

1 Thursday, 20 June 2019

2 (10.00 am)

3 LADY SMITH: Good morning. We return to oral evidence today
4 and I can see that we have a video link set up.

5 I gather it has been checked and all seems to be working
6 well; is that right, Mr MacAulay?

7 MR MacAULAY: Yes, good morning, my Lady. That seems to be
8 the case. It's a video link that is coming from
9 Dumfries Prison. The witness who's to give evidence is
10 Paul Vincent Kelly.

11 LADY SMITH: Thank you very much. Mr Kelly, good morning.
12 Can you hear me all right?

13 THE WITNESS: Good morning, my Lady. Yes, I can hear you,
14 thank you very much.

15 LADY SMITH: Let me explain. I'm Lady Smith, I'm chairing
16 the Scottish Child Abuse Inquiry and I'm the chair in
17 this hearing room in Edinburgh this morning. We're
18 going to proceed to take your evidence and I would like
19 to begin, please, by putting you on oath.

20 PAUL KELLY (sworn)

21 (The witness appeared via video link)

22 LADY SMITH: I'll pass you over to Mr MacAulay, senior
23 counsel to the inquiry, in a moment, but will you please
24 let us know if you have any difficulties with the link,
25 if at any time it's not working from your perspective,

1 because it's important that you're comfortable with it
2 and that you feel fully connected with the hearing here.
3 All right?

4 A. Okay, thank you, my Lady.

5 LADY SMITH: I'll pass over to Mr MacAulay now.

6 Questions from Mr MacAULAY

7 MR MacAULAY: Good morning, Paul; we spoke a little while
8 ago.

9 A. Good morning.

10 Q. You have in front of you a red folder that contains the
11 statement that you provided to the inquiry. Could I ask
12 you to look at that? I'm going to give the reference
13 for the benefit of the transcript. That is
14 WIT.001.002.6502. If I could ask you to turn to the
15 very last page of the statement. Can you confirm that
16 you have signed the statement?

17 A. I have, but this is just me -- your reference that
18 you have, the reference I have, is 001.002.6533.

19 Q. That's the final page --

20 LADY SMITH: It begins at 6502 and finishes at 6533.

21 A. My apologies.

22 LADY SMITH: No, no, thank you for being so careful.

23 MR MacAULAY: While you have the page in front of you,
24 can you confirm that in paragraph 160 you say:

25 "I have no objection to my witness statement being

1 published as part of the evidence to the inquiry"?

2 Is that correct?

3 A. That is correct, yes.

4 Q. Do you go on to say:

5 "I believe the facts stated in this witness
6 statement are true"?

7 Is that your position?

8 A. That is correct.

9 Q. Were you born, Paul, on [REDACTED] 1952?

10 A. Yes.

11 Q. And that means you're now 66; is that correct?

12 A. Yes, that is correct.

13 Q. I think you're currently a prisoner in the prison at
14 Dumfries; is that right?

15 A. That is correct.

16 MR MacAULAY: My Lady, this witness will probably require to
17 be warned.

18 LADY SMITH: Thank you.

19 Before Mr MacAulay moves on to the evidence he wants
20 to take from you, Paul, about the facts of your time
21 working at St Ninian's, I want to explain to you
22 something that I'm sure has already been spoken to you
23 about, but it's important that I reinforce it.

24 Although this is a public inquiry and not a trial,
25 you have a right not to incriminate yourself and I think

1 it has been explained to you that if you give evidence
2 to the effect that you were involved in the abuse of
3 children in relation to anything of which you have not
4 been convicted, you could be asked further questions
5 about it, but you're not obliged to answer those
6 questions. However, if you do so, you need to
7 understand that your evidence is being recorded and
8 transcribed and it would be available for use at any
9 future date in relation to any allegations of which, as
10 I say, you have not already been convicted.

11 So put shortly, you have the right not to
12 incriminate yourself in relation to any such matters,
13 but you do need to understand that if you did talk about
14 them in any way, that evidence would be available for
15 future proceedings, if required. Do you understand
16 that?

17 A. I understand that, my Lady, yes. Thank you.

18 LADY SMITH: Mr MacAulay.

19 MR MacAULAY: Perhaps the other point I should make is that
20 Mr Kelly, Paul, is represented in that he has leave to
21 appear and the solicitor acting for him is Anna Wilson,
22 who's with him.

23 LADY SMITH: Thank you. I thought I saw a solicitor on the
24 screen, thank you.

25 MR MacAULAY: Paul, I think at the moment you're serving

1 a 10-year sentence that was imposed on 12 August 2016;
2 is that correct?

3 A. That is correct, yes.

4 Q. That relates to a conviction on 22 July 2016?

5 A. On 22 July did you say, sir?

6 Q. Yes.

7 A. Yes.

8 Q. You say in your statement, in fact, that you are
9 currently seeking a review of that conviction.

10 A. The appeal is now on to stage 2.

11 LADY SMITH: Paul, is that an appeal or have you presented
12 an application to the Criminal Cases Review Commission?
13 They're two different things; your solicitor might know.

14 A. May the solicitor answer, please?

15 LADY SMITH: Perhaps you can check with your solicitor and
16 then tell me.

17 A. It was an appeal to the Scottish Criminal Cases Review
18 Commission.

19 LADY SMITH: That's an application to the Commission to
20 review your case, I understand. Thank you.

21 MR MacAULAY: Paul, can I go back a little bit in time and
22 look at your history prior to going to St Ninian's.

23 I think you tell us you joined the
24 Christian Brothers in 1969 when you were aged 17;
25 is that right?

- 1 A. Seventeen or 18, yes.
- 2 Q. Of course, at that time you would not have qualified as
3 a brother, you simply joined the order in order to
4 qualify in due course as a brother?
- 5 A. Yes. Training, you went into training.
- 6 Q. You tell us that you trained in particular between 1972
7 and 1973 at Maynooth College. That was in Ireland?
- 8 A. It is in Ireland, yes.
- 9 Q. After that, were you sent to Plymouth to work as
10 a teacher?
- 11 A. Yes.
- 12 Q. At that time, of course, you hadn't qualified as
13 a teacher?
- 14 A. No.
- 15 Q. The school that you went to was in Plymouth and you tell
16 us that was in 1973 to 1975. Was that a boarding
17 school?
- 18 A. Yes.
- 19 Q. Was it run by the Christian Brothers?
- 20 A. Yes.
- 21 Q. Having done some practical training, did you then go to
22 a teachers' training college in Liverpool?
- 23 A. I did, yes.
- 24 Q. And was that from 1975 to 1978?
- 25 A. Yes.

1 Q. In 1978, after you had finished your course, did you go
2 back to Plymouth?

3 A. I was sent to Plymouth, yes.

4 Q. Was that the same boarding school or to a different
5 school?

6 A. At that time the boarding school -- the site of the
7 original school had closed down and there was a boarding
8 department, which was separate from the school.

9 Q. So do I understand then that your responsibility was in
10 connection with teaching at the school rather than
11 anything to do with the boarding department?

12 A. In 1978/1979, I was a full-time teacher at St Boniface's
13 College, Plymouth and I was also helping out with
14 boarders in the boarding department.

15 Q. But in any event, in 1979 did you go to St Ninian's in
16 Falkland?

17 A. I was sent to St Ninian's, yes.

18 Q. There are records that suggest that you may have arrived
19 in St Ninian's in September 1979. Does that tend to
20 accord with your own recollection?

21 A. August, September, yes. Late August or early September.

22 Q. The suggestion you make in your statement is that you
23 were not particularly happy at being sent to
24 St Ninian's; is that right?

25 A. That is correct.

- 1 Q. What was the cause of your unhappiness?
- 2 A. Well, I was teaching full-time in Plymouth, helping with
3 the boarders, I wasn't really that involved with
4 boarders, and I had sports teams to run, and at that
5 time, as far as I knew, the only thing I knew about
6 Falkland was that there were only about 24 students and
7 it was in Scotland. That's all I knew about it.
- 8 Q. In any event, you went to St Ninian's?
- 9 A. I was told I had to go to St Ninian's.
- 10 Q. And did you remain there until St Ninian's closed in the
11 summer of 1983?
- 12 A. July 1983, yes.
- 13 Q. When you arrived at St Ninian's, who was in [REDACTED]
14 the school?
- 15 A. [REDACTED] LNA was the [REDACTED] and Harry Harrington was
16 the [REDACTED] of the brothers there.
- 17 Q. Did either or both of them give you instructions as to
18 what your responsibilities were to be?
- 19 A. Basically, I covered some classes and did sport.
- 20 LADY SMITH: Paul, a moments ago you said you thought there
21 were only about 24 students. According to statistics
22 we've been provided with, there were actually rather
23 more than that in 1979: 36 students rising to 40
24 students in 1980. Might that be correct rather than 24?
- 25 A. I think when I originally went, there were only 24, but

1 the numbers did rise.

2 LADY SMITH: What time of year did you arrive?

3 A. August/September 1979.

4 LADY SMITH: Thank you.

5 MR MacAULAY: Then just looking at your teaching duties,

6 what subject or subjects were you to teach?

7 A. It was fairly general, you know. I was just told to --

8 all I can remember is doing a bit of RE or history and,

9 according to Mrs Nichols, I helped out in the English

10 department.

11 Q. Looking beyond teaching, were you told what your other

12 responsibilities would be on arrival?

13 A. No, no.

14 Q. At some point were you told what your other duties would

15 be?

16 A. Well, you were told to -- you were on supervision, and

17 as a teacher with experience of being at boarding

18 school, you know what that meant.

19 Q. And what did it mean?

20 A. You supervised the children in their free time.

21 Q. In your statement at paragraph 10 you talk about the

22 dormitories and I think you distinguish between senior

23 dormitories and junior dormitories; is that right?

24 A. That's correct, yes.

25 Q. Was that the division, that there was an area allocated

1 to junior boys and an area allocated to senior boys?

2 A. That's correct, yes.

3 Q. When you arrived at the school, did you have any
4 responsibility for the dormitories?

5 A. No.

6 Q. But did that change?

7 A. Yes.

8 Q. When you arrived, who was responsible for the
9 dormitories?

10 A. LNA was in charge of the junior dormitories and
11 in the senior dormitories was a brother called
12 MBS

13 Q. I think he was an older brother; is that correct?

14 A. Yes, he seemed to be quite old.

15 Q. At some point did that arrangement change?

16 A. Yes. I moved into the senior dormitories about November
17 or December of 1979.

18 Q. So quite shortly after you arrived?

19 A. About four months, three or four months.

20 Q. And did that mean that MBS moved away from
21 that position?

22 A. He moved upstairs.

23 Q. Was Brother LNA still responsible for the junior
24 dormitories?

25 A. Yes.

1 Q. Was he the [REDACTED] at the time?

2 A. Yes, he was [REDACTED].

3 Q. Did you consider it to be unusual for the [REDACTED] of
4 the school to have this responsibility also?

5 A. No, I never gave it a thought, really.

6 Q. Paul, I think you have been provided with layout plans.
7 I wonder if I could ask you now to look at these. I'll
8 take you through them because unfortunately we can't
9 have them on the screen at the same time.

10 If you look, first of all, at the plan that has the
11 reference CFS.001.006.8297, can you get your bearings
12 and can you see, for example, to the right, the car park
13 leading to the front door and then the entrance hall?

14 A. Yes, I see that.

15 Q. And do you recognise the general layout?

16 A. Yes. I made a comment about the general layout, that if
17 you go to the area where it says "dorm" all the time,
18 there are a few words missing out. For example, the top
19 right-hand corner says "dorm" and then to the left of
20 that it says "brother's bedroom".

21 Q. Yes.

22 A. There are two rooms missing from that -- three rooms,
23 actually. One is a storeroom which was right next to
24 the brother's bedroom and next to the storeroom was
25 a bathroom, so that was my bathroom. Then where it says

1 "courtyard", the top right-hand corner of that was the
2 toilet used for staff.

3 Q. You mustn't assume this is an absolutely accurate
4 layout. I think it's the best that could be done under
5 the information that was available.

6 A. Okay.

7 LADY SMITH: This was a plan that was made somewhat later.

8 MR MacAULAY: In 2015.

9 LADY SMITH: And then the handwriting is somebody writing
10 in the best they could get by way of an understanding of
11 the way the areas were used in your time, for example.
12 Do you understand?

13 A. I do.

14 LADY SMITH: I think we do know and we have heard from other
15 evidence that the layout that's shown on this plan won't
16 be quite right so far as replicating how things were
17 in the late 1970s and 1980s.

18 A. Okay, thank you.

19 MR MacAULAY: If we then go back to the front door and come
20 into the entrance hall, we then move into a main hall;
21 is that correct?

22 A. Yes.

23 Q. I think we can see that there's a main staircase that
24 would lead to you an upper level above the main ground
25 floor area; is that right?

1 A. Where it says "main hall", there's an area; is that what
2 you mean by the staircase.

3 Q. Yes, there are some lines going across the page that
4 indicates a staircase.

5 A. Yes, that would be where the staircase would be.

6 Q. If we focus on the dormitory area, I just want to
7 understand where the room you took over from
8 Brother **MBS** was located. Can you help me with that?

9 A. In my memory it was the third room on the left.

10 Q. Are you looking at the top part of the dormitory area?

11 A. No, the bottom part.

12 Q. Could you just repeat that, which room did you mention?

13 A. It would be the third room on the left, which here is
14 described as a dormitory.

15 Q. So it's sort of in the middle, if you like, of that row
16 of dormitories?

17 A. Yes.

18 Q. What about Brother **LNA** when he was in charge of the
19 junior boys? Where was his room?

20 A. That would be the "brother's bedroom" there.

21 Q. Is that towards the top right of the plan?

22 A. Yes.

23 Q. I think it is the case that the position in relation to
24 which area of the dormitories you had responsibility for
25 changed during your time at St Ninian's; is that right?

- 1 A. Yes.
- 2 Q. When did the change happen?
- 3 A. I think Brother LNA stayed ... So 1979 I arrived and
4 ██████████ 1980, I think, Brother LNA left. So by
5 January 1981, I was in the junior dormitories.
- 6 Q. Did you then move to the bedroom that Brother LNA had
7 occupied?
- 8 A. Yes.
- 9 Q. What about the senior dormitories? Who took over from
10 you?
- 11 A. Well, I think that for a time it was Chris Brown,
12 Brother Brown, and then MHG
- 13 Q. Would these brothers occupy the room you had previously
14 occupied?
- 15 A. Yes.
- 16 Q. Going back to your teaching responsibilities, can you
17 help me at all in relation to the budget? Did you have
18 any insight into what the budget was?
- 19 A. Absolutely none.
- 20 Q. But was it at least dependent to some extent on the
21 number of pupils that were at the school?
- 22 A. I beg your pardon, are you talking about the budget that
23 ran the school?
- 24 Q. Yes. I'm sorry, I confused you, yes. I think you talk
25 about this in your statement, but the budget generally.

1 Were you able to come to some view as to how the school
2 was being run?

3 A. This is only in hindsight, looking back. The school --
4 each student -- for each student that was in the school,
5 the school was given so much money. How that was spent
6 I don't know. Mostly probably on wages.

7 Q. Then focusing on the teaching duties, was there
8 a curriculum that you were able to follow?

9 A. As I said before, I don't think the word curriculum came
10 into the conversation. RE was just a book that I would
11 photocopy pages from. History, the same thing took
12 place.

13 Q. I just want to get an understanding as to who was in
14 charge of how teaching was to be carried out.

15 A. I assume the headmaster would have told me, you
16 know: this is what you do. There were only four
17 classes, 1, 2, 3 and 4, and I was mostly associated with
18 junior but did some senior. He'd say, "This is what you
19 do", so I did.

20 Q. And in that class that you'd be teaching, would there be
21 pupils of mixed ability?

22 A. Generally, they were of very low ability. If you
23 classify that as mixed ability, I don't know.

24 Q. I think what I mean by mixed ability is there are some
25 pupils who are better academically than others in the

1 class.

2 A. Well, I think in any class that's correct.

3 Q. How did you find the boys generally?

4 A. I found that they were very abusive and very sort of --

5 it wasn't like a normal school. They could be very

6 aggressive. Classes only contained perhaps four or six

7 students; that's why I thought there were 24 when

8 I first arrived. I didn't think there were that many.

9 These were pupils obviously who had been expelled or

10 sent out from various schools in Glasgow or Edinburgh or

11 from various homes, so they didn't really sort of have

12 much respect for authority.

13 Q. I think at the time you went to St Ninian's, there was

14 a resident [REDACTED] at St Ninian's; is that right?

15 A. Could you explain what you mean by "resident"?

16 Q. There was a Mr [REDACTED] MBV [REDACTED] who I think had the role of

17 [REDACTED].

18 A. Right, but he wasn't resident, he didn't live there.

19 Q. I --

20 A. He just -- sorry.

21 Q. Sorry, I should have said he was based at the school --

22 A. Absolutely, sir, yes.

23 Q. -- but he lived outwith the school.

24 A. Yes, sir.

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

1 A. Well, we'd meet every day, sort of say hello, have
2 a chat. If there was particular incident, we'd
3 obviously talk about it with MBV but MBV spent a lot
4 of time in Glasgow and other cities at ██████████ and we'd
5 see him during the day or if he did supervision, we'd
6 see him.

7 Q. In your statement, Paul, you say that -- and this is at
8 paragraph 41:

9 "Officially, [your] role at St Ninian's was as
10 a gardener."

11 A. Mm-hm. Yes, yes.

12 Q. Can you explain that?

13 A. Absolutely. Looking back, when I finished teaching in
14 2012, I noticed that the four years I spent in Falkland
15 did not count towards the pension, so when I enquired
16 about it, I was told that officially I was down as
17 a gardener.

18 Q. Is that because you didn't have a Scottish teaching
19 qualification?

20 A. Right. I'm aware that other brothers, like
21 Brother Coffey, were sent to take this teaching
22 qualification. I wasn't. At the time I wasn't aware
23 of ...

24 Q. We've spoken about whether or not there was
25 a curriculum. Were boys given any homework to do after

1 school?

2 A. No, sir, no.

3 Q. Any reason for that?

4 A. Not that I was aware of, but they generally showed a
5 lack of interest in academic work.

6 Q. Well, how would you describe the standard of the
7 education that was being provided at St Ninian's during
8 your time?

9 A. I would suggest it was quite appropriate for the
10 children that we had. But generally, if you look upon
11 it, it was quite poor, because I think that there was
12 only one person who gained an academic grade at national
13 level, if that makes sense.

14 Q. Okay. Can I then just go back to your role in charge of
15 the dormitory area that you were in charge of. In that
16 capacity were you described as a housemaster?

17 A. Yes, senior housemaster, junior housemaster.

18 Q. Can you give me an idea then as to what you saw your
19 responsibilities to be?

20 A. Well, when the boys went over, the seniors, they had a
21 shower and then they were orderly in the dormitory area.

22 Q. What about in the evenings when boys were going to bed?
23 What did you see your responsibilities to be?

24 A. Basically, that they went to bed and once lights out,
25 they were quiet.

1 Q. What involvement would you have with the children once
2 they had gone to bed?

3 A. Once they were in bed and the lights were out, it was
4 just a matter of staying around to sort of make sure
5 they quietened down and then, for the next hour or two
6 hours, pop over and just see that all was well.

7 Q. And you yourself would be sleeping in the area in due
8 course?

9 A. I had a room, yes.

10 Q. And during the night, would you have any call to be up,
11 to deal with the children?

12 A. I don't recall any incident like that.

13 Q. You've mentioned the type of children that you had to
14 deal with. Were you given any background information
15 in relation to the children?

16 A. I can remember some information about some children, but
17 I don't recall any sort of formal meeting to discuss new
18 children.

19 Q. Were you given any files, records, in connection with
20 the children?

21 A. No, no.

22 Q. I think you do say that children were expected to do
23 some work at the school, is that right, some chores?

24 A. Some chores?

25 Q. Yes.

1 A. After breakfast, of a morning, they had chores but I had
2 nothing to do with that.

3 Q. Do you know if there were cleaners paid to do work at
4 the school?

5 A. You mean adult workers?

6 Q. Yes.

7 A. Yes, there were, yes.

8 Q. Do you have any recollection of inspections being
9 carried out on the school?

10 A. Only that the brothers would send a representative,
11 sometimes from Rome or just from the provincialate, once
12 a year, but I don't recall any local authorities being
13 involved.

14 Q. I think the order's inspections, they're called
15 visitations; is that right?

16 A. Yes, that's right.

17 Q. Are these essentially checking on the prayer life of the
18 brothers rather than the pupils themselves?

19 A. I think it was a general idea of the school, so they
20 talked to the pupils and the staff.

21 Q. Was running away, absconding, a problem when you were
22 there?

23 A. There was running away, as in most type of
24 establishments like that, but -- obviously it was
25 a problem. If you take some boys out of Glasgow and put

1 them in a sort of Gothic building in the middle of
2 nowhere, and you know ... things happen.

3 Q. Did you ever investigate to see why boys were running
4 away?

5 A. No, I don't recall investigating.

6 Q. By anybody?

7 A. I don't recall that. Obviously, you'd sort of say,
8 "What's happened?" Some boys just desperately wanted to
9 leave the place because they didn't want to be there in
10 the first place. Others did it because they followed
11 the seniors or whatever. I don't recall any particular
12 enquiry into why people ran away.

13 Q. But was this disruptive to the running of the school,
14 the fact that children ran away and no doubt had to be
15 brought back in some way?

16 A. Right. I think it was taken as read that people would
17 run away, you know, and therefore **MBV** would go to
18 Glasgow, if they were still in Glasgow, and bring the
19 children back -- or the local policeman, Jock Todd,
20 would be involved in bringing them back or picking them
21 up from around this area.

22 Q. You've mentioned the showering of children. Is it right
23 to say that there was a shower area in the dormitory
24 area of the building?

25 A. Yes.

1 Q. There were also showers at a lower area that children
2 might use, for example, if they'd been out doing games?

3 A. I made this point before: the ones in the lower
4 courtyard, after games it was most unusual for them to
5 be used. It was only if it was very wet or muddy, and
6 therefore staff and students -- staff would go -- well,
7 I'd go upstairs because I'd be teaching after games and
8 the boys would be supervised by somebody else when they
9 had showers.

10 Q. So far as the showers in the dormitory area would be
11 concerned then, would you be involved in supervising
12 these showers?

13 A. Yes. I gave out the shampoo.

14 Q. Would you then have boys in the showers and you would be
15 in the showers handing out the shampoo?

16 A. When you say in the showers, you mean in the shower
17 room?

18 Q. Yes, in the shower area.

19 A. In the shower area.

20 Q. Yes.

21 A. Yes. We'd supervise: they'd come in, towels off,
22 shower, have some shampoo, end of story.

23 Q. Can I just ask you a little bit about discipline, Paul.
24 What instructions, if any, were you given in relation to
25 as to how children were to be disciplined?

1 A. I've been thinking about this a lot, and I think as
2 a teacher who's been in a school, you just expect basic
3 discipline and that I expected to be able to deal with
4 classroom discipline myself. But if there was a senior
5 problem, then you'd refer it to the headmaster.

6 Q. Then in relation to classroom discipline, how did you
7 manage discipline?

8 A. I found it difficult at the beginning because these boys
9 were quite disruptive, but you had to find work that
10 they could do. So if they were busy, they were okay.

11 Q. Just coming back to my original question, were you
12 actually told how the children were to be disciplined?
13 Was there any written rule, for example, on discipline?

14 A. I don't recall a written rule.

15 Q. Did you use the strap?

16 A. The only time I recall strapping is the incident
17 involving [REDACTED] and [REDACTED] MBI [REDACTED] with the
18 corner flag.

19 Q. And can I just say that we try not to use names if
20 we can help it.

21 A. I beg your pardon.

22 Q. You'll find in your folder a key that can give you the
23 pseudonym of any individual we mention. You mentioned
24 two, you mentioned someone by the name of [REDACTED] MBI [REDACTED] and
25 someone by the name of [REDACTED].

1 A. I apologise.

2 LADY SMITH: Let me explain. All applicants to the inquiry
3 are entitled to anonymity and the normal practice for
4 those who don't want to waive anonymity is to use
5 a pseudonym for them. Their names sometimes come out in
6 evidence, don't worry about that, although we try not to
7 use them. But everybody in the room knows that if they
8 are used in evidence, they cannot be repeated outside
9 this room. However, you have the key and you have the
10 pseudonyms, so if you could stick to those, it does make
11 life simpler at this end. Thank you.

12 MR MacAULAY: I think the question was whether you used the
13 strap to punish children, and I think you were going to
14 give me one example where that happened.

15 A. I beg your pardon, I misunderstood. You must have
16 misunderstood me there. I only used the strap once and
17 the occasion involved Alan and another boy.

18 Q. What was the occasion?

19 A. It was after a games session. After a games session,
20 the boys were asked to collect either the nets or the
21 corner flags, and one boy who went in before me attacked
22 Alan with a corner flag and therefore caused injury to
23 his chest. There were cuts on his chest. Alan came to
24 me to say to me what had happened and then I took the
25 other student to MBV s room because I knew that

1 in a drawer in his office was a strap. And therefore
2 I used the strap on that boy because I thought that was
3 serious.

4 Q. So far as you were concerned, in the use of the strap,
5 how would you use the strap?

6 A. On the hand. Just (indicating). People of a certain
7 age, with all due respect, like yourself, will remember
8 school days and hands out ...

9 Q. So you used the strap on this boy's hand?

10 A. Yes, the conventional way, yes.

11 Q. You mentioned the fact that the strap was in MBV
12 office. Is that right?

13 A. That's correct, yes.

14 Q. Why did he have a strap?

15 A. I don't know why. It was just in the drawer. It was
16 just something that was there, you know.

17 Q. Did you see other brothers using the strap?

18 A. Not that particular strap. There was an incident when
19 we went to Wales, where it involved two students, the
20 one who'd attacked Alan and another boy, and they had
21 stolen the motorbike from the farm in which we were
22 staying, the land, and they had been strapped after
23 that, but that was using a belt.

24 Q. Who used the belt, sorry?

25 A. That would have been John Farrell.

1 Q. Did you see that happening?

2 A. We had a meeting about it -- I think Chris Brown and
3 **MBV** (inaudible) were there -- and because it was so
4 serious, because we were depending on this farmer for
5 the land in which to base our camping for the holiday in
6 Wales for the school or some boys from the school,
7 therefore it was decided to strap these two students.

8 Q. The two incidents that you've mentioned have been spoken
9 about in evidence to the inquiry. Can I just put to you
10 from the transcript what the witnesses who spoke to
11 these incidences have said for your comment.

12 The first is evidence given by Alan, and you'll see
13 who Alan is from the key, and this is at transcript
14 TRN.001.006.0719.

15 We can't, unfortunately, put this on the screen for
16 you, Paul, but I'll just read out and you can listen
17 carefully to what I've said.

18 What Alan says is this:

19 "Answer: Another time, another boy in the changing
20 rooms, he battered him."

21 And there he's talking about you, Paul. He was
22 asked:

23 "Question: What happened on that occasion?"

24 "Answer: I got stabbed in the abdomen with
25 a flagpole off this boy and Kelly went mental and

1 battered the boy, punching the boy about the shower."

2 "Question: Was this after a game of sport?

3 "Answer: Yes.

4 "Question: So you'd been stabbed with a flagpole by
5 this boy?

6 "Answer: Yes, in the abdomen.

7 "Question: And what happened in the shower?

8 "Answer: Brother Kelly came running in and started
9 belting the boy that had done this, started punching
10 him, went mental.

11 "Question: Where was he punching him?

12 "Answer: In the body.

13 "Question: Did you see that?

14 "Answer: Yes.

15 So that's his description of the events at least
16 in the shower area. What is your reaction to that?

17 A. When I went in and grabbed the other boy, it was before
18 showers, the boy was still in his games kit, and
19 I manhandled him out of the room.

20 Q. So you don't accept that version then?

21 A. No, that's not right, because the boy was still in his
22 games kit.

23 Q. The other incident you mentioned in Wales, the evidence
24 in relation to that was given by the person whose
25 pseudonym is Jack. Do you see that name?

1 A. Yes, I see the name. I don't link him with the
2 incident.

3 Q. Do you recognise the name?

4 A. I recognise the name, yes.

5 Q. Well, he certainly appears to talk about a similar
6 incident, and I'll just put to you what he said in his
7 transcript. It's at TRN.001.006.0817. On that page he
8 says:

9 "Answer: We went to Wales ..."

10 And then moving on to the next page, 0818, at
11 lines 5 to 6, he goes on to say:

12 "... somewhere. We were rambling about and a couple
13 of the lads had come across a motorbike and they were
14 in the tents or something. I think then they moved them
15 up because they pushed the motorbike, trying to kid on
16 it wasn't going to start."

17 He goes on to say:

18 "Answer: The guy that sort of pushed the bike,
19 he was battered by a belt by John Farrell in the wee
20 house.

21 "Question: Did you see that happen?

22 "Answer: Yes, I heard it and I seen it. I was
23 outside the door.

24 "Question: What did John Farrell do with the belt?

25 "Answer: He was beating him. He basically put him

1 over a chair and beat him on the arse with a belt.

2 He was raging. I don't know what he was raging at.

3 "Question: What kind of force was John Farrell
4 using with the belt?

5 "Answer: It was force."

6 And he goes on to say that the boy concerned could
7 be heard howling.

8 That's Jack's version of an event involving a bike
9 in Wales.

10 A. Right.

11 Q. I'm sorry?

12 A. I just said, "Right", but that is not true, because the
13 strange thing in what you just read out was he was
14 outside, but he saw what happened. But my recollection
15 is that two boys were involved, and the staff came
16 together to decide the punishment, and the punishment
17 was given, and that was it. There weren't any boys, as
18 far as I recall, around at that time.

19 Q. So you simply completely disagree with that version if
20 it relates to the same incident?

21 A. Yes, sir.

22 LADY SMITH: Where were you when the punishment was given?

23 A. I was in the room, my Lady.

24 LADY SMITH: Which room?

25 A. Well, in Wales, I think we had a building where the boys

1 ate and ... okay, and part of that room, there was
2 a room where we met and I can recall a smaller room
3 other than the big room. We discussed what to do about
4 this incident involving these two boys and it was agreed
5 that they should be strapped.

6 LADY SMITH: Where did that happen?

7 A. In the same room, my Lady.

8 LADY SMITH: Were the boys brought in by someone?

9 A. I can't recall. All I can recall is the meeting about
10 discussing what would happen with the boys and then
11 obviously the boys being brought in, I don't know by
12 whom, and then being punished.

13 LADY SMITH: Were they brought in together or separately?

14 A. Again, I can't recall exactly, my Lady.

15 LADY SMITH: Going back to the shower room, you said you
16 manhandled the boy that you were going to punish out of
17 the shower.

18 A. No, no --

19 LADY SMITH: You used the word "manhandle". I know you said
20 he wasn't actually in the shower, the shower room; yes?

21 A. That's what I'm questioning, my Lady.

22 LADY SMITH: What I want to know is where you took him when
23 you were manhandling him out of that place.

24 A. I took him to MBV office where the strap was.

25 LADY SMITH: Where was that in relation to the shower room?

1 A. The courtyard is downstairs, [REDACTED] MBV [REDACTED] office is
2 upstairs.

3 LADY SMITH: So you had to take him downstairs along the
4 courtyard and then upstairs; is that it?

5 A. The courtyard area where the showers are is downstairs.

6 LADY SMITH: Yes.

7 A. I took him from the changing room in the courtyard area
8 upstairs to [REDACTED] MBV [REDACTED] office.

9 LADY SMITH: Right. Was [REDACTED] MBV [REDACTED] in his office?

10 A. No, no, no, no.

11 LADY SMITH: How did you know he had a strap?

12 A. It was just one of those things that we'd spoken about
13 or had been mentioned in the past.

14 LADY SMITH: Thank you. Mr MacAulay.

15 MR MacAULAY: Was there a punishment book kept at
16 St Ninian's?

17 A. I don't recall. I don't recall there being one. But
18 I'm presuming [REDACTED] MBV [REDACTED] would have been aware of
19 punishments or the headmaster.

20 Q. What would [REDACTED] MBV [REDACTED] have to do with punishment?
21 He was there as a [REDACTED].

22 A. Well, he was a person you would inform. I'd obviously
23 inform [REDACTED] MBV [REDACTED] about the incident with [REDACTED] as
24 I did the headmaster. I presumed he would have made
25 note of it in case -- for [REDACTED] or things like that.

1 Q. In any event, did you ever record anywhere any
2 punishment you gave to a child?

3 A. No.

4 Q. Was there a problem with smoking at St Ninian's?

5 A. Yes. The boys, a fair few, used to smoke.

6 Q. Was smoking tolerated?

7 A. I don't know whether the word "tolerate" is the right
8 word to use, but certainly we knew the boys went out to
9 smoke at the back gate or out of sight, but they weren't
10 obviously allowed to smoke.

11 Q. One thing you say in your statement is that:

12 "The boys didn't really trust authority figures."

13 That's at paragraph 94 of your statement. Can you
14 just explain what you mean by that?

15 A. Being a teacher, you understand that boys -- the boys we
16 had there did not trust authority figures because
17 obviously they were in schools or establishments, like
18 Falkland or other listed schools, because they did not
19 fit into a normal school setting. I was trying to make
20 the point that -- that was the point I was trying to
21 make. In a normal school setting, if a teacher said sit
22 down, you would sit down. If the teacher said go to
23 that room, you'd go to that room. But these children
24 didn't seem to have -- some of these children didn't
25 seem to have that sort of ability.

- 1 Q. Was there bullying going on at the school?
- 2 A. Bullying is a very strange topic because in any school,
3 I think you'll find that certain boys are bullied, but
4 certainly when members of staff were around, there was
5 no bullying. But boys from time to time would say,
6 "He's called me names", or whatever.
- 7 Q. Did you see any physical bullying?
- 8 A. I did not see any physical bullying.
- 9 Q. How would you describe the atmosphere in the premises?
- 10 A. Generally, very good. Generally a good atmosphere. The
11 boys -- they weren't pushed academically. They enjoyed
12 their sport, so there was sport a lot. They got home,
13 when I first went there, every second weekend, but
14 in the last year I was there it was every weekend when
15 the school was going to close. But at certain points
16 the atmosphere was tense.
- 17 Q. You, of course, had two broad areas of responsibility:
18 there was your teaching responsibility and there was
19 also your responsibility as a housemaster.
- 20 A. Yes.
- 21 Q. As a housemaster, you would have a particular duty to
22 care for the children in your care.
- 23 A. Mm.
- 24 Q. Is that right?
- 25 A. Yes.

1 Q. What qualified you to take on that particular kind of
2 responsibility?

3 A. I presume they thought that -- I was young in those
4 days, I had just done teacher training, I had experience
5 of boarders, and very easygoing character, really.

6 Q. Do you know if any of your colleagues, the brothers, had
7 any particular training, for example in childcare, at
8 the time that you were at St Ninian's?

9 A. Having just completed my three years at Christ's
10 College, I don't think there was any particular training
11 for people involved in boarding schools. It was just
12 general teacher training.

13 Q. Although I think -- Mr MBV for example, was he
14 a qualified [REDACTED] so far as you're aware?

15 A. I presume so, sir. I don't know exactly.

16 Q. When you gave your statement, a number of issues were
17 raised with you. One being, for example, whether you
18 had boys in your room in the evenings when you were
19 a housemaster.

20 Let's look at the position, first of all, when you
21 were in the senior boys. That's where you started,
22 isn't that right, with the senior boys?

23 A. Yes, that's right.

24 Q. Did you have boys in your room in an evening?

25 A. No, no.

- 1 Q. When you moved then to the junior boys, what was the
2 position then?
- 3 A. I had obviously observed [REDACTED] LNA [REDACTED] with the students
4 and his room was open, the students were there chatting
5 and it was sort of an open door policy.
- 6 Q. Yes, and what's the relevance of that? Did you then
7 follow that practice?
- 8 A. Well, yes, because the boys, the juniors, once they had
9 their showers and were changed into their pyjamas, would
10 either stay in their dormitories or go into that room
11 and have a chat.
- 12 Q. Into your room?
- 13 A. Yes.
- 14 Q. And then how many boys would you have in your room on an
15 ongoing basis?
- 16 A. You're talking about free time, after showers, between
17 showers and lights out? As many as -- well, there was
18 never any sort of register taken, they just moved round
19 like any ordinary boarders, I suppose.
- 20 Q. Did boys sleep in your room?
- 21 A. Boys slept on the floor and that was a practice started
22 by [REDACTED] LNA [REDACTED] who had a boy who was a -- I was told
23 this boy sometimes comes in, afraid of the dark, and
24 sleeps on the floor. So when I was there, the door --
25 I had the door open and after five or six weeks I just

- 1 took the lock off completely.
- 2 Q. Just going back to the Brother [LNA] practice, are you
- 3 saying this practice began because there was a boy,
- 4 a single boy, who was afraid of the dark and would sleep
- 5 in Brother [LNA]'s room?
- 6 A. I remember he slept on the floor of the room.
- 7 I remember the expression "afearred of the dark", which
- 8 was in reference to this student.
- 9 Q. Does that mean that when that practice began, according
- 10 to your information, you'd have Brother [LNA] and this
- 11 other boy sleeping in the room?
- 12 A. The boy would be sleeping on the floor of the room if on
- 13 whatever occasion it was he was afearred of the dark. So
- 14 it was available to him.
- 15 Q. And you were aware of this practice, were you, before
- 16 you took over the junior boys?
- 17 A. Just prior to me taking over, yes.
- 18 Q. Just prior to taking over?
- 19 A. Yes.
- 20 Q. How did you become aware of this particular practice?
- 21 A. I was told about it.
- 22 Q. By whom?
- 23 A. By [LNA]
- 24 Q. Did you consider it to be appropriate for a brother to
- 25 be alone in a room with a boy?

- 1 A. I never gave it a thought, really. I just thought that
2 was what they did.
- 3 Q. Do you recollect if there was a provision in the
4 constitutions of the Christian Brothers advising against
5 such a practice?
- 6 A. I wasn't aware of that, no.
- 7 Q. In your training as a Christian Brother, would you have
8 had regard to the rules and the regulations and
9 constitutions of the order?
- 10 A. I'm sure if somebody had said to me that there should
11 not be any student in the same room as a brother at
12 night-time, I would have been aware of that, but
13 I wasn't aware of that.
- 14 Q. So if I look at CBR.001.001.0668, I'm looking at "The
15 Constitutions of the Brothers of the Christian Schools
16 of Ireland", and this is the version from 1962. I think
17 you have a copy in front of you, Paul; is that correct?
- 18 A. I have, yes. Thank you.
- 19 Q. If we turn to page CBR.001.001.0680, do you recognise
20 this document?
- 21 A. I recognise the outside of it, but I wouldn't say I was
22 a great student of it.
- 23 Q. Well, as a Christian Brother, were you not obliged to be
24 aware of its contents?
- 25 A. I would say that we were aware of some of its contents,

1 but not every article of it.

2 Q. If we look at Article 85 -- and I'll read this because
3 we can't put it on the screen:

4 "Whilst the brothers should cherish an affection for
5 all their pupils, especially the poor, they are
6 forbidden to manifest a particular friendship for any of
7 them. They must not fondle their pupils and, unless
8 duty and necessity should require it, a brother must
9 never be alone with a pupil."

10 Were you aware of that provision?

11 A. No, I was not aware of that provision.

12 Q. Were there times, once you started the practice of
13 having boys in your room, when you were alone with a boy
14 in your room?

15 A. I don't recall ever being one to one. It could just ...
16 When do you mean, do you mean before lights out or ...?

17 Q. In the evenings, either before or after lights out.

18 A. Right. Before lights out, we're talking between
19 9 o'clock and 10 o'clock in the evening. In that time,
20 the boys would have a shower, be supervised, they might
21 come out and it might only be about 20/25 minutes before
22 lights were out. Normally, there would be more than one
23 boy in the room. It was like a common room.

24 Q. And after lights out?

25 A. After lights out, if boys wanted to sleep on the floor

1 of the room, they slept on the floor of the room.

2 Q. Was there a particular boy who slept there most nights?

3 A. Not to my knowledge, no. I didn't take note.

4 Q. Do you remember a boy with the first name of **MBH**

5 A. Right.

6 Q. Do you remember **MBH**

7 A. I do indeed, yes.

8 Q. It has been suggested that he was a particular favourite

9 of yours. Was that the case?

10 A. I don't think he was a particular favourite. I think

11 I tried to get on with most people and perhaps ...

12 Q. Could there be a perception that he was a particular

13 favourite?

14 A. There could have been a perception by certain students,

15 yes.

16 Q. Why would such a perception be there?

17 A. Because I got on well with him.

18 Q. And were you with him in his company on a regular basis?

19 A. Well, he was a student at the school, so ... I would be

20 involved with him as I would be involved in any other

21 student, like any other student.

22 Q. And as far as **MBH** would be concerned, would he be

23 sleeping in your room most nights?

24 A. No, no. He was only on the junior side, if I may say

25 so, for a short time, then he would go to the senior

1 side because of age.

2 Q. So if I put to you what Jack said in his evidence --
3 you'll see who Jack is from the key -- this is at
4 TRN.001.006.0842. He's being asked about boys in your
5 room and what he says at line 15 is:

6 "Answer: I know that boys were sleeping in his room
7 overnight.

8 "Question: How did you know that?

9 "Answer: I know one particular boy slept there most
10 nights."

11 And I think that's a reference to **MBH**. You don't
12 seem to accept that **MBH** slept in the room most nights.

13 A. No.

14 Q. Were there occasions when **MBH** was the only boy in your
15 room sleeping overnight?

16 A. No, no.

17 Q. You say that never happened?

18 A. There was never an occasion that I recall that a student
19 called **MBH** slept on the floor of my room by himself.

20 Q. What about any other boy? Can you remember if any other
21 boy slept --

22 A. No, there was generally a number of boys slept on the
23 floor.

24 Q. There has been a suggestion that you kept cough mixture
25 in your room and that boys would be given cough medicine

1 on occasions. Did that happen?

2 A. My apologies for my reaction. Obviously I read the
3 statement. I can only recall or try to recall that the
4 matron, the first matron who was there, was not a
5 resident matron. The second matron, whose name ...
6 I can't remember the name. Anyway, the second matron
7 had a room, but obviously if a boy was coughing late at
8 night or at bedtime, to me it was obvious just to have
9 a bottle. I'm absolutely certain there was no pint-size
10 bottle of cough mixture available. It would only be the
11 odd occasion with a boy coughing, who was disturbing
12 other students, I would say, "Here, have some cough
13 mixture".

14 Q. So do I take it from that answer that you did keep
15 a bottle of cough mixture in your room?

16 A. On the odd occasion -- I wouldn't have kept --
17 I mean ... All I remember when I went to the chemist
18 was I normally got this shampoo. I don't recall getting
19 regular bottles of cough mixture.

20 Q. Just so I can understand the position, are you saying
21 that you did, at least on occasions, have a bottle of
22 cough mixture in your room that you'd be able to give to
23 the boys?

24 A. I think being a parent, if I may say so, we had bottles
25 of cough mixture available in case the child or children

1 started coughing late at night. To me that was trying
2 to be helpful.

3 Q. You've mentioned, and I think you accepted, there could
4 have been a perception that a particular boy was
5 a favourite boy. Could it have been a perception that
6 there were other boys that, as it were, could be said to
7 have been in your group of boys?

8 A. I don't like that term, "in my group". I don't --
9 I always tried to treat people equally. But as you'll
10 probably know, you get on with some people better than
11 others, and others might classify that group you get on
12 with as your favourites or other terms.

13 Q. What about Brother Farrell, who became the headmaster,
14 I think, during your time at St Ninian's? Did you see
15 if he had a particular group of favourite boys that
16 would be with him?

17 A. No, no, no. As I keep on saying, you know, as in this
18 place, I'm sure, and round this table, the colleagues
19 they work with, they get on better with some than with
20 others.

21 Q. At the outset, Paul, I did put to you that you were
22 convicted of a number of charges involving what can be
23 called broadly sexual abuse --

24 A. Yes.

25 Q. -- on 22 July 2016. It's for that conviction that you

1 are now serving this sentence; is that right?

2 A. Mm. That is right, yes.

3 Q. You had faced an indictment, a charge sheet, that had
4 some 60-odd charges on it, possibly 64 charges, mainly
5 involving sexual matters, by over 35 people who made
6 complaints. Is that broadly accurate, that summary of
7 what the indictment contained?

8 A. Yes.

9 Q. It is the case, I think, that you were convicted of six
10 charges that involved the sexual abuse of boys at
11 St Ninian's; is that correct?

12 A. I was convicted, but I've always denied -- I've always
13 pleaded innocent on that.

14 Q. It's an established fact that you were convicted --

15 A. Yes, yes.

16 Q. -- and would you agree, Paul, that the charges on which
17 you were found guilty represented sexual abuse of
18 a particularly depraved kind?

19 A. Well, they weren't my words, the charges; they were the
20 words of these people making these allegations, and
21 I totally sort of reject what they said. But I can't
22 prevent them saying it.

23 Q. But just looking to the type of charges, were you
24 convicted of sexual abuse that involved a number of boys
25 involved in group sex acts together?

1 A. This was evidence of Max and evidence of the other
2 guy ... who's not here, another student. The evidence
3 given by Max would have been repudiated if there had
4 been an ex-pupil called to give evidence at the trial,
5 but he was not called.

6 Q. Sorry to interrupt, but I just want to establish the
7 facts. Is it a fact that you were convicted of sexual
8 abuse, if I can use that in a general way, that involved
9 a number of boys being involved in sex acts together?

10 A. Yes.

11 Q. Did the convictions also include sexual abuse that
12 involved children being compelled to perform sex acts on
13 other children?

14 A. That is what was said at the trial. But again, I deny
15 that.

16 LADY SMITH: Do you recall the trial judge describing the
17 charges of which you were convicted as being "grossly
18 corrupt" when he sentenced you?

19 A. Was that at the sentencing, my Lady?

20 LADY SMITH: Yes.

21 A. Yes, but if I recall correctly, he did not say such
22 words during the summing-up.

23 LADY SMITH: Do you accept that to engage with children in
24 mutual masturbation, oral and anal penetration, and
25 encourage other children to carry out similar actions

1 would properly be open to being described as grossly
2 corrupt?

3 A. Absolutely.

4 LADY SMITH: Thank you.

5 A. I again state that I did not do these acts.

6 MR MacAULAY: You mentioned, Max. I don't intend to look at
7 what evidence Max gave at the trial, but I do want to
8 focus on a particular issue that he raised with the
9 inquiry. You'll see from the key who Max is.

10 If I could look at the transcript -- again, I'll
11 have to read this to you, Paul, because we can't put it
12 on the screen. This is at TRN.001.006.0916.

13 This is Max telling the inquiry in his evidence
14 about his first night or day at St Ninian's, and that
15 would have been in █████ 1981. He was asked -- after his
16 social worker had left, he was asked to take a shower.

17 He was asked:

18 "Question: Who told you to take the shower?

19 "Answer: I think it was Brother Farrell or
20 Brother Kelly."

21 So he couldn't identify whether it was you or
22 Brother Farrell.

23 He then said that he went to the shower area, which
24 was in that dormitory area, and he's then asked:

25 "Question: What happened?

1 "Answer: I had stripped off in the shower. I was
2 washing my hair and I heard a door open and then there
3 was a group of boys came in. I couldn't see anything
4 and they started touching me on my body.

5 "Question: How many boys came in?

6 "Answer: About four or five at least."

7 And he goes on to describe the fact that the boys
8 were touching his private parts and indeed "inserting
9 a finger up his rectum and stuff" is how he described
10 it.

11 He then said:

12 "Answer: No, I remember at one point one of the
13 staff came in, I don't know who it was, and shouted
14 something. The boys ran out, and then -- I think it was
15 Kelly -- asked me, 'What happened?'"

16 So there, although he's not 100% clear, he's
17 suggesting there was an incident and that you, as it
18 were, interrupted the incident. Does this mean anything
19 to you at all?

20 A. It means nothing to me because it never happened. The
21 situation is that the dormitories were only opened at
22 9 o'clock at night. Students did not get access to
23 showers during the day. I don't understand why a new
24 student would be told to have a shower. Sorry, that's
25 my comment.

1 Q. Max goes on to mention other matters in his evidence to
2 the inquiry. If I can move on to TRN.001.006.0927.

3 This is at line 20 where he says:

4 "Answer: There was Kelly's group and Farrell's
5 group, basically."

6 And I think you are not happy with that terminology
7 of there being groups of boys associated with particular
8 individuals?

9 A. With all due respect, you're presuming that this Max is
10 telling the truth; I know he's not.

11 Q. So you disagree with his characterisation then of there
12 being those two groups?

13 A. Yes.

14 Q. He's asked:

15 "Question: And were you in Farrell's group at this
16 time?"

17 "Answer: Yes.

18 "Question: So let's just look at the group. How
19 many boys were in the group?

20 "Answer: Six or seven or eight, I can't remember
21 exactly.

22 "Question: How many would go to Brother Farrell's
23 room?

24 "Answer: About seven or eight of us."

25 Were you aware of boys also going to

1 Brother Farrell's room?

2 A. No, that ... I don't think that was -- well, I know
3 that was not true because during their free time the
4 main rules we had or I followed was that I wanted to
5 know where everybody was, the students, at that time, so
6 if they were in the television room or they were
7 outside, so we could count them and know they were
8 there. I don't recall any incident of an individual or
9 group being -- that I was being told that was upstairs
10 in John Farrell's room.

11 Q. At this time, was John Farrell involved with the senior
12 boys?

13 A. Could you explain what you mean by that, please?
14 Because he was the headmaster.

15 Q. Yes, but was he also -- did he sleep in the senior boys'
16 area when you --

17 A. No. John Farrell was headmaster. He had a room in the
18 main building upstairs on the first floor -- I think on
19 the same level as the classroom areas.

20 Q. That's above the main floor then?

21 A. Where you had the main staircase.

22 Q. You go up the stairs?

23 A. Yes.

24 Q. So far as Max is concerned, in relation to dealings with
25 yourself, Paul, he is asked at 0931:

1 "Question: But in relation to your own dealings
2 with Brother Kelly, what sort of dealings did you have
3 with him?

4 "Answer: He slapped me on the head and called me,
5 shouted my name, and I had to go over to him, and he
6 would touch me and stuff."

7 And then he is asked:

8 "Question: When you say he would touch you and
9 stuff --

10 "Answer: Touch my privates, basically. Just grab a
11 hold of them and just -- you know, yes, he was quite
12 nasty to me.

13 "Question: How often did this happen?

14 "Answer: Quite a lot. I could be walking along the
15 hall or something, going somewhere, and he'd just shout
16 my name and you knew if you didn't go, there would be
17 trouble."

18 Does that ring any bells with you, Paul?

19 A. None at all.

20 Q. Did anything of that kind happen?

21 A. Did I call out his name?

22 Q. And touch his privates?

23 A. Never. That would not happen.

24 Q. Did you have a nickname when you were at St Ninian's?

25 A. I did indeed, yes.

1 Q. What was it?

2 A. It was Snoopy.

3 Q. Do you know why that name was the one you were given?

4 A. I know why.

5 Q. Why?

6 A. Okay. So we were on the coach coming back from Glasgow,
7 the first few weeks, and the boys stopped, we stopped --
8 it might have been the village shop. We didn't stop
9 there again. But the boys went in to buy some stuff and
10 I was sent in to keep an eye on the students as they
11 bought various things. And one of them just said, "Why
12 are you snooping around?" so Snoopy, eventually.

13 Q. I've already asked you about the showering practices.
14 I think you did tell me that you would be present at
15 least to hand out shampoo when boys were showering;
16 is that the position?

17 A. The boys showered and when the juniors had finished or
18 when my juniors had finished, I finished being in the
19 shower room.

20 Q. Were there boys who wet the bed?

21 A. Yes, there were boys who wet the bed.

22 Q. And can you tell us what the practices were then for
23 boys who wet the bed?

24 A. All I recall is that in the mornings, they would take
25 their sheets down to Mrs Hutton, the laundry lady. They

1 would take those sheets down and they'd be replaced.

2 Q. Would they require to shower in the morning?

3 A. They were into that habit of showering, I think, yes.

4 Q. I want to put to you what Alexander Shannon, who is
5 number five on the list -- he doesn't have
6 a pseudonym -- said in his evidence about the showering
7 practices. Do you remember this particular boy?

8 A. I do, yes.

9 Q. This is in his transcript at TRN.001.006.0754. He's
10 talking about the showering area and he was asked:

11 "Question: When you were describing this as
12 a communal shower, can you just explain the arrangement
13 then?

14 "Answer: With a communal shower, when you open the
15 door to the left you've got shower blocks, which
16 I assume -- five in a row on the back wall, and toilets
17 to the right.

18 "Question: Would the boys be visible to each other?

19 "Answer: Yes.

20 "Question: You mentioned the brothers: would there
21 be brothers present at the showers?

22 "Answer: Yes.

23 "Question: Who would be there?

24 "Answer: Brothers Kelly, Farrell and LNA

25 "Question: Can you help me? Would they be there

1 together or would there be times --

2 "Answer: It would be mixed.

3 "Question: Where was --

4 "Answer: I don't know what the rota was.

5 "Question: What were they doing there?

6 "Answer: As I say, standing, making sure we were
7 all getting in and out as quickly as possible. The
8 bed-wetters in the first 15 minutes, making sure we got
9 washed -- washed properly as they would call it -- and
10 soaped and suchlike."

11 He's asked the question:

12 "Question: This arrangement of brothers, as it
13 were, supervising the showers, how did you find that
14 at the time?"

15 "Answer: Uncomfortable."

16 Were there occasions when there were a number of
17 brothers, including yourself, as it were, supervising
18 the showering of boys?

19 A. I only recall going in when [REDACTED] LNA was -- just to
20 see the routine, you know, what the boys did with the
21 towels and how they got their shampoo. I don't recall
22 other times being, you know ...

23 Q. He, I think, also mentions -- he gives evidence that
24 there were favourite boys, both for yourself and for
25 Brother Farrell, but you don't really accept that,

1 I think, is your position?

2 A. I'm trying to explain that the word "favourite" has lots
3 of different meanings. All I'm saying to you is that in
4 any situation, you try to get on with people and you get
5 on with some people better than others.

6 Q. Can I also mention evidence that has been taken from the
7 person mentioned as Edward. He's number 8 on your list.
8 He, I think, gave evidence at your trial; is that
9 correct?

10 A. That is correct. He gave evidence by video link.

11 Q. And he has since died, I think, is the position.

12 A. Oh, sorry?

13 Q. I'm sorry?

14 A. **MNC**

15 Q. You shouldn't give us the name.

16 LADY SMITH: Please don't give us the name, Paul.

17 A. Sorry, my apologies. I do apologise.

18 MR MacAULAY: I just want to put to you some evidence that
19 he has given, he has made available. This is his
20 transcript at TRN.001.006.0975.

21 He gives a description of the school at line 13 and
22 he said:

23 "The school was brutal. If you stepped out of line,
24 you were fucked. From day 1, I was known as an
25 absconder and boasted about it."

1 Just looking at that description, and I've already
2 asked you about the atmosphere at the school, how does
3 that fit in?

4 A. My apologies for before. Edward, as on this list, when
5 I gave a description of Edward, I said he was always
6 happy, always smiling.

7 Q. But do I take it you are challenging this particular
8 description of the school being --

9 A. Absolutely. Oh, absolutely, 100%.

10 Q. He was the complainer on two of the serious charges on
11 which you were convicted.

12 A. Yes.

13 Q. That's right, isn't it?

14 A. Yes.

15 Q. And if I can just read on at that same page, 0975 at
16 line 21, he says:

17 "I remember Snoopy giving me a kicking on the rugby
18 pitch. I remember the scrum collapsed and I hurt my
19 neck."

20 Just stopping there, does that trigger any
21 recollection for you?

22 A. No, I beg your pardon -- well, obviously, if we were
23 playing rugby, we were on the rugby pitch, and if I was
24 involved I would have been there. But as for a neck
25 injury, I don't recall that.

1 Q. He goes on to say:

2 "I refused to play on and Snoopy kicked and punched
3 me all over the pitch and then up to the changing rooms.
4 He gave me a right doing."

5 And moving on to 0976:

6 "I wasn't the first or the last, believe me. At
7 that time I had a bubble on my eye and I went to the
8 nurse woman. Snoopy told her it was at rugby. That was
9 rubbish: he hit me off the sinks in the changing room.
10 Getting kicked and punched and slapped was regular."

11 Did that happen?

12 A. No, it did not happen. May I say that Edward, in his
13 evidence, described me as 6 foot 5 with dark hairy arms
14 and huge hands, which I do not have. In fact, Edward
15 would have been on the senior side all the time he was
16 there. I just thought he was a very cheerful, very
17 happy young man, and the incident did not take place as
18 he described it.

19 Q. He goes on to say in the same page, 0976, at line 12:

20 "Snoopy had a favourite boy and this boy gave out
21 a lot of kickings for Snoopy."

22 A. Oh, no, no, no.

23 Q. You can see here there is a pattern of boys who had been
24 at the school at least having this perception that there
25 was a particular boy who was your favourite boy.

- 1 A. You've said it on a few occasions, but you don't
2 actually state it's the same student.
- 3 Q. I'm sorry, do you mean by that it could be -- it's not
4 the person we've referred to as **MBH** but somebody
5 different?
- 6 A. I don't know who they're referring to, sir.
- 7 LADY SMITH: Paul, I think you've accepted that it could
8 have been the perception of others that you had
9 a favourite or favourites.
- 10 A. Well, I'm what I'm trying to get through, my Lady, is
11 I've tried to get on with everybody --
- 12 LADY SMITH: Just a minute, Paul. You've said that a number
13 of times, but I do see from the transcript that you have
14 also accepted that other people might have had
15 a perception, which you say wasn't right, but from the
16 way things were, other people could have perceived that
17 you had a favourite or a favourite group of boys. Isn't
18 that right?
- 19 A. I would try not to have favourites, but I do accept that
20 other people might have had this perception.
- 21 LADY SMITH: Thank you.
- 22 A. Thank you, my Lady.
- 23 MR MacAULAY: If we look at the evidence of Alan again,
24 that's number 2 on the list, he describes an incident
25 involving yourself, and I'll read the transcript to you.

1 It's TRN.001.006.0716. At line 3, this begins with an
2 incident that began in Brother Brown's room when he was
3 listening to music. He says at line 15:

4 "Answer: Another boy, he came in and punched me in
5 the face because I wouldn't turn the music off, but he
6 hung about with Brother Kelly in his room and all of
7 a sudden he came in that night and tried to demand the
8 run of Brother Brown's room."

9 And I think you'd taken over Brother Brown's room by
10 this time, so it was actually your room.

11 A. My apologies for interrupting you there. Brother Brown
12 took over on the senior side, so if you look back at the
13 diagram, the third room, that would have been his room,
14 because he would have been senior housemaster. I would
15 not have taken over from Brother Brown.

16 Q. Okay. That may be my misunderstanding. He is then
17 asked at 0717, line 2:

18 "Question: Did Brother Kelly become involved in
19 this?

20 "Answer: A few minutes later he became involved and
21 he dragged me out of the room."

22 Do you remember any sort of incident of this kind
23 happening?

24 A. Right. If I recall correctly, sir, the statement I read
25 by Alan involved him throwing a stool at somebody, and

1 Brother Brown's room was mentioned, so it was in the
2 corridor of the dormitories, but I don't recall ... The
3 main thing would be to make sure they're separate or
4 separated if I was in that area.

5 Q. He goes on to say on 0717 at line 13 that:

6 "Answer: [You] pinned [him] against the wall and
7 punched [him] in the stomach a couple of times and on
8 the head. This is when he whacked me with this part of
9 his hand."

10 And he points to the palm of his hand. Did that
11 happen?

12 A. No, I don't recall that happening.

13 Q. Well, could it have happened?

14 A. I'm not that type of person. I don't do that. I would
15 separate people because ... I still find it difficult
16 to understand what incident you are talking about.

17 Q. Is it possible that there was an incident where you
18 pinned Alan against the wall, punched him in the stomach
19 a couple of times, and on the head?

20 A. No, I would never punch ...

21 Q. Would you have forgotten that incident if it had
22 happened?

23 A. With all due respect, sir, I don't punch students in the
24 stomach or head. That's with all due respect.

25 MR MacAULAY: My Lady, that might be a useful time to have

1 a short break.

2 LADY SMITH: Paul, we normally take a break at about this
3 time in the morning. So if it's all right with you,
4 we'll rise now for about 15 minutes and then I'll sit
5 again.

6 A. I'm not going to object, my Lady.

7 LADY SMITH: Thank you.

8 (11.29 am)

9 (A short break)

10 (11.45 am)

11 LADY SMITH: I don't know if you can see me, Paul. I say
12 welcome back; we're just waiting for our screen to come
13 into sharper focus.

14 A. I can see you, my Lady, yes.

15 LADY SMITH: Are you seeing a clearly focused picture at
16 your end?

17 A. As best I can, my Lady, yes.

18 LADY SMITH: Is it any different from the picture you had
19 before?

20 A. No, it's fine.

21 MR MacAULAY: Our picture is a bit more blurred.

22 LADY SMITH: We have a more blurred picture at the moment,
23 which must be something at your end, I suppose.

24 (Pause)

25 This won't do. I need to be able to see you to

1 fact, this PE teacher. He gave evidence recently and
2 I'll read out to you what he said from his transcript.
3 This is at TRN.001.006.1330. He's asked the question at
4 line 11:

5 "Question: You tell us about an incident in
6 paragraph 80 of your statement involving Brother Kelly
7 where you had a conversation with him. This is
8 prompted, I think, by Brother Kelly who kept on yawning,
9 I think you tell us.

10 "Answer: Yes.

11 "Question: What was the conversation you had with
12 him?

13 "Answer: I said -- I need to paraphrase it here,
14 but something along the lines of, 'Paul, did you not get
15 any sleep last night?' and his reply was, 'You wouldn't
16 either if you had [and there's reference to MBH] in
17 your room all night'. I said, 'Paul, I don't think
18 that's a very appropriate thing to happen', and he
19 didn't reply and we just moved on."

20 And moving on to the next page at 1331, he says at
21 line 5:

22 "Answer: Right, I knew the boy, and the boy seemed
23 to have -- he seemed to be the teacher's pet.

24 "Question: Which teacher?

25 "Answer: Brother Kelly."

1 And he goes on to say he didn't talk about it any
2 more.

3 First of all, do you remember such a conversation?

4 A. I don't remember such a conversation, no.

5 Q. But this teacher seemed to have the perception that this
6 particular boy was the teacher's pet, and again that
7 suggests that there was a close association between
8 yourself and a particular boy.

9 A. As I said before, I tried to get on with everybody.

10 I don't like the term "teacher's pet". I've never
11 applied that to anybody I've ever taught or anybody in
12 the schools where I've taught to other teachers.

13 Q. Well, you have told us -- and you don't dispute this in
14 any way -- that you did have boys in your room sleeping
15 overnight; is that correct?

16 A. There were boys on the floor from time to time. They
17 chose whether they slept on the floor or not.

18 Q. But the answer to my question then is, "Yes, there were
19 boys who slept overnight in your room"?

20 A. I'm making it clear to people that they slept on the
21 floor of the room. That's all I'm saying.

22 Q. But they were there overnight?

23 A. Yes, yes, yes.

24 Q. Why was that?

25 A. Again, we go back to LNA practice of having

1 a sort of open room for the students, and to me, the
2 boys were on the floor, they slept on the floor. It
3 didn't really impact upon my life.

4 Q. They had reasonably comfortable beds to go to; is that
5 right?

6 A. I have never slept in their beds, so I ... They had,
7 I think it was a base of wood on which there was
8 a mattress and then they had a duvet.

9 Q. What did they have in your room?

10 A. Just the carpet. That was it. Hard carpet. It wasn't
11 very comfortable, I would suggest.

12 Q. How many boys would you have on a regular basis?

13 A. Again, I don't think there was a specific number on
14 a regular basis. People just slept on the floor if they
15 wanted to sleep on the floor.

16 Q. Can you give me some idea as to how many there might be
17 on a given occasion?

18 A. On a given occasion, four, five, four or five.

19 Q. Was the boy **MBH** a regular attender?

20 A. Not in my recollection, no, because it was too
21 uncomfortable.

22 Q. You've mentioned Brother **LNA** practice, but as
23 I understood it from what you said before,
24 Brother **LNA** practice was in particular directed
25 towards a boy who was afraid of the dark.

- 1 A. That's my recollection, yes.
- 2 Q. And that was his basis for at least having that
3 particular boy in his room; is that your understanding?
- 4 A. Sleeping on the floor, yes.
- 5 Q. But what was your basis? Why did you have four or five,
6 or whatever number it may have been, boys sleeping on
7 your floor?
- 8 A. I thought I was being helpful. It didn't bother me
9 because all I did was sleep in the bed and that was it.
10 As long as they were behaved, they were allowed to stay
11 on the floor of the room.
- 12 Q. Was this a practice that was ongoing throughout your
13 whole time at St Ninian's?
- 14 A. As I said in my original statement to the police in
15 2014, the boys were sleeping on the floor of the room
16 all the time I was there, basically, in that room.
- 17 Q. Can I go back to some of the other evidence, that's been
18 given to the inquiry and look at evidence given by Alan.
19 If you go back to your key, you'll see who I'm referring
20 to.
- 21 A. I do, yes.
- 22 Q. This is at the transcript at TRN.001.006.0891. At
23 line 6, he says:
24 "Within a week or two of arriving at St Ninian's,
25 I was taken to a room. I think it was Brother **LNA** s

1 room. I was just dressed in my pyjamas. There were
2 other children in the room. Brother LNA had one hand
3 on my knee and was fondling me with the other hand.
4 I was very young. I didn't realise what he was doing.
5 He would do this every couple of weeks."

6 Are you aware that there are allegations being made
7 against Brother LNA as well in connection with sexual
8 abuse?

9 A. I was aware that certain boys had made allegations
10 against LNA yes. I wasn't aware at the time of
11 those allegations.

12 Q. Okay. He goes on to say at line 13:

13 "When Brother Kelly moved into the room after
14 Brother LNA moved to another room, the fondling
15 happened again."

16 Is it correct to say that you did move into
17 Brother LNA's room?

18 A. Yes. That was the junior housemaster's room.

19 Q. He goes on to say:

20 "This time Brother Kelly was fondling me. I don't
21 recall Brother LNA and Brother Kelly ever being in the
22 room at the same time. When I say fondling, I mean that
23 Brother Kelly was touching my private parts under my
24 pyjamas. I can't recall if he would touch himself while
25 doing this. Brother Kelly did this to me every couple

1 of weeks and it went on for maybe a year."

2 So he is making that allegation against you once you
3 took over Brother **LNA**'s room. Did that happen?

4 A. That did not happen.

5 Q. I now want to put to you something else that was said in
6 evidence by Max. This is in the transcript at
7 TRN.001.006.0944. This is at the top of the page. Just
8 before the school was closed down, he said this is what
9 happened:

10 "Question: You also say that just before the school
11 closed down, you were taken to see Brother Farrell and
12 Brother Kelly. Were you taken to see them on your own?

13 "Answer: You were told to go and see them in the
14 office.

15 "Question: Was that on your own, was it?

16 "Answer: Yes.

17 "Question: Who was in the office when you went to
18 see Kelly and Farrell? Were they both there?

19 "Answer: Yes."

20 "Question: What happened on this occasion?

21 "Answer: They told us if we ever spoke about what
22 happened in the school, our families would be in trouble
23 because they had the backing of the Catholic Church to
24 back them up and if we ever spoke about it, our families
25 would be in danger, so I never spoke about it.

1 "Question: What were they talking about?

2 "Answer: Everything.

3 "Question: What did you understand?

4 "Answer: All the sexual abuse, all the sex acts,
5 all the beatings."

6 Did that happen?

7 A. No, it did not happen, no.

8 Q. That's pure invention on his part, is it?

9 A. Well, if you read his social work reports, the reason
10 he was sent to St Ninian's was he was described by the
11 social worker as a fantasist and in fact he punched
12 a teacher in the face as a result of which he was sent
13 to St Ninian's.

14 Q. So I take it from that answer that you're saying that
15 really is invention on his part?

16 A. Absolutely because that did not happen the way he
17 described it.

18 Q. Can I leave that chapter aside then and just ask you
19 some questions about some other matters. In particular,
20 let's look at some other brothers. For example,
21 Brother Farrell became the headteacher during your time
22 there; is that right?

23 A. That is correct, yes.

24 Q. And how did you find him?

25 A. He'd been in South Africa -- I hope there are no South

1 Africans present. He was a very organised and
2 disciplined man. I've been thinking about this lot.
3 Discipline in the school basically comes from the top
4 and he continued the same sort of atmosphere in the
5 school that was there with [REDACTED] LNA [REDACTED]. So the students
6 knew it was a disciplined environment.

7 Q. In your statement, Paul, at paragraph 133, you describe
8 him in this way:

9 "Brother Farrell was a hot-headed South African."

10 A. Yes.

11 Q. What do you mean by that?

12 A. As it says -- I mean, I think he could lose his cool at
13 times. That's how I remembered him. I can't explain it
14 any further, sorry.

15 Q. What would happen if he lost his cool, as you've put it?

16 A. Shouting, shouting -- excuse me for shouting.

17 Q. At boys?

18 A. At situations, yes, situations, yes.

19 Q. In relation to, I think, the other brother you mentioned
20 earlier, Brother [REDACTED] MBS [REDACTED] did you have much to do with
21 Brother [REDACTED] MBS [REDACTED]?

22 A. He took over from Harry Harrington as [REDACTED] and my
23 impression of himself was that he wasn't really
24 interested too much in the school. I think it's very
25 difficult, if I may say so, for people who are brought

1 up in a situation where they have been teaching in
2 grammar schools, then they're sent to teach in a school
3 like St Ninian's. Just classroom discipline and
4 respect, they're just not there.

5 Q. You say his nickname at the school was [REDACTED] MBS ;
6 that's at paragraph 136.

7 A. Yes.

8 Q. Why was he given that nickname?

9 A. The boys gave him that nickname because, according to
10 the boys, if he was writing on the board sometimes, his
11 hand would shake, and this could have been as a result
12 of perhaps drink.

13 Q. Was he known to drink?

14 A. Normally of an evening, people would have a drink, and
15 he, being Irish, liked a whiskey.

16 Q. When boys came to leave St Ninian's, what you say in
17 your statement is:

18 "So far as [you] could say, there was really nothing
19 done to assist boys moving on from St Ninian's."

20 That's at paragraph 145.

21 A. I've said there was really nothing done for boys moving
22 on. No sort of party, but I think if they reached 15 or
23 16, they would have had work experience. That sort of
24 helped them to a certain extent. But normally -- not
25 normally, but sometimes the boys would arrive at the

1 school at 12 and leave and 13, so they'd go home at the
2 weekend or summer and, after review, they'd stay at home
3 and attend a secondary school. There was no celebration
4 or anything like that for them.

5 Q. Either in your capacity as a teacher or as
6 a housemaster, did you keep any records for the boys?

7 A. No. No records, no.

8 Q. Were you given any instruction in relation to the
9 keeping of records?

10 A. No.

11 Q. Do you know what records were kept, if any?

12 A. I know which records were kept. Obviously we had
13 **MBV** who would list the boys that were there. We
14 had Pauline Feeney, who was the social worker who worked
15 in Glasgow -- I didn't mention her, Pauline died in 1983
16 of cancer. But she sort of vetted the children before
17 they came to us and hopefully would send very, very
18 difficult children other places.

19 Q. In the final section of your statement, this is the
20 second last page at 6533, it's under the heading
21 "Helping the Inquiry", what you say at paragraph 157
22 is that you don't know why these people have said these
23 things, and that's the things they've said about you;
24 is that what you're saying there?

25 A. Yes. I don't know why they've said these things.

1 Q. You go on to say -- and I think you've written this in
2 your own handwriting, actually:

3 "I feel that some people have to keep up the
4 pretence."

5 A. Right, yes.

6 Q. Can you explain what you mean by that?

7 A. Well, from my point of view, these incidents did not
8 happen, but from the point of view of some ex-pupils,
9 it is pretence, and therefore they must maintain their
10 story. That's what I meant by that.

11 Q. As I think we discussed earlier, in relation to all the
12 charges against you, there were some 38, I think, or
13 thereabouts complainers making complaints about you.

14 A. Yes.

15 Q. You also say at paragraph 159:

16 "Some people might want revenge about their time in
17 care and the best way to get that is to make allegations
18 against the staff."

19 A. Yes.

20 Q. Is that --

21 A. That is my feeling and thinking, yes, because obviously,
22 you know, perhaps now they've grown out of being in
23 care, and it wasn't -- I don't think it was a very nice
24 thing to be classified as being "in care".

25 Q. So is it your position then, just so I can be clear,

1 that you really see this as a mission of revenge by all
2 these children that had some dealings with you when you
3 were at St Ninian's?

4 A. If I may say so, of these children, you know, that
5 the Crown Prosecution Service and police put forward,
6 and their evidence, halfway through the trial half of
7 these charges and individuals were thrown out, and then
8 at the very end, all I can remember the QC saying is
9 that 14 (inaudible) to nothing, that would have left 14,
10 and of them the jury threw out 11.

11 If I may say now that the reason for my appeal
12 is that I don't think I was properly defended at the
13 trial. If you read transcripts of the trial, you'll
14 note that there are an awful lot of -- classified as
15 prosecution witnesses and very few defence witnesses, in
16 fact only two.

17 Q. Coming back to my question then, as I understand it your
18 position is that all these complainers who made all
19 these complaints, very serious complaints, were on some
20 sort of revenge mission because of the fact that
21 you were their teacher and housemaster at St Ninian's?
22 Is that your position?

23 A. My position is, as I've stated here, that some people --
24 some people, others have different reasons -- if you are
25 in an establishment like this one here, not a lot of the

1 time, but it was open to you, advice, counselling, have
2 you been abused, et cetera. So some people might take
3 it that they would like to say, well -- say these things
4 as an act of revenge. I'm saying some people.

5 MR MacAULAY: Very well, Paul. These are all the questions
6 I have for you and I think I've covered the questions
7 that have been put to me that would be relevant to you.
8 That's the end of your evidence. Thank you very much
9 indeed for engaging with the inquiry.

10 A. Thank you, sir. May I say something to the inquiry?
11 Is that allowed?

12 LADY SMITH: Yes. Just give me one moment, Paul. Let me
13 check if there are any outstanding applications for
14 questions of you. Everybody is shaking their head.
15 There are no more questions for you.

16 Tell me, what is it you want to say?

17 A. I will try and keep this short, my Lady, and thank you
18 very much for letting me speak. Please stop me any time
19 you feel I'm going too long.

20 I feel that with all the publicity, I think the
21 Christian Brothers have been given a very bad press.
22 I thank the gentleman, the QC, whose name I've
23 forgotten. It would have been nice if he'd talked about
24 the good things that happened in Falkland, like trips
25 away, skiing, to Wales, to Stoke.

1 LADY SMITH: Paul, we have heard evidence of the trips. We
2 know how wide-ranging they were. Thank you.

3 A. Okay, I do apologise. But from my point of view, as
4 a younger brother there, I honestly tried to just give
5 everything to the situation and very much influenced by,
6 at that time, the writings of Malcolm Muggeridge and
7 Mother Teresa where you just sort of give everything.
8 The idea of abuse has never been part of my life.

9 In fact, in the first investigation I informed the
10 social worker for the adoption group, Families for
11 Children, on the day before the adoption of these
12 allegations, and the adoption went through as normal.

13 My teaching role from 1993 to 2012 was as the head
14 of year, which is pastoral care. So I was there to look
15 after 140 schoolchildren each year. It should be in
16 your notes somewhere, my Lady.

17 LADY SMITH: Yes.

18 A. But I do apologise, I just feel that people
19 concentrate -- and rightly so if these things
20 happened -- but I know they didn't happen. My QC said
21 she knows I am innocent. So that's all I can say,
22 my Lady. I do apologise for taking your time.

23 LADY SMITH: Not at all. Thank you for that, Paul. And
24 thank you for engaging with the inquiry. We have your
25 detailed statement and you've covered in that statement

1 all the matters we wanted to cover with you and again
2 today, and thank you for doing so as carefully as
3 you have.

4 A. Thank you.

5 LADY SMITH: I'm now able to release you from the camera --
6 can I assure you I was able to see you clearly during
7 this last session -- and go about your day. Thank you.

8 A. Okay, thank you my Lady. I do apologise for not
9 standing up as well.

10 LADY SMITH: It's easier for the camera. I think I would
11 see a truncated version of you if you stood up from the
12 way the camera is angled.

13 I'm going to rise now so we can re-organise the
14 technology for the other ways of taking evidence.

15 (12.20 pm)

16 (A short break)

17 (12.25 pm)

18 LADY SMITH: Ms MacLeod, we have another witness ready, do
19 we?

20 MS MACLEOD: We do. The next witness will give evidence
21 using the pseudonym "John". I should say that
22 Mr Ross Gardner has leave to appear for this next
23 witness and that he is present here today.

24 LADY SMITH: Thank you.

25 MS MACLEOD: This is a witness who will probably require to

1 be warned.

2 LADY SMITH: Thank you very much.

3 "JOHN" (sworn)

4 LADY SMITH: John, please sit down and make yourself
5 comfortable.

6 If you can try to make sure you stay in a good
7 position for that microphone to pick up your voice,
8 John, that would be really helpful. We'll let you know
9 if there's a problem.

10 I'm going to hand over to Ms MacLeod, if you're
11 ready, and she will explain what the red file is for and
12 so on. Is that all right?

13 A. Yes.

14 LADY SMITH: Thank you. Ms MacLeod.

15 Questions from MS MacLEOD

16 MS MACLEOD: My Lady.

17 Good afternoon, John.

18 A. Good afternoon.

19 Q. I don't need your date of birth, but could you confirm
20 that you were born in 1938?

21 A. Yes, I was.

22 Q. And are you now 81 years old?

23 A. Yes.

24 Q. You've provided a statement for the inquiry and there's
25 a copy of it in the folder you have on the desk in front

1 of you. I'll give the reference for the transcript:
2 WIT.001.002.5626.

3 John, could you turn to the final page of the
4 statement? Have you signed the statement?

5 A. Yes, I have.

6 Q. In the final paragraph do you say:

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

9 A. Yes.

10 Q. And do you go on to say:

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

13 A. Yes.

14 Q. To begin, John, I'll ask you a little bit about your
15 educational background. You provide some of this for us
16 in your statement.

17 I think you tell us that you joined a
18 Christian Brothers grammar school when you were aged 12;
19 is that right?

20 A. Yes.

21 Q. And I think you say you then went on to the novitiate
22 after a number of years and did your A levels at that
23 time.

24 A. Yes.

25 Q. Did you then spend some time in Gibraltar before coming

1 back in 1960 to the UK?

2 A. Yes.

3 Q. And at that time, were you asked to go to St Ninian's in
4 Falkland?

5 A. Yes.

6 Q. Was that for a relatively short period of time at that
7 stage, around a month or so?

8 A. Yes, that's true.

9 Q. I think you tell us that that was to offer some relief
10 work to the staff there.

11 A. Yes.

12 LADY SMITH: John, just before you get into any of the
13 details of St Ninian's, there's something I want to
14 mention to you. You may remember you were told this
15 when you gave your statement.

16 It is that although this is a public inquiry and not
17 a court and it's not a trial, you have as much of
18 a right not to incriminate yourself here as you would in
19 a courtroom. It was explained to you at that time,
20 I think, that if you said anything about being involved
21 in the abuse of children, you could be asked questions
22 about it, but you wouldn't be obliged to answer those
23 questions. But if you did, your answers would be
24 recorded and could be used at a later date if required.

25 It's important that you understand exactly the same

1 applies here. You have the right not to incriminate
2 yourself, so that means you can decide not to answer any
3 questions about the abuse of children, but if you do
4 answer those questions, your evidence about anything
5 that you accept you did could be used at a later date
6 because it's being recorded and it's going into
7 a transcript of the evidence here. Do you understand
8 that?

9 A. Yes, I do.

10 LADY SMITH: Thank you.

11 MS MACLEOD: After spending that short period at St Ninian's
12 in 1960, John, did you then go on to Blackpool?

13 A. Yes, I did.

14 Q. And I think you tell us that at that stage you went,
15 after Blackpool, to Strawberry Hill in Twickenham?

16 A. Yes.

17 Q. Were you there between 1961 and 1965?

18 A. Yes.

19 Q. So would you be around, let's say, aged between 23 and
20 25 at that time?

21 A. Yes.

22 Q. Did you take your final vows?

23 A. Yes, in 1963.

24 Q. You tell us that you then spent five years at

25 [REDACTED] where you were a teacher and

1 looked after boarders; is that right?

2 A. Yes.

3 Q. Then you spent some years of your career abroad in

4 different places?

5 A. Yes.

6 Q. I think you say you spent some time in Africa, in Rome,

7 back in Liverpool, and then back to Liberia?

8 A. Yes.

9 Q. And then you tell us that in 1982 you were posted on

10 a more permanent basis to St Ninian's?

11 A. Yes.

12 Q. First of all, if I can look at the period you spent at

13 St Ninian's in 1960, when I think you would have been

14 around 22 years old.

15 A. Oh yes.

16 Q. Can you tell me how it came about that you went to

17 St Ninian's at that stage?

18 A. It was a custom for -- Gibraltar used to finish early

19 for holidays because of the Mediterranean heat. So

20 there were people available to do relief work if they

21 were needed in England or Scotland.

22 Q. What was your understanding at that time of what

23 St Ninian's was?

24 A. I didn't know much about it until I went there.

25 I thought it was a very suitable place for bringing

1 up -- a lot of the young people there were orphans
2 at the time and I thought it was the kind of work that
3 the brothers should be doing, rather than running posh
4 grammar schools.

5 Q. What was your role to be for that period at St Ninian's?

6 A. It was just to be part of the staff, looking after the
7 children. I can't remember that far back, whether there
8 was much schoolwork to do, because it was holiday time,
9 but it was to occupy the youngsters.

10 Q. Do you remember any of the brothers that were at
11 St Ninian's then?

12 A. Yes. There was -- do you want me to say their names?

13 Q. Yes, please.

14 A. There was a Brother **LNC** a Brother **MOA** who's
15 deceased now. I don't remember the others. I think
16 most of them have died since.

17 Q. I think you mention in your statement that Brother **MOA**
18 was the **██████████**.

19 A. That's right, yes.

20 Q. Someone else you mention is **BHB**.

21 A. Oh yes, yes. **BHB** was there in 1960 also.

22 Q. One thing you do say at paragraph 24 of your statement
23 is that you remember there was a lot of bed-wetting.

24 A. Yes, I do remember there was some bed-wetting taking
25 place, yes.

1 Q. What do you remember about that?

2 A. All I knew is that it did occur, and as far as
3 I remember, youngsters used to just bring their sheets
4 to the laundry to be washed. That was a vague
5 impression that I got.

6 Q. Do you remember seeing that happen or is it something
7 you were told at the time?

8 A. I really can't remember that clearly. I can't see that
9 there was any other way of doing it, you know, unless
10 the laundry lady went around and retrieved the sheets.
11 But I imagine the kids were asked to bring their sheets
12 because those who didn't wet the bed wouldn't need to be
13 washed.

14 Q. At that time in 1960, what was your impression of the
15 regime at St Ninian's?

16 A. It seemed to be quite a happy set-up. It was a case of
17 occupying them in a constructive way and plenty of games
18 and outdoor things.

19 Q. Did you have any concerns from that time you spent
20 there?

21 A. No, I didn't see anything bad. Only childish pranks and
22 things. I remember trying to use some clay to get the
23 kids to build little castles and somebody told me later
24 that they threw the clay around, which I was oblivious
25 of. That was the kind of light-hearted thing that

1 happened.

2 Q. I think you tell us at paragraph 25 that you volunteered

3 to go back a number of years later in 1965.

4 A. Yes.

5 Q. What was the outcome of that?

6 A. Well, I'd already been assigned to Plymouth and they

7 said, no, they couldn't change it.

8 Q. You then, if I can move on to the longer period you

9 spent at St Ninian's, I think you tell us that you went

10 to St Ninian's in 1982.

11 A. Yes.

12 Q. Were you there for around 18 months or so?

13 A. Yes, from [REDACTED] 1982 to [REDACTED] 1983 when the place was

14 closed down.

15 Q. Were you around age 44/45 then?

16 A. I'm trying to ... Could you say that again?

17 Q. Were you in your mid-40s?

18 A. Oh yes. I would have been, yes.

19 Q. I think you tell us at paragraph 26 that the main

20 building of St Ninian's was a Georgian mansion.

21 A. Yes.

22 Q. I might put a photograph on the screen for you. It's at

23 CFS.001.006.1186. Do you recognise that as St Ninian's?

24 A. Yes, that's the building, yes.

25 Q. You tell us that there was an annex next to the building

1 where the dormitories were.

2 A. Mm-hm.

3 Q. We'll come to look at that. Can I ask you which
4 brothers you can remember being in St Ninian's when you
5 arrived in 1982?

6 A. There was -- Brother **MHJ** was the or
7 . Brother Paul Kelly was the main person
8 looking after the children. There was an elderly
9 brother, **MBS** who was the

10 And there was an elderly brother, Keane, he was also
11 helping. He did a little bit of classwork and so on.
12 And then myself.

13 Q. What about the boys? What's your recollection of the
14 numbers of boys at that time?

15 A. I think there were about 40, maybe 44, I'm not too
16 certain. It varied because some came and some went, you
17 know; they weren't there for a whole calendar year.

18 Q. Something you mention in your statement is that the kids
19 were much tougher and streetwise than they had been when
20 you'd been there previously?

21 A. Yes. I found that -- that the ones that were there
22 in the 1960 were ... they looked much more juvenile and
23 I'd heard that their background was that they very often
24 had been in a convent's orphanage, so they were sort of
25 needing care, whereas the ones in the 80s were sort of

1 more tough and streetwise, if you like. They were quite
2 outspoken and not as ... they didn't seem as
3 appreciative of our care, somehow. They were a little
4 bit tough and rough, I would describe it, compared with
5 the ones in 1960.

6 Q. I'm going to put a plan of St Ninian's on the screen.
7 It's at CFS.001.006.8297.

8 If you take a few moments to get your bearings, you
9 might see the entrance hall marked on the plan.

10 A. Yes.

11 Q. Do you see the main hall marked?

12 A. Yes.

13 Q. And do you see where the entrance hall is, if you would
14 turn to your right, it takes you up to an area where
15 it's marked "courtyard"?

16 A. Yes.

17 Q. Is this plan ringing any bells? Do you recognise the
18 layout?

19 A. Yes. That's what I call the annex because it looked as
20 if it had been added on to the main house.

21 Q. Are you referring there to the part with the courtyard
22 and the rooms around the courtyard?

23 A. Yes.

24 Q. Where was your room when you were at St Ninian's in the
25 1980s?

- 1 A. I'm not sure which wing, but I see there's one near the
2 north-east corner.
- 3 Q. Was it in the dormitory area?
- 4 A. Oh yes. Yes, because we were looking after the children
5 during the night.
- 6 Q. So was it on the top row of dormitories as we're looking
7 at it or the bottom row?
- 8 A. I think it must have been the ... I'm trying to see ...
9 Yes, I think it must have been the top one, but I'm not
10 too sure.
- 11 Q. Do you know where on the top row?
- 12 A. I think maybe it was the bottom one, sorry about that.
13 I'm not sure whether it was the top or the bottom.
- 14 Q. Okay. Did you have a room somewhere in the dormitory
15 area during your period, your whole period at
16 St Ninian's in 1982 and 1983?
- 17 A. Yes. As far as I remember my bedroom was at the end and
18 then the dormitories went down beside.
- 19 Q. Did any other brother have a room in that area when you
20 were there?
- 21 A. No. Obviously, Brother Kelly must have had a room on
22 his side, on his wing, but I'm not sure which one, which
23 was which.
- 24 Q. So did you have a room on one side of the dormitory area
25 and Brother Kelly had a room on the other side?

1 A. Yes.

2 Q. What was your role in relation to the dormitory area?

3 A. Well, basically to make sure that the boys were there
4 for lights out and they were settled and then, after
5 lights out, one hoped that they would be quiet and
6 well-behaved during the night. I would go to my bedroom
7 and hopefully, if there was any hanky-panky, I would
8 hear it and be able to supervise. But I don't think --
9 in all the time I was there, in the one and a half years
10 I was there, there was only one occasion when I found
11 them with the lights on and messing about.

12 Q. We'll come to look at that.

13 As well as your role in the dormitory area, what was
14 your other role at the school? Did you have a teaching
15 role?

16 A. Yes, I did teaching: I think [REDACTED]

17 [REDACTED]

18 Q. What about sports and games? Did you have input into
19 that?

20 A. Yes, I took part in games as well.

21 Q. You've told me about the brothers that you remember
22 being there. Do you remember any lay teachers?

23 A. Yes. There was Mr [REDACTED] BHB. There was Mr [REDACTED] MKF
24 [REDACTED] MKF. Mr Brian Beith was [REDACTED] but he
25 came after Mr [REDACTED] MCG. Then Ethel Philip and -- who

1 else ... I think that was about it.

2 Q. Were there domestic staff, for example cleaning staff?

3 A. Yes, there were. There was a seamstress, Mrs Kilbane,
4 Penny Kilbane. There was a laundry lady and at least
5 one lady for cleaning, maybe two. Mrs Brown was in the
6 kitchen. And Penny's husband, Maurice, was the general
7 groundsman and maintenance man.

8 Q. Was there [REDACTED] at the school when you
9 were there?

10 A. Yes, there was. Mr [REDACTED] MBV was the residential -- what
11 I call the residential [REDACTED] in the sense that
12 he was there for the school. He wasn't just visiting
13 the school, but [REDACTED]
14 [REDACTED].

15 Q. He was based at the school?

16 A. Yes.

17 Q. What was his role as far as you were aware?

18 A. Well, I got the impression he did a lot of work in his
19 office. He was doing a lot of paperwork and he
20 obviously met [REDACTED]
21 [REDACTED]. I was a bit critical of him. I would
22 have thought he should have taken a more proactive role
23 and, if boys were in trouble, he could have mediated
24 between the teacher and the boy. But he seemed to be
25 very much office-based and doing a lot of administrative

1 work.

2 Q. Were there occasions of that kind that arose, situations
3 between a teacher and a boy, where it would have
4 assisted for somebody to mediate?

5 A. If kids were disruptive in class, for example, maybe
6 they'd be asked to stand outside the door or whatever.
7 He never seemed to come into the picture.

8 Q. At paragraph 38 of your statement I think you're
9 considering whether there was any change in the school
10 in the 20, 21 years between your times there, and you
11 say:

12 "I don't think the status of the school had changed
13 from when I was there first. I thought it was a List D
14 school."

15 I just wonder if you could explain what you mean by
16 that.

17 A. Yes. I wasn't very au fait with the names of the
18 schools. In fact, I just heard from somebody that it
19 was what they called a List D school. I just got the
20 impression that when I was there in the 1960s, it was
21 children who were orphaned, whereas in 1982 they looked
22 more like boys who had homes in Glasgow and other parts
23 of Scotland, and they could go home at weekends and so
24 on.

25 Q. Was it in 1960 or in the early 1980s that you heard

1 someone say it was a List D school?

2 A. I can't say, I don't know if I got the name List D from
3 the 1960s or whether it was later in the 1980s.

4 Q. What was your understanding of what a List D school was?

5 A. I got the idea that it was -- people sort of compared it
6 with English schools for boys who were very difficult,
7 like borstals, and they say, "Oh no, it's nothing like
8 that, but it is something in between". A very strict
9 kind of regime and something that's more like a boarding
10 school, something in between. I thought the main
11 problem being they had difficulties at home or at school
12 and so they couldn't be in community outside, they had
13 to have a special treatment.

14 Q. How much information did you have in the 1980s about the
15 backgrounds of the particular boys that were there?

16 A. We didn't get much information about the youngsters. In
17 a way, I wanted it to be that way because I wanted to
18 treat the kids as I found them. I didn't want to be
19 prejudiced against them by sort of labelling them from
20 whatever might have happened in the past.

21 Q. Do you think it might have been something that could
22 have assisted you or others in dealing with the children
23 if you knew their background history?

24 A. Yes, looking back on it, I think it would have been
25 better to have had some kind of meetings of the staff,

1 where the director, who had the available information,
2 would have told us about the children and their
3 difficulties at home. It would have been a help,
4 I think, in how to treat them in the home.

5 Q. Going back to the dormitory area, I wondered, do you
6 remember if you were responsible for a particular age
7 group of boys?

8 A. Yes, I think it was the elder boys. Brother Kelly had
9 charge of the younger ones.

10 Q. In the morning what was your role in being responsible
11 for the older boys?

12 A. Well, they had to be got up for school and breakfast,
13 so -- I'm not sure of the exact times, but the idea was
14 to put the lights on and get them up and make sure they
15 washed and got down to breakfast. And then later, they
16 would come to class.

17 Q. What about in the evening then, once the boys were
18 in the dormitory area? What did you do yourself?

19 A. Well, it was the similar process, only back to front.
20 It was guiding them to the rooms and telling them to
21 settle down for the night and to behave themselves
22 during the night, and after lights out there was
23 supposed to be no talking.

24 Q. In which part of the day did boys have showers?

25 A. Have we got the ...?

1 Q. Paragraph 53 of your statement.

2 A. Yes.

3 LADY SMITH: Is it the plan you want to have a look at
4 again?

5 A. Well, I was going to point it out on the ...

6 MS MACLEOD: Yes, we'll put the plan back on. The plan is
7 at CFS.001.006.8297. Perhaps we can focus on the
8 dormitory area.

9 A. It's clearly marked on the map, at the very end of the
10 dormitories.

11 Q. Is that where it's marked "Toilets/showers"?

12 A. Yes.

13 Q. So the older boys that you were responsible for, when
14 did they shower?

15 A. I can't remember the exact regime of showering. As far
16 as I remember, Brother Kelly looked after that area.
17 I'm not sure if it was every day or maybe after games
18 they had to have showers down on the ground level if
19 they were very muddy from the field. I've only got
20 a vague idea of the showers.

21 Q. Did you supervise boys showering in that area you've
22 pointed out in the dormitory?

23 A. I don't remember supervising boys for showers at all.
24 Obviously, they did need supervision because we didn't
25 want any kind of messing about which could result in an

1 injury if they slipped on the floor or something, so
2 there was always supposed to be somebody supervising.

3 Q. Did you supervise the showers?

4 A. No, I cannot remember supervising the showers once in
5 Falkland.

6 Q. Who supervised the boys having a shower?

7 A. I think Brother Kelly chose that particular activity
8 himself.

9 Q. Was that the junior and the senior boys, the younger and
10 older boys?

11 A. Yes, I think ... I don't think there was any
12 distinction made. I think they may well have showered
13 together. There was no difference.

14 Q. Do you know what the supervision of the showers by
15 Brother Kelly involved?

16 A. He would have put the showers on and made sure it was
17 the right temperature and I presume he invigilated and
18 made sure there was no messing about.

19 Q. The shower area in the dormitory, do you know or do you
20 remember if the showers were open-plan in that if a boy
21 was showering he could see the other boys showering?

22 A. Yes, I can't quite remember whether there was any kind
23 of little divisions or whether it was completely
24 open-plan.

25 LADY SMITH: We've heard some evidence that there were also

1 some showers on the lower floor and there was a bit of
2 a difference between the layout of each of them. Do you
3 remember that?

4 A. No. I've got a very vague idea of the lower ground,
5 whether it was done after games or not ... I don't
6 remember the showers on the bottom floor at all.

7 LADY SMITH: Thank you.

8 MS MACLEOD: I think you've mentioned already that in the
9 evenings you would be responsible for the time the boys
10 went to bed. I think you mention in your statement that
11 they would listen to some music at that time.

12 A. Yes.

13 Q. What's your memory of that and the purpose of that
14 music?

15 A. I think Brother Kelly had this -- I don't know whether
16 it was that he wanted to lull them to sleep, but he had
17 this kind of modern music on, which I thought wasn't
18 quite a lullaby type of music, it was almost the
19 opposite. It used to annoy me because I could hear it
20 from my area.

21 Q. Where was that music being played?

22 A. I think it must have been down at his end, presumably
23 from his room. He would have probably had the
24 facilities for playing the music.

25 Q. So once the boys on the senior side were in bed, what

1 did you do then? What was your role in relation to
2 checking on them, anything like that?

3 A. Well, after I'd put the lights out, I used to join the
4 brothers in the community room in the house, the main
5 house, for a little bit of sociability. Then I'd go
6 back to my own room and just pop my head into the
7 dormitory and make sure everything was okay.

8 LADY SMITH: What would the sociability with the brothers
9 in the community room involve?

10 A. We usually had a little nightcap and had a chat. There
11 might have been a television on. It was just the only
12 chance in the day to see the others, especially the
13 elderly brothers who were not very involved with the
14 boys.

15 MS MACLEOD: Where in the building was that room, the
16 community room?

17 A. Can we have the map again?

18 Q. Yes. CFS. 001.006.8297. So if you were to come in,
19 let's say, from the entrance hall, how would you get to
20 that room?

21 A. Where it says, "Brothers'/staff common room", I think
22 that was it, on the upper floor.

23 Q. Was it on the ground floor where the main hall is or was
24 it on a different floor?

25 A. No, I think it was upstairs.

1 Q. Would you go up the main stairs to get to it?

2 A. Yes -- I'm not too sure of the layout. Obviously I had
3 to get from the annex area to the main part of the
4 house.

5 LADY SMITH: We could show you a photograph of a stair and
6 you could tell us whether that's what you remember as
7 the main stair, if you just give us a moment.

8 MS MACLEOD: If we could put on the screen CFS.001.006.1190.
9 These photographs may look slightly different
10 in that there's certainly a carpet on the floor, which
11 there may not have been when you were there.

12 A. Right.

13 Q. But do you recognise that part of the building?

14 A. Yes. Is that the entrance door at the very far end?

15 Q. Yes.

16 LADY SMITH: Yes, we I think it is.

17 A. And the main stairs going up on the left.

18 MS MACLEOD: Then if we scroll down the same page, there's
19 another photograph. Is that a clearer view of the
20 stairs?

21 A. Yes. It's definitely the main stairs, yes.

22 Q. Do you remember if the room, the community room you're
23 describing, was up those stairs?

24 A. Yes, I think it was. It was on the first floor.

25 Q. I might just put another plan on the screen, which is at

1 CFS.001.006.8296. This is, we think, a plan of the
2 floor above the main hall.

3 A. Right.

4 Q. Perhaps we could zoom in on the plan itself.

5 A. It doesn't seem to show a community room.

6 Q. The markings, the words that are there, may not be what
7 the rooms were. These are just there from some
8 information that the person who drafted the plan had.

9 LADY SMITH: It's also possible that the layout might not be
10 quite right because this is a plan that was made just
11 a few years ago, not a plan that was made in the 1980s.

12 (Pause)

13 It's somebody doing their best to put together
14 information about how things may have been in terms of
15 layout and allocation of rooms in the 1980s, for
16 example, but we're very interested in anything you
17 remember to add to it or tell us if any of it is wrong.

18 A. I'd say one of those so-called classrooms would have
19 been the -- or even the one that says "office", that
20 might have been the... it was quite a comfortable
21 community room, you know.

22 MS MACLEOD: Okay, thank you.

23 My Lady, it's 1 o'clock.

24 LADY SMITH: Yes. I think we'll break now for the lunchtime
25 break. If we can be ready to start again, please, at

1 2 o'clock, that would be very helpful.

2 (1.00 pm)

3 (The lunch adjournment)

4 (2.00 pm)

5 LADY SMITH: Good afternoon. Are you ready for us to carry
6 on?

7 A. Yes.

8 LADY SMITH: Thank you very much.

9 Ms MacLeod.

10 MS MACLEOD: Good afternoon, John.

11 A. Good afternoon.

12 Q. Before the lunch break, we were speaking about the
13 dormitory area and your responsibilities in that regard.
14 You mentioned earlier, before the lunch break, about an
15 incident that arose during one night while you were at
16 St Ninian's and you discuss that in paragraph 58 of your
17 statement. I just want to ask you a little about that.
18 You say you can only remember one incident during the
19 night that upset you.

20 A. Yes.

21 Q. Could you tell me about that?

22 A. Well, as I've said in the statement, it was very
23 unusual. That was when I came upstairs and I found
24 a noise -- the lights were on in the dormitory, and
25 there was noise. Usually, every other night, they'd

1 been quiet and I hadn't had any problems, so I was very
2 upset and I shouted at the boys. I found out later that
3 they said that somebody had let off a stink bomb.
4 I don't remember smelling anything in the room, but that
5 was what the commotion was about.

6 But because I shouted, one of the boys, he had
7 a little hard bottle of aftershave lotion -- I don't
8 know if it was aftershave, I don't know if he shaved at
9 that time, but it was a very hard, small bottle and he
10 flung it at me and it hit me on the head. The blood
11 came down and I had to go to the doctor's to get
12 stitches, so I was very upset about that.

13 Q. Can you remember what happened at the time once this had
14 been thrown at you and you were injured? What happened
15 immediately thereafter? How did the incident come to an
16 end.

17 A. I went to get help. I think it was Brother Kelly who
18 took me to the doctor and he did patch me up.

19 Q. Was there any follow-up within the school about the
20 incident and what had happened to you?

21 A. Yes. I think the boy's social worker was asked to visit
22 the headmaster and in fact Brother Farrell asked me, he
23 said, "Do you want to take it further?" and I said, "No,
24 leave it alone". I said, "It's possible that because
25 I shouted at the boy in a very aggressive way, maybe

1 with his background he thought I was going to come
2 towards him or something". So I said, "If that was his
3 background, maybe just let it be". So he didn't bother
4 to make more enquiries about it.

5 Q. Do you remember if you spoke to the boy about it
6 afterwards or if it was resolved in any way?

7 A. I don't remember speaking to him, but I think there was
8 some talk of -- some of the other boys were getting at
9 him about it and I think I told them, "Leave him alone,
10 it's all settled, just leave it".

11 Q. And apart from that incident, can you remember any other
12 occasion where you had to deal with anything that arose
13 during the night?

14 A. No, no, that was the only night that something like that
15 happened. No, every other night was quiet and the
16 lights were off and everything seemed to be all right.

17 Q. Was there an issue with bed-wetting in the 1980s when
18 you were at St Ninian's?

19 A. No, I don't remember any bed-wetting in the 1980s. It
20 was only back in 1960 that that seemed to occur.

21 Q. You discuss the schooling that was on offer in
22 St Ninian's in your statement from paragraph 66 onwards.

23 A. Yes.

24 Q. How would you describe the education at St Ninian's?

25 A. Well, the boys did not take kindly to a very academic

1 kind of education. They weren't very interested in it
2 and it was difficult to engage them. I suppose they
3 should have had a special needs type of education, which
4 I hadn't been trained in, but I should have been more
5 creative and done things in a different way. I know
6 some of the others, other members of staff, had
7 techniques to deal with -- to get the boys interested,
8 you know.

9 Q. Did you have any training at St Ninian's about how you
10 should approach looking after the boys and educating
11 them?

12 A. No, not boys of -- I had been in grammar schools all my
13 life and, okay, in West Africa it wasn't the kind of
14 high standards that they had in England. But the boys
15 were very appreciative of education, they were really
16 keen, and also they had a respect for elders. There's
17 a tradition in Africa of respecting elders and it wasn't
18 the same in the 1980s in England.

19 Q. Did anybody give you any advice about how to go about
20 teaching the boys at the time?

21 A. No, except in paragraph 67, as I say, Brother Farrell
22 did ask me to join him in one of his singing lessons.
23 He had a nice way with the lads and encouraged them and
24 managed to get them on his side, as it were, in doing
25 singing, preparing for choral work in the weekly

1 religious service, and also ordinary singing.

2 Q. The boys that you had in your classes, were they
3 arranged by age or ability or something else, did you
4 think?

5 A. I think it was mainly by age. It was sort of middle
6 school, middle secondary school, and I don't think there
7 was any very scientific way of scaling them in different
8 sections or anything.

9 Q. So in a particular class, would there be children of
10 mixed academic ability?

11 A. Yes, I would say that would be the case, yes.

12 Q. Were the children put forward for any kind of national
13 exams?

14 A. No, I don't think there were any external exams for the
15 children, no.

16 Q. Did that surprise you at the time?

17 A. No, it didn't surprise me because I just accepted the
18 way they were, that they found education very difficult
19 and I didn't have very high expectations, I suppose.

20 Q. I think one of the things you say in your statement, you
21 say:

22 "I don't remember any basic exams for the
23 youngsters. I should have asked about that at the time,
24 but I just accepted the way things were."

25 A. Yes. That's the way it was. It's only when you put the

1 question about whether there were exams that I thought
2 of it, you know. I didn't assume that kids would be
3 going on certainly for external exams. I didn't imagine
4 they would be able for those.

5 Q. Was there any additional support offered to boys who
6 found academic work particularly difficult?

7 A. Yes. Well, Dr MKF, he used to have special ways
8 of helping children of lesser abilities, and before him
9 Margaret Nicholl, she was also an expert in helping the
10 less endowed youngsters.

11 Q. You mention Brother Kelly at paragraph 88 and that you
12 thought he was very effective at teaching.

13 A. Yes.

14 Q. I think you go on to tell us about a nickname that
15 he had at the school and how that came about; could you
16 tell me about that?

17 A. Yes. The boys used to call him Snoopy because he used
18 a cartoon of Snoopy, a dog, to put things across,
19 especially when he was preparing them for the Sunday
20 Mass, he'd have little cartoons of Snoopy. So he got
21 the nickname Snoopy.

22 Q. Did you ever see any bullying or anything of that nature
23 going on between the boys?

24 A. No, I didn't see any bullying. I've always been very
25 sensitive to bullying in schools I've been in, mainly

1 day schools, and I hate it and I don't like seeing boys
2 doing bad things to usually weaker boys or younger boys.
3 So I didn't see it in Falkland.

4 Q. Do you remember parents or other family members coming
5 to visit the boys?

6 A. Very, very rarely. I think it was not long after I went
7 there that I was invited into the headmaster's office to
8 meet a new boy who came with -- I'm not sure if they
9 were parents or carers for him, but they were rather
10 elderly looking. So I was privy to that and they were
11 asking questions and arranging for him to come into the
12 school and into the house. But it never happened after
13 that. I always assumed it was done between the
14 headmaster, the social worker, and the boy, how they
15 would fit in.

16 Q. Did boys go home to their families at weekends?

17 A. Yes, as far as I know. I can't remember whether it was
18 every weekend or every two weeks. I remember when we
19 did, they went in the big coach and we picked them up on
20 Sunday evening to bring them back, usually to Glasgow.
21 I presume the boys who came from east of Falkland,
22 Edinburgh or Dundee or wherever, they must have made
23 their own way home, I presume.

24 Q. Were there some boys who didn't go home at weekends?

25 A. I think it was -- one of the punishments was if a boy

1 had behaved badly that he would be -- usually things
2 like running away, I think they would be deprived of
3 a weekend, just to try and encourage them not to run
4 away again.

5 Q. I think you discuss that at paragraph 110 of your
6 statement, where you say:

7 "Going home for weekends was supposed to be the
8 norm, but if a boy gave trouble during the week then one
9 of the punishments was not to allow them home at the
10 weekend."

11 A. Yes. Reflecting on it, I think it was a thing like
12 running away more than anything else. It wouldn't be
13 for a minor infringement.

14 Q. I'll come to look at running away in particular, but do
15 you remember if a boy wasn't allowed home because he had
16 done something, can you remember who would decide or who
17 would tell him that he wasn't going to be going home
18 at the weekend?

19 A. I think Brother Farrell, as headmaster and director of
20 the home, would be the one to decide that.

21 Q. Were there any inspections of the school while you were
22 there?

23 A. No, I don't remember any inspection of the school or the
24 house from any authorities, no.

25 Q. Were you aware if there was any sexual behaviour going

1 on between any of the boys?

2 A. No, I never heard or saw anything of that kind. It just
3 didn't -- you know, I'm sure if I had seen it or heard
4 of it, I would have approached them and said, "That's
5 not the right way to behave", but I just didn't hear of
6 it. Nobody complained or said anything.

7 Q. Between paragraphs 117 and 120 you look at your own
8 relationship with some of the boys. I think you say
9 there that you could see that some boys didn't fit in as
10 well as others. Can you elaborate upon that?

11 A. Yes. One of the ways of helping boys of that kind was
12 to engage them in sports and games. That was a very
13 healthy outlet for them. And not all boys are like
14 that, you know, some of them are not so keen on games.
15 So you would see this and try to fit them in as much as
16 you could. I'm thinking of one or two examples where
17 there were small boys and they wouldn't have been so
18 keen on things like rugby or rough games, but they were
19 good at gymnastics, so they did provide ... they had to
20 go to an outside place for gymnastics.

21 Q. If you noticed a boy or boys who maybe didn't fit in as
22 well as others, would you try and speak to them and see
23 if there was anything that could be done to assist?

24 A. Yes. I can think of one boy, he seemed to be a little
25 bit out of place and didn't fit into the rough and

1 tumble as the others. I used to have more time for him,
2 if you like, yes.

3 Q. I think you say in your statement that boys wouldn't
4 have come to you with any concerns.

5 A. Yes. I got the impression that the lads were not the
6 kind to tell tales or come to authority figures. In
7 fact, some of them spoke a kind of argot, a special
8 language of the streets, you know, so that we wouldn't
9 understand what they were saying. No, I don't think ...
10 certainly I don't remember boys coming to me and asking
11 for help or anything like that.

12 Q. Just to make sure I understand you correctly, were there
13 times when you couldn't understand what the boys were
14 saying?

15 A. Yes. I think they knew how to put on this special
16 language, you know, if they didn't want us to overhear
17 what they were saying, yes. It was only kind of now and
18 again.

19 Q. So if a boy, let's say, had a concern that they wanted
20 to raise with an adult, who could they have spoken to?

21 A. I don't know. I mean, they should have ... There were
22 many -- I mean, you had domestic staff there, you had
23 the matron, who looked after the health issues. And
24 maybe some of them did go to other brothers or lay
25 teachers, I don't know, but I don't remember boys coming

1 to me particularly.

2 Q. I think in relation to that, you say that:

3 "[You were] very academic and had been in Africa for
4 10 years, and I think it was like I was from outer
5 space."

6 A. Yes. Well, I suppose I was out of touch with the
7 situation in the UK, with being in Africa from 1971 to
8 1982, and things like ... if the boys had the thing of
9 being wired for sound, and I didn't know what they
10 meant, it sounded like something from outer space. It
11 was just they had these little things to listen to
12 music, you know, and if they talked about BMX, I thought
13 that that was a computer and it was a bike. So they
14 probably thought, "Where's this fella been? Been out
15 in the bush for 10 years". It's amusing in one way but
16 it's not in another.

17 LADY SMITH: Did you ever struggle with their accents?

18 A. Thinking back, not really, no. I don't know whether
19 it's ... I think younger boys are much clearer than
20 adults very often. I don't think I had trouble with the
21 accents, no.

22 LADY SMITH: I was just wondering, given that, as we've
23 heard, quite a number of the boys came from Glasgow and
24 the west of Scotland, which can be productive of quite
25 a strong accent and hard to follow if you're not used to

1 it.

2 A. Yes. I don't think I had a problem with that. I've had
3 a problem listening to Alex Ferguson on television.
4 He's got a very strong accent. But no, I think it
5 wasn't a problem. It was maybe just a lack of
6 relationship in the sense of culture and background.
7 I was into books and theory and they were very much down
8 to earth.

9 LADY SMITH: So are you saying it would be more of a problem
10 you weren't familiar with the things they were talking
11 about?

12 A. Yes. I think that would be the case. I give the
13 example in 118, coming back from Glasgow on the coach.
14 Brother Farrell or Brother Kelly would be driving and
15 I was supposed to -- I suppose I was on the coach too
16 and I should have been relating to the lads, but I'd be
17 reading a book about how to engage with children of this
18 kind, reading all the theory about it, but not actually
19 practising it by ... It would have been much better if
20 I'd walked around the coach and had a little chat with
21 them because they were probably sad at coming back from
22 home.

23 LADY SMITH: Thank you.

24 A. I kind of began to realise that at the end of my time
25 there and it was kind of too late then, you know.

1 LADY SMITH: Ms MacLeod.

2 MS MACLEOD: You mentioned boys running away. Do you
3 remember running away being an issue while you were
4 there?

5 A. Yes, I was quite surprised the number of times boys did
6 run away. It was amazing how easy they found people
7 willing to give them a ride. It seems they just went
8 out on the road and got lifts from friendly truck
9 drivers and so on. It happened quite a lot.

10 Q. What was your understanding at the time of why boys were
11 running away?

12 A. Well, I always put it down to going back to the bright
13 lights of Glasgow, you know. For them it must have been
14 quite an alien place to be, in a very lovely country
15 place like Falkland, and I think the social services
16 realised that in years afterwards because they closed
17 down those remote places and tried to find places nearer
18 to the place where they dwelt, so they would be more
19 culturally integrated.

20 Q. When boys came back to the school or were returned to
21 the school having run away, do you know if they were
22 asked why they'd run away?

23 A. No, that was sort of dealt with by the headmaster and
24 probably Brother Kelly. The police usually brought them
25 back and it was all sorted between them, so I didn't

1 really know what the procedure was for bringing them
2 back.

3 Q. Were boys punished when they were returned?

4 A. Yes, I think it was a custom to make them stand in the
5 hallway and maybe to show the other boys that it's not
6 a good thing to run away, you're going to be punished
7 like this.

8 Q. Who would issue that punishment of standing in the
9 hallway?

10 A. I think it was mainly the director, Brother Farrell, or
11 maybe with Brother Kelly's advice and support. They
12 seemed to manage that kind of issue or anything that
13 happened like that.

14 Q. Do you remember seeing boys standing in the hall?

15 A. Yes, I do, yes.

16 Q. How long would they be standing in the hall for?

17 A. That's what I don't really know. I imagine it was
18 a matter of an hour or two at least. I don't know how
19 long it went on for, but it would have been
20 a significant punishment.

21 Q. Do you remember any other form of punishment being used
22 for people who ran away?

23 A. No, I never saw or heard of any corporal punishment when
24 I was there. I think there was a tawse was used at the
25 time, but I never saw it being used or heard of it.

1 Q. What makes you think there was a tawse?

2 A. Well, only things that came out during [REDACTED]
3 it was mentioned.

4 Q. Did you ever see boys being physically punished in any
5 way?

6 A. No, I didn't -- I think -- as I've said, I never knew
7 that a tawse actually existed. It was just the
8 deprivation of weekends and the standing in the hall,
9 they were the only two. I think there might have been
10 deprivation of pocket money or something like that, not
11 allowing them to use the tuck shop. I'm not certain
12 about that.

13 Q. At paragraph 129 of your statement you say that you
14 didn't see or hear of anything abusive taking place at
15 St Ninian's while you were there.

16 A. No, no.

17 Q. I wonder if I can ask you a little about Brother
18 Paul Kelly who you mentioned. You set out at
19 paragraph 130 something I think you saw when you passed
20 the shower room on an occasion. Could you explain that
21 to me?

22 A. Well, as I say in the paragraph, as I was passing
23 I noticed he was putting shampoo on the boys' hair and
24 I thought maybe that's not a very good thing. It would
25 have been better if they had a little individual sachet

1 and used it on their own hair to respect their privacy
2 more.

3 LADY SMITH: John, when you said that you were using your
4 hand and touching your own hair. Were you trying to
5 tell me that Brother Kelly was not just putting the
6 shampoo on but rubbing the boys' heads himself?

7 A. Yes, I think he -- he must have had a bottle and maybe
8 out of economy or something, I don't know, he was just
9 putting it on their hair and then moving on to the next
10 one.

11 LADY SMITH: Thank you.

12 MS MACLEOD: Was this in the shower area in the dormitory?

13 A. Yes, the shower in the -- that was the one, yes.

14 Q. What were your thoughts about that at the time?

15 A. I felt it was a little bit uncomfortable. It was not
16 respecting the privacy of the boys and I was saying this
17 idea of giving them a little sachet each would have been
18 a much more appropriate way of doing it.

19 Q. Did some boys stay over in Brother Kelly's room?

20 A. Yes. There was this custom he had of allowing -- it was
21 usually the very young boys and they'd be in their
22 duvets lying on the carpet of his room. I think it was
23 the room that was kind of next to his bedroom. It
24 looked like one of these kind of sleepover things.
25 There was usually about four or five. I thought of it

1 as a bit inappropriate, but in another way I think
2 he was maybe trying to -- so they wouldn't get afraid of
3 the dark or be lonely, or, you know, just kids together
4 going camping or going for a sleepover at weekends.
5 I didn't see any sinister in it and I thought of safety
6 in numbers, the fact that there were four or five of
7 them, you know.

8 But I thought it was a bit -- it certainly wouldn't
9 be done today.

10 Q. Did you ask Brother Kelly why boys were sleeping in his
11 room?

12 A. No, because it was done quite regularly and it was just
13 something that, when I came into the place, it was done.
14 In hindsight I realise I should have maybe raised
15 a question about it, but at the time I didn't see it as
16 a wrong thing. Along with the music playing, it was
17 maybe some way of pacifying them, getting them to go to
18 sleep.

19 Q. Is that something you were told at the time or something
20 you assumed?

21 A. Sorry?

22 Q. The reason for them being in the room, is that something
23 you drew your own conclusions about or were you given
24 a reason?

25 A. It was my interpretation of why he had this music on

1 every night. I found that very strange. I think on
2 Thursday nights, because they were going home on the
3 Friday, some of them would be overexcited and it was
4 a way of sort of containing it and getting them to go to
5 sleep.

6 I got so used to it in the end. I was going to get
7 ear plugs and I never got round to it. I just became so
8 used to it that I went to sleep even though the music
9 could be heard down the corridor.

10 Q. I think you tell us about that a bit further on in your
11 statement at paragraph 161. I think you say that:

12 "I think it was to help the boys sleep and calm them
13 down, but I would have thought it would have the
14 opposite effect."

15 A. Yes.

16 Q. Did you raise the issue of the loud music with
17 Brother Kelly?

18 A. No, I didn't. I suppose I regarded him as the
19 experienced veteran of the place. He was the sort of
20 mainstay of the operation and he knew the boys and
21 he was very good at controlling them and I was just
22 a blow-in from Africa. I didn't raise it with him, but
23 in hindsight maybe I should have questioned it.

24 Q. When you discuss this in paragraph 131, you say:

25 "It was common knowledge at the time that

1 Brother Kelly used to have four or five boys lying on
2 his bedroom floor."

3 I just wondered, in terms of it being common
4 knowledge, was it something that was discussed?

5 A. No, it wasn't discussed. It was just that it was openly
6 recognised. The door was open and anyone passing by
7 would see it. The boys all knew it. I assume
8 Brother Farrell knew it. The elderly brothers, they
9 wouldn't have been part of that night-time thing anyway.

10 Q. Do you remember if Brother Kelly had a certain group of
11 boys that spent a lot of time with him?

12 A. They seemed to be the youngest boys, the small ones. It
13 just seemed to be a way of helping them to be quiet and
14 go to sleep.

15 Q. What about Brother Farrell? What were your impressions
16 of Brother Farrell?

17 A. He seemed a very cheerful sort of man, a kind of man's
18 man in a sort of way. He loved golf and on his day off
19 he'd go to the pub and have a glass of beer. He used to
20 play lovely music in the coach on the way back from
21 Glasgow and he had a good relationship with them in the
22 classroom. Yes, he seemed to, you know, be confident in
23 himself and have a good relationship.

24 Q. Did you have any concerns about Brother Farrell?

25 A. No, not at the time I was there. I didn't see or hear

- 1 of anything improper at all.
- 2 Q. Just to go back to Brother Kelly for a moment, aside
3 from having the boys in his room, did you have any
4 concerns about his interactions with boys otherwise?
5 For example in the classroom situation, did you observe
6 Brother Kelly interacting with boys?
- 7 A. No, I didn't observe him, but I could hear him through
8 the wall. He had a very strong, loud voice and it was
9 so strong I thought he was having a row with them, but
10 it was just his way of being very forceful in his
11 teaching method. He was quite ...
- 12 Q. I think you say he taught in a very controlling way.
- 13 A. Controlling, yes, I'd say more controlling than
14 consoling, yes.
- 15 Q. When you gave your statement, John, I think you were
16 made aware of an allegation that somebody had made to
17 the inquiry in relation to yourself.
- 18 A. Yes.
- 19 Q. If you look to the very front page of your statement,
20 you'll see that that person has been given the pseudonym
21 Max. We don't need his name, but do you recognise his
22 name?
- 23 A. Yes, I do.
- 24 Q. I don't need to put the transcript on the screen, but
25 it's at TRN.001.006.0942 to 43. I think the allegation

1 that has been made and was put to you when you gave your
2 statement was that this person has said that you used to
3 put your arm around his shoulder.

4 A. Yes.

5 Q. What is your response to that?

6 A. Well, this Max was one of those boys that wasn't so keen
7 on games and he looked a little bit lonely and sad at
8 times. I had an attraction to him because he had a very
9 gentle manner. He wasn't rough and ready and he was
10 quiet and ... I used to think he needed a little bit
11 more attention than the other boys.

12 Q. When Max gave evidence to the inquiry, what he said
13 was -- in similar terms, what he said about you was:

14 "He tried to be affectionate and I told
15 Brother Farrell and he stopped it. He tried to put his
16 arm around me and cuddle me and stuff, and I'm like,
17 'No'".

18 A. I don't remember him reporting anything to
19 Brother Farrell or Brother Farrell coming to me and
20 remonstrating with me about it. I'm pretty certain that
21 never happened.

22 Q. I think at paragraph 184 of your statement you mention
23 this boy [REDACTED] which I'll come on
24 to look at. What you say here is:

25 "When he was asked about me, he said that I was very

1 kind to him when he was lonely and sad. He made no
2 allegations against me."

3 A. Yes, that's true. I think it was done on video, so
4 I don't know whether that had something to do with it,
5 but when he was asked about me he just said I was kind
6 to him.

7 Q. That brings us on to the police involvement [REDACTED]
8 [REDACTED] I think there came a time in more recent times,
9 a few years ago, that the police contacted you? Is that
10 right, did the police contact you in relation to your
11 time at St Ninian's?

12 A. Oh yes. Yes.

13 Q. [REDACTED]

14 A. [REDACTED]

15 Q. [REDACTED]

16 A. [REDACTED]

17 [REDACTED]

18 Q. [REDACTED]

19 [REDACTED]

20 A. [REDACTED]

21 Q. [REDACTED]

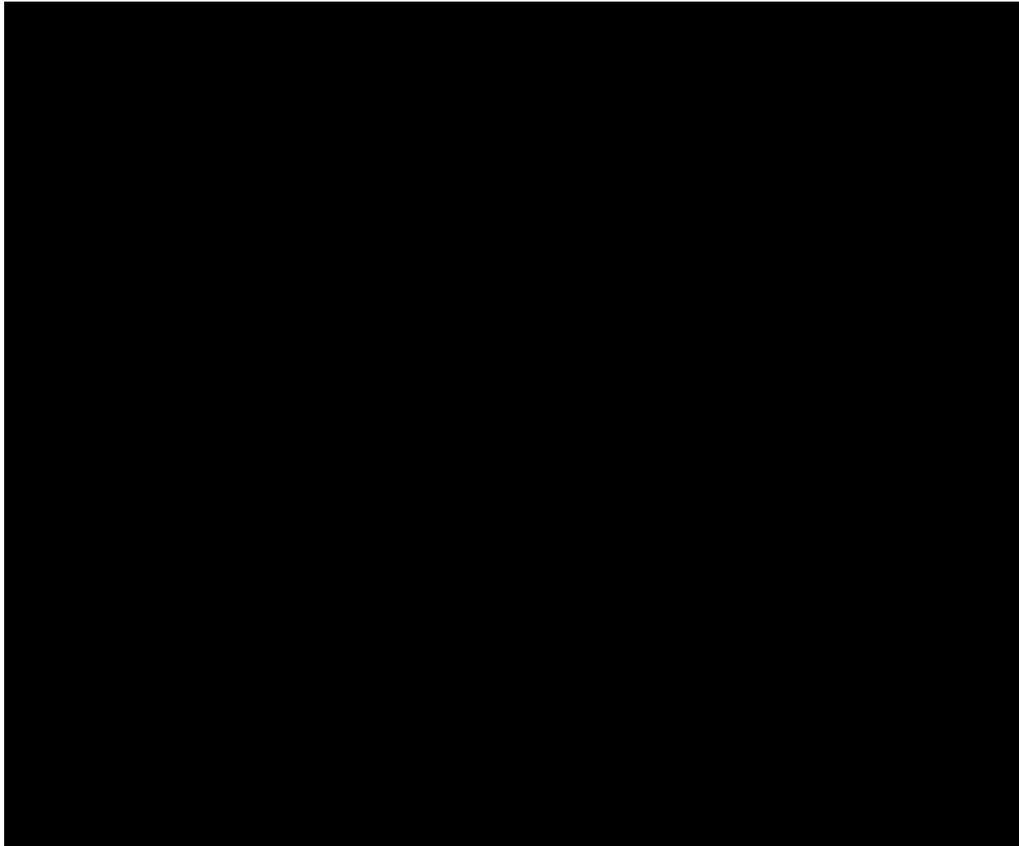
22 A. [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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15 Q. You'll be aware that Brothers Farrell and Kelly, as they
16 then were, were convicted of serious sexual offences.
17 A. Yes. Yes, I am aware of that.
18 Q. I think you also tell us at paragraph 199 that when you
19 heard the lurid details during the trial, you were very
20 upset.
21 A. Yes, I was, because I had no idea that anything like
22 that was going on and I respected John Farrell and
23 Paul Kelly. They seemed to do a tremendous amount for
24 the kids and worked fully for them. They did more than
25 was to be expected of their duty, so it came as

1 a terrible, terrible shock to see these other things
2 that were going on.

3 Q. At paragraph 188 you do say that you felt guilty as
4 a result of what came out of the court case.

5 A. Yes. I felt guilty that it was my responsibility to
6 look after the children at night and when I heard that
7 there were occasions when older boys were taking younger
8 boys out, I should have been more aware or alert to
9 that. But then I suppose we were running the house on
10 a shoestring in a way. I mean, if there was plenty of
11 funds, you could have had a nightwatchman or something,
12 but again that would break down the trust between the
13 staff and the children.

14 But we didn't lock them into their dormitories, we
15 allowed them to go to the toilet, and we just told them
16 to be quiet and behave at night. We expected them to do
17 that and, as far as I was concerned, that was what was
18 happening.

19 Q. In relation to the allegations of abuse that were made,
20 I think you look at that or consider that at
21 paragraph 196 towards the end of your statement. You
22 say that:

23 "[You] don't want to say that the complainers are
24 making flawed allegations, but why did it take so long
25 and why was there not even a hint of the fact that it

1 was going on at the time?"

2 A. Yes, that's what amazed me because if those things were
3 going on, why didn't it come out in some way? Somebody
4 would have dropped a hint, the domestic staff, the
5 people in the village, maybe some boys might tell on
6 others, but we just didn't hear anything at the time.
7 And then it comes out so many years afterwards, you
8 know, 20, 30 years afterwards.

9 Q. In paragraph 198 I think you go on to say that:

10 "They obviously convinced the judge and jury of some
11 of the allegations, which is where I am torn."

12 Could you elaborate on that for me?

13 A. Yes, well, one puts one's trust in the British law
14 system and if they had a fair trial and all the
15 allegations -- some allegations were found to be true,
16 it must be true. So that's where I'm torn. At the time
17 I didn't realise anything like that was going on.

18 Q. In the final paragraphs of your statement you suggest or
19 make some potential recommendations which could assist.

20 I think you mention that staff in children's homes
21 should be well trained and prepared.

22 A. Yes. Oh, I think that's essential, yes.

23 Q. And something else you say is that there should perhaps
24 be some element of support for children after they leave
25 care.

1 A. Yes, because I think to just let them out after being in
2 an institution up to the age of 16 and then just let
3 them go back to their home areas, I think they're very
4 vulnerable. There should be some kind of probation, but
5 in a very positive way, something to support them, to
6 prevent them going into crime and drugs and whatever,
7 you know.

8 MS MACLEOD: That's all the questions I have for you today,
9 John. I think I have covered any other questions that
10 I've been asked to put to John.

11 LADY SMITH: Thank you. Let me check whether there are any
12 outstanding applications for questions. Are there? No.
13 John, that does complete all the questions we have
14 for you. It remains for me simply to thank you for
15 engaging with the inquiry as carefully as you have done,
16 by providing both a detailed written statement and by
17 coming here today to expand on that in your oral
18 evidence, which is of great assistance to us in the work
19 that has to be done here. I'm now able to let you go.

20 A. Thank you very much.

21 (The witness withdrew)

22 LADY SMITH: Ms MacLeod, I understand the next witness is
23 probably ready. I'll just take a break now. We can
24 take the five-minute break now and then we won't break
25 again at 3 o'clock.

1 (2.48 pm)

2 (A short break)

3 (3.00 pm)

4 LADY SMITH: Mr MacAulay.

5 MR MacAULAY: The next witness would like to remain
6 anonymous and he wants to use the name "John" in giving
7 evidence.

8 "JOHN" (sworn)

9 LADY SMITH: John, please sit down and make yourself
10 comfortable. You'll see the light is on the microphone.
11 If I could ask you, John, to stay in a good position for
12 the microphone, that would be really helpful. I'll let
13 you know if you drift away from it; sometimes people do.
14 If you're ready, I'll hand over to Mr MacAulay and
15 he'll explain about the red file and take it from there.

16 Questions from MR MacAULAY

17 MR MacAULAY: John, in the red folder you'll find your
18 statement. Could I ask you to look at it for a moment
19 or two. I'm going to give the reference for the
20 transcript: WIT.003.002.1365.

21 If I could ask you to go to the very last page,
22 that's page 1381, can I ask you to confirm that you have
23 signed the statement?

24 A. I have, yes.

25 Q. I don't need your date of birth, but to get a time frame

1 can you confirm for me that you were born in 1939?

2 A. I was, yes.

3 Q. And I think you're now about 79?

4 A. 79, that's correct.

5 Q. Can I then go back a bit in time, John. I think you

6 tell us in your statement that you joined the

7 Christian Brothers initially in [REDACTED] 1952; is that

8 correct? You can help yourself from the statement,

9 which you'll find on the screen in front of you as well

10 if you prefer to look at it in that way.

11 A. Yes. I went away for my education, which was run by the

12 Christian Brothers, in 1952.

13 Q. You did some teacher training at St Mary's College,

14 Twickenham between 1959 and 1961?

15 A. That's correct, yes.

16 Q. When did you actually become a Christian Brother?

17 A. That would have been prior to 1959. It would have been

18 in probably the summer of 1958.

19 Q. Do you tell us that after your teacher training, you

20 taught at the Scotus Academy here in Edinburgh?

21 A. For one year.

22 Q. From 1961 to 1962?

23 A. Yes.

24 Q. After 1962, after you'd been at Scotus, did you then go

25 and work in Gibraltar?

- 1 A. I worked in Gibraltar, yes for six years.
- 2 Q. Was that a school run by the Christian Brothers?
- 3 A. Well, they were run by the education department, but the
4 headmaster of the school was a Christian Brother.
- 5 Q. Was it a residential school?
- 6 A. No, no, it was a day school.
- 7 Q. Was it thereafter that you went to St Ninian's in
8 Falkland?
- 9 A. That's correct, yes.
- 10 Q. According to the records that the order has provided to
11 the inquiry, it would appear you joined St Ninian's in
12 Falkland in about [REDACTED] 1968.
- 13 A. That would have been about right, yes.
- 14 Q. And you left, as far as that first stint was concerned,
15 in [REDACTED] 1972?
- 16 A. No, I left the school as a member of staff in 1971.
- 17 Q. I'll come to that. But although you left the school as
18 a member of staff, because you went on a course, is it
19 the case that although during the week you were based in
20 Glasgow when you were attending the course, you did at
21 least on occasions go back at the weekends?
- 22 A. On occasions, yes.
- 23 Q. Just on the question of the course then, again under
24 reference to the records that we've seen, did you start
25 the course in [REDACTED] 1971?

- 1 A. Yes. Well, I'm not absolutely sure with [REDACTED].
- 2 Q. The [REDACTED] of the academic year?
- 3 A. That's right.
- 4 Q. And as I've said, there are references in the records to
- 5 you returning for weekends to St Ninian's; I think you
- 6 accept that?
- 7 A. Yes, that's right.
- 8 Q. During the week then, did you have a base that you
- 9 stayed in in Glasgow?
- 10 A. I did, yes.
- 11 Q. After you had finished the course, which would have been
- 12 in 1972, at the [REDACTED] of the academic year, did you return
- 13 for a brief period to St Ninian's?
- 14 A. Yes, I did for a very brief period, yes.
- 15 Q. And again, looking at records, it would appear that you
- 16 left, I think as I've put to you already, actually, in
- 17 [REDACTED] 1972.
- 18 A. I left in -- yes, again I wouldn't be absolutely sure of
- 19 the month, but it would have been after the course
- 20 finished. I really went back to St Ninian's to collect
- 21 my stuff.
- 22 Q. After you had been in St Ninian's, you do provide us
- 23 with some information as to where you had been and where
- 24 you went to. In particular, do you tell us that you
- 25 spent time at St Joseph's Tranent?

1 A. I did, yes.

2 Q. And that was a List D school?

3 A. Yes.

4 Q. That was run by a different order?

5 A. That was run by the De La Salle Brothers.

6 Q. How long did you spend at St Joseph's?

7 A. About five years.

8 Q. Was it from St Joseph's that you returned to

9 St Ninian's?

10 A. That's correct.

11 Q. Can you explain why it was as a Christian Brother you

12 went to work at an institution run by a different order?

13 A. I wasn't a Christian Brother when I went to St Joseph's.

14 Q. In 1972?

15 A. That's right.

16 Q. Sorry, I'd misunderstood. When then did you become

17 a Christian Brother?

18 A. Become one?

19 Q. Yes.

20 A. I became one back in the 1950s.

21 Q. You're quite right, because you had left the order when

22 you left --

23 A. I had left the order, yes, that's right.

24 Q. Perhaps I should ask you that: when did you leave the

25 order?

- 1 A. It'd be the end of 1971.
- 2 Q. So that was in the course of when you were doing your
3 course at Langside College?
- 4 A. I actually -- I put in my kind of letter of leaving
5 during the year of the course, which I was doing in
6 Langside between 1971 and 1972. So I officially
7 probably left the order at the end of the course in
8 1972. And from there, I went to another List D school.
9 In fact it wasn't St Joseph's, I went to Dr Guthrie's.
- 10 Q. I think you tell us that. And then from there to
11 St Joseph's?
- 12 A. That's right.
- 13 Q. The course that you completed at Langside, what was the
14 nature of the course?
- 15 A. It was what was known as a [REDACTED] course.
16 It was to give you a qualification to work in
17 residential schools.
- 18 Q. Perhaps the oddity here is that you had started the
19 course as a Christian Brother, you got that
20 qualification, but you didn't put that qualification
21 into effect at St Ninian's, you went somewhere else?
- 22 A. That's right.
- 23 Q. Was there any reason for that?
- 24 A. Well, I was leaving the brothers, and at that time
25 I think pretty well all the staff were

1 Christian Brothers. I probably would have been out of
2 place there.

3 Q. I know you come back to Falkland in the role of
4 a [REDACTED] Did this qualification, [REDACTED]
5 [REDACTED] qualification, lead you on to becoming
6 a [REDACTED]?

7 A. Yes.

8 Q. When did you become a fully fledged [REDACTED]?

9 A. I didn't actually do the qualification in [REDACTED]
10 until I was working in Dundee, which would have been
11 from 1983 to 1996.

12 Q. That was after you left --

13 A. I left when I finished at St Ninian's as a [REDACTED]
14 in 1983, I went to work with Dundee Council.

15 Q. Were you a fully fledged [REDACTED] when you went
16 back to St Ninian's, I think in 1978?

17 A. No.

18 Q. I think you were referred to as a [REDACTED] when you
19 were there.

20 A. Yes.

21 Q. Just on that, you tell us that you returned to
22 St Ninian's in 1978 and you were there until St Ninian's
23 closed in 1983.

24 A. 1983, that's correct.

25 LADY SMITH: When you were at Langside did you encounter

1 nuns from either the Daughters of Charity or the Sisters
2 of Nazareth?

3 A. No, I don't think there were any nuns on the course, if
4 I remember correctly. They were all laypeople --

5 LADY SMITH: Right. Thank you.

6 A. -- as far as I can remember, yes.

7 MR MacAULAY: Can I, John, look at your first stint then at
8 St Ninian's, beginning in [REDACTED] 1968 through to
9 1971. What position did you take up when you arrived at
10 St Ninian's?

11 A. I suppose the main role I had was as a teacher, although
12 I was resident within the school.

13 LADY SMITH: John, can I just intervene briefly at this
14 stage, as Mr MacAulay's moving on to asking you about
15 the details of your time or times at St Ninian's.

16 You appreciate, of course, this is a public inquiry,
17 it's not a court case, it's not a criminal trial or any
18 other type of court case, but you do have the same right
19 not to incriminate yourself in these proceedings as you
20 would have in the court and it's important you
21 understand that.

22 So that means that if you are asked any questions
23 about being involved in the abuse of children or not,
24 you are entitled not to answer those questions if you
25 wish to exercise that right. But you have to appreciate

1 that if you do answer them, your answers are being
2 recorded -- as indeed all your evidence is being
3 recorded -- and it'll be in a transcript, so it would be
4 available at a later date were there to be any other
5 proceedings. Do you understand that?

6 A. Yes, I do.

7 LADY SMITH: Thank you very much.

8 Mr MacAulay.

9 MR MacAULAY: We're looking, John, at your responsibilities
10 when you first went to St Ninian's in 1968. I think you
11 began by saying that in the first instance you were
12 a teacher; is that correct?

13 A. Mm-hm.

14 Q. Was there a set curriculum?

15 A. There was, yes.

16 Q. Can you tell me about that?

17 A. Well, I mean, it was the main basic subjects, I suppose,
18 because there were no public exams that the children
19 took. There was mainly English, geography, history,
20 mathematics.

21 Q. What subjects did you teach?

22 A. Mainly English.

23 Q. Were your responsibilities explained to you by anybody
24 when you were there, when you went there?

25 A. I don't remember clearly, but I'm pretty sure I would

1 have been told what my role would have been in the
2 school as a teacher and what I would be teaching.

3 Q. So far as the set-up with the classrooms was concerned,
4 can you explain what the set-up was at this time?

5 A. You mean where they were?

6 Q. We know there were about 40 or so boys there.

7 A. Mm-hm.

8 Q. How many would you teach in a particular class?

9 A. Probably on average about 12, I would say.

10 Q. Would they be of a similar age or how were they divided?

11 A. Yes, they'd be of a similar age. They were divided
12 according to their age.

13 Q. But then would they be of different abilities?

14 A. Yes.

15 Q. There would be a range of abilities?

16 A. Yes. It would be like the comprehensive system we have
17 in schools.

18 Q. Just looking to the brothers that were there when you
19 arrived, can you tell me who was the [REDACTED]?

20 A. If I remember correctly, it was a Brother [REDACTED] MHJ

21 Q. Was there a Brother [REDACTED] LHC also there at the time?

22 A. There was, yes.

23 Q. And he was an older brother?

24 A. That's correct.

25 Q. So far as the role of [REDACTED] would be concerned

- 1 during your time, did that change?
- 2 A. As regards my role?
- 3 Q. No, as regards the [REDACTED], who the [REDACTED] was.
- 4 A. During my first stint -- I can't remember, if I'm
- 5 honest.
- 6 Q. Do you remember a Brother [REDACTED] BHD becoming [REDACTED]?
- 7 A. I do, yes.
- 8 Q. Apart from teaching, what other responsibilities did
- 9 you have at the school?
- 10 A. I was also what I've referred to in my statement as
- 11 a house parent, which would be responsible for the
- 12 children after schooltime, also putting them to bed at
- 13 night, and general kind of supervision of them for
- 14 activities during the daytime. I was also very involved
- 15 in the sporting side of the school.
- 16 Q. Just looking then to your role as house parent, did you
- 17 have any training in relation to that particular role
- 18 before you went to St Ninian's?
- 19 A. No.
- 20 Q. You've told us about the [REDACTED] course that you went
- 21 to while you were there, but you didn't have that sort
- 22 of training before you went there?
- 23 A. No. The only training I'd had was as a teacher.
- 24 Q. Looking back, do you think that sort of training would
- 25 have been of assistance to you when you took on the role

- 1 of house parent?
- 2 A. Yes, I think any kind of training is of assistance to
3 you. Yes, I'd agree with that.
- 4 Q. As house parent then, I think you mentioned that you'd
5 have some responsibilities for the dormitory area;
6 is that right?
- 7 A. That's correct, yes, for part of time I was there.
- 8 Q. Can you just help me then with the sleeping
9 arrangements? I'll put a plan on the screen for you.
10 This is at CFS.001.006.8297.
- 11 Just to get your bearings, can you see the car park
12 and then moving into the entrance hall and into the main
13 hall of the main building? Do you see that?
- 14 A. Yes.
- 15 Q. Does that remind you of the general layout?
- 16 A. Yes, I would think so, yes.
- 17 Q. If you --
- 18 A. Although I think at the time I was there, the first
19 time, what's classified here as a [REDACTED]
20 office, I don't think that was at that time.
- 21 Q. I can understand that. You mustn't take as absolute
22 gospel that every area indicated in the plan is as it
23 was throughout the whole time.
- 24 A. Mm-hm.
- 25 Q. If you look at the top right part of the plan, can you

1 see the dormitory area has been set out?

2 A. Yes.

3 Q. Is that your recollection as to where it was?

4 A. Yes.

5 Q. Did you have a room in the dormitory area when you were

6 a house parent?

7 A. I did, yes.

8 Q. Are you able to indicate on the plan where it was?

9 A. I'm pretty sure it was -- how do I indicate?

10 Q. Perhaps you could stand up --

11 LADY SMITH: John, what you could do is stand up because the

12 plan is on a large screen behind you. Then we can all

13 see where you are pointing. That would be helpful if

14 you could.

15 A. I'm pretty sure it was this one here (indicating).

16 MR MacAULAY: You're pointing to the bottom right where it

17 says "staff bedroom"; is that right?

18 A. That's correct.

19 Q. While you're there, was there a particular category of

20 boys that you had responsibility for when you were

21 a house parent? By that I mean was it juniors or

22 seniors?

23 A. They were divided according to their age. One side

24 would have been younger than the other side.

25 Q. Which were you dealing with?

1 A. I think at that time it was the junior children.

2 Q. Then what about the senior children? Was there
3 a brother who had responsibility for them?

4 A. Yes.

5 Q. Who was that at that time?

6 LADY SMITH: John, could I invite you to come back to your
7 seat; the microphone will pick you up again then.

8 A. I think at that time it was probably Brother LNA

9 MR MacAULAY: That's Brother LNA ?

10 A. LNA that's right.

11 Q. This may or may not have been during your time or at
12 this point of time, but did he become the
13 subsequently?

14 A. Yes.

15 Q. What were your responsibilities then in connection with
16 the dormitory area?

17 A. Mainly putting them to bed at night after their evening
18 activities and being there overnight, sleeping
19 overnight, and getting them up in the morning for the
20 start of the school day.

21 Q. Can I ask you a little bit about washing and showering.
22 We see from this plan that there are toilets and showers
23 designated in the dormitory area. Was that the position
24 in your day in this first stint?

25 A. Yes.

- 1 Q. Were there also showers in any other part of the
2 building?
- 3 A. I think, if I remember, there was showers downstairs
4 somewhere for the boys when they were coming off the
5 football or rugby fields for having a shower.
- 6 Q. Did you have any responsibility for the boys when they
7 were showering?
- 8 A. In the dormitories?
- 9 Q. Yes.
- 10 A. Yes.
- 11 Q. What was your responsibility?
- 12 A. Just to make sure that they were generally behaving
13 themselves and there was no carry-on, really.
- 14 Q. What would that involve in practice?
- 15 A. It means that I would be around at all times when they
16 were showering in the shower area. They were open
17 showers, like you'd get in a football changing room.
18 They were open showers and all the children would shower
19 there at the same time.
- 20 Q. I think you tell us this in your statement, that at
21 weekends there were some boys that did go home; is that
22 correct?
- 23 A. Some boys did go home, yes.
- 24 Q. Some would stay on the premises?
- 25 A. Yes.

1 Q. In relation to visitors, what is your recollection as to
2 the visitors from family members?

3 A. My recollection is that there were visits from family
4 members on occasions. There weren't an awful lot
5 because most boys went home at weekends anyway, so they
6 were seeing their families most weekends.

7 Q. At this time, your first stint, what about
8 social workers? Do you have a recollection of
9 social workers coming to see the boys?

10 A. Social workers would come and see the boys. They would
11 also bring the boys on arrival and some social workers
12 would come more often than others.

13 Q. And more general inspections, do you have a recollection
14 of there being inspections?

15 A. Not really, no, I don't have any recollection of that.

16 Q. At this time, John, what information, if any, were you
17 provided in relation to the background of the boys that
18 you had to deal with?

19 A. Really, there's not much I can comment on that because
20 I didn't have anything to do with that at that time.

21 Q. But were you given any information by anybody?

22 A. The headmaster would inform us of a new child coming and
23 tell us where he was from and I'd maybe hear something
24 about his background and information generally, but it
25 wasn't very formal.

1 Q. During this first period, was running away a problem?

2 A. Yes.

3 Q. Can you explain that? What --

4 A. Well, I think -- my experience is -- I have worked in
5 very residential schools during my working career and it
6 was a problem in all of them. Some children were
7 unhappy, some children -- we had a particular problem
8 after long holidays at home because they were coming
9 back to St Ninian's after a long period at home, so they
10 were unsettled. But yes, it was an ongoing problem.

11 Q. Were you involved on occasion in retrieving children
12 that had run away?

13 A. Yes -- well, whoever was available, yes.

14 Q. Did anyone ever seek to investigate as to why particular
15 children did run away from the establishment?

16 A. Well, the opportunity would have been there to speak to
17 the child. The social worker would have been informed,
18 I would think, if a child had run away. There may well
19 be some information that would come back from the
20 social worker, which would inform us. Certainly the
21 boys -- sorry.

22 LADY SMITH: You mean the social worker in the child's home
23 town?

24 A. Yes. What they classified as a field social worker at
25 that time, yes.

1 MR MacAULAY: So are you saying there would be some sort of
2 investigation to see why a particular child had taken it
3 upon himself --

4 A. Yes, the child would have been spoken to to try and find
5 out why he was so unsettled and why he ran away, yes.

6 Q. Do you have any recollection as to what reasons were put
7 forward as to why a particular child might have decided
8 to run away?

9 A. Well, I think the main reason was that they were
10 unsettled, they didn't want to be there, they wanted to
11 be back in their home town, they missed their family,
12 they missed their friends, and I think that was
13 generally the reason we got.

14 Q. Was this disruptive then to the good running of the
15 school?

16 A. It didn't help.

17 Q. That's a yes, is it? It was disruptive?

18 A. Yes.

19 Q. Can I ask you to look at some entries in what's referred
20 to as the logbook or daybook. And perhaps we can begin
21 at CBR.001.001.2122. This will come on the screen.

22 Some of this has been blanked out. We're looking at
23 the dates for [REDACTED] 1970. I won't read your name
24 out because I think your name comes out there, but it is
25 suggesting that you're out driving for children who have

1 run away. Do you see that?

2 A. I do, yes.

3 Q. The comment here is:

4 "Most upsetting."

5 A. I see that, yes.

6 Q. If you move further down the page there's another
7 reference -- this is [REDACTED] -- to other children
8 running away and then, moving down a little bit, again
9 do we see that:

10 "[You] and Brother [REDACTED] BHD collected the three at
11 2.10 am and arrived back at St Ninian's at 4 am, tired
12 and angry."

13 Do you see that? It's that bit at the top of the
14 screen.

15 A. I see it, yes.

16 Q. That gives us a flavour, I think, of the impact running
17 away might have had on the routine at the school.

18 A. So overnight probably was worse.

19 Q. If we move on to page 2126, again the very top, the date
20 is [REDACTED] there's reference to a new boy arriving,
21 and then there's reference to two boys running away and
22 being caught subsequently. Do you see that?

23 A. I see them running away.

24 Q. We're blanking out the names, but they run away and they
25 get caught, I think is what we're told at the very top.

1 A. Oh yes, uh-huh.

2 Q. While I have this page on the screen, see if you can
3 help with this. For the date, [REDACTED] under the
4 year 1971, we see:
5 "Boys present: 40."

6 A. Forty-two.

7 Q. No, five entries down from the year 1971.

8 A. Oh yes. I see it.

9 Q. "Boys present: 40"; do you see that?

10 A. Yes.

11 Q. "Boys visit St Ninian's from Lasswade" is the next
12 entry. Do you see that? Can I ask you about that?
13 Can you help with that? Why would boys be visiting from
14 Lasswade, which I think was a place run by the Sisters
15 of Nazareth?

16 A. I have no idea.

17 Q. We're told that it's:
18 "Fourteen lads [the name has been blanked out] with
19 Peter Blaney and stay for the weekend."
20 How would they be accommodated? Do you know if they
21 were staying for the weekend, would there be space?

22 A. If it was a weekend, there probably would be space
23 because I presume that weekend some of the boys from
24 St Ninian's had gone on their normal weekend leave. So
25 there would be space. But I have no memory of that at

1 all.

2 Q. There's a similar entry a few pages on at 2128. If you
3 look at the date where it says:

4 "Page 41. Year 1971. Boys present: 43."

5 Do you see that?

6 A. I do, yes.

7 Q. And there are some names given:

8 "Away for the weekend."

9 The next entry reads:

10 "Peter Blaney and five Lasswade boys spend weekend
11 at St Ninian's, Friday to Sunday."

12 Again, we have the same individual with boys from
13 Lasswade. Can you help: do you know why that was
14 happening?

15 A. No. No, I have no idea.

16 Q. John, can I ask you a little bit about discipline?

17 First of all, going back to when you arrived at

18 St Ninian's, what instructions, if any, were you given
19 as to how children were to be disciplined?

20 A. I don't think we were given any formal instructions as
21 far as I remember.

22 Q. Was there anything written down by way of instruction?

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

24 Q. Let's just look at discipline. How would you discipline
25 a boy if that was required?

- 1 A. You mean in the classroom? Outwith the --
- 2 Q. In or out of the classroom?
- 3 A. In the classroom, it would be a telling-off, really,
- 4 I suppose, a verbal telling-off.
- 5 Q. What about the belt? Would the belt be used in the
- 6 classroom?
- 7 A. The belt was used on occasions, mainly by the
- 8 headmaster.
- 9 Q. Did you yourself use the belt?
- 10 A. I think I probably did on a few occasions, yes.
- 11 Q. Was there a punishment book?
- 12 A. I can't remember.
- 13 Q. If you look at your statement -- this is on page 11 at
- 14 WIT.003.002.1375 -- you have a section there where
- 15 you've set out the types of punishment. It's at
- 16 section 28. You begin by saying:
- 17 "My memory of discipline is the use of the belt on
- 18 the hand, occasionally by teaching staff but
- 19 predominantly by the headmaster."
- 20 Do you see that?
- 21 A. I do, yes.
- 22 Q. Does that imply that on occasions that you would refer
- 23 a misbehaving child to the headmaster for punishment?
- 24 A. Probably, probably, yes.
- 25 Q. You also talk three paragraphs down about boys being

1 made to stand in the hallway.

2 A. I see that, yes.

3 Q. Did that happen?

4 A. I'm not too sure about my first time there. I do
5 remember that on occasions when I was there my second
6 time.

7 Q. I did ask you about a punishment book and if you go on
8 to the next page, 1376, if we look at the last
9 paragraph, what you say there is:

10 "I have no memory of a punishment book being kept,
11 but don't believe there was one."

12 Is that your position?

13 A. Yes.

14 Q. You don't believe there was one?

15 A. I don't believe there was one.

16 Q. You go on to say:

17 "I have no idea why there wasn't a punishment book.
18 My understanding is that in those days punishment books
19 were not kept and certainly not kept in any
20 establishment I worked in."

21 Is that your position?

22 A. Yes.

23 Q. So are you including there the places you mentioned like
24 St Joseph's and Dr Guthrie's?

25 A. I think what I'm saying is I have no memory of

1 a punishment book or never saw one.

2 Q. Could the boys that were there in your time behave in an
3 aggressive and violent way towards one another?

4 A. They could, yes.

5 Q. How often did that sort of behaviour manifest itself?

6 A. How often?

7 Q. Yes.

8 A. It's difficult to say, really, how often that would have
9 happened. It certainly happened on several occasions.

10 Q. How was it dealt with?

11 A. Well, initially, I mean, I think there were occasions
12 when two of the residents would be fighting each other
13 and they would be separated, and whichever member of
14 staff was responsible for witnessing that and dealing
15 with it, would deal with it in their way. There were
16 various forms of punishments which were not physical.
17 There was early to bed, there was restriction of things,
18 so it was dealt with in different ways, really.

19 Q. You tell us in your statement towards the bottom of that
20 particular page that's on the screen that:

21 "At that time there was no specific training given
22 to staff on how to deal with aggressive and violent
23 boys."

24 A. No training, no.

25 Q. Did you ever receive any training in connection with how

1 to deal with boys that might have been behaving in an
2 aggressive way?

3 A. I did. I did later on in my career, yes.

4 Q. Can I then look at your second stint at St Ninian's,
5 1978 through to 1983 --

6 A. Yes.

7 Q. -- when you returned in a role that has been described
8 in evidence as that of a [REDACTED]?

9 A. That's right, yes.

10 Q. Can you give me the background to how it came to be that
11 you returned to St Ninian's?

12 A. Well, I had contact from the [REDACTED] at that time --

13 Q. Who was that?

14 A. -- it was Brother [REDACTED] LNA -- letting me know that
15 there was a vacancy for a [REDACTED] because the
16 previous [REDACTED] had left and would I be
17 interested in the post. So I eventually accepted that
18 post because it had benefits for me and my family at
19 that time.

20 Q. At that time you have mentioned Brother [REDACTED] LNA as the
21 [REDACTED]. At that time and over the following years
22 when you were there, did you come across
23 a Brother Farrell, who became headmaster?

24 A. I did, yes.

25 Q. And was there also a Brother Kelly there?

1 A. There was, yes.

2 Q. Can you give me some idea then as to what your role now
3 was to be in this position as [REDACTED]

4 A. I thought I'd given that ...

5 Q. I'm sure you have, but I'd like to hear it from you.

6 A. Okay. [REDACTED]

7 [REDACTED]

8 [REDACTED] which could be
9 anywhere in Scotland, basically, although I would say
10 the majority were from the Glasgow area.

11 I was also responsible for organising the

12 [REDACTED]

13 [REDACTED]

14 [REDACTED] wherever that may be as
15 well.

16 LADY SMITH: [REDACTED]

17 [REDACTED]

18 A. No, these were separate [REDACTED]

19 LADY SMITH: Who were they to be delivered to?

20 A. [REDACTED]

21 LADY SMITH: Just before you tell us anything more about
22 your role, you said that one of the things that made you
23 decide to take up this post was benefits for you and
24 your family; what benefits?

25 A. Well, up to that time, I had worked in -- all the posts

1 I had were residential, which entailed very long hours,
2 evening work, weekend work, overnights. By this time
3 I was married with a family and this particular post
4 I took up in St Ninian's at that time was a day post.
5 It was from 8 or 9 in the morning to 5 or 6 in the
6 evening, so I didn't work weekends or evenings.

7 LADY SMITH: Thank you.

8 MR MacAULAY: Do I take it from what you've said as to what
9 your role involved that quite a significant part of your
10 time was away from St Ninian's, [REDACTED]
11 [REDACTED] for example?

12 A. There was a fair bit of time away from the school, yes,
13 because I was the only [REDACTED] within the school.

14 Q. When you went back in 1978 to take up this position,
15 what [REDACTED] were you able to access at that
16 time in connection with the children who were there?

17 A. We got information [REDACTED]
18 [REDACTED] prior to the child coming into the school.

19 Q. What I'm asking you is when you went there, first of
20 all, in 1978 to take up this position, were there

21 [REDACTED]
22 [REDACTED]

23 A. Yes, I could.

24 Q. [REDACTED]

25 A. Yes, [REDACTED] which at that time were

1 kept -- there was a [REDACTED] there prior to me. So
2 that [REDACTED] office was already set up with
3 [REDACTED]

4 Q. On an ongoing basis, was it your responsibility to keep
5 [REDACTED]
6 [REDACTED] at the school?

7 A. Yes.

8 Q. And that would include, for example, [REDACTED]
9 [REDACTED] is that correct?

10 A. That's right, yes.

11 Q. Would there be [REDACTED] from any teachers kept in
12 [REDACTED]

13 A. [REDACTED]
14 [REDACTED]

15 Q. You mentioned you had your own office. We had a plan up
16 a little while ago. I'll put it back up just to confirm
17 the location of it. CFS .001.006.8297. I think we do
18 see on the ground floor area an area just to the right
19 of the entrance hall that's been designated the
20 "[REDACTED] office". Is that where your office
21 was?

22 A. That's right, yes.

23 Q. I just want to understand how it came to be that boys
24 would come to St Ninian's. Can you just describe for me
25 how boys would be identified as being boys who should go

1 to St Ninian's as opposed to any other establishment?

2 A. We didn't have much of a role initially in that. That
3 was really decided by the social work department and
4 they would make a referral to St Ninian's. And then, as
5 a result of that, we would decide whether it was an
6 appropriate place for that child to be. So the initial
7 referral would come via the social work department.

8 Q. But did that change over the period then?

9 A. I don't think so. I have no memory of it changing.
10 I think all children came via -- initially through the
11 social work department and usually, I think probably all
12 the time, there was an arranged meeting. If they wanted
13 to pursue that, we would arrange a visit to the school
14 before they came with the child and family and
15 social worker.

16 Q. Were there particular social workers that you would
17 liaise with in connection with bringing children to the
18 school?

19 A. We would liaise with every social worker that made
20 a referral to the school.

21 Q. But was there a particular area that dominated
22 in relation to children coming to the school?

23 A. You mean area in sense of --

24 Q. The west of Scotland, Glasgow, for example.

25 A. Yes, Glasgow, generally, I would say, most of the

1 children were from, although we did have them from
2 Edinburgh, Falkirk, Perth.

3 Q. So far as reviewing the care of a child on an ongoing
4 basis, can you help me with that? How was that done?

5 A. The review system was that we held an in-house review
6 every six months on a child and members of staff would
7 prepare reports for that and then on a 12-monthly basis
8 there would be a Children's Hearing, which was a legal
9 obligation, and the school would [REDACTED] prepare
10 a report to send to the Children's Panel on a particular
11 child.

12 Q. When a child came to leave St Ninian's then, what would
13 [REDACTED] be in that process?

14 A. The leaving process sometimes was decided via the
15 Children's Hearing because they had the legal
16 responsibility to decide whether a child should stay or
17 should leave. So if they were going to the Children's
18 Hearing, we would again prepare a report and we may be
19 recommending that a child leave or we may recommend that
20 he continue, but it would be the Children's Panel that
21 would decide that.

22 Q. In relation generally to the children that -- the mix of
23 children you now had over this period at St Ninian's,
24 I think it's fair to say that some of these boys would
25 have had prior delinquency issues; is that correct?

1 A. That's correct, yes.

2 Q. Were there some who did not?

3 A. That's also correct, yes.

4 Q. So you had this mix of children?

5 A. That's correct.

6 Q. How did that work in practice? Do you think that was

7 a good mix to have in this sort of establishment?

8 A. I don't think it was a major issue. I think there was

9 never an issue in the school. It was never talked about

10 as -- they were there because they may have had problems

11 at home or they may have had delinquency problems, but

12 there was never an issue, really.

13 Q. Who would know about the background of the children?

14 [REDACTED]

15 [REDACTED]

16 A. [REDACTED] Well, most of the staff would know as

17 well. That information would be fed to them.

18 Q. [REDACTED]

19 A. [REDACTED]

20 Q. Can I ask you about discipline and punishment during

21 this second period that you were at St Ninian's. Did

22 you have any responsibilities for discipline and

23 punishment?

24 A. Not officially, no.

25 Q. You're not a teacher and you're not on the caring side.

1 A. No -- well, I was on the caring side in the sense that
2 I cared while I was there. I used to help at lunchtimes
3 and maybe supervise with playtimes and things like that,
4 so there was an element of that.

5 Q. To that extent then you were involved.

6 A. Yes.

7 Q. Can I ask you then about discipline and punishment: who
8 would discipline the children?

9 A. I think the ... I think discipline was mainly, if it
10 was given in any way at all, was mainly the headmaster.
11 I think within each classroom I presume each teacher
12 would have their form of discipline for bad behaviour or
13 whatever. I know there was occasions when one or two
14 children may have been brought down to my office because
15 one child was being disruptive and he'd spend a bit of
16 time with me in the office. I think the bulk of it was
17 the headmaster.

18 Q. What would the purpose be of bringing the child to your
19 office?

20 A. I think it was just giving him time to calm down.
21 I used to give them a little bit of work to do or
22 something just to calm them down and take them out of
23 the -- there'd obviously been a difficulty in the
24 classroom.

25 Q. Were you yourself ever directly involved in disciplining

1 a child in any way during this second period?

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

3 Q. There's been some evidence that there was a strap,
4 a belt kept in your room; was that the case?

5 A. I don't remember that at all.

6 Q. In your statement -- I think this is paginated at
7 page 12, WIT.003.002.1376 -- at the top you suggest that
8 you would discipline boys for minor misdemeanours. So
9 to that extent, you'd be involved in things, for
10 example, denying tuck money and so on; is that --

11 A. Yes, that's right.

12 Q. So you had that capacity to do that?

13 A. Mm-hm. If it was something I was directly involved in,
14 yes.

15 Q. When you say in the third paragraph:

16 "All staff had the capacity to discipline,
17 especially the teaching staff ..."

18 Are you really focusing there on the brothers and
19 the teachers when you talk about "all staff"?

20 A. That's right.

21 Q. Again, looking at this second stage, second period that
22 you were at St Ninian's, was there a punishment book
23 kept?

24 A. I don't think so.

25 Q. Was running away still a problem?

- 1 A. Yes, it was.
- 2 Q. And again, can I ask you, were the reasons for children
3 running away at this period in time investigated?
- 4 A. Yes, they were investigated, uh-huh.
- 5 Q. Were you involved in that?
- 6 A. Yes.
- 7 Q. Can you give us some idea as to what reasons were being
8 advanced then by boys for running away from the school?
- 9 A. They were unhappy, they wanted to go home, didn't like
10 the school. There were various reasons. As I said
11 earlier, if it was after a weekend or holidays, they
12 found it difficult to settle down. Remember St Ninian's
13 Falkland was in the middle of nowhere whereas most of
14 these children had come from large cities, so it was
15 a totally different background for them.
- 16 Q. And then you say they were unhappy, how would you
17 describe the atmosphere at the school during this
18 period?
- 19 A. I thought it was generally quite happy. There was
20 nothing that really-- I mean, there were some children
21 who were quite upset at times, but I don't think it was
22 a sad school.
- 23 Q. Did you see any bullying going on?
- 24 A. Bullying was a bit of an issue at times, yes.
- 25 Q. Can you just explain how it was an issue?

1 A. Well, I think with a group of teenagers, all living
2 together, there tends to be a bit of a hierarchy system
3 and I think that led to bullying on occasions, and
4 I think the more timid boys in the school found that
5 more difficult.

6 Q. How was that addressed by the staff?

7 A. Well, we'd have to talk -- if we knew exactly what
8 happened, we'd have to talk to the boys concerned and
9 try and kind of explain to them that this isn't
10 acceptable.

11 Q. Going back to the question of records, again you provide
12 quite a bit of information in relation to that on
13 pages 13 and 14 of your statement, that's
14 WIT.003.002.1377 through to 1378.

15 I think what essentially you're saying is that each
16 individual child during this period would have an
17 individual file.

18 A. That's correct.

19 Q. These files would be kept in your office?

20 A. That's right, yes.

21 Q. When you left St Ninian's, were these files still in
22 your office?

23 A. I've no idea. The school closed at that time.

24 Q. Yes.

25 A. So I have no idea. The files would have been the

1 responsibility of the organisation that ran the school.
2 They probably were still in the office, but I'm not
3 absolutely sure.

4 Q. If you had these files in your office and when you left
5 your office for the last time, if I can put it that way,
6 were the files in your office?

7 A. Yes, or they may have been transferred into the
8 headmaster's office. He had his own office. They may
9 well have been in there.

10 Q. Indeed so, but I just want to know your own position and
11 I think you tell me when you left, when you shut the
12 door for the last time, the files were there in your
13 office?

14 A. Yes, I don't remember shutting the door for the last
15 time, if I'm honest.

16 Q. I want to be clear that each child had a personal
17 file --

18 A. They would have had a personal file in the office,
19 either that office or the other office.

20 Q. What about the children who had had personal files and
21 who had left before the place closed? Do you know what
22 happened to their personal files?

23 A. They would have gone to the social work departments of
24 the area they came from.

25 Q. What about the personal files that were kept by the

- 1 school for the child? Would --
- 2 A. They would have been sent to the social work department.
- 3 Q. So are you saying that the order itself would not keep
- 4 any personal files for any child?
- 5 A. I really can't comment on that for certain. I'm not
- 6 sure whether the order did or not. It was a very kind
- 7 of difficult time because the school was closing, so
- 8 everybody was losing their jobs, so it was just
- 9 a difficult time. But the files would have been kept
- 10 up-to-date until that time and I presumed that the Irish
- 11 Christian Brothers would have transferred them back to
- 12 the social work department for each child.
- 13 Q. Can I ask you this: the files in relation to boys who
- 14 had left a year or two before the school closed down,
- 15 were they still in your office or would they have gone
- 16 somewhere since they were dead files effectively?
- 17 A. I think they would have been transferred already to the
- 18 social work department.
- 19 Q. When you say you think --
- 20 A. I'm not absolutely sure.
- 21 Q. Why would that be in the sense that these were files
- 22 that were being kept by the order for the children?
- 23 They weren't social work files.
- 24 A. I don't know. What they did with them, I'm not sure.
- 25 What you're asking me is: is that the right thing to do,

1 for the order to keep them or for the social work to
2 have them?

3 Q. All I'm asking you for is your evidence, John, and
4 that's whether you can tell me what happened to any dead
5 files that were there during your time.

6 A. I suppose the simple answer there is I don't remember.

7 Q. You don't know.

8 LADY SMITH: To be clear, John, you're talking about files
9 that contained whatever the school, whatever the order,
10 thought should go into an individual child's file?

11 A. That's correct, yes.

12 LADY SMITH: That might be more detail than a social work
13 department needed.

14 A. It may be. I think it's a possibility of that child, as
15 happened, moving on to another residential
16 establishments, I think it would probably give an
17 up-to-date picture of the child if those files went as
18 well.

19 LADY SMITH: What's going through my mind is that the file
20 may have had private information, personal information
21 about the child the social work department didn't need
22 to know and had no right to know. Do you see what
23 I mean?

24 A. I see what you mean, yes.

25 LADY SMITH: I think that's why Mr MacAulay and I are both

1 a little puzzled at the idea that the entirety of the
2 file would just be handed to the social work department.

3 A. Yes, well, I mean, I'm not sure about this, because
4 I mean ... on leaving the school for the last time, it's
5 very possible the files were still there for the Irish
6 Christian Brothers to decide what they did with them.

7 LADY SMITH: I suppose what you can do is confirm to me that
8 you didn't take any of the files away with you.

9 A. Absolutely not.

10 LADY SMITH: You'd have had no reason to do so, I suppose,
11 and you don't really know what happened to them.

12 A. No, not really, no.

13 MR MacAULAY: Can I then just look at some aspects of the
14 regime with you, looking, first of all, at comments that
15 have been made in connection with the first period that
16 you were at St Ninian's. Because at that time I think
17 you came across Brother BHD is that correct?

18 A. That's correct, yes.

19 Q. And he was the [REDACTED] at a point in time?

20 A. Yes.

21 Q. How would you describe him?

22 A. A serious man. A serious man, but he was never -- never
23 interfered with one's work, he allowed you to get on
24 with your work.

25 Q. One of the descriptions that has been given to the

1 inquiry by a witness whose name -- if you go to the
2 front of the folder you have in front of you, you'll
3 find a list of names and pseudonyms.

4 A. Yes. I see them.

5 Q. Do you see one whose name has the pseudonym "William".
6 Do you see that?

7 A. I do, yes.

8 Q. Do you recognise that name?

9 A. No.

10 Q. That person gave evidence. I needn't put the transcript
11 up. I'll give the reference. TRN.001.006.0866. What
12 he says is:

13 "Answer: Brother [REDACTED] BHD was a cruel and sadistic
14 man. He had an air of violence and menace about him."

15 Is that a reasonable description of
16 Brother [REDACTED] BHD

17 A. No.

18 Q. He went on to say --

19 A. Not the [REDACTED] BHD I knew.

20 Q. He went on to say that:

21 "Brother [REDACTED] BHD inflicted more abuse on me than
22 the other brothers combined."

23 So that's his description. But that doesn't accord
24 with your recollection?

25 A. No.

1 Q. The other person who gave particular evidence about
2 Brother [BHD] was a man who doesn't want to remain
3 anonymous. His name is Frank McCue. Is he somebody who
4 you remember?

5 A. No.

6 Q. I will look at his transcript. It's at
7 TRN.001.006.0320. Taking this shortly, what Frank
8 describes in his evidence is a rather vicious attack by
9 Brother [BHD] on him that included the use of a golf
10 club, and at one point in time Brother [BHD] had to
11 be held back from Frank McCue. If I look at page 0320,
12 at line 8, he's asked:

13 "If we look at paragraphs 44 and 45 of your
14 statement that's where you're giving a description of
15 what Brother [BHD] was doing to you. In particular
16 you involve at different points in time Mr [MCS] --
17 and you say for example: 'Brother [LNA] [MCS] or
18 either Brother [MCY] or Brother [MBV] or possibly
19 Brother [LHI] pulled Brother [BHD] away from me."

20 And he goes on to describe the incident.

21 Do you have any recollection of an incident that
22 involved an attack by Brother [BHD] on this boy?

23 A. No, I don't, no.

24 Q. If I can put an entry from the logbook on the screen for
25 you. It's CBR.001.001.2148. There's an entry there for

1 [REDACTED] 1972. It relates to the incident that

2 Frank McCue spoke about in evidence. Can you see the
3 last line there, the last entry:

4 "The [REDACTED] gets very angry and gives him rather
5 severe punishment."

6 And then there's a reference in the following entry
7 to the [REDACTED] apologising for the unfair treatment.

8 Do I take it from what you've said that you know
9 nothing about this incident?

10 A. Well, I've no memory of it, no.

11 Q. I think you're aware, John, that there have also been
12 allegations made against you, in particular during your
13 first period at St Ninian's. You're aware of these
14 allegations?

15 A. I am, yes.

16 Q. [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 A. That's correct.

20 Q. Again, if you look at the key in front of you, you'll
21 see the name John has been allocated to a particular
22 individual. Do you recognise the name?

23 A. [REDACTED]

24 [REDACTED]

25 Q. [REDACTED], but you didn't remember the

1 name?

2 A. At that time, no.

3 Q. Again, the evidence the inquiry has ingathered in
4 connection with this person, who died, I'll put it to
5 you. It's the transcript at TRN.001.006.0959. While
6 we're waiting for that, he was at St Ninian's from
7 [REDACTED] 1969 to [REDACTED] 1971, so that would have covered
8 part of your period at St Ninian's.

9 A. That's correct.

10 Q. If we turn on to page 0960, at line 16, this is what has
11 been noted:

12 "Brother [REDACTED] MBV [REDACTED] was the only teacher who abused me
13 while I was at St Ninian's. While I was at the school
14 I was abused by the brother only at night."

15 And he talks about being a bed-wetter. He'd be
16 taken out of bed for the toilet and have a shower if he
17 had wet the bed. Then he goes on to say:

18 "I remember the abuse happening about two times per
19 week. I can't remember the first occasion, I just
20 remember it happening."

21 Then he goes on to describe incidents of sexual
22 abuse -- I'll give you the opportunity of looking at
23 that -- which involved you playing with his penis, being
24 erect, and ejaculating during this process. Did any of
25 this happen?

1 A. No.

2 Q. He also talked about, if you go on to page 0962,
3 a similar sort of sexual abuse happening in your room.
4 He indicates at one point that there was a money tin and
5 he stole it to use the money to escape the school. Do
6 you remember some incident of that sort happening?

7 A. No.

8 Q. The other person who has made allegations against you
9 gave evidence on commission at [REDACTED]; do you
10 remember that happening? That's the person whose name
11 is Stewart on the key. Do you recognise the name?

12 A. I recognise the name, yes.

13 Q. Do you recognise the name as someone who had been at the
14 school when you were there?

15 A. No.

16 Q. If I could turn to the transcript at TRN.001.006.0967.
17 At line 17 he says:

18 "I was once caught smoking cigarettes by [you] and
19 as a punishment he made me smoke a whole packet of
20 cigarettes until I was ill with them.

21 Did that happen?

22 A. No, no.

23 Q. He says in the next paragraph that you had two budgies
24 in your room in a wooden cage; did you?

25 A. I have no recollection of that at all.

1 Q. Were there budgies at the school?

2 A. I don't think so, no. I was never a bird lover, really.

3 Q. Then on the following page, he goes on to say, 0968,
4 that he was sexually abused by you in your room. Did
5 that happen?

6 A. No.

7 Q. You're aware of these allegations, I think?

8 A. I am indeed, yes.

9 Q. He goes on to tell us about a time when he was ill with
10 a kidney infection and when he was recovering, you
11 visited him and again you sexually abused him. That's
12 on page 0968. Did that happen?

13 A. No, it didn't happen, no.

14 Q. He also said that you took him to Plymouth on
15 a particular occasion. Did that happen?

16 A. That happened, yes.

17 Q. If we look at a document, it's PSS.001.007.5254. Is
18 this a letter written by you dated 30 June 1971?

19 A. It is, yes.

20 Q. Are you writing here to this particular person's
21 social worker?

22 A. Social worker, yes.

23 Q. What you're asking is for permission to take this boy,
24 along with another boy, to Plymouth for a fortnight's
25 holiday in late July; is that correct?

1 A. That's correct, yes.

2 Q. Is it the case that the two boys did go to Plymouth and
3 stayed in the first instance with yourself and your
4 family?

5 A. For the whole instance.

6 Q. Again, you'll be aware that Stewart said that on that
7 visit he was sexually abused by yourself?

8 A. Yes.

9 Q. You're aware of these allegations?

10 A. I am indeed, yes.

11 Q. What is your response to these allegations?

12 A. It didn't happen.


13 Q. Are you able to provide any assistance as to why this
14 particular individual, and indeed the other individuals,
15 are making up these stories about you in particular?

16 A. No, I don't know. I mean, I've really racked my brain
17 over that. I've no idea.

18 Q. The other person whose evidence I want to put to you --
19 again his name is on the list. He doesn't want to be
20 anonymous. His name is Alexander Shannon. Do you
21 recognise the name?

22 A. I recognise the name, yes.

23 Q. Do you remember the individual from St Ninian's?

24 A. From Falkland, no, I don't, no, although I think
25 

1 Q. In his transcript he tells us about an incident that he
2 said involved yourself and that's at TRN.001.006.0765.

3 At line 12 he tells us that he swore at you and then
4 he ran away and he goes on to say:

5 "He then chased me from the dining rooms up to the
6 brother's -- the social worker's office. I went in
7 there because I didn't know where to run in the home and
8 they cornered me in there and I must have then got
9 punched and kicked for quite a while and I remember it
10 was pitch black and I remember howling and screaming and
11 I just wanted away."

12 He goes on to describe the nature of the attack and
13 that he was badly beaten and injured. I think you are
14 again aware of these allegations. Did this happen with
15 this individual?

16 A. No, no, it didn't happen.

17 Q. Do you think this is a case of mistaken identity, he's
18 thinking of someone else?

19 A. It could be, it's possible.

20 Q. He goes on towards the bottom of page 0766 when he's
21 asked at line 24:

22 "Question: Did you see how he behaved towards other
23 children?

24 "Answer: He was the same with them. He didn't just
25 single me out. It was just his way and everybody knew

1 he had a short temper."

2 You would say that doesn't describe your character?

3 A. Not at all, no.

4 Q. The last person's evidence I want to put to you is the
5 person whose name you see is Alan on the pseudonym list,
6 if you look at the list.

7 A. Yes.

8 Q. You recognise that particular individual?

9 A. I recognise that from [REDACTED] that name.

10 Q. But you don't have any recollection --

11 A. Of the person at the time, no.

12 Q. If I take you to what he said in evidence in the
13 transcript, it's at TRN.001.006.0712.

14 Towards the bottom of that particular page, he
15 describes an incident where he says that you gave him
16 a beating:

17 "He pinned me to the sofa and he was punching me
18 about my head and body because I was so upset and angry
19 I wasn't getting out."

20 And he goes on to say that he had injuries. Did
21 that happen?

22 A. No.

23 Q. So again, either he's mistaken you for somebody else or
24 he's making it up; these are the options?

25 A. I can't comment on that, really.

1 Q.

2

3

4 A.

5 Q.

6

7 A.

8 Q.

9

10 A.

11 Q.

12 A.

13 Q. Did you listen to accounts of abuse, in particular
14 focusing on Brothers Farrell and Kelly?

15 A. I did.

16 Q. Were you surprised at what was being said?

17 A. More than that. Shocked, I think.

18 Q. We know that there were convictions of both brothers.

19 Did you have any inkling at all that anything of that
20 sort was taking place at St Ninian's when you were there
21 as a [REDACTED]?

22 A. No, not at all.

23 Q. What shocked you?

24 A. Well, I think the level of abuse that they were found
25 guilty of shocked me, and also the amount of sexual

1 abuse that appeared to have happened, that shocked me.

2 Q. I think you tell us towards the latter part of your
3 statement -- this is on page 17, WIT.003.002.1381 --
4 that:

5 "Having listened to the trial, listening to the
6 trauma of some of the complainants, the level, number
7 and detail they were able to provide, left me believing
8 that there had to have been some abuse."

9 Was that the conclusion you came to?

10 A. That was the conclusion I came to, yes.

11 Q. But you go on to say that of course at this time you did
12 not stay on the premises.

13 A. I didn't, I didn't stay overnight.

14 Q. Overnight, yes. You have already told us what your
15 hours would be, from 8 until about 6.

16 A. Roughly 8 to 6, yes. It wasn't rigid.

17 Q. As you've already said, you spent quite some time off
18 the premises in connection with your various
19 responsibilities.

20 A. I did, yes.

21 MR MacAULAY: Very well, John. Those are all the questions
22 I have for you. I think I've covered all that I've been
23 asked to ask that would be relevant to you and thank you
24 for coming to give your evidence today.

25 A. Thank you.

1 LADY SMITH: Are there any outstanding applications for
2 questions of this witness? No.

3 John, those are all the questions for you today.
4 Thank you very much for coming along to elaborate on the
5 written statement that you provided so carefully to us.
6 That was very helpful in both respects, both to have
7 your written evidence and your oral evidence today. I'm
8 now able to let you go with my thanks.

9 A. Thank you.

10 (The witness withdrew)

11 LADY SMITH: Mr MacAulay.

12 MR MacAULAY: My Lady, that's all the evidence for today.
13 Tomorrow we have three witnesses, two by video link, so
14 that will have to be managed in the morning.

15 LADY SMITH: Yes. These are video links from two different
16 places as well, so they can't run seamlessly one into
17 the other.

18 MR MacAULAY: We'll have to have a break in between, and
19 we have another witness to come for the afternoon.

20 LADY SMITH: A 10 o'clock start with the first video link.

21 We'll start again at 10 o'clock tomorrow morning.

22 In the meantime, I'll adjourn.

23 (4.15 pm)

24 (The inquiry adjourned until
25 Friday, 21 June 2019 at 10.00 am)

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PAUL KELLY (sworn)1

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