  
7 St Ninian's, for example? One thing you say is that  
8 people should be vetted before they apply to work for  
9 children.

10 A. Yes. We ran the children's home without any vetting.  
11 I had to decide within five minutes, oh, are you going  
12 to live in this children's home, with all these kids  
13 around the place? Okay, fine, that's fun. We were  
14 living in the middle of nowhere and suddenly with no  
15 work to do. So that was obviously -- it worked fine  
16 with us and you didn't think -- but perhaps they just  
17 took it on instinct. It's so difficult because you  
18 don't know. If I can be there for seven years and not  
19 know that sort of thing, obviously some of the like, the  
20 belting and things like that, I can't ... I don't know  
21 whether -- memory is strange stuff. I don't know  
22 whether ... certainly bullying, obviously that happened,  
23 and the control and perhaps they dealt with it in  
24 private, and perhaps there were different psychological  
25 things to do. Obviously there were, if they could do it

1           in private.

2           I can't remember having a school assembly and  
3           having ... they seemed to be in favour of the kids --  
4           the kids seemed to do what they were sort of told.  
5           Obviously there are other reasons. Sometimes it was  
6           force of personality as well.

7       LADY SMITH: Tim, did you have to provide any references?

8       A. I must have -- yes. From when I joined, there was Sean  
9       O'Kane, who was wonderful, he was head of the  
10       social work department in Kirkcaldy. So we'd already  
11       run the children's home for six months, from January  
12       until the summer. That's why I was so pleased to get  
13       a job because it was difficult getting jobs then,  
14       pleased to get a job that was within distance. We had a  
15       totally wonderful, wonderful report from him. I don't  
16       know whether there was anyone else as well.

17       LADY SMITH: Did St Ninian's give you a written contract of  
18       employment?

19       A. Must have done.

20       LADY SMITH: Do you have any memory of one?

21       A. They must have done. I don't have any memory of it.

22       LADY SMITH: Can you remember what they paid you?

23       A. It was reasonable, obviously. I think it was ... it  
24       must have been standard rates for teachers. It must  
25       have been the standard rate for teachers and perhaps

1           time and a half, I don't know, for evening duties.

2       LADY SMITH: I just wondered. Some people find that what  
3           they earned in their first or second job sticks in their  
4           mind for life.

5       A. No, we didn't have that up and running for the  
6           children's home because that was no problem at all to  
7           start with because money wasn't an issue. I didn't get  
8           paid but my partner got paid and the teaching -- I was  
9           so pleased, rather than being a student -- that any  
10          money was great. I actually got a proper car. Then  
11          I obviously starting with kids. It was really difficult  
12          but I really can't -- I haven't the faintest idea what  
13          it was.

14       LADY SMITH: Thank you.

15       MR MacAULAY: And those are all the questions I have for  
16           you, Tim, you'll be pleased to hear. Thank you very  
17           much for coming along today to give your evidence.

18           I haven't been, my Lady, given any other questions  
19           to put to Tim.

20       LADY SMITH: Thank you.

21       A. Can I just say, I haven't -- a positive environment and  
22           can I just ... It should be a positive environment and  
23           there were many good things about the commitment of the  
24           brothers. It was difficult. They had a vow of  
25           obedience and they had to be there:

1           "People dealing with the kids should not harbour  
2           grudges against them and welcome them back when they  
3           have done something wrong but work on the problem."

4           Yes, this is unconditional positive regard sort of  
5           thing. It was trying to be inclusive. They must be the  
6           right people, a sense of adventure and fun, yes. Other  
7           places I've been in after that -- this is relevant --  
8           have been -- I went to a place in Glenrothes. It was an  
9           assessment centre. I didn't get on -- my marriage was  
10          splitting up and things like that, but there were so  
11          many people, social workers and it seemed very  
12          stultifying. You couldn't just take them off on an  
13          expedition to the hills to look at reservoirs.

14          You could see why they needed those -- and obviously  
15          control with the Christian Brothers, it was ... Even at  
16          that time I know there were far fewer people. I think  
17          that's probably why the authorities must have sent  
18          people there because it was cheap. I remember it being  
19          cheaper than other places because the  
20          Christian Brothers, they didn't get paid presumably,  
21          I don't know. I don't know what -- whether it was  
22          expenses or what. I think they lived for their  
23          afternoon or two playing golf and painting golf balls  
24          red so they could play in the snow.

25          Anyway. Right, okay. That's not a very good place

1 to end. But there were positive things, but  
2 obviously -- I don't know. With more people ...  
3 You have other people ... so you don't have kids on  
4 their own. I think presumably you learnt a lot about  
5 that. It's difficult. It is difficult. Because you  
6 want them to be free, but you obviously have to have  
7 total checks all the time, and with some people it's  
8 just natural, you wouldn't believe anything happened.

9 This inquiry has taught me a lot, apart from memory  
10 and gradually getting bits back like the belting, it has  
11 taught me a lot. People can be on the outside, they can  
12 be ... For years, I used to say the Christian Brothers  
13 are great, really great. In my statement, the  
14 Christian Brothers in India -- they're great, they do  
15 all this sort of thing. So to find this sort of stuff  
16 was a total shock and horrifying.

17 For my kids -- I won't go into too much detail about  
18 things. You obviously want a place of safety.

19 LADY SMITH: Okay.

20 A. Absolutely a place of safety. Some of the families they  
21 came from were very dysfunctional, so they wouldn't  
22 necessarily know or believe what the kids said. If they  
23 had been making up things anyway, presumably they  
24 perhaps wouldn't believe: if they'd said something about  
25 the Christian Brothers ... I know because there were



1 different pupils.

2 LADY SMITH: Tim, just let me check: are there any  
3 outstanding applications for questions?

4 Those are all the questions we have for you.

5 Thank you very much for your engagement with the  
6 inquiry.

7 A. I hope I've done okay.

8 LADY SMITH: You have given us much detail in your written  
9 statement and your oral evidence today, which does help  
10 us with the work we've got to do here.

11 A. You can get back to me at any time.

12 LADY SMITH: Tim, likewise, you say your memory is coming  
13 back in bits. If anything does occur to you that you  
14 think we ought to know, please get in touch. Thank you.

15 (The witness withdrew)

16 LADY SMITH: I think that completes today's evidence, does  
17 it, Mr MacAulay?

18 MR MacAULAY: It does, my Lady. Looking ahead to next week,  
19 there are two witnesses down for Tuesday. We're not  
20 sitting on Wednesday, of course. Hopefully, the video  
21 link with Paul Kelly will work on Thursday. That's  
22 planned for 10 o'clock on Thursday. And we have  
23 witnesses lined up for the rest of that week.

24 LADY SMITH: Yes. And of course, before Thursday morning,  
25 we should have notice of whether one of the criminal

1 courts needs to take priority for the use of the video

2 link. We've not heard anything to that effect so far.

3 MR MacAULAY: That is being monitored.

4 LADY SMITH: Thank you very much indeed. Thank you for this

5 week's evidence and thank you to those who are still

6 here. Can I wish everybody a good weekend. Thank you.

7 (3.40 pm)

8 (The inquiry adjourned until 10.00 am

9 on Tuesday, 18 June 2019)

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