

1 Thursday, 13 June 2019

2 (10.00 am)

3 LADY SMITH: Good morning. Before I turn to Ms MacLeod to
4 invite her to call the next witness, can I start with an
5 apology. We are having problems with the system this
6 morning that produces a simultaneous transcript. There
7 have been efforts made for quite a long time this
8 morning to get it to run properly, but it's been very
9 temperamental. At the moment I think I'm right in
10 saying it's just not coming up at all -- I can see it's
11 not coming up on my screen. It may kick in -- I hope it
12 does -- but because we have a witness here, he is quite
13 elderly. I'm keen to start the evidence rather than
14 keep him waiting because we can't tell when the system
15 is going to start behaving again.

16 So I'm sorry for those of you who depend on seeing
17 the transcript coming up. It's not that there is no
18 transcript being made or recorded: it will all be there,
19 it's just that you're not going to be able to see it as
20 the witnesses are speaking, so my apologies for that.

21 Ms MacLeod.

22 MS MACLEOD: Good morning, my Lady.

23 Before we start the first witness this morning,
24 I would propose to deal with a fairly short chapter of
25 evidence dealing with deceased persons and evidence they

1 have provided. I propose to read extracts of statements
2 of four people who have died. I'll give the background
3 to them as I go through them.

4 LADY SMITH: That's quite helpful, actually, because it
5 gives us a greater chance to have the transcript sorting
6 itself out by the time we get to the oral evidence.
7 Thank you.

8 MS MACLEOD: The names that are used for each of the four
9 people are pseudonyms, not their own names.

10 There are certain changes that have been made to the
11 wording of some of what I will say, but it doesn't
12 affect the meaning.

13 LADY SMITH: Thank you.

14 Witness statement of "JOHN" (read)

15 MS MACLEOD: The first of these persons I want to look at is
16 John. John died in [REDACTED] 2015 and his death certificate
17 can be found at PSS.001.007.1818. So he died prior to
18 the 2016 trial taking place.

19 LADY SMITH: When you say "the 2016 trial", you mean the
20 trial of Farrell and Kelly in the High Court?

21 MS MACLEOD: That's correct, my Lady.

22 LADY SMITH: Thank you.

23 MS MACLEOD: According to the records we have record from
24 the Christian Brothers, it appears that John was
25 admitted to St Ninian's in [REDACTED] 1969 when he was 13

1 and discharged in [REDACTED] 1971 when he was 15.

2 John gave a statement to the police in
3 September 2014 and it can be found at CFS.001.004.6022.
4 In that statement, John provided evidence, which
5 included the following:

6 "I remember we were disciplined by the way of
7 getting belted on the hands or being made to stand
8 facing the wall for the entire day. Part of the
9 punishment we got was to go on runs and was a regular
10 occurrence.

11 "I remember Brother [REDACTED] LNA slapping me and the other
12 boys about the head if we misbehaved. The only brother
13 who didn't physically slap any of the boys was
14 Brother [REDACTED] LHC . He had some kind of control of us
15 without resorting to slaps.

16 "Brother [REDACTED] MBV was the only teacher who abused me
17 while I was at St Ninian's school. While I was at the
18 school, I was abused by Brother [REDACTED] MBV , only at night.
19 I remember being a bed-wetter, so Brother [REDACTED] MBV would
20 enter my dorm at night and either get me out of bed for
21 the toilet or go for a shower if I had wet the bed.

22 "I remember trying not to swallow the water when
23 brushing my teeth so as not to wet the bed, so he could
24 not get me and abuse me. I remember the abuse
25 happening about two times per week. I can't remember

1 the first occasion it happened; I just remember it
2 happening frequently from when I started the school to
3 when I left when I was 15 years old.

4 "Brother MBV would take me down in my pyjamas and
5 he would be in his pyjamas. He would take me downstairs
6 to the shower and ask me to strip off my clothes and
7 I was naked and tell me to go in the shower.

8 "Once I was washed he would make me out of the
9 shower and begin playing with my penis with his hands.
10 He also used to masturbate while he did this. He would
11 have an erection by this point. He would put his erect
12 penis in between my legs whilst he bent me over and
13 rocked backwards and forwards, rubbing his penis on my
14 inner thighs. I remember he used to ejaculate whilst
15 doing this rocking motion. I also remember him making
16 me masturbate him using my hands until he ejaculated.
17 He also used to make me give him blow jobs, which is his
18 penis in my mouth, but I can't remember if he came
19 whilst I did this. I think Brother MBV used to give
20 me blow jobs as well on some occasions.

21 "I remember at the time Brother MBV used a scarf
22 or his hands and placed it over my mouth to muffle me.
23 He did this as I was upset and crying most of the time
24 this happened and he was scared someone would hear me.
25 Brother MBV would also be on the ground on his back

1 and make me masturbate him or lie me down on my front
2 with him on top of me, putting his penis between my
3 thighs, rocking backwards and forwards until he came.

4 "During this abuse, he did not make me ejaculate.
5 The only way it would end and you would be taken back to
6 your room was by Brother MBV coming. I do remember
7 on one occasion the abuse happened in Brother MBV's
8 room, which was on the first floor of the school.

9 I cannot remember where or what was inside it. It had
10 a large window overlooking the gardens and a money tin
11 on the desk in his room. I remember the money tin as
12 I stole it once to use the money to escape the school.
13 Again, I know the abuse which occurred in MBV's
14 bedroom was masturbation and blow jobs, but I can't
15 remember exactly what happened on that one occasion.

16 "I also remember another occasion of abuse occurred
17 on a train from Kirkcaldy train station to Glasgow.
18 I remember it was arranged that I return to Glasgow for
19 the weekend to see my mother. I remember being taken by
20 minibus to Kirkcaldy train station by Brother MBV.
21 Before I got to the train, MBV spoke to the train
22 guard out of my earshot. I don't know what was said,
23 but I thought it was to arrange my transfer over to
24 Glasgow and make sure I was all right.

25 "On the route to Glasgow, I remember this guard

1 taking me into a private toilet on the train, the one
2 for staff only. I remember it being near cages which
3 was on the train. In the toilet he made me masturbate
4 him using his hands. He also masturbated me using his
5 hands. I don't remember him giving me a blow job or me
6 giving him one.

7 "When I was at the school I recall sharing a dorm
8 with a particular boy. I remember Brother LNA taking
9 him out of his bed in the middle of night and
10 I suspected he was also being abused.

11 "I was too scared to ask why he was being taken away
12 but I now know why he was taken away."

13 The next statement provided by this witness was in
14 October 2014. It doesn't contain any allegations of
15 abuse and it was taken for the purpose of identifying
16 MBV from a photograph.

17 LADY SMITH: Thank you.

18 Witness statement of "KENNETH" (read)

19 MS MACLEOD: The next person I would like to look at is
20 Kenneth. Kenneth died in 2002. His death
21 certificate can be found at CBR.001.001.7594.

22 He had previously provided a statement to the
23 police.

24 Kenneth's statement dated January 2002 can be found
25 at PSS.001.007.3041.

1 Regarding his time at St Ninian's, Kenneth provided
2 evidence including the following:

3 "I remember on about 20 times I ran away. When
4 I was returned to the school, whoever was the brother on
5 duty would actually physically strip me, removing my
6 clothes, and then make me wear a pair of shorts which
7 were too big for me so that I would have to hold them
8 up. They would then make me face the wall in the big
9 hall and stand looking at the wall whilst wearing only
10 the shorts for two to three hours at a time. If I moved
11 I would get hit with a cane or a piece of wood and this
12 happened on a few occasions. I remember being bent over
13 the brother's knees and having my backside caned or hit
14 with a slipper.

15 "I remember that Brother Kelly, who was in charge of
16 the juniors, and Brother **MHG**, who ran the seniors, the
17 person whose first name was **MCG** and the **[REDACTED]**
18 called **MBV** all hit me on different separate
19 occasions, not only when I had run away but whenever
20 I got into trouble for smoking or not eating meals.

21 "I can remember being force-fed in front of
22 everybody by whoever was in charge of the dinner hall
23 at the time if I didn't eat. I can remember running
24 away with various boys on a number of occasions and when
25 we were caught we would be stripped as I have described.

1 "After we had stood with the big shorts on, we would
2 have to wear only the shorts and a pair of flip-flops
3 for a week. I remember on a number of occasions
4 sneaking out of the house for a cigarette at night with
5 my jammies on and being caught by Brother MHG and
6 Brother Kelly. They would take my in, take my pyjamas
7 off me, and batter my backside with a wooden panel or
8 a cane. I then had to stand in the corridor wearing big
9 shorts for hours in the early hours of the morning.

10 "I remember if we were well-behaved we would get to
11 sleep in Brother Kelly's room with him. About six boys
12 at a time.

13 "There was no sexual contact that happened in his
14 room that I know of and nothing sexual was ever
15 mentioned in my presence. I do remember Brother Kelly
16 taking a boy out of the room occasionally during the
17 early hours and returning to his room when we were all
18 pretending to be asleep. The boy would be crying.

19 "I can't remember what boys Brother Kelly took out.
20 He would tend to pick younger kids. I can remember one
21 of the boys who was younger than me, maybe two years
22 younger than me, said that he had give a brother
23 a blow job. I'm sure it was Brother MHG Now that
24 I think back, I remember that Brother MHG took that boy
25 out of the dormitory into his own room, which was beside

1 the dormitories and brought him back to his bed two or
2 three hours later. He was crying his eyes out and he
3 wouldn't talk about it to us. The other boys and I kept
4 on at him to tell us about it and he said he had had to
5 give a blow job to MHG I can remember Brother MHG
6 walking around the dormitories late at night and then
7 hearing footsteps follow his out of the dorm. I took it
8 to be a boy following him out, but I am not sure and
9 I never saw that.

10 "I remember once we went to a two-week trip to
11 Wales. Brothers Kelly, MHG and MCG were all there. We
12 stayed in tents and the brothers and staff stayed in a
13 bungalow. I can't remember what boys but I do remember
14 the younger boys going away one or two at a time with
15 the brothers. I remember I thought this was strange,
16 because it was going to be dark soon and they were going
17 hill climbing or to make rock pools at the stream.
18 I thought that was rubbish and was going to follow them
19 to see what was going on but I didn't bother."

20 Witness statement "STEWART" (read)

21 The next person I will look at is Stewart. Stewart
22 died in [REDACTED] 2016, prior to the trial. His death
23 certificate can be found at NRS.001.001.1629.

24 Stewart had previously provided statements to the
25 police, one in September 2014, one in October 2014. He

1 also gave evidence on commission in October 2015, due to
2 health reasons, at Edinburgh High Court, which was
3 played to the jury during the 2016 trial.

4 According to the admissions registers provided by
5 the Christian Brothers, Stewart was admitted to
6 St Ninian's in [REDACTED] 1968 at the age of 12 and
7 discharged in [REDACTED] 1971 at the age of 15.

8 The first statement I will look at is the statement
9 Stewart gave on 28 September 2014, which can be found at
10 PSS.001.006.8524, regarding his time at St Ninian's
11 Stewart provided certain evidence including the
12 following:

13 "While at the school, the brothers were firm but
14 fair in terms of punishment. The belt was used on your
15 hands if you misbehaved. Other punishments would be
16 being made to run up the Lomond hills or to run to the
17 Kilgour Gate, a farm, and run back. I was once caught
18 smoking cigarettes by Brother [REDACTED] MBV and as a punishment
19 he made me smoke a whole packet of cigarettes until
20 I was ill with them.

21 "Brother [REDACTED] MBV had two budgies in his room in
22 a wooden cage which sat directly in front of the window.
23 Brother [REDACTED] MBV would invite me to his room as he was
24 attempting to breed the budgies. This is a room in
25 which Brother [REDACTED] MBV abused me.

1 "I remember Brother MBV sitting me down on his
2 bed and beginning to tickle me. Before I knew that was
3 happening he was on top of me, straddling me with me
4 lying on my back. The next thing I knew, Brother MBV
5 had my penis out and he began playing with it.
6 I remember Brother MBV having a blue sports tracksuit
7 on and he taught [REDACTED]

8 "I remember it was a cotton tracksuit.
9 Brother MBV got his own penis out and began
10 masturbating both me and him using his hands. He then
11 lay beside me and at some point took his top off. His
12 trousers were at his knees. Brother MBV encouraged
13 me to play with his penis, which I did as I was so
14 scared of the consequences if I didn't. This lasted for
15 about 30 minutes and it ended with Brother MBV
16 ejaculating on his own chest.

17 "The second incident of abuse I suffered was again
18 by Brother MBV within St Ninian's School. I recall
19 being ill with a kidney infection and being within the
20 matron's bedroom to the right of the main entrance of
21 the school. I got a pocket radio as a Christmas present
22 from the brothers, so this was my only form of
23 entertainment while I was ill. I remember the matron
24 who usually stayed in the room was Irish and I presume
25 she was on holiday over the festive period.

1 Brother MBV would pop in a few times per day to see
2 how I was and give me my lunch, dinner and breakfast.
3 I remember the matron's room had an open fire in the
4 middle of the room with two chairs by it. It had
5 a double bed in it.

6 "I remember one day or night Brother MBV came in
7 to visit me. I must have been getting better as
8 I wasn't bedbound and remember being in the chair at the
9 time. I remember having pyjamas on and MBV putting
10 his hands through the hole in the front of my pyjama
11 bottoms and playing with my penis. Then we moved to the
12 bed and Brother MBV continued to play with my penis.
13 I remember Brother MBV was casually dressed.
14 I remember Brother MBV was lying on his back,
15 masturbating himself and masturbating me using his
16 hands. He made me masturbate him using my hands. The
17 incident ended with Brother MBV ejaculating on his
18 chest again. I remember ejaculating as well on the
19 bottom of my pyjama top. I don't recall giving or
20 receiving oral sex on this occasion.

21 "I remember another occasion in which I was abused,
22 which was on a summer holiday trip to Plymouth with
23 Brother MBV. I know this to have occurred in the
24 late of 1971 as I know I left the school in
25 1971 and this was afterwards.

1 "I remember getting the bus to London with another
2 resident of St Ninian's who was the same age, a month
3 younger than me. I remember Brother [MBV] picking us
4 up in a blue Ford Escort hire car. I remember the
5 registration of the car. We were driven down to
6 [REDACTED] in Plymouth. This is where his mother and
7 father stayed. The house was a semi-detached house with
8 two floors at the front. I remember the house being on
9 a slight incline with steps to the front door and the
10 sea visible in the distance.

11 "One day whilst we were on the trip we visited
12 Brother [MBV]'s sister, who stayed half an hour's drive
13 from Brother [MBV]'s mum and dad. The other boy had an
14 asthma attack whilst in that house.

15 "The other boy and I were sharing an upstairs
16 bedroom during the holiday. I don't know where
17 Brother [MBV] stayed. I remember that night we were
18 returned leaving the other boy at Brother [MBV]'s
19 sister's house. That was the night he abused me.
20 I remember lying on the bed and Brother [MBV] coming
21 and asking if I was going to be okay on my own. He sat
22 down on the bed next to me. Before I knew what was
23 happening, Brother [MBV] again had his hands down my
24 pyjama bottoms, touching my penis. He then got his own
25 penis out and began masturbating us both.

1 "He then made me masturbate him until he ejaculated
2 on his own chest. I remember he had a bathrobe on
3 at the time with pyjamas on underneath. He also made me
4 ejaculate on this occasion by masturbating me using his
5 hands. I remember the room in which this happened. It
6 had two single beds against the wall of the bedroom. It
7 was to the front of the house above the door.

8 "It happened on the first bed as you entered the
9 room on the right. This was the only night
10 Brother **MBV** had the opportunity to abuse me. The
11 other boy returned the next day and shared the room with
12 me.

13 "I left St Ninian's school in 1971, shortly
14 after my 15th birthday. Fifteen was the school leaving
15 age. However, the holiday to Plymouth was arranged
16 whilst I was at the school but I wasn't under the care
17 of the school when I went.

18 "I have explained three occasions which stick in my
19 mind of occasions in which I was abused by
20 Brother **MBV** . However, I know there were other
21 occasions within St Ninian's School whereby I was abused
22 by him, but I cannot remember the details. I do
23 remember that each occasion was similar in the build-up,
24 the incident, and what happened afterwards. I predict
25 the number of times I was abused was in excess but close

1 to 10 occasions.

2 "I do recall another boy stopping me in the corridor
3 close to [REDACTED] MBV 's room and saying something along the
4 lines of, 'I know what's going on here', indicating that
5 he knew [REDACTED] MBV was abusing me."

6 The next police statement taken from that witness
7 doesn't contain any allegations and was taken for the
8 purposes of identifying [REDACTED] MBV from
9 a photograph.

10 LADY SMITH: Thank you.

11 MS MACLEOD: In addition to providing the police statements,
12 Stewart gave evidence on commission at Edinburgh High
13 Court as I mentioned. The transcript of that can be
14 found at CFS.001.004.0855.

15 The witness provided evidence including the
16 following. My Lady, it would appear that the three
17 incidents described relate to the same incidents
18 described in the police statement.

19 He said the first time sexual things happened,
20 [REDACTED] MBV and the witness were in [REDACTED] MBV 's
21 room, both sitting on the bed. [REDACTED] MBV was
22 tickling the witness. Before the witness knew where
23 he was, he was lying flat on his back with his pants
24 down and [REDACTED] MBV was straddling him, sort of
25 kneeling, and [REDACTED] MBV started masturbating the

1 witness.

2 The witness was initially in shock, just froze and
3 didn't know what to do. [REDACTED] MBV [REDACTED] took his own
4 tracksuit bottoms down, turned over onto his back, and
5 was touching the witness's penis at the same time as
6 masturbating himself.

7 [REDACTED] MBV [REDACTED] took the witness by hand and by
8 directing his hand to his penis got the witness to
9 masturbate to him. The witness said he recalled that
10 [REDACTED] MBV [REDACTED] ejaculated. The witness also provided
11 evidence on commission of certain matters he said
12 happened during the festive period, Christmas 1970 to
13 New Year 1971, when he said he was the only boy at
14 St Ninian's and had been staying in the matron's room
15 after a period of ill health while the matron was away.

16 The witness said he doesn't know how it happened or
17 what caused it, but that he recalled [REDACTED] MBV [REDACTED] had
18 his hands down the front of the witness's pyjamas while
19 the witness was sitting and that [REDACTED] MBV [REDACTED] was
20 touching the witness's penis.

21 He said the next thing that happened was that he
22 found himself on his bed with [REDACTED] MBV [REDACTED]. He said
23 his own pyjamas were down and that it was just like the
24 previous situation where [REDACTED] MBV [REDACTED]'s trousers were
25 down and they were both masturbating, with

1 [REDACTED] MBV masturbating the witness and the witness
2 masturbating [REDACTED] MBV . He said he knew [REDACTED] MBV
3 [REDACTED] MBV had an erection on that occasion and ejaculated.

4 During his evidence given on commission, the witness
5 also provided evidence about the trip to Plymouth and
6 the night the other boy from St Ninian's was elsewhere.
7 He said that on that occasion [REDACTED] MBV came into
8 the room the witness was in. He said that once again it
9 started off with [REDACTED] MBV putting his hand up the
10 witness's pyjamas and playing with the witness's penis
11 and they ended again masturbating and [REDACTED] MBV
12 ejaculated.

13 He also spoke of the incident when he had left
14 [REDACTED] MBV 's room at St Ninian's and another boy
15 walked to the end of the corridor and mentioned that he
16 knew what the witness was up to.

17 The witness said he didn't say anything in response
18 and just clammed up even more at that time.

19 Witness statement of "EDWARD" (read)

20 MS MACLEOD: The final witness I wish to look at is
21 "Edward". The police have confirmed that Edward died in
22 [REDACTED] 2018. The inquiry is awaiting a death
23 certificate for him.

24 Edward gave evidence at the trial in 2016. Edward
25 was the complainer in three of the charges of which

1 Paul Kelly was convicted and I will set these out at the
2 end.

3 LADY SMITH: Thank you.

4 MS MACLEOD: Edward previously provided two statements to
5 the police, both in April 2014. According to the
6 St Ninian's admissions and discharge register, Edward
7 was admitted in [REDACTED] 1981 when he was aged 15 and
8 discharged in [REDACTED] 1982 when he was 16. The first
9 statement Edward gave to the police was on 1 April 2014
10 and can be found at PSS.001.006.4123.

11 Regarding his time at St Ninian's, Edward provided
12 evidence that included the following:

13 "The school was brutal. If you stepped out of line
14 you were fucked. From day 1 I was known as an absconder
15 and boasted about it.

16 "After my mother left, Brother Farrell sorted me
17 out. I was put into plimsolls, a vest and shorts.
18 I had to prove myself to get my own clothes back. The
19 [REDACTED] teacher, don't ask me about him. He'd slap you
20 on the back with a lump of wood if you fucked about.

21 "I remember Snoopy giving me a kicking on the rugby
22 pitch. I remember the scrum collapsed and I hurt my
23 neck. I refused to play on and Snoopy kicked and
24 punched me all over the pitch and then up to the
25 changing rooms. He gave me a right doing.

1 "I wasn't the first or the last, believe me. That
2 time I had a bubble on my eye and I went to the nurse
3 woman. Snoopy told her it was at rugby. That was
4 rubbish. He hit me off the sinks in the changing room.

5 "Getting kicked and punched and slapped was regular.
6 All the brothers did this to you and you'd get it for no
7 reason a lot of the time. If you'd been really bad,
8 you'd get taken into a room. Out of sight, out of mind.

9 "I know another boy who took a lot of real kickings
10 from Snoopy and others. Everyone got it unless you were
11 a favourite boy. Snoopy had a favourite boy and this
12 boy gave out a lot of kickings for Snoopy.

13 "Brother Farrell was a kind of temperamental guy.
14 One minute he'd be fine, then he'd lose it. He always
15 hit you on the hand with a ruler and he always smacked
16 you on the arse or kicked up the arse across the room if
17 he snapped. Every one of us at school was a potential
18 punchbag for them. I fought back but I would get flung
19 downstairs and locked in a room. You'd end up not
20 getting fed and you would end up in bed starving because
21 you hadn't been fed.

22 "After I'd been there about two weeks, I remember
23 being in with some of the boys after football. I was
24 standing there when Snoopy appeared next to me. He was
25 totally naked. I'd only been there a while and I didn't

1 realise what was going on. I thought the brothers just
2 showered with us after games. Lots of the boys just
3 disappeared and we got left alone.

4 "I went to move away and he pulled me next to him.
5 I was in total shock. He bent down and kissed me on the
6 lips because he was a tall guy. I was about up to his
7 midriff. I was 13 or so. I noticed he had an erection.
8 Then he took my hands and put them around his erect
9 penis. He held on to my hands and made me masturbate
10 him.

11 "He pulled my hands up and down a few times. He
12 then let go of my hands and he held the back of my head.
13 I was absolutely terrified. I didn't have a clue
14 what was going on, I knew it was wrong. He then forced
15 my head towards his penis. I didn't know what to do so
16 I kissed it. This lasted maybe a minute and he let me
17 go and walked off. Just like that he walked away,
18 singing -- he was always singing or whistling. That was
19 my first encounter with him, but there were many more to
20 come.

21 "About three weeks later, I was in bed one night.
22 The lights had gone out. I remember lying awake and
23 Snoopy came into my room. I think he went to another
24 boy first. They had words and I heard the other boy
25 telling him to fuck off. The next I knew he came to my

1 bed and knelt on the floor at the side of my bed. He
2 whispered ssssh to me and pulled back my covers. I was
3 terrified and lay there. He pulled my pyjama bottoms
4 down and began to play with me. He rubbed his hands all
5 over my penis, my hands and my chest. I got an
6 erection; I don't know how because I was so scared. He
7 then lowered his head and sexually abused me with his
8 mouth. This went on for a minute, maybe two. I didn't
9 come. Then he just stopped, patted me on the head, got
10 up, walked off and not a word was said. That was me up
11 all night after that. Some of us were like zombies
12 because we were terrified to go to sleep. We didn't eat
13 because we were too scared.

14 "Over the next eight months or so this happened on
15 numerous occasions. Sometimes he wouldn't come near you
16 for weeks, sometimes he'd come to your bed twice in two
17 days. He would abuse me mainly in the showers. This
18 was his favourite place, but maybe the dorms or this wee
19 room to the right of the telly room on the ground floor.
20 I can't remember exactly where.

21 "It was always the same. He'd start by rubbing me
22 and then he'd masturbate me. A lot of the time he had
23 his pants on. He would take his penis out and it would
24 always be erect. The he would make me masturbate him.
25 Most of the time he would ejaculate and he'd ejaculate

1 all over me. Other times he would just stop and walk
2 away. I have no idea what went through that man's head.

3 "As time went on, he'd start to get me to perform
4 oral sex on him. I hated that and I was terrified. If
5 you complained, he'd slap you about the head or throttle
6 you. Numerous times he had me by the throat making me
7 do this. Sometimes he'd ejaculate, sometimes not.
8 I hated this and I would pull away.

9 "Sometimes he'd make me masturbate him because I'd
10 moved away. Other times, he would do it himself.
11 Whilst he was doing this, he regularly tried to
12 penetrate me from behind. No matter where I was, he'd
13 always try and bend me over and penetrate me from
14 behind. This really scared me.

15 "I recognised this as he twisted and turned me, that
16 he was trying, and I'd shout and scream and try and make
17 a fuss. I always managed to get away with it, but you'd
18 end up getting a beating because he hadn't got his own
19 way. The showers seemed to be his favourite place and
20 he was there all the time. Every time he came in,
21 he was naked and he had an erection. He'd pick somebody
22 and we'd all just fuck off. We knew what was happening
23 because we'd all been through the same. Everybody knew.

24 "Brother Farrell was the headmaster. He was
25 a really touchy-feely man. He had his favourites.

1 I can't remember them. He was forever touching you and
2 he would pat you on the arse, he would tuck your shirt
3 in, and he would end up having a quick feel of your arse
4 or your private parts as he did this. I just thought
5 this was playful and normal. I didn't know any better.
6 This wasn't an everyday occurrence, it was just every
7 now and again. Everybody got the same treatment.

8 "He was a really decent boy. Brother Farrell never
9 had favourites. Saying that, I think I was one of his
10 favourites. As I have said earlier, sometimes he'd
11 touch you and give you a grope. This would sometimes be
12 in public, sometimes it would be alone. I never saw
13 anything wrong with this. Most of the times my shirt
14 was never untucked.

15 "Farrell was very, very strict and could be
16 aggressive. He'd slap you, punch you, or get you with
17 a big wooden pole. You had to have done something to
18 get it. He'd give it to you full blow. He wouldn't
19 hold back. However, he was fair. He would hit you and
20 then that was it, job done, and he got on with
21 whatever."

22 Edward gave a second statement to the police on
23 15 April 2014, which is at PSS.001.006.4129. Following
24 his first statement, Edward was asked to clarify a few
25 points in the statement.

1 In his initial statement, Edward had explained that
2 Brother Farrell was a touchy-feely kind of boy (sic).
3 When expanding on that, he provided some evidence,
4 including the following:

5 "His favourite was to tuck in your clothes into your
6 trousers. He would do this all over the school. It
7 could be in the gym hall or in the corridor or anywhere.
8 You could be alone or with other boys. He would come up
9 to you and make a fuss and tell you that you needed to
10 tuck yourself in. He would come up to you, mostly from
11 the front. If he came from the back he would say boo to
12 give you a fright. He would put both his hands down the
13 waistband of your trousers or shorts, whatever you had
14 on, and he would work his hands round, touching you as
15 he did. In those days, we wore big floppy white pants.
16 Because of this he sometimes ended up with his hands
17 touching your skin. He brushed his hands against my
18 testicles, my penis and my bum, depending on where his
19 hands were at the time. He never touched you for more
20 than a couple of seconds. He did not touch your skin
21 all the time whilst he did this. Sometimes he would
22 only touch my pants. At no point when this happened did
23 I ever get erect. This did not excite me.

24 "At first I thought it was a bit of a game. Then
25 I realised what was going on. I got fed up with this

1 and told him if he didn't stop, I'd tell my mother and
2 she'd kill him. This slowed it down and maybe instead
3 of two or three times a day it became once a week.

4 "I can't remember any specific names, but I'm sure
5 that every boy got treated like this. They all got
6 tucked in at some point. In fairness, as I have said,
7 he only ever really touched my skin 80% of the time.
8 I have no idea if this excited him or caused him to be
9 erect when did he this. These meetings always ended the
10 same way: he would pat your bum over your clothes and
11 tell you to get along."

12 Edward was the complainer in three of the charges of
13 which Paul Kelly was convicted, as I mentioned.

14 I will read these charges from the indictment, which
15 I think your Ladyship has a copy of.

16 LADY SMITH: I do have it, thank you, yes.

17 MS MACLEOD: They are marked as charges 33, 34 and 35, and
18 I'm reading from CFS.001.006.3542. The first of these
19 charges is as follows:

20 "On various occasions between 28 October 1981 and
21 1 June 1982, both dates inclusive, at St Ninian's School
22 Falkland, you, Paul Vincent Kelly, did indecently
23 assault Edward, aged 15 years, a pupil in your care,
24 enter a shower room beside him, kiss him on the lips,
25 compel him to touch your penis and to masturbate you to

1 ejaculation, place your hands beneath his clothing,
2 handle his private parts, seize him by the head and
3 penetrate his mouth with your penis, touch his penis and
4 masturbate him, put his penis into your mouth and
5 perform oral sex on him, and ejaculate on to his body."

6 The next charge:

7 "On various occasions between 28 October 1981 and
8 1 June 1982, both dates inclusive, at St Ninian's
9 School, Falkland, Fife, you, Paul Vincent Kelly, did
10 assault Edward, aged 15 years, a pupil in your care, and
11 penetrate his anus with your penis and have unnatural
12 carnal connection with him."

13 The third charge:

14 "On various occasions between 28 October 1981 and
15 1 June 1982, both dates inclusive, at St Ninian's
16 School, Falkland, Fife, you, Paul Vincent Kelly, did
17 assault Edward, aged 15 years, a pupil in your care,
18 repeatedly punch, kick and slap him."

19 LADY SMITH: I think it goes on:

20 "... slap him on the head and body."

21 If I've got the right charge, doesn't it?

22 "Charge 35 ... slap him on the head and body and
23 strike his head against sinks and seize him by the neck,
24 all to his injury."

25 MS MACLEOD: Thank you for that, my Lady; my copy doesn't

1 have that.

2 LADY SMITH: It's right at the top of the page. Maybe it's
3 missing.

4 MS MACLEOD: My Lady, that completes that chapter of
5 evidence of persons who have died.

6 LADY SMITH: Thank you very much.

7 MS MACLEOD: Before we move on to the witness, my Lady,
8 in relation to the photographs that have been put to
9 witnesses of the external and internal of the
10 St Ninian's building, I can confirm that these were
11 taken in 2014 as part of the police investigation,
12 Operation Winterton. All of the photos were taken by
13 the scene examiner, James Gilchrist, in the presence and
14 under the direction of Robbie Gilmour, senior
15 investigating officer. The photographs, as I understand
16 it, were taken over two dates, some taken on
17 21 February 2014, and others taken on 16 December 2014.

18 The floor plan that has been put to witnesses is
19 based on a fire plan which was being used by
20 Falkland House school in 2015. The plan the inquiry has
21 used is a tracing of that 2015 fire plan, which the then
22 DC Gilmour, senior investigating officer of
23 Operation Winterton, created in 2015, with the various
24 rooms identified, based on information from witnesses.

25 LADY SMITH: So is it DC Gilmour's handwriting that we see

1 on the plan? It must be.

2 MS MACLEOD: I think it is, my Lady, yes.

3 LADY SMITH: Or somebody acting on his instructions.

4 When you referred to Falkland House School there,
5 of course you're referring to the current Falkland House
6 School, which is a school that provides education and
7 a residence for children with special needs. I think
8 it's a very small number of children which go there.

9 MS MACLEOD: Yes.

10 LADY SMITH: We can see in those photographs that it's
11 obviously currently a school of some sort.

12 MS MACLEOD: Yes.

13 My Lady, it may be appropriate now to have a short
14 break before we bring the witness in.

15 LADY SMITH: Yes, and we can check what the news is from the
16 Opus2 system.

17 (10.45 am)

18 (A short break)

19 (10.53 am)

20 LADY SMITH: I hope others are seeing on their screens what
21 looks like possibly good news. Let's hope that it
22 continues to behave.

23 Mr MacAulay.

24 MR MacAULAY: My Lady, the next witness would like to remain
25 anonymous. He wants to use the name "Peter" in giving

1 his evidence and, my Lady, he would require to be
2 warned.

3 LADY SMITH: Thank you.

4 MR MacAULAY: Perhaps I should have said that
5 Mr Ross Gardner has been given leave to appear on behalf
6 of the witness and he is here today.

7 LADY SMITH: Ah yes, thank you.

8 "PETER" (affirmed)

9 LADY SMITH: Peter, please sit down and make yourself
10 comfortable. Take your time. That microphone should
11 help you to be heard, Peter. You will see the red light
12 is on, so the microphone will be able to pick you up.

13 Peter, it's important that we go at your pace. Our
14 natural pace may be different from your pace, but please
15 intervene and ask us to slow down if we're going too
16 fast or if you want any break, because I appreciate that
17 this may feel like hard work for you.

18 Before I hand over to Mr MacAulay, there's something
19 else that I want to tell you. You may remember that
20 when you were interviewed for the purposes of giving
21 your statement, it was explained to you that although
22 this is a public inquiry and not a trial, you still had
23 a right not to incriminate yourself and it was explained
24 that if you said anything that indicated that you were
25 involved in any way in the abuse of children, then you

1 could be asked further questions about that, but you
2 wouldn't be obliged to answer them. But if you did so,
3 your answers would be recorded and would be available
4 for future evidence at any time, including in criminal
5 proceedings.

6 It is important that you understand that the same
7 applies at this hearing: you continue to have that right
8 not to incriminate yourself, so that means if you tell
9 us you were involved in the abuse of children and you're
10 asked questions about it, you are not obliged to answer
11 any questions. But if you decide to do so, they will be
12 included in the recording that is being made of this
13 hearing and would be available as evidence to be used at
14 any future date, including in any future proceedings
15 such as criminal proceedings.

16 I hope you understand that. If you have any queries
17 about it, please ask. Don't remain in a state of doubt.
18 Is that all right?

19 If you're ready, I will hand over to Mr MacAulay and
20 he will explain to you what happens next.

21 Questions from MR MacAULAY

22 MR MacAULAY: Again, Peter, good morning to you.

23 A. Good morning.

24 Q. In front of you, you will find your statement in a red
25 folder. I'm going to give the reference of the

1 statement for the benefit of the transcript, and that is
2 WIT.001.002.6215. Could I ask you, Peter, to go to the
3 very last page of the statement? Can I ask you to
4 confirm that you have signed the statement?

5 A. Yes.

6 Q. In the last 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 Is that correct?

10 A. Yes.

11 Q. And do you also go on to say:

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

14 A. Yes.

15 Q. Because you want to remain anonymous, Peter, I don't
16 want your date of birth, but can I confirm that the year
17 of your birth was 1936?

18 A. Yes.

19 Q. So you're in your 80s now?

20 A. Yes.

21 Q. You've come here today in particular to give evidence to
22 the inquiry about your time when you were at St Ninian's
23 in Falkland, in Fife.

24 A. Yes.

25 Q. That's the position. You went there as a member of the

1 Christian Brothers; is that correct?

2 A. Yes.

3 Q. Before I come to your time in St Ninian's, can I just
4 try and get some background from you as to what you did
5 before you went there and in particular what your
6 studies were. Can you just give me some background on
7 that?

8 A. I came to England when I was about 14 --

9 LADY SMITH: Peter, I wonder if we can get you a little
10 nearer to the microphone or the microphone a little
11 nearer to you. Thank you.

12 A. At the boarding school, I did my O levels, and from
13 there, I decided to join the Christian Brothers. They
14 offered me a year as a novice with a group of 12 other
15 young people, and we spent that year studying what the
16 Christian Brothers were about.

17 Then I decided -- and they obviously decided -- that
18 I would join at the end of that year. At the end of
19 that year, I was what we used to call posted to our
20 house of studies in Cambridge, and the idea was that
21 I would continue my studies at the polytech and then
22 apply to the university some time after that.

23 But that didn't work out the way it was planned. So
24 I was posted to St Boniface's College in Plymouth.

25 Q. Was that a residential school?

1 A. It had a small number of boarders because it was
2 difficult for people in Cornwall, especially people who
3 were in the forces, to get grammar school education for
4 their boys. So we had -- I think it was maybe 40 or
5 50 places for boarders, but the housemaster dealt with
6 those exclusively, along with the ordinary
7 schoolteachers.

8 Q. Did you go then to St Boniface's as a teacher?

9 A. I went as an assistant teacher. I wasn't qualified
10 then.

11 Q. How long did you spend there?

12 A. I went in the mid-term of the first term, and then
13 I spent the rest of that year and the following year
14 teaching there. Then I went to Strawberry Hill College
15 for teacher training.

16 Q. I think you tell us in your statement, Peter, that the
17 policy pursued at that time by the Christian Brothers
18 was that you'd get some teaching experience first before
19 you went for your teaching training to see whether or
20 not teaching would be something you'd like to do. Have
21 I got that correctly?

22 A. And also whether they thought ...

23 Q. So it was a two-way thing, whether you were suitable and
24 whether they thought you were suitable?

25 A. That's right.

1 Q. I think you said then you went to -- was it

2 St Mary's University you went to?

3 A. That's right, yes.

4 Q. And that's in Twickenham?

5 A. Yes.

6 Q. How long did you spend there?

7 A. Two years.

8 Q. Was it from St Mary's that you went directly to

9 St Ninian's?

10 A. Yes.

11 Q. According to the records that the Christian Brothers

12 have made available to the inquiry, you went to

13 St Ninian's on [REDACTED] 1959. Would that be about

14 right?

15 A. Well, I went there in [REDACTED] f 1959, once I finished exams

16 and so on at the college, to do relief work.

17 Q. I see.

18 A. Then I left in about -- towards the end of [REDACTED] and

19 then, during [REDACTED] I was posted to St Ninian's.

20 Q. At that time you'd have been a young man?

21 A. Yes.

22 Q. About 22, 23?

23 A. Something like that, yes.

24 Q. You were there for about seven years because, according

25 to the Christian Brothers' records, you were there until

1 September 1966.

2 A. Yes.

3 Q. So far as joining the Christian Brothers was concerned,
4 did you join the brothers in 1954?

5 A. Well, the joining of the brothers -- we joined for six
6 years. It was a roll-on business. We joined for
7 a year, for each of the first six years. One had to be
8 at least 25 before one joined for life.

9 Q. I see.

10 A. That's the way it worked out.

11 Q. So that was something you would do later, after you'd
12 been at St Ninian's?

13 A. I think it happened while I was at St Ninian's.

14 LADY SMITH: Do you remember how old you were when you first
15 joined for this six-year period, the beginning of the
16 six-year period?

17 A. I'd say 15, 16. Something like that.

18 LADY SMITH: And you say you'd have had to wait until age 25
19 before you took full vows, would it be?

20 A. That's right. They were called final vows.

21 LADY SMITH: Final vows at age 25. Just while we're talking
22 about that, what were your final vows?

23 A. Poverty, chastity, obedience.

24 LADY SMITH: You didn't have a fourth vow of education?

25 A. No.

1 LADY SMITH: Some orders, which included educational
2 training, I think, did have a vow of education, didn't
3 they, but yours didn't?

4 A. We didn't.

5 LADY SMITH: So it was just poverty, chastity and obedience?

6 A. Yes.

7 LADY SMITH: Thank you.

8 MR MacAULAY: So when you finally went to St Ninian's, you
9 had the teaching experience you've already told us
10 about, Peter. You then did your teacher training and
11 at the age of 22 or 23 you went to St Ninian's. What
12 did you understand your role to be when you went there?

13 A. Well, in the year I spent in the novitiate when I was 15
14 with the brothers, an exploratory year, it was
15 emphasised to us that education was about educating the
16 whole person and that's what I understood my role to be
17 in St Ninian's.

18 Q. You've told us then about the teaching experience you
19 had before you went there. Did you have any training
20 experience in childcare before you went to St Ninian's?

21 A. No, I didn't, but I would put the question: who in this
22 room knows about what courses were available for people
23 like me to do?

24 Q. Are you talking about the 1950s and 1960s?

25 A. 1959, early 1960s, yes.

1 Q. So far as your experience at St Boniface's was
2 concerned, I think you have told us you didn't deal with
3 the residential children while you were at
4 St Boniface's.

5 A. That's right.

6 Q. So far as the layout at St Ninian's is concerned, you
7 provide us with some information in your statement. Can
8 I, first of all, put some photographs to you and then
9 we'll look at a plan. The photographs I want you to
10 look at will come up on the screen in front of you,
11 Peter. The reference is CFS.001.006.1186. Do you
12 recognise the building?

13 A. Yes.

14 Q. That's St Ninian's. And if we move on to 1188, so
15 CFS.001.006.1188, do we there get a close-up view
16 looking in particular at the front door into the
17 building; is that correct? Do you recognise that?

18 A. Yes.

19 Q. If we move the camera down to the next photograph.
20 Is that a view looking into the entrance hall?

21 A. That's right.

22 Q. Perhaps the last couple of photographs, although these
23 may show differences to when you were there, but this is
24 at CFS.001.006.1190.

25 Are we now looking at the main hall, albeit with

1 a carpet on, which I don't think was there in your day;
2 is that correct?

3 A. That's correct, yes.

4 Q. The final photograph -- if we move the camera down a bit
5 to the next photograph. Are we looking there at the
6 main staircase --

7 A. Yes.

8 Q. -- leading to the top floor?

9 Can I then look at the plan that I'd like you to
10 have a look at. That's at CFS.001.006.8297. We'll move
11 this around a bit so we can get a better view.

12 If you get your bearings, Peter, you've got the car
13 park to the right. Can you then see where you'd have
14 the front door and the entrance hall we looked at in the
15 photograph?

16 A. Yes.

17 Q. We're then moving into the main hall in the direction of
18 the staircase that goes off to the right.

19 A. Yes.

20 Q. The areas that have been designated on the plan may not
21 be absolutely accurate in that this has been done quite
22 recently on the basis of information from witnesses.
23 But if we go off to the right, can we see a dormitory
24 area that was on the first floor?

25 A. Yes.

1 Q. And was that where the dormitory area was in your day?

2 A. Yes.

3 Q. We also see, if you look to the right of the dormitory
4 area, there are three dormitories designated, but
5 there's also toilets and showers. Were there toilets
6 and showers there in your day or not?

7 A. There were toilets and washrooms. Where the toilets
8 label is now, there was a bank of foot baths for washing
9 feet and legs, and also a bank of washbasins on the end
10 wall. There weren't any showers there.

11 Q. Were there showers in another part of the building?

12 A. They were in the basement.

13 Q. St Ninian's, as we know, was a place for boys. Although
14 the numbers varied over the years, were there certainly
15 about 40 boys or so during your time there?

16 A. When I went there, there were 28. I think about the
17 time I left, it could have been 36 or 38.

18 Q. Again, we've been provided with numbers from the
19 Christian Brothers, and certainly in 1959 the number
20 seems to be about 30. In 1964, it has gone up to 47.
21 And when you leave in 1966, the number seems to be about
22 43 or thereabouts. So there's a fluctuation in the
23 numbers over the period.

24 A. Yes. As I understood it, St Ninian's was allowed to
25 have up to 48 boys.

1 Q. One of the things you tell us when you got there is that
2 you had to do some work in relation to sporting
3 facilities in that they had been neglected for some
4 time. Can you help me with that? What did you have to
5 do?

6 A. Well, I cut the first football pitch out with a scythe,
7 and then I bought a second-hand tractor and new gang
8 mowers, a gang of three, and I did all the cutting and
9 the maintenance. We had three fields which the laird
10 gave us, and one was football, one was rugby, one was
11 cricket and hockey.

12 Q. Were you essentially instrumental in bringing these
13 fields up to scratch so they could be played upon?

14 A. Oh yes, yes.

15 Q. You also tell us in your statement at paragraph 16 that
16 it was when you joined St Ninian's that [REDACTED] split the
17 establishment into two houses; that's the Ramsays and
18 the Stuarts?

19 A. Yes.

20 Q. We do have a note from, it's either a daybook or
21 a logbook when that happened. I'll put this on the
22 screen for you. Again, this has been provided to us by
23 the order. It's CBR.001.001.1800.

24 We may discuss this later, but was it your
25 understanding that either a logbook or a daybook was

1 being kept at St Ninian's? Not by you, but by another
2 brother?

3 A. Yes.

4 Q. What we have here is a transcript of that document.
5 It's unfortunate, when you look at it on the screen,
6 that so much of it has been blacked out and redacted,
7 but I can tell you what I want you to look at. If you
8 look just above halfway, above the year "1961", and
9 "April 30th", this is 1961:

10 "Boys present: 34."

11 We can see:

12 "New clan system begun, Stuart and Ramsay."

13 Does this give us a time frame for when this new
14 house system began?

15 LADY SMITH: I think, Peter, you can't see a date because of
16 the redaction on what you're looking at. You're looking
17 at the first line of writing above "1961". Is that
18 right, Mr MacAulay?

19 MR MacAULAY: Yes.

20 LADY SMITH: Can you see, Peter, where it says, "Year: 1961"
21 about halfway down in bold? Just a minute, we'll check
22 your screen and see if it's showing the right thing.

23 Just go up to the line above that where it says:

24 "Boys present: 34. New clan system begun, Stuart
25 and Ramsay."

1 A. Yes.

2 LADY SMITH: I think Mr MacAulay is telling you from what he
3 knows lies underneath the redaction, that that was in

4 [REDACTED]

5 MR MacAULAY: [REDACTED] And we know it's 1961. So that --

6 I just put that to you to try and get some time frame,
7 after you had been there, of when this system was put in
8 place. I think you're saying you were instrumental also
9 in setting up this house system.

10 A. Yes. That's right.

11 Q. What was the intention behind that, Peter?

12 A. To introduce a structure of competition in a friendly
13 sort of way, particularly for sports. [REDACTED] wanted to start
14 athletics and what not and also to give them a place
15 that as a group they could call their own. For example,
16 only boys in the Ramsay House and the housemaster could
17 go into the Ramsay House without getting permission from
18 somebody in the Ramsays. I went in there on one
19 occasion without doing that and the house captain
20 ordered me out.

21 Q. So there were dedicated areas then within the building
22 for the particular groups?

23 A. That's right.

24 Q. I'll come on to who the brothers were in a moment. But
25 before doing that, can I just ask you a little bit about

1 the children at St Ninian's. What you tell us in your
2 statement -- this is at paragraph 20, it's on the
3 screen -- is that there wasn't really any information
4 given to you about the specific backgrounds of the
5 children. Is that correct?

6 A. I suppose I could have asked the head to see their
7 files. I don't think he would have refused that. But
8 I personally didn't want to.

9 Q. What was your thinking there?

10 A. Well, I just wanted to accept them as a pupil in
11 St Ninian's.

12 Q. Do you think, though, that the headmaster did have
13 information about the boys?

14 A. Oh yes.

15 Q. Can I then go back to your own role, Peter. Did your
16 role at St Ninian's change? You went there as
17 a teacher, but how did that develop?

18 A. Well, each September, when a new school year started,
19 I had a lot of keys for locking up, footballs, rugby
20 balls, athletics, the science lab, all sorts. And
21 I used to put those keys on the table in the community
22 room and I used to tell any of the brothers or --
23 Mr **BHB** was the only other teacher -- that any
24 responsibility they wanted to take, just pick up the key
25 and it would be theirs. And I told the headmaster the

1 same. But nobody picked up any key.

2 Q. Did you yourself take on the responsibility of

3 [REDACTED]

4 A. Yes.

5 Q. And --

6 A. Well, [REDACTED]

7 Q. For the whole school?

8 A. Yes.

9 Q. Did that in particular involve you having particular
10 duties in relation to the dormitory area?

11 A. Oh yes.

12 Q. I'll come back to that. But was there a reluctance then
13 on the part of the others to pick up responsibility for
14 particular tasks?

15 A. They didn't want ... Nobody wanted, no.

16 Q. Can I then just spend a moment or two with you, Peter,
17 looking at the others who were there when you were
18 there. Let's look at the brothers, first of all. Can
19 you tell me who was in charge?

20 A. Brother MOA was in charge.

21 Q. Was he the [REDACTED]

22 A. He was also the [REDACTED]

23 [REDACTED]

24 Q. Were there times when the [REDACTED] could
25 be different people in your time or perhaps not?

1 A. No.

2 Q. So he was the [REDACTED] Can you remember who the
3 other brothers were over your period?

4 A. Another important brother there was Brother [REDACTED] LHC .
5 He was the man who started St Ninian's and refurbished
6 the house. He was very influential with the boys
7 because he had been there since 1948, I think, and they
8 looked up to him quite a lot. But he didn't do any
9 teaching.

10 Brother [REDACTED] MCE was there, he was teaching [REDACTED] and
11 others, and myself. That was it -- oh, and there was
12 a young brother there whose name I can't remember, but
13 he didn't stay long.

14 Q. What you do say in your statement is that St Ninian's
15 was very much understaffed.

16 A. Oh very much so.

17 Q. You've mentioned yourself, Brother [REDACTED] MOA Brother [REDACTED] LHC
18 and possibly another young brother. And you had
19 a number of boys that might have fluctuated from
20 something in the 30s to something in the 40s. How did
21 the understaffing manifest itself?

22 A. Well, the boys were there 365 days a year. It would be
23 very rare for a boy to go for a break during school
24 holidays. So we had to split up. Two went for
25 a three-week summer holiday. They came back and the

1 other two went. And there were supposed to be relief
2 workers come to take the place of the ones on holidays,
3 but they didn't always come. So during holidays, it was
4 very understaffed.

5 Also, we had a different way of running the place
6 during the holidays. The boys were much freer, they
7 were taken out oftener, they were asked sometimes -- the
8 house captain might ask if they could go to Perth
9 swimming baths, something like that, and we tried to
10 arrange it.

11 But unless one had enough staff, it was very, very
12 difficult.

13 Q. And one of the things you say is that sometimes classes
14 went unsupervised because there weren't enough staff
15 members.

16 A. Yes. Or the classes were doubled up. I myself didn't
17 accept any doubling-up of classes, but poor Mr [REDACTED] BHB
18 did.

19 Q. Just looking to your own role, because, as it developed,
20 you became a [REDACTED] and in particular you had the
21 responsibility of looking after the dormitories.
22 Clearly -- well, was that hard work?

23 A. Very. The question of the dormitories: the house
24 captains ... the dormitories from the diagram you
25 showed, one side was Ramsays and the other side was

1 Stuarts. They each had their own type of tartans, again
2 chosen by their house captains, that type of thing.

3 Q. When you talk about "charges", do you mean tasks to do,
4 jobs?

5 A. Oh yes, yes. But trying to make sure that there was no
6 bullying in the dormitories. It was difficult to
7 supervise that area to make sure there was no bullying
8 that went on.

9 Q. I wonder if I could take you to a visitation report that
10 was carried out by a brother. I think the position was
11 that there would be visitations made by another brother
12 or brothers outwith St Ninian's, who would come and
13 visit the brothers and the school; is that right? What
14 was the purpose behind the visitations?

15 A. To make sure, to begin with, that the brothers were
16 keeping the rule. And secondly, to make sure that the
17 job, the task in that particular community was being
18 done properly.

19 LADY SMITH: Tell me about the rule; is that the
20 Christian Brothers' rule?

21 A. Rulebook, yes.

22 LADY SMITH: What did that involve?

23 A. That involved from the time we had to get up in the
24 morning, the approach to the different tasks we had, to
25 the time we went to bed. They were all stipulated. But

1 the modern rule eventually got away from the individual
2 stipulations and laid down general principles.

3 LADY SMITH: Can you remember when it changed to that?

4 A. I don't remember.

5 LADY SMITH: Are you talking about a rule that applied to
6 all Christian Brothers wherever they had been, as you
7 put it, posted?

8 A. Yes.

9 LADY SMITH: Thank you. I think Mr MacAulay is going to
10 give a reference to the visitation report. But tell me:
11 do you remember anything being explained to you about
12 how it came to be the Christian Brothers decided to take
13 on St Ninian's and start up the school there?

14 A. I think it was the Archbishop of Edinburgh who kept
15 asking if the brothers would start a home for orphaned
16 and neglected boys, and the Laird of Falkland had this
17 property available. So I think there were a number of
18 issues that gave rise to it.

19 LADY SMITH: Right.

20 A. But we certainly didn't have the numbers to take on that
21 responsibility.

22 LADY SMITH: What do you mean by that?

23 A. We didn't have enough brothers in our English province
24 to take on a new foundation.

25 LADY SMITH: Thank you. Mr MacAulay.

1 MR MacAULAY: If we can then look at a couple of the
2 visitation reports just to get an understanding of the
3 number of brothers who were there -- you've already
4 mentioned this -- and also the comments the visiting
5 brother was making. The first one I want to put to you
6 is at CBR.001.001.2281.

7 I'm just putting this to you because it's at a time
8 not too long after you had been at St Ninian's. You'll
9 see the date at the top of the visitation report.
10 If we just move up a bit, it's a visitation that went
11 over the period [REDACTED] 1961. Do you see that
12 at the very top right?

13 A. Yes.

14 Q. Can we see that the community at this time consisted
15 of: Brother MOA who was [REDACTED]; Brother LHC ,
16 who you mentioned, he's the [REDACTED] and he's the
17 [REDACTED]; Brother MCE [REDACTED] you mentioned; and
18 yourself. So there were four brothers at that time?

19 A. Yes.

20 Q. At a time when there was between 30-odd and 40-odd
21 children?

22 A. Yes.

23 Q. If I can move on a few years and put this document on
24 the screen: CBR.001.001.2289.

25 This is dated [REDACTED] 1965. Can we see now the

1 community consists of: Brother **MHJ**, who I think you
2 said took over from Brother **MOA** as the **[REDACTED]**; then
3 Brother **LHC**; there's a Brother Patrick Ellis; there's
4 yourself; and there's also a Brother Philip McCormack of
5 temporary profession. So I think there are five
6 brothers there at that time.

7 A. Yes.

8 Q. If I can take you to the next page, where you get
9 a particular mention yourself, this is at 2290. I think
10 the format of these documents is that each brother is
11 assessed by the brother who's carrying out the
12 visitation. I think you're getting the strap here
13 because you haven't been present for morning
14 exercises --

15 A. That's right.

16 Q. -- throughout the year. It goes on to say:

17 "He is in charge of the boys' dormitories morning
18 and night and is also in charge of the boys as
19 **[REDACTED]** He is most devoted to this vital
20 position."

21 And it goes on to talk about your other duties in
22 connection with the playing fields. A few lines down
23 after talking about your zeal and ingenuity:

24 "He is overworked. He is up late at night because
25 of his duties and has drugs to help him to sleep. The

1 consequence is that in the morning he can't rise."

2 Did that reflect the position? Did you consider
3 that you were overworked?

4 A. Oh, absolutely, yes.

5 Q. Because of the many duties you had to perform?

6 A. Yes. It was 14 to 16 hours a day, seven days a week.

7 Q. If we go on to the next visitation report, it's at 2292.
8 This one is dated [REDACTED] 1966. We're going
9 towards the end of your time now. But again, we see
10 there are five brothers listed, and there's some
11 reference to yourself towards the bottom of the
12 document.

13 Can we see you apparently don't appear at community
14 prayers according to this. We are told:

15 "He might be regarded as the main prop of the
16 establishment."

17 And we're told about the good work you've done in
18 restoring the playing fields to their present condition.

19 But then we're told:

20 "He acts as [REDACTED] and is in charge of the
21 dormitories morning and night, and this latter duty
22 might require his attention at 2 am."

23 So that was an onerous duty?

24 A. Well, probably where that comes in, I have no
25 recollection of that, but it was the practice -- before

1 I went to St Ninian's, it was the practice to call them
2 a number of times during the night. These are the
3 wet-beds. We had two rooms usually for wet-beds. They
4 were called -- when I went there and I became
5 housemaster, I stopped that and I just called them once
6 before I went to bed myself, which was around
7 12 o'clock. And that was it. So I think that's where
8 that came in.

9 Q. I think you talk about that in your statement and I'll
10 come to it in a moment. But the point I was taking from
11 this is that essentially, again, to highlight that you
12 had fairly strenuous duties from a time perspective, and
13 I think you said you were working 14 to 16 hours a day.

14 A. Yes. To put it into humorous practice, the superior
15 came to me one evening and told me I needed to come up
16 to prayers from the fields, the sports fields. So I got
17 off the tractor and then invited him to sit on it while
18 I went to prayers.

19 Q. Did he take you up on that?

20 A. No.

21 Q. Can I go on to the next page of this document? This is
22 at 2293, so this is the visitation report for
23 April 1966. If just move down to the bottom, there's
24 a section headed "Condition of the premises". I'll just
25 read this out to you:

1 "All the house cleaning is done by the boys under
2 the supervision of the matron and the clean condition of
3 all parts of the house reflects much credit on the
4 matron and boys."

5 Do you see that? Was that the position then at this
6 time, that all the house cleaning was done by the boys?

7 A. Yes.

8 Q. So there was no cleaning staff?

9 A. Oh no. There was no money.

10 Q. So some of the tasks would be quite arduous, I would
11 have thought, for quite a large establishment.

12 A. Well, matron would do a fair bit at times when it was
13 needed. The cooks -- there were two -- looked after the
14 two rooms in the kitchen, the vegetable room and the
15 actual kitchen. They kept those clean themselves. Then
16 each boy had a small section to sweep or clean.

17 Q. But places like the toilets and the showers and the
18 large halls that we've seen, would that be down to the
19 boys under the supervision of the matron?

20 A. That's right. And on occasion, I did disinfect the
21 showers. On occasion.

22 Q. But essentially it was the boys who did the work?

23 A. Yes.

24 Q. You've mentioned lay staff and matron in particular.

25 Was there a designated matron during your time at

1 St Ninian's?

2 A. Yes, there were four or five matrons.

3 Q. Over the period?

4 A. Yes. During my time. The matron was in complete charge
5 of the medical side of things.

6 Q. If we then look at other lay staff, I think you've
7 mentioned already Mr BHB He was not a brother,
8 he was a lay staff member?

9 A. That's right.

10 Q. He did not stay on the premises?

11 A. No, he lived in the village with his family.

12 Q. You also mention a lady as the seamstress. Was that the
13 position when you went there, that there wasn't a matron
14 as such, there was a lady who was designated as
15 a seamstress that did a broader type of work?

16 A. Yes, that's right.

17 Q. You left St Ninian's in 1966 and I think you
18 were replaced by a Brother LNA; is that right?

19 A. I was just one brother who left and they brought in
20 three other brothers.

21 LADY SMITH: Mr MacAulay, would that be a good point at
22 which just to take a break? It's a little later than
23 normal, but we've reorganised this morning.

24 Peter, we normally take a break some time around now
25 for about 15 minutes. Would it suit you if we took that

1 Q. The other brother who took over from him, I think, was
2 Brother [REDACTED] MHJ . We have some information about him,
3 actually, in the visitation reports. Can I take you
4 back to one of those, and that's at CBR.001.001.2289.

5 We're looking at the visitation report for [REDACTED]
6 [REDACTED] 1965, and by this time Brother [REDACTED] MHJ is the
7 [REDACTED]; we see that towards the top. If we move down
8 to the heading about halfway down, there's a heading,
9 "Union and Fraternal Charity". What's been written is
10 this:

11 "In general, there is a good spirit of charity and
12 understanding among the brothers. The [REDACTED] [and
13 that would be a reference to Brother [REDACTED] MHJ] is kindly
14 and thoughtful. Perhaps a little inclined to allow
15 a strong character to have his own way."

16 Does that summarise his character?

17 A. Yes, that's right.

18 Q. That's a good picture of what he was like?

19 A. Yes.

20 Q. You've already told us, pointed out to us, the sleeping
21 arrangements for the boys and the dormitory area. What
22 about yourself when you became a housemaster? Where did
23 you sleep?

24 A. There was a type of box room in the dormitory set-up.

25 If you put the picture on ...

1 Q. I'll do that then. It's the plan, CFS.001.006.8297.

2 So we're looking at the plan and we have the
3 U-shaped dormitory area to the right.

4 A. Yes. Where the toilets and showers are -- I don't know
5 about that dormitory that's next to the toilets. As far
6 as I know, that wasn't there in my time. But if I go up
7 the stairs shown there on the picture, there was a small
8 box room to the right of that and that was the
9 housemaster's room.

10 Q. And that's where you slept?

11 A. Yes.

12 Q. If we look at the plan, we can see that someone has
13 written in "Brother's bedroom" on one bit, and then to
14 the right of that, "Dorm". Are you pointing to the area
15 that's been designated "Brother's room" or are you
16 pointing to the area that's designated "Dorm"?

17 A. That wasn't the brother's bedroom when I was there.

18 Q. But it's in that area?

19 A. If we go back to the stairs, now come up the stairs, and
20 go right immediately.

21 Q. So it's in there?

22 A. Up the stairs and go right. Not there, further down.

23 Q. Let's not bother about the arrow.

24 If you stand up and look behind you, Peter, you'll
25 see that there's the same plan on the screen behind you.

1 LADY SMITH: Or if you can see it clearly from there, maybe
2 you can use your stick to point and that would save you
3 having to stand up, Peter. I don't mind if that's
4 easier for you.

5 A. (Indicating). That's where my room was.

6 MR MacAULAY: Towards the top right, thank you.

7 A. And that (indicating) was a dorm next to it.

8 Q. You mustn't assume that this plan is absolutely accurate
9 because it's built on a number of different
10 recollections.

11 A. Yes. The two dorms were there, but my bedroom was
12 a slice off the ... and that dorm didn't exist
13 (indicating).

14 Q. Okay. That's the one below the one at the top right?

15 A. Below the stairs.

16 LADY SMITH: You're pointing to a room that was at the
17 corner of the building?

18 A. (indicating). That one there.

19 LADY SMITH: Yes -- no?

20 A. That's the one (indicating).

21 LADY SMITH: The one next to it?

22 A. That didn't exist. That actually was part of the
23 hygiene set-up.

24 LADY SMITH: Right. I'm just checking your room: was your
25 room the one at the corner?

1 A. My room was here (indicating).

2 LADY SMITH: That's the one at the corner?

3 A. A piece of this --

4 LADY SMITH: I see.

5 A. -- just above the stairs.

6 LADY SMITH: So it was within that part there? I see that.

7 MR MacAULAY: I think one can understand from what you're

8 saying, Peter, that there may have been some

9 reconfiguration of this area.

10 A. There must have been, yes.

11 Q. But in any event, I think we have an understanding as to
12 where you were.

13 In your statement, you provide us with some details
14 about the routine at St Ninian's, including what was
15 involved with leisure time, and in particular that sport
16 was a significant part of life at St Ninian's.

17 A. Yes.

18 Q. You've already mentioned this, but the boys did not
19 return home at weekends or in holiday periods; is that
20 correct?

21 A. That's correct.

22 Q. And did that remain the position throughout your whole
23 time at St Ninian's, so far as you can remember?

24 A. Yes.

25 Q. Would that mean, then, that the brothers, or at least

1 some of them, would require to remain on the premises,
2 even throughout the summer holiday period?

3 A. Yes. We had a reduced holiday period for the brothers,
4 yes.

5 Q. But notwithstanding that, the boys were taken on trips
6 to different places, including abroad; is that right?

7 A. Yes. We went to France and a little into Spain every
8 second year.

9 Q. Did you go on these trips yourself?

10 A. Yes.

11 Q. If I look at paragraph 74 onwards in your statement, and
12 this is a section of your statement, Peter, that's
13 headed "Pastoral care". What you say at paragraph 75,
14 if I can take you to that, is:

15 "The only person who dealt with the emotional needs
16 of the children was Mrs Robertson", who was the
17 seamstress. Is that right? That's what is there?

18 A. She dealt with them on a regular basis, but other
19 members of staff could show compassion to them now and
20 then. But she did it on a regular basis.

21 Q. When you mention other members of staff, do you mean the
22 brothers?

23 A. Yes.

24 Q. You've already touched upon bed-wetting and you did have
25 boys who wet the bed on a regular basis. Do

1 I understand your evidence to be that they went into
2 a particular area, particular dormitories?

3 A. That's right. There were two rooms set aside for
4 wet-beds. One room had five beds, the room adjacent to
5 it had four. They were next to the stairs that led down
6 to the showers.

7 Q. Perhaps again we can identify on the plan where you're
8 talking about. CFS.001.006.8297.

9 If you use your stick again to point out where these
10 rooms might have been.

11 A. There (indicating), that room.

12 Q. Top left.

13 A. And that room (indicating).

14 Q. Second top left.

15 A. And there were stairs going down. That's it there, the
16 circular stairs.

17 Q. That took you to the shower area?

18 A. Yes. The showers were on the basement over here
19 (indicating).

20 Q. Over to the -- on the right?

21 A. Yes.

22 Q. Can I take you back to your statement, Peter, and I'll
23 just read this out to you. This is at paragraph 79 of
24 the statement. What you say is:

25 "When I started at St Ninian's, I was told by

1 Brother **LHC** that by law we had to have
2 a nightwatchman to make sure that there was someone
3 looking out for things like fires. Brother **MOA** also
4 told me that I had to call in on the boys who wet the
5 bed on the hour every hour throughout the night."

6 Did he give you that instruction?

7 A. He did, yes.

8 Q. What was your reaction to that?

9 A. Well, I didn't. I called them once and that was it.

10 Q. What did you do in reality then?

11 A. Pardon?

12 Q. What did you do? You didn't follow this advice?

13 A. No, no.

14 Q. What did you do to check whether or not children had wet
15 the bed?

16 A. I didn't check they wet the bed. I went to the two
17 rooms, put the lights on and clapped my hands to wake
18 them up and they went to the toilet. It was up to them
19 to tell me if they needed an extra sheet, in which case
20 we had to go to Mrs Robertson's room as she had
21 a cupboard set aside for extra sheets.

22 Q. At what time would it be that you'd do this?

23 A. About midnight, before I went to bed myself.

24 Q. On occasions, would beds be wet and would sheets have to
25 be changed?

1 A. Yes, on occasions they would, yes. But the boys somehow
2 didn't always ask for a change of linen.

3 Q. So far as the children's pyjamas and wet sheets were
4 concerned, how were they dealt with?

5 A. How were they?

6 Q. How were the wet sheets and the wet pyjamas managed?

7 A. Well, Brother **MOA** would come in the morning when it
8 was time for me to call all the boys, and he'd call the
9 wet-beds and he'd supervise them going down to the
10 showers. They washed their sheets and pyjamas -- there
11 was a row of sinks in the showers and the three furnaces
12 that provided hot water and heat for the buildings were
13 just beside them, so that area was always quite hot, so
14 there was no shortage of drying facilities. So they
15 left their pyjamas and sheets there until they collected
16 them later. And they also had a shower.

17 Q. So the boys themselves washed their pyjamas and sheets?

18 A. Yes.

19 Q. Left them to dry and had a shower?

20 A. Yes.

21 Q. Was that really because there was no one else who would
22 be able to do that because you didn't at that time have
23 the cleaning staff that would do that sort of work?

24 A. Yes.

25 Q. In relation to schooling, Peter, you were a young

1 teacher when you got to St Ninian's. I think what you
2 tell us was that you were enthusiastic and you wanted to
3 make changes; is that right?

4 A. Yes. That's right.

5 Q. Did you discuss the changes you wanted to make with
6 Brother MOA who was the [REDACTED]?

7 A. Well, his main line of concession was: you can do what
8 you like provided you don't give me any more work. That
9 basically was it. It was Mr BHB, myself and
10 Mrs Robertson that did a lot of the discussing about
11 changing.

12 Q. What changes were you seeking to bring in?

13 A. I wanted a regular school life, starting at regular
14 times, regular periods. The [REDACTED], being a [REDACTED]
15 was very interested in camping and going across the
16 land, at the time, to the West Lomond. So I told him he
17 couldn't do that during school time. School time had to
18 be school time. That was the main change.

19 Q. I think what you say at paragraph 86 is that you didn't
20 remember there being a teaching syllabus in place before
21 you arrived.

22 A. That's right.

23 Q. So what happened, what did you have to do?

24 A. Well, again, we had the occasional staff meeting and it
25 was emphasised that this is a school, and we had to

1 organise it as a school.

2 Q. Potato picking, though, was a problem, was it not?

3 A. Oh, a very big problem.

4 Q. Why was that such a problem?

5 A. Well, legally, three weeks were allowed for potato
6 picking, but because we lived on the estate, where we
7 did the potato picking, if it was too wet, the farmer
8 wouldn't come with his bogey to collect the boys.

9 I went with them and it could stretch over maybe
10 six weeks or more.

11 Q. Would that interfere with the schooling?

12 A. Pardon?

13 Q. Would that interfere with the schooling?

14 A. Of course it did, yes, because we could go out at
15 half eight and come back at 10 o'clock. That meant the
16 school was upset, the boys' thinking was upset,
17 everything.

18 Q. When you say half 8, is that half 8 in the morning to
19 10 o'clock at night?

20 A. No, no, 8.30 in the morning to ... If it rained
21 heavily. It wasn't a consideration that the boys would
22 get wet, it was that the tractor would get bogged down
23 in the field. That was the problem.

24 Q. In any event, were you able to improve the schooling
25 arrangements during your time at St Ninian's?

1 A. Oh yes. I was quite satisfied I did, yes.

2 Q. One thing you do discuss in some detail in your
3 statement, beginning at paragraph 92, is the death of
4 a boy by the name of [REDACTED].

5 A. Yes.

6 Q. Can you tell us about that, Peter?

7 A. Well, I remember it was a very wet afternoon, so we
8 couldn't go out to games. The alternative programme we
9 had was Mr [REDACTED] BHB would take five-a-side football
10 in the gym for half the time and I would take a form of
11 wrestling in the TV room for the other half. Then we
12 swapped over halfway through.

13 Also, we had a rule, which was accepted by
14 everybody, that if a pupil asked to see a particular
15 member of staff during class time or whatever, that
16 pupil should be allowed to do that. During
17 Mr [REDACTED] BHB 's five-a-side football, [REDACTED] wasn't
18 allowed by me to play games.

19 Q. Why was that?

20 A. Well, I recognised that he had a heart problem when
21 I went to St Ninian's first, because I had a slight
22 problem myself that way. So I could see that this boy
23 had a heart problem. So I consulted Mrs Robertson and
24 he was sent to the GP. We had a problem with boys going
25 to the GP. We could never be sure if they actually went

1 for their appointment. But anyway, it turned out he
2 did.

3 Dr White was the GP and he said that this boy should
4 not play any games or swimming. So I had kept [REDACTED] off
5 all games. But he was with Mr [REDACTED] BHB for the first
6 half, he told Mr [REDACTED] BHB he wanted to come and see me,
7 and he said, "That's okay". So he came in to see me, we
8 had a wrestling thing going -- it was just lifting an
9 opponent off the floor, not throwing them down or
10 anything like that.

11 So I told him to sit on the chair beside me and ...

12 (Pause)

13 To cut a long story short, he fell on the floor and
14 he died.

15 Q. Did he get involved with another boy and --

16 A. He did, yes. [REDACTED] was the other boy.

17 Q. I think he engaged in some degree of exertion, is that
18 correct? Did they have some sort of boxing section?

19 A. Yes, he kicked the other boy, who was wrestling, but he
20 went near him and he just kicked him. That was [REDACTED],
21 you know. So I separated them and ... And then he did
22 it again. So because the boys used to do a lot of
23 fighting, I somehow gave -- would let them put the
24 gloves on to sort their difference out.

25 Q. Did they engage in what was a sort of boxing match?

1 A. No, they didn't. They put the gloves on and they just
2 moved around. The other boys had formed a circle. They
3 never touched. So [REDACTED] came over to me and said, "I'm
4 tired", so I told him to sit on the chair, and it was
5 then he slid off the chair.

6 Q. And I think, as you said, shortly after that, he was
7 pronounced dead?

8 A. Within five minutes the doctor came, because he knew
9 about the boy, once he was told. And Mrs Robertson came
10 immediately. I sent one boy for her and the other boy
11 to tell the head to ring the doctor and tell him it was
12 [REDACTED].

13 Q. So I think what you're saying, Peter, is he engaged in
14 a little bit of exertion with this other boy without
15 making any contact with the gloves --

16 A. That's right, yes.

17 Q. -- and felt tired and died. I'll just get a date for
18 that because this is recorded in the daybook or the
19 logbook. I will put this on the screen:

20 CBR.001.001.1795.

21 I'm looking for the entry below the entry talking
22 about Australia. It says:

23 "Boys present 38."

24 And the date for this is [REDACTED] 1960. I'll just
25 read it out because it has been blacked out:

1 "Today at 3.45 [REDACTED] collapsed after a boxing
2 match and died. His body was taken for post-mortem
3 examination."

4 So that tells us it was on [REDACTED] 1960 that this
5 happened.

6 A. Yes.

7 Q. I think there was a fatal accident inquiry that you
8 attended; is that correct?

9 A. Yes.

10 Q. The conclusion of the inquiry was that death was
11 accidental.

12 A. Yes.

13 Q. Clearly, that was an upsetting event for you.

14 A. And some of the boys ran out of the school and we had to
15 go out and collect them.

16 Q. Can I just move on to another topic and that's the topic
17 of visitors. So far as you can remember, did the boys
18 receive many visitors from people outside, like family
19 members, for example?

20 A. No, it was very rare.

21 Q. I wonder again if you could go closer to the microphone.

22 LADY SMITH: Can we get you into a better position for the
23 mic? You need to be a bit nearer to it. That's better.

24 Thank you.

25 MR MacAULAY: I think you were telling me that, no, there

1 weren't many visitors for boys.

2 A. No.

3 Q. One thing you do tell us is that St Ninian's was
4 difficult to get to.

5 A. Almost impossible. For example, if I wanted to leave
6 St Ninian's, I had a 20-minute walk to the bus stop and
7 there were only buses every hour.

8 Q. So it was quite isolated?

9 A. Very isolated.

10 Q. What about children's officers or what we now call
11 social workers? Did you have many visits from them?

12 A. No, they came periodically, and some of them took the
13 boy out for a day out, and others just spoke to the boy,
14 and quite often they had dinner with us, and that was
15 it.

16 Q. Would they speak to you to see if they could get an
17 update on how the boy was doing?

18 A. Yes.

19 Q. Perhaps I should ask you this, Peter: if you were to
20 address a boy, how would you address the boy? By that
21 I mean would you call him by his first name or his
22 surname?

23 A. Well, that sort of thing came from the houses too.

24 A boy was asked what he'd like to be called. Some of
25 them brought a nickname from the previous place and they

1 would say they'd like that. It depended. But I would
2 use the first name unless they asked otherwise.

3 Q. Can I ask you a little bit now about records and
4 record-keeping. Did you yourself keep any records in
5 your role as the housemaster?

6 A. No.

7 Q. Do you know what records were kept in connection with
8 the boys?

9 A. No, I don't.

10 LADY SMITH: You mentioned a minute ago about boys coming
11 from another place. Do you mean coming from another
12 home, another children's home?

13 A. Yes, a lot of the boys came from Nazareth Houses, where
14 they'd been in care.

15 LADY SMITH: And some of them came from Smyllum, did they --

16 A. Yes.

17 LADY SMITH: -- the Daughters of Charity?

18 A. Yes.

19 LADY SMITH: Did you receive from the nuns any information
20 to assist you to understand how the boys had got on
21 in the care of the other home, wherever it was?

22 A. As far as I know, I wasn't aware of anything.

23 LADY SMITH: Did you ever speak to any of the nuns, for
24 example at Smyllum or one of the Nazareth Houses, about
25 any of the boys?

1 A. No.

2 LADY SMITH: Mr MacAulay.

3 MR MacAULAY: If a boy had done something wrong, would you
4 keep a record of any punishment that the boy would
5 receive?

6 A. A boy was only strapped if what he had done was
7 a persistent thing, like bullying younger boys, and
8 he had been spoken to, I'd spoken to him, Mrs Robertson
9 might have spoken to him, and if he kept doing it and
10 the boy was distressed, I would strap him.

11 Q. Would you keep a record of the fact that you had
12 punished the boy?

13 A. I gave Brother **MOA** a written record of what strap
14 I did and to whom.

15 Q. What would Brother **MOA** do with that information?

16 A. As far as I knew, he kept what we called the punishment
17 book. I'd say he was quite meticulous about his job.

18 Q. The inquiry has been supplied with documents that are
19 either referred to as daybooks or logbooks; is that what
20 you understood to be the punishment book?

21 A. No, no.

22 Q. Was there a separate punishment book?

23 A. It was a separate book.

24 Q. Was it just used for recording punishments?

25 A. Yes.

1 Q. Did you see it?

2 A. No, I didn't. I didn't see it then, no.

3 Q. Or at any time?

4 A. I think I saw it subsequently when I was being
5 interviewed about the allegation that [REDACTED] had
6 been murdered.

7 Q. Can you tell me a little bit about it then? We've
8 looked at the entry in what may be called the logbook or
9 the daybook, which records the events surrounding
10 [REDACTED]'s death. Are you talking about a different
11 document?

12 A. No, the punishment book was a separate book. That I'm
13 sure of.

14 Q. It is correct to say, and I may take you to one or two
15 entries shortly, that in the daybook or logbook there
16 are references to punishments, like for example a boy
17 receiving a number of straps. So these references are
18 there. Are you saying there was a quite separate
19 punishment book that dealt just with punishments?

20 A. Well, that was my understanding.

21 Q. We also know that a document known as "the annals" was
22 kept. Did you have anything to do with the annals, the
23 keeping of the annals?

24 A. No, that was the head's job, the superior's job to write
25 up the annals.

1 Q. Did you yourself ever see the annals?

2 A. No, I had no time for the annals.

3 Q. The other aspect of looking after the boys I want to
4 talk to you about is to what extent a boy's care with
5 St Ninian's was reviewed by anybody. Were there
6 progress reports made of the boys during your time?

7 A. Well, I can't remember anything like that, but I do know
8 that I recommended to Brother MOA and the occasional
9 children's officer that a particular boy was ready to
10 leave, that he would settle into family life quite
11 easily. But it was never accepted.

12 Q. So any recommendation you made along these lines was not
13 accepted?

14 A. No, it wasn't.

15 Q. Do you know why?

16 A. No.

17 Q. Were you told, having made the recommendation?

18 A. No.

19 Q. You give the example of a boy who had been with you for
20 six months and you made that recommendation and I think
21 you thought he stayed for another three years.

22 A. Yes. He was a boy who was recommended to us by the MOH
23 for Fife because he had problems in his day school. He
24 asked us if we would take him and see if we could settle
25 him in, in a period, and after some months, I said

1 he was ready to leave and go back home.

2 Q. And he had a home to go to?

3 A. Oh, he had. His mum came to visit him and her sister.

4 They didn't take him back, but he was -- he was a very
5 quiet individual.

6 Q. You thought he should go home and I think you
7 recommended that to Brother MOA is that your
8 position?

9 A. Yes.

10 Q. And he wasn't given the chance to go back to his family?

11 A. No.

12 Q. Do you know why?

13 A. No.

14 Q. The other side of that particular coin is I think there
15 was at least one example of a boy wanting to stay on for
16 an extra year.

17 A. Yes, that's right. He was sort of a chronic wet-bed,
18 but he was a marvellous character, really, that boy.
19 He was the tallest boy in the place, very gentle with
20 the others, and I told him if there was a group of them
21 that wanted to stay on, we could form an extra class and
22 we'd somehow manage it.

23 Q. Did that happen?

24 A. It did, yes.

25 Q. Another thing you tell us about in your statement,

1 Peter, is your system of what you call your system of
2 evaluation that I think you introduced --

3 A. Yes.

4 Q. -- at St Ninian's. Can you tell me a little bit about
5 that?

6 A. Well, it was a way of trying to ensure that whatever
7 happened in a particular session, because it was
8 a residential school, didn't spill over into the next
9 activity or with the next member of staff. So it was
10 really trying to get people to sort out whatever
11 happened in a particular session, whether it was
12 a football game or a class or whatever. It needed to be
13 sorted out and the boy needed to know that that was the
14 end of it and that his position was respected, not
15 something to be carried on by someone else. I felt that
16 was very important in a residential setting.

17 Q. Was this a system that you've told us you put into play
18 at St Ninian's and you sought to develop in other places
19 that you went to?

20 A. Yes. Yes, very much so.

21 Q. Can I ask you now, Peter, about discipline and
22 punishment. One thing you say in paragraph 131 is that
23 most boys in St Ninian's during your time there never
24 needed to be punished.

25 A. Yes. That's true.

1 Q. Were the children well-behaved?

2 A. I would say they were, yes.

3 Q. What was Brother MOA attitude to punishment and
4 discipline?

5 A. Well, he was a [REDACTED] and [REDACTED] have their
6 rules and that's the way he approached it.

7 Q. What way was that?

8 A. He just dealt with it on the spot and that was that.

9 Q. In what way would he deal with a breach of discipline?

10 A. Well, he might use the strap and he mightn't. We never
11 took privileges away from pupils, we never felt that was
12 a positive way, especially in a residential setting.

13 Q. Did you have any guidance given to you when you went to
14 St Ninian's in relation to matters of discipline and how
15 discipline was to be approached?

16 A. No.

17 Q. Within the order itself, was there some guidance
18 provided --

19 A. Oh yes.

20 Q. -- as to how discipline was to be approached?

21 A. Yes, there were quite strict rules about using corporal
22 punishment.

23 Q. Can you help me with that? What were the rules?

24 A. Well, no boy should be punished, I think it was, within
25 a certain time before a school session finished. It

1 might have been 40 minutes or an hour or whatever.
2 Whether it was the morning session or the afternoon
3 session, there was a time limit when the strap should
4 not be used. Why, I don't know, but that was it. And
5 the limitation of strapping was emphasised.

6 Q. Can I take you to a document that's been provided to us
7 by the order, and it's got the title:

8 "Constitutions of the Congregation of the Brothers
9 of the Christian Schools of Ireland, usually called the
10 Christian Brothers."

11 This is the 1962 version. It's at CBR.001.001.0668.

12 We're looking at the front page of the document. If
13 you turn to page -- you've seen the front page. Turn to
14 page 0670. This is providing us with the contents of
15 the document. Does this look at all familiar to you?

16 A. Yes.

17 Q. What is it?

18 A. Well, it's just the usual document we got, which we
19 read. We were supposed to discuss it, but I was never
20 involved in the discussions of it.

21 Q. If we turn to page 0688 -- 0088, I'm sorry.

22 (Pause)

23 I'm sorry, I'm on the wrong document. Can we go
24 back? CBR.001.001.0688. We're looking at a section of
25 the constitutions dealing with schools. If you look at

1 the page on the left-hand side, at paragraph 174, can
2 I just read it out:

3 "Should it be considered necessary to punish
4 a pupil, it must be done calmly and with great
5 moderation. Boys should be induced to act rightly from
6 a sense of duty rather than through servile fear."

7 Do you see that?

8 A. Yes.

9 Q. And were you aware of that proposition when you were
10 working at St Ninian's?

11 A. Yes.

12 Q. In particular, the reference that punishment had to be
13 done calmly and with great moderation?

14 A. Yes.

15 Q. Was that your own approach to punishment when you were
16 at St Ninian's?

17 A. Well, punishment was -- I never regarded it as a cure.
18 It just managed a situation. For example, if a boy was
19 very upset about a particular thing, to punish him
20 wouldn't cure anything, it just managed the situation
21 for the time being. Also, I found that it was a waste
22 of time having a discussion with a boy that was very
23 upset. It was a waste of time, it's better just to put
24 them aside and tell them when they've calmed down, "You
25 let me know when you want to talk to me".

1 Q. I think you have said you yourself on occasions did use
2 the strap.

3 A. Yes.

4 Q. And I think you mentioned bullying as being one of the
5 areas where you'd strap a boy. How would you do that?

6 A. How would I?

7 Q. Strap a boy.

8 A. I would hold his hand and use the strap on him.

9 Q. And how many strokes would you normally give for
10 a bully?

11 A. Oh, two.

12 Q. Would you give more than two on occasion?

13 A. I don't think so. I mean, now it would seem ridiculous
14 that I did, but I don't think I did.

15 Q. The area of the body you'd be strapping, you've
16 indicated, would be the hand. What about a boy's
17 bottom? Would you strap a boy's bottom?

18 A. Well, if it was a very serious, persistent offence, like
19 sexual abuse of an older boy on a junior boy, and if
20 I had spoken to him and Mrs Robertson had spoken to him
21 a number of times, then I would strap ...

22 Q. On the bottom?

23 A. I can't remember doing it, but what I'm saying is
24 I could well have done.

25 Q. But the example you have given, is that an example that

1 did occur in reality during your time at St Ninian's,
2 namely an older boy sexually abusing a younger boy?

3 A. Yes.

4 LADY SMITH: Could I just go back to the document that was,
5 the constitutions of the Christian Brothers, and the
6 page that we were looking at? Paragraph 175 or 176
7 before.

8 MR MacAULAY: Yes. It was at page 0688.

9 LADY SMITH: Peter, could you look at paragraph 173? It's
10 at the top of the left hand page. Have you got that?

11 A. No.

12 LADY SMITH: It'll be coming up on your screen in a moment.
13 It's the text that you had before.

14 MR MacAULAY: CBR.001.001.0688.

15 LADY SMITH: Just tell me when you're seeing it.

16 (Pause)

17 Have you got that now?

18 A. No.

19 LADY SMITH: It came up a moment ago. It's gone away again.

20 (Pause)

21 I'll read you the sentence that I want to ask you
22 about in this paragraph. In paragraph 173, there's
23 a statement that:

24 "In residential schools, special vigilance is
25 required in guarding the morals of the pupils."

1 So an instruction that special vigilance was
2 required in guarding pupils' morals if it was
3 a residential school that they were at. Why was that
4 statement in the constitution? Why was special
5 vigilance required in a residential school so far as
6 protection of children's morals was concerned?

7 A. I suppose it was to make the members aware of
8 homosexuality. That would be my reading of it.

9 LADY SMITH: So what you're telling me then is that in the
10 minds of those who drafted and set out these rules,
11 there was a risk in a residential school of homosexual
12 practices occurring; is that it?

13 A. Yes.

14 LADY SMITH: Mr MacAulay.

15 MR MacAULAY: And I think you have told us that there was
16 sexual activity amongst boys during your time.

17 A. Yes.

18 Q. You have mentioned the use of the strap. Did you have
19 a strap that you yourself could use?

20 A. I don't remember having one, but I'd imagine I did have.
21 That's all I can say.

22 MR MacAULAY: My Lady, that's 1 o'clock. Perhaps we can
23 adjourn until after lunch. I can assure Peter, who's
24 anxious to catch a train at a particular point in time,
25 that he will catch his train; I haven't too far to go.

1 LADY SMITH: I will rise now for the lunch break and I will
2 sit again at 2 o'clock.

3

1

2 (1.00 pm)

3 (The lunch adjournment)

4 (2.00 pm)

5 LADY SMITH: Good afternoon.

6 Good afternoon, Peter. Are you ready for us to
7 carry on?

8 A. Yes.

9 LADY SMITH: Thank you very much.

10 Mr MacAulay, when you're ready.

11 MR MacAULAY: Good afternoon, Peter.

12 A. Good afternoon.

13 Q. Before the lunch break, we'd been looking at aspects of
14 discipline, and in particular we'd focused upon
15 instances that you were able to recall where there was
16 inappropriate sexual behaviour between boys. You do
17 deal with this in your statement at paragraph 150
18 onwards.

19 What you say at paragraph 150, if that can be put
20 back on to the screen, is:

21 "I know that boys sexually abused other boys whilst
22 I was at St Ninian's because that was reported to me by
23 Brother MOA There were some of the boys who used to
24 masturbate one another. I personally got to know about
25 that from Brother MOA."

1 And you tell us when you would meet up with

2 Brother MOA :

3 "I was aware that sexual activity between boys of
4 equal age was different to sexual activity between
5 senior and very junior boys and I was more concerned
6 about the junior boys. I don't think that Brother MOA
7 and I had a shared view on sexual activity amongst boys
8 in a severely single-sex teenage environment."

9 So can I just understand what you're saying there?

10 First of all, are you telling us about your awareness of
11 sexual activity?

12 A. Yes, I am.

13 Q. Are you able to elaborate upon what sort of sexual
14 activity you have in mind? Is it masturbation, is that
15 the --

16 A. Yes, that was what I -- the only thing I was aware of,
17 which took place quite often outside the building,
18 amongst the bushes.

19 Q. The point you make about sexual activity between senior
20 and very junior boys, first of all, were you aware that
21 that was also taking place?

22 A. Yes.

23 Q. Was that from Brother MOA that you got that
24 information?

25 A. No, that was from -- usually some of the senior boys

1 would talk about that, bullying in terms of that, and at
2 the tuck shop as well.

3 Q. But when you talk about bullying then, are you really
4 talking about sexual activity by the older boys
5 in relation to the junior boys?

6 A. Yes.

7 Q. What sort of sexual activity do you have in mind?

8 A. Masturbation.

9 Q. When you say, "I don't think that Brother **MOA** and
10 I had a shared view on sexual activity amongst boys in
11 a severely single-sex teenage environment", can I just
12 understand, what do you mean by that comment?

13 A. I don't think that Brother **MOA** appreciated the effect
14 on teenage boys of their sexuality and the fact that
15 they needed to give expression to it and they could
16 only -- with single sex, it could only be in
17 a single-sex way.

18 Q. I'm still striving to understand what you mean by that
19 then. Are you saying that it was to be expected that
20 boys would indulge in this behaviour with other boys?

21 A. Yes. If they had no other outlet, I wouldn't be
22 surprised about it.

23 LADY SMITH: What outlet do you have in mind? What do you
24 mean by "no other outlet"?

25 A. Well, if they were in co-ed situation in school or

1 living in a co-ed situation in a street or a village or
2 whatever, they'd have -- they could have sexual
3 thoughts, communications with the opposite sex.

4 LADY SMITH: Are you talking about sexual intercourse?

5 A. No. I'm just talking about the way boys might have
6 a girlfriend.

7 LADY SMITH: But the younger boys here, we've heard, were,
8 some of them, 11 and 12 years old.

9 A. To come to St Ninian's, in my experience, the rule was
10 a boy had to be 12.

11 LADY SMITH: All right, 12.

12 Some of them may not have achieved full puberty or
13 started to achieve puberty at all at that age. We're
14 talking about the 1950s and 1960s here, isn't that
15 right?

16 A. Yes. We're also talking about boys that were forced
17 into a single-sex situation for many years.

18 LADY SMITH: Mr MacAulay.

19 MR MacAULAY: I think the range of boys -- I think there's
20 some evidence that boys would sometimes be 11, so 11 or
21 12, but the range would be up to 15. So you'd have
22 15-year-old boys who would be more mature than
23 a 12-year-old boy, being in contact. In relation to
24 that, did you become aware that there was sexual
25 activity between that range of teenage boy and the

1 younger boys?

2 A. On occasion, yes.

3 Q. What would happen to any boy, any senior boy, who was
4 discovered to be engaging in that inappropriate sexual
5 behaviour?

6 A. Well, through [REDACTED] teaching, I used to deal with the
7 sexual aspect of life, using the BBC Radio, and I don't
8 remember if the TV programmes were on the go then. But
9 certainly I've used both, and they would be ...
10 Certainly the BBC programmes were very vivid and really
11 good for teenage pupils.

12 I would talk to them and on occasion I would ask
13 Mrs Robertson to have a chat with some boys, you know.

14 Q. So you're talking there about sex education?

15 A. Yes.

16 Q. In relation to the older boy who had behaved
17 inappropriately in a sexual way with a younger boy, what
18 punishment or what discipline would be used?

19 A. I certainly would have a chat to him on the first
20 occasion, as I remember it. If he persisted, I would
21 give him the strap. I don't remember giving him the
22 strap, but that would be what I would probably have
23 done.

24 Q. Can I take you to, again, another reference in the
25 logbook or daybook. It's at CBR.001.001.1791. Again,

1 it'll come on the screen for you.

2 I'm looking for the entry just two above the year
3 1960 -- so let's move down a bit. We'll see where the
4 year 1960 is mentioned. Two entries above that is an
5 entry for [REDACTED] 1960. There's 30 boys present and
6 there's two boys named. We needn't name them, it's A
7 and B, and the reference is:

8 "Four behind for immorality."

9 Then there's another name:

10 "G [redacted text] 2."

11 Do I understand from that that two boys are getting
12 the strap on their bottoms, four strokes of the strap,
13 and there's another boy who gets two strokes of the
14 strap? Is that how you'd interpret that?

15 A. Yes.

16 Q. It's for what's called "immorality"; would that be some
17 form of sexual conduct?

18 A. Yes, oh definitely, yes.

19 Q. Who would be disciplining these boys?

20 A. It certainly wasn't me. It might have been
21 Brother [REDACTED] MOA . But it wouldn't have been me.

22 Q. You do tell us in your statement, if we go back to
23 paragraphs 151 onwards, about an incident where a boy
24 was taken to Brother [REDACTED] MOA because there was a problem
25 with his foreskin.

- 1 A. Yes.
- 2 Q. Do you remember that incident?
- 3 A. I do, yes.
- 4 Q. What happened on that occasion?
- 5 A. It was Brother **MOA** was telling me about it.
- 6 Q. Again, Peter, if you could make sure you can speak into
7 the microphone.
- 8 A. Yes, sorry. Somehow, this young boy was taken to
9 Brother **MOA**. I'm not sure whether another boy took
10 him or not. But he couldn't retract it, as I understand
11 it, his foreskin, and Brother **MOA** sent him to the
12 doctor, the GP. The GP advised that there could be
13 homosexuality going on in the school. Brother **MOA** was
14 very annoyed about that, but he shouldn't have been.
15 I agreed with the doctor's letter.
- 16 Q. Well, what happened?
- 17 A. I wouldn't have punished him because I wasn't involved
18 in that, it was Brother **MOA** who sent the boy to the
19 doctor and got the letter from the GP, so he would have
20 punished the boy.
- 21 Q. Do you go on to tell us, as I think you've mentioned
22 already, that senior boys would take -- was it new boys
23 into the bushes?
- 24 A. Yes. That's what happened on this occasion, it was
25 because this happened and I started chatting to some of

1 the senior boys about what was going on, and they told
2 me that a new boy would be taken out into the bushes and
3 interfered with.

4 LADY SMITH: What did you do about that?

5 A. Well, the most serious thing I did about it was I tore
6 all the bushes out using the tractor and we got the
7 farmer to come and plough a bit of the open space that
8 was there and we planted grass there and made a place
9 for the boys' pet animals. So the safe place to abuse
10 others was gone and obviously if some boys were giving
11 me information, I had to be careful how I used that
12 information.

13 LADY SMITH: What do you mean by that?

14 A. It wouldn't have helped the senior boys. There was
15 a group of four senior boys that were a bit troublesome,
16 but the other senior boys were different and they wanted
17 the place to run -- especially their houses, they wanted
18 them to run smoothly. If they gave me information,
19 I had to make sure that these four that were a bit
20 troublesome couldn't get back at them.

21 LADY SMITH: Well, how did you do that?

22 A. Well, I had to tell them how I knew about things without
23 letting them know that it had been reported to me. So
24 I had to be more careful about supervision during the
25 tea break times -- we had a morning break and an

1 afternoon break and that's when quite an amount of it
2 was happening.

3 LADY SMITH: Peter, this sounds like some indirect methods
4 of trying to address what I think you recognise was
5 a very real problem. What about direct methods of
6 addressing the problem with these boys who were behaving
7 in a way they should not have been behaving?

8 A. Well, there are various ways of, in a residential
9 situation, of doing a direct method. I might say, if
10 I'm punishing a boy in one way or another, "By the way,
11 it's time you gave up molesting another boy and it's
12 quite serious". It doesn't have to be a black and white
13 situation.

14 MR MacAULAY: You could identify four particular culprits;
15 is that what you're saying?

16 A. Yes.

17 Q. Particular culprits who were older boys in the
18 residential school?

19 A. And they were older boys when I went there.

20 Q. Yes.

21 A. They were quite senior.

22 Q. I think I know it from the logbook or daybook, whatever
23 you want to call it, that if a boy was a persistent
24 absconder then he'd be moved on, essentially expelled,
25 from the school. Was expulsion something that you

1 thought about at the time in relation to these
2 particular individuals who you could identify as being
3 molesters?

4 A. I was never aware of that.

5 Q. Of what?

6 A. Of expulsion being used. I mean, they came to us
7 because they needed care. It's no good throwing them
8 out when they showed that they needed care, you know.

9 Q. But if you have a particular boy who's causing the sort
10 of problem that you've been telling us about, then could
11 it be said that that's a boy who should not be there,
12 who should be moved on elsewhere?

13 A. But there's no place to move -- in 1959/1960, there's no
14 place to move them on to in the first instance. And
15 in the second instance, I don't believe that's the
16 solution. It might manage the problem -- like the
17 strap, the strap only managed the problem, it didn't
18 cure it.

19 Q. Then let's look at the strap as a tool. You've told us
20 yourself about the times when you might use the strap
21 and how you might use it. So far as other brothers were
22 concerned, do you know what their practices were
23 in relation to the use of the strap or any other form of
24 punishment?

25 A. Well, the other brothers that were there in my time,

1 I don't think they used the strap, apart from
2 Brother **MOA** Brother Ellis never punished anybody.
3 I knew Brother Ellis very well. He was my novice
4 master.

5 Q. And Brother **MCE** was another brother you mentioned.

6 A. Yes. He just went into class, taught his lesson and
7 left. He didn't interact with the pupils.

8 Q. What about -- you mentioned the lay teacher,
9 Mr **BHB**?

10 A. Oh, he would never strap anybody.

11 Q. Well, can I take you to the daybook, the logbook, at
12 CBR.001.001.1784. While that's coming up, can I ask you
13 this: was absconding, that's boys running away,
14 a problem during your time at St Ninian's?

15 A. Well, I remember there was one three-year period when
16 nobody absconded, and then there was a night when 11 or
17 something like that absconded. The next day, when the
18 policeman, a sergeant, brought four of them back, who
19 had spent the night in a coal yard trying to keep warm
20 by covering themselves with coal sacks, so you can
21 imagine the state they were in.

22 Q. That's something that happened during your own time
23 there?

24 A. Yes.

25 Q. But thereafter, do you recollect that there were times

1 when children did run away?

2 A. After I left?

3 Q. No, no, over your seven-year stint.

4 A. Yes, there were times, yes.

5 Q. I'll come back to that. If we look at the page we have
6 on the screen, we're looking at the second entry from
7 the top, third entry from the top. The date there is
8 23 August. Unfortunately, you can't get the date, but
9 it says:

10 "Boys present: 34."

11 Do you see that?

12 A. Yes.

13 Q. And then there's a note:

14 "All 12 absconded at noon."

15 Do you see that?

16 A. Yes.

17 Q. That's what's written down. Then we have boys returning
18 and the police are involved.

19 Because this is [REDACTED] 1959, this is probably before
20 you actually arrived at St Ninian's, because I think you
21 arrived in [REDACTED]

22 A. Yes.

23 Q. So this is a different incident to the one you've been
24 telling us about, but do we see, again the date here is

25 [REDACTED] and we can read across:

1 "Boys present: 29."

2 Do you see that?

3 A. Yes.

4 Q. And we reads:

5 "Classes 3 formed ..."

6 And then some names that have been deleted. And:

7 "Children being brought from barracks in Glasgow and
8 Airdrie."

9 And then the next entry is:

10 "Six strokes administered by Mr **BHB** on buttocks
11 of each in presence of boys."

12 So I think that's quite a number of boys being
13 punished by Mr **BHB** on the buttocks. It doesn't say
14 whether it's a strap or some other implement, but
15 they're given six strokes each. Does that surprise you?

16 A. I'd be absolutely surprised if that happened.

17 Q. Well, this is what's recorded in the book.

18 A. I don't know how that could be because Mr **BHB**
19 wasn't that type of person. He just wasn't. So how it
20 got there, I don't know.

21 Q. Do you remember, in dealing with children who ran away,
22 having to go and fetch them again?

23 A. Yes.

24 Q. If we turn to --

25 A. By law, we couldn't allow them to be kept in the police

1 cell, so that's why we went out. I might have to go out
2 at 3 or 4 in the morning to collect them.

3 Q. If we look at a particular entry, just take this entry
4 at CBR.001.001.1845. Again, we have the blacking-out,
5 which makes it difficult to read, but just about halfway
6 down we have a reference to "Boys present: 43". That's
7 against the date of 6 March 1966, so that's [REDACTED]
8 months before you leave.

9 What I can read under the blacked-out bits is:

10 "A, B, C and D abscond about 2.30 pm. Picked up by
11 Edinburgh police and collected by Brothers [REDACTED] MHJ and
12 [you are named there] at 11 pm. All received 4 strokes
13 on backside except [one]."

14 It doesn't say who inflicted the strokes, but do you
15 recollect that particular incident or not, near to when
16 you left?

17 A. No, I can't ever imagine that I went out with
18 Brother [REDACTED] MHJ to collect any pupils.

19 Q. But you do remember going out to collect pupils?

20 A. I went out, yes, it was either the -- usually the local
21 police that phoned up to say that they had them.

22 Q. Here we have an incident several years after the
23 incident we looked at involving Mr [REDACTED] BHB where the
24 punishment was six strokes. Here we have four strokes
25 on the backside; was it the position that if a child ran

1 away, then the child would be punished in some physical
2 way for running away?

3 A. I don't understand that.

4 Q. What I'm asking is, here we have an example of children
5 running away, and on the face of it, according to what's
6 been recorded in the record, being punished by receiving
7 four strokes on the backside.

8 A. Right.

9 Q. Was that the practice that if a child ran away, then
10 generally that child would receive some form of physical
11 punishment?

12 A. Yes, there'd be physical punishment, yes, but there was
13 no regular punishment as far as I was concerned. Not
14 the amount.

15 For example, one night -- I was referring to these
16 boys that spent the night in a coal yard. Whilst the
17 sergeant was telling me that they had to be punished
18 because of the way they behaved in his van when he was
19 bringing them back, he felt that they were being very
20 supercilious about what they'd done, and the reason they
21 ran away was to see which of them could get the furthest
22 before they were caught.

23 Q. That's a reason in that instance you've given us, but
24 other instances of children running away, was any
25 thought given to why a child or children would want to

1 run away from the school?

2 A. Yes. To begin with, shortage of staff.

3 Q. Sorry?

4 A. Shortage of staff. There was very little we could do at
5 times.

6 Secondly, because of the geographical situation, we
7 didn't see the sun in St Ninian's roughly, if I remember
8 it rightly, from mid-November to three months after
9 that, maybe February or March. So if the fields were
10 coated, if the football fields had a coating of frost on
11 them, it remained coated because the sun didn't come
12 over the East Lomond. That had quite a big effect on
13 it.

14 Now, a lot of the running away often took place when
15 the sun came over. We recognised this, that we had
16 better get ready for it.

17 Q. Do you mean when the weather was getting better?

18 A. The weather, but also the sun. If you're without the
19 sun for three months and you don't see it, it has quite
20 an effect. I accepted that, so did the staff.

21 Q. So I can understand then what you're saying is that with
22 the weather getting better, there was a greater
23 temptation for children to run away?

24 A. Yes.

25 Q. But what were they running away from? Were they running

1 away from something, so far as you could work out?

2 A. Well, they were obviously unhappy, yes, that's true.

3 But the thing about it is the place was being run as
4 well as it could under the circumstances. And sometimes
5 there's no solution to a problem. I would put that to
6 you: there is no solution to some problems.

7 Q. Just touching on one or two other examples then, Peter,
8 if you look at the -- it's on the same page,
9 CBR.001.001.1845. If we move down just underneath the
10 year 1966, we're now looking at 8 March 1966 when the
11 number of boys present is 38. We read:

12 "The five absconders give themselves up at Markinch
13 police station at 8 pm."

14 Then we read:

15 "Collected by [yourself] and returned to house at
16 8.45."

17 And then at the bottom:

18 "No reason for running away. One said that he was
19 fed up. Four strokes each."

20 Again, the absconders are punished in a particular
21 way for absconding. So far as the giving of the strokes
22 would be concerned, would that be yourself or the
23 headmaster?

24 A. It's more likely to be the headmaster, I would think,
25 because he was the one who was more importantly

1 responsible for punishing boys. I was responsible for
2 punishing boys in my classes and in the dormitories.
3 My, responsibilities. But not for general -- you see,
4 these boys might have run away from someone else's
5 supervision or no supervision.

6 Q. And we have other instances, and we needn't look at
7 them, during your period of boys absconding and you
8 fully accept that and you've explained what your
9 thinking is as to why boys would behave in that way.

10 LADY SMITH: That last entry was a 1966 entry, Peter.

11 According to the table we've been provided with, the
12 [REDACTED] then, I think, was Brother Brennan. Do you
13 remember him?

14 A. No, there was never ...

15 LADY SMITH: Maybe he came after you.

16 A. There was no Brother Brennan there in my time.

17 MR MacAULAY: You left in 1966, so he might have come in the
18 latter part.

19 LADY SMITH: The other brothers of that year that we have
20 been given the names of were Brother Burke,
21 Brother Carey, Brother [REDACTED] MOI [REDACTED] Brother Ellis,
22 Brother [REDACTED] MHJ [REDACTED] Brother [REDACTED] MCY [REDACTED] and Brother [REDACTED] LHC [REDACTED]. Do
23 you remember any of them being head?

24 A. No.

25 MR MacAULAY: I think you said that Brother [REDACTED] MHJ [REDACTED] was the

1 head at one point.

2 A. Oh, Brother **MHJ** followed on from Brother **MOA**. But
3 I left in August, actually.

4 Q. Okay.

5 A. July. I left in July. I went on holiday and then I was
6 posted to Liverpool. I started school in St Edward's
7 College in September.

8 LADY SMITH: So if it was Brother **MHJ** then that was head
9 in 1966, do you remember him punishing boys by belting
10 them?

11 A. No.

12 LADY SMITH: Mr MacAulay.

13 MR MacAULAY: On the face of it, boys running away, liaising
14 with the police in connection with that and indeed
15 having to go and collect boys from police stations or
16 wherever, was that disruptive to the running of the
17 school?

18 A. It was, yes. Obviously, this was a case where
19 Mrs Robertson would -- at least I would encourage to try
20 and chat to these boys. She was the best one to chat to
21 them. But with regard to finding out why they ran
22 away -- I mean, obviously I asked them and on one
23 occasion they said, "To see who could get the furthest",
24 they had a bet on.

25 Q. That's one occasion when there was a group departure.

1 A. Yes, but there were lots of times. I was there for
2 seven years and we had a three-year period when nobody
3 ran away and we tried to think out why was that and we
4 couldn't come up with an answer.

5 Q. One thing you mentioned this morning, Peter, and it's in
6 your statement, is that you never used the removal of
7 privileges as a way of disciplining boys. Can I just
8 understand, what do you mean by the removal of
9 privileges?

10 A. Well, there were days when boys were allowed to go
11 shopping in Kirkcaldy. They would ask, if they had
12 money in their savings account -- and some of the money
13 from potato picking went into their savings -- but some
14 people would say that certain -- they shouldn't be
15 allowed to go shopping because of stealing. I didn't
16 think that was the right thing to do, nor did the group
17 that used to meet to discuss how things were going.

18 Q. The inquiry has heard evidence, albeit from a later
19 period of time, I think, that for example, if a child
20 misbehaved, not getting tuck would be something that
21 could be used as a punishment. You say that wasn't the
22 position in your day?

23 A. No, no.

24 Q. But that would be the removal of a privilege? Would you
25 regard that as the removal of a privilege?

1 A. Yes.

2 Q. There are entries covering your period and I'll give an
3 example of one and I'll put it on the board.

4 CBR.001.001.1831.

5 This is towards the bottom of the page. It's four
6 specific entries from the bottom. What we read there
7 for 24 October 1964 is:

8 "Boys present: 43."

9 And reference to:

10 "Seven boys 'beating' for the laird. Good conduct
11 boys to pictures."

12 So there's an inference there that children who had
13 behaved would go to the pictures, but children who had
14 not would not. That's at least the inference.

15 A. I have no recollection of boys going to the pictures.

16 Q. Or boys being prevented from going to the pictures?

17 A. No recollection of that. In fact, I wouldn't have
18 agreed to it.

19 LADY SMITH: Why not?

20 A. Because, again, in a residential situation, punishment
21 can't be allowed to go on for a period; it just creates
22 extra problems. Whereas if it's dealt with on the spot
23 and it's explained, that's it.

24 MR MacAULAY: You've mentioned this already, but it is the
25 case that I think I can say this to you -- I don't

1 propose to take you to all the entries -- that we see
2 a number of entries along these lines, "Good conduct
3 boys going to pictures", or, "Good conduct boys going to
4 Kirkcaldy", and so on, which raises the inference that
5 those who misbehaved were deprived of these
6 opportunities. You were not aware of that?

7 A. No.

8 Q. Can I then take you to that section of your statement,
9 Peter, where you talk about abuse. That's beginning at
10 paragraph 141 of the statement. The heading there is:

11 "Abuse in St Ninian's. Specific incidents witnessed
12 or heard of by me."

13 You make the statement there:

14 "I never saw any form of abuse undertaken by any of
15 the staff towards the boys during my time at
16 St Ninian's."

17 That's the position?

18 A. Yes.

19 Q. You go on to elaborate upon that, you're talking about
20 verbal abuse, emotional abuse or any form of sexual
21 abuse towards the boys, subject to something I'm going
22 to come to in a moment.

23 A. Yes, I'd say I never saw that, right.

24 Q. You devote a number of paragraphs here to **MCE**

25 You begin at 142 by saying that:

1 "Brother MCE didn't inspire a great deal of
2 confidence in me."

3 Do you see that comment?

4 A. Yes.

5 Q. Can you elaborate upon that, Peter?

6 A. Well, he had no interaction with the boys or generally
7 speaking with the rest of the staff. He just taught his
8 class, left the classroom, went to his room or whatever,
9 and that was it. So I never saw any interaction, so
10 obviously I wouldn't have confidence.

11 Q. You tell us that there were some times he wouldn't come
12 to take his class.

13 A. Yes.

14 Q. What did you require to do in these instances?

15 A. I would go into his room and tell him to get to his
16 class.

17 Q. Why had he not got up to go to his class?

18 A. I think he may have had a nervous problem. He may have
19 had, I don't know.

20 Q. Did he drink?

21 A. He did, yes. But then there wasn't -- in my time in
22 St Ninian's, the head, being a [REDACTED] was very
23 particular about keeping the rules of the order and, for
24 example, one rule we had was, Christmas and Easter, the
25 brothers were allowed one glass of whisky or sherry. He

1 kept to that.

2 Q. Brother **MOA** kept to that or Brother **MCE** ?

3 A. Brother **MCE**. We were supposed to be allowed a day out
4 every month. But it was difficult to get a day out
5 every month because of the staffing situation. But he
6 would get some money to go out for a day and he liked
7 a drink so he would have a drink.

8 Q. You tell us about an incident where there was
9 a complaint made about Brother **MCE** that you got
10 involved in. Can you tell us about that?

11 A. Yes. A boy came to me -- we had come up from the games
12 field and after games, the boys had a homework session.
13 Homework covered a lot of things, like boys giving talks
14 or other activities.

15 So this boy came to me and said, "Mrs Robertson
16 wanted to see me". Now, it was a couple of hours after
17 her normal working time so I thought there must be
18 something unusual. So I went to see her and she told me
19 that this younger boy had burst into her sewing room and
20 started shouting that he had been abused by
21 Brother **MCE**

22 So she told me about it and we talked about it. She
23 went out to see the boy again, just see how he was, and
24 he was just playing football in the gym area, and
25 I think we had someone else in as well. I can't

1 remember who it was.

2 Q. To try and cut it short, to make sure you don't miss
3 your train, is it the case that the allegation was that
4 Brother **MCE** had made some sort of sexual contact?

5 A. Yes, he had grabbed this boy's genital organs whilst
6 he had his shorts on him, in the scrummage.

7 Q. And did you come to the view that Brother **MCE** should
8 be removed from St Ninian's?

9 A. Yes. The group of us that discussed it came to the
10 conclusion that the boy's statement had credence.
11 I then spoke to the head about it and he wouldn't agree
12 that Brother **MCE** should be suspended. So eventually,
13 he decided to call the provincial in.

14 Q. Was that Brother Colman Curran?

15 A. That's right.

16 Q. What was his advice at the time?

17 A. Well, he came up and he told me that rugby has to stop
18 because of Brother **MCE**'s approach. So I told him
19 there's no way rugby was going to stop, but
20 Brother **MCE** had to go.

21 Q. To come to the end of that account, did Brother **MCE** in
22 due course leave the school?

23 A. He did, yes.

24 Q. Do you know where he went?

25 A. He went to Birmingham.

1 Q. Had you been given any information before this as to
2 whether or not Brother MCE might have been a risk to
3 children?

4 A. No. I think he came to St Ninian's at the same time as
5 I did.

6 Q. Do you know where he had been before?

7 A. Gibraltar, I think.

8 Q. If I can take you to a report that's been provided to
9 the inquiry by the order, it'll go on the screen for
10 you, it's CBR.001.001.5621. This is a report that the
11 order has provided to the inquiry in response to
12 a particular process that permits the inquiry to ask
13 questions of such as the order. And in particular,
14 there's a reference in the heading to former Brother
15 MCE. The name has been
16 blocked out, but that's the name. I'll read what they
17 say -- this is the order saying this:

18 "There is a reference to Brother MCE interfering
19 with boys in Gibraltar in 1960 and similar accusations
20 in Falkland in 1962."

21 It goes on to say:

22 "The following extracts from the correspondence give
23 some indication of how these complaints were dealt with.
24 Brother [and that's a reference to you]'s statement of
25 1998 also refers to the complaint in Falkland in 1962."

1 And we're provided with background information
2 in relation to Brother **MCE** and his behaviour. Were
3 you in any way aware that Brother **MCE** was sent to
4 Falkland against a background of interfering with boys
5 in Gibraltar?

6 A. This is the first I've become aware of that.

7 Q. What is your reaction to that?

8 A. I think it's shocking.

9 Q. What sort of establishment did the Christian Brothers
10 have in Gibraltar?

11 A. Well, I was teaching there for four years.

12 Q. Was that after you'd been at St Ninian's?

13 A. No. After I'd been to West Africa.

14 Q. But you'd left St Ninian's some time before that?

15 A. I left St Ninian's and I went there. The brothers were
16 highly respected in Gibraltar, mostly by the elite in
17 Gibraltar because the brothers had run the only grammar
18 school for boys. So they had a very high appreciation,
19 and because of the situation in Gibraltar, housing was
20 terrible for people, three generations living in one
21 room, a lot of the pupils spent extra time in the school
22 at night-time. So they were excellent pupils.

23 Q. Was it a residential school or --

24 A. No.

25 Q. It was a day school?

1 A. The only day school for boys.

2 Q. But was it run by the Christian Brothers?

3 A. Yes.

4 Q. If we go back to the document on the screen, there's
5 reference in the next paragraph to a letter from the
6 Superior General recommending a dispensation to
7 Brother MCE And we can read in the next paragraph:

8 "Brother MCE worked in
9 Christian Brothers' schools in Blackpool, Crosby,
10 Birkenhead, Altrincham, Stoke and Gibraltar before his
11 transfer to St Ninian's in January 1960. He was
12 dispensed from his religious vows in 1965."

13 Do you see that, so he worked in quite a number of
14 different places, including St Ninian's, of course.

15 Were you aware that he had been dispensed from his vows?

16 A. I just heard it offhand.

17 LADY SMITH: That would also seem to indicate that a period
18 of between two and three years elapsed between him
19 leaving St Ninian's and being dispensed of his vows.
20 According to the record we've got, I think he last shows
21 up on the 1962 list. Am I right about that,
22 Mr MacAulay?

23 MR MacAULAY: 1962, yes.

24 LADY SMITH: That's the last time he appears, and according
25 to the record we're now looking at, it was 1965 before

1 he was dispensed.

2 MR MacAULAY: If we look at the first paragraph here, about
3 halfway down, the comment is made in this letter:

4 "He cannot be trusted with boys. Brother Titus has
5 refused to assign him classwork and I do not blame him."

6 And I think he had been placed in the hands of
7 a psychiatrist. So that gives you some background to
8 his position.

9 Can I move on then, Peter, to that section of your
10 statement where a number of allegations have been
11 directed to you. This begins at paragraph 158 of your
12 statement. If I could ask you to look at the red
13 folder, in the front of the red folder you'll have -- on
14 the very first page. Go back to the very first page.
15 That's it.

16 You have there a little table which will set out the
17 names of two people that I'm going to mention to you,
18 and the pseudonyms that they've taken for this inquiry.
19 Do you understand that? Because like yourself, they
20 want to remain anonymous and therefore we'll use
21 a pseudonym.

22 A. Yes.

23 Q. The first name you see there is using the pseudonym
24 "John". Do you recognise that name?

25 A. No.

1 Q. John was at St Ninian's from [REDACTED] 1965 to
2 [REDACTED] 1966, so it would cover certainly a good part
3 of your time when you were there.

4 A. 1965 to 1966 ... That would be one year, would it?

5 Q. Yes. He was there for about a year. It covered your
6 period. You know what allegations he has made against
7 you?

8 A. I do, yes.

9 Q. They have been set out in this part of your statement in
10 some detail, and in particular that -- and he names you:

11 "... got into bed beside [him] and touched [him]."

12 And so on. What is your response to these
13 allegations that have been put to you?

14 A. It's absolutely appalling that ... I feel besmirched by
15 them. It never happened.

16 Q. And I think you point out in your statement, Peter, that
17 John gave a statement to the police.

18 A. Yes.

19 Q. And in that statement, and you rely on this, he said he
20 did not know who this person was.

21 A. Yes.

22 Q. You're aware of that?

23 A. Yes.

24 Q. So there is that -- I think you call it an
25 inconsistency -- between what he said in an earlier

1 occasion and what he said in evidence.

2 A. Might I ask you, with the letter you are quoting from,
3 or the statement where he accuses me of these various
4 sexual assaults on him, who wrote that letter? Was it
5 the lawyer he went to or did he take that to the lawyer?

6 Q. What would happen would be that our Witness Support
7 team, and our statement takers, would have had a private
8 session with John and they would have taken his
9 statement from him and recorded what he said to them.
10 So this is what he has said to the inquiry team.

11 A. Right.

12 LADY SMITH: He will then have checked what they have typed
13 up and confirmed that that is what he has to say and
14 that's to be recorded in his statement.

15 A. Right.

16 MR MacAULAY: In addition to that, of course, John has given
17 evidence to this inquiry and given evidence along the
18 lines of what was contained in the statement containing
19 the allegations that were put to you. They're put to
20 you as a matter of fairness, so you can comment on them,
21 and your comments are that you disagree completely with
22 what's being said.

23 A. Absolutely.

24 Q. And you point also to the fact that he made a previous
25 inconsistent statement, where he said that he did not

1 know who the person was who may have abused him.

2 A. Yes.

3 Q. So far as his description of the person is concerned, to
4 what extent would that description coincide with the way
5 you looked way back in the 1960s? And that is -- at
6 paragraph 162, what he says is that you were tall with
7 black hair, and heavy-rimmed glasses. Did you have
8 heavy-rimmed glasses in those days?

9 A. Could have.

10 Q. You could have had?

11 A. Yes.

12 Q. And you are tall. Did you have dark hair so many years
13 ago?

14 A. Yes.

15 Q. The other name you see in that little key in front of
16 you has taken the pseudonym "Jack". Do you recognise
17 the name that's been allocated to Jack?

18 A. I do, yes.

19 Q. Jack, can I just make it clear, does not say that you
20 abused him in any way. What Jack says in his statement
21 to us is that:

22 "A brother would creep around at night, checking the
23 wet beds."

24 If there was somebody doing that, you would say it
25 wasn't you.

1 A. Oh definitely.

2 Q. You didn't do that?

3 A. And there couldn't have been anybody doing it without me
4 knowing about it.

5 Q. Because as you told us, that was your area, you were in
6 charge of that area?

7 A. Yes. Nobody was interested. Nobody wanted to go near
8 the dormitory supervision. But I do remember a boy
9 called [name redacted] being there.

10 LADY SMITH: We don't want the name, thank you.

11 A. Sorry, right.

12 LADY SMITH: That is a name that's protected by my general
13 restriction order; the individual has anonymity.

14 MR MacAULAY: Very well, Peter. We're now on the last lap
15 and I'm looking at the clock and I know you need to
16 catch your train. You came to leave St Ninian's and
17 what you tell us is it wasn't your decision to leave;
18 is that right?

19 A. That's right, yes.

20 Q. You went and had a career in teaching in different
21 places, and indeed you've mentioned in different parts
22 of the world; is that correct?

23 A. Yes.

24 Q. And you're now retired?

25 A. Yes.

1 Q. You provide us with some information as to what you have
2 done in the past and we can read that in your statement.

3 You provide also some closing thoughts, beginning at
4 paragraph 177. What I'm interested in asking you is
5 about this comment that you make at the very beginning
6 of paragraph 177. What you say is:

7 "About five years ago, I stopped giving support to
8 people I considered losers."

9 Can you explain what you mean by that?

10 A. Down at the bottom of my statement, I defined what
11 I meant by losers.

12 Q. Can we go on to that then at paragraph 182? But I'd
13 quite like to get these things in your own words if
14 I can.

15 A. Okay. By a loser, I mean a person who has never
16 cooperated with the help they've been given. I myself
17 feel very sad for [name redacted] when I read of the
18 type of -- sorry.

19 LADY SMITH: Peter, I don't want any names.

20 A. Right, okay. Sorry about that.

21 LADY SMITH: All the names of people who have come forward
22 to talk about their experiences at St Ninian's are
23 protected by my order, apart from those who have
24 specifically waived anonymity. The vast majority of
25 them have, as they're entitled to do, opted to be

1 anonymous so they cannot be repeated. Thank you.

2 You were referring to the person that Mr MacAulay
3 has referred to as "John" because he took that as his
4 pseudonym.

5 A. John, yes. When somebody has had such a terrible life
6 as that, all I can do is feel sorry for them, and for
7 many years I've worked with people like that. But
8 in the modern environment, where, for example, I myself
9 and maybe others are wide open to abuse. I'm as much
10 open to abuse as other people are. So I decided at my
11 age and the years I spent -- most of the people in
12 Falkland were marvellous people, in my opinion. Some of
13 the boys were wonderful people.

14 But a loser is somebody who has not ever cooperated
15 with the help being offered, the resources that have
16 been given and used properly, and it requires a team of
17 people to lift a loser. It's a waste of one person's
18 time to do it. It requires a team.

19 Q. Finally, then, Peter, you do say at the end that you
20 hope that this inquiry will be a successful inquiry.

21 A. Absolutely. I'd go further and I would say that this
22 problem to succeed has to go international. It's like
23 the #metoo were very successful. They went
24 international straightaway, and it made a big impression
25 on people. The ordinary person was very impressed by

1 the #metoo.

2 I think if they abuse thing goes international --
3 and by that I mean that various institutions are forced
4 to open their archives and to bring transparency to the
5 whole sickness -- there's a hope of doing something for
6 it, but just to keep it as a local thing and without
7 billions available to spend on it, I don't think it will
8 get very far. It'll be a knowledgeable outcome but in
9 terms of really helping, not just the losers but
10 ordinary people who have been abused, I do think you
11 should think of introducing an international aspect to
12 it.

13 MR MacAULAY: Well, thank you, Peter, for these thoughts and
14 for coming along today to the inquiry to give your
15 evidence. It's been a long day for you and I'm grateful
16 to you for coming to do that.

17 My Lady, I can say that I haven't received any
18 additional questions for Peter.

19 LADY SMITH: Thank you. Are there any outstanding questions
20 for this witness, any applications for questions?

21 MR MacAULAY: There is actually one matter I was asked to
22 raise with you and I overlooked doing so. Just looking
23 at the allegations that were made against you. It is
24 the case, and I can say this to you, that your name is
25 the only name that John can remember from St Ninian's.

1 I just put that forward as something that you may find
2 helpful to you.

3 A. Okay. Thank you.

4 MR MacAULAY: Thank you very much.

5 LADY SMITH: Peter, it only remains for me to thank you for
6 coming to give your evidence today. Likewise, I'm
7 conscious of how long we've kept you. It's been a long
8 day. So thank you for that and for the detailed
9 statement, which goes far and wide in helping us
10 understand St Ninian's in the time that you were there.
11 I am now able to let you go and I think that's in good
12 time for you to catch your train. Thank you.

13 A. And I'd like to say thank you to all you people who are
14 unearthing this problem.

15 LADY SMITH: Thank you. I think what I'll do is rise now
16 for the afternoon break for five minutes or so.

17 (3.05 pm)

18 (A short break)

19 (3.15 pm)

20 LADY SMITH: Ms MacLeod, we have another witness ready, do
21 we?

22 MS MACLEOD: We do. The next witness is Harry Harrington.

23 HARRY HARRINGTON (affirmed)

24 LADY SMITH: Harry, please sit down and make yourself
25 comfortable. If you're worried about the notes from

1 your statement -- I'm here, this way. I know the way
2 you hear the sound over there doesn't make it obvious
3 where it's coming from. If you're worried about notes
4 coming from your statement, you've got it in front of
5 you and you will see it on the screen, as Ms MacLeod
6 will explain to you in a moment.

7 Could I begin by apologising to you -- I think we
8 have kept you waiting a bit longer today than we had
9 hoped we would. It's always difficult to predict how
10 long earlier evidence will take, but we're ready now and
11 hopefully we'll be able to get through your evidence
12 this afternoon.

13 Questions from MS MacLEOD

14 MS MACLEOD: Good afternoon, Harry.

15 A. Good afternoon.

16 Q. I'd also like to say that we're sorry for keeping you
17 waiting since this morning.

18 Were you born on [REDACTED] 1950?

19 A. Yes.

20 Q. And are you 69 at the moment?

21 A. Yes.

22 Q. You've provided a statement to the inquiry, which is
23 in the red folder in front of you, and it'll also come
24 up on the screen. I'll give the reference for the
25 transcript: WIT.001.002.5655.

1 Harry, could you please turn to the final page of
2 the statement. Have you signed the statement?

3 A. Yes.

4 Q. Do you say in the final paragraph:

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

7 A. Yes.

8 Q. And do you go on to say:

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

11 A. Yes.

12 Q. I'll begin by asking you a little bit about your
13 educational background. I think you tell us in your
14 statement that you were educated by the
15 Christian Brothers since you were around age 13; is that
16 correct?

17 A. Well, in fact, I went to a Christian Brothers school
18 from the age of 7, and then I left the secondary school
19 at 13 and went to what was called the juniorate, which
20 was the training place where they began the training of
21 Christian Brothers. So I had that association before
22 13.

23 Q. From there, did you move on to a novitiate in
24 Gloucestershire?

25 A. Yes.

1 Q. And is that where you took your A levels?

2 A. Yes.

3 Q. At what point did you yourself become

4 a Christian Brother?

5 A. Well, in 1965 I did a novitiate, that's kind of like

6 a training period where you are actually given

7 a religious habit and all that kind of thing, but

8 I don't think you technically are a member until you

9 take first vows. That was 1966 when I was 16 years old.

10 Q. I think you tell us that, having done your A levels, you

11 worked in a grammar school for a period of time.

12 A. It was a small preparatory school for a grammar school,

13 so it was young children, yes, for two years.

14 Q. Was that a residential school or a day school?

15 A. A day school.

16 Q. Is that somewhere you were sent by the order?

17 A. Yes.

18 Q. Did you then go to university?

19 A. Yes.

20 Q. What did you study?

21 A. Well, the course was called combined honours, so it was

22 mainly English and history, but there was another

23 supplementary subject, so I did some economics and some

24 economic history.

25 Q. Did you then go on, I think you tell us, to St Mary's

1 College in Strawberry Hill?

2 A. Correct, yes.

3 Q. Is that in Twickenham?

4 A. That's right, yes.

5 Q. Is that where you completed your postgraduate training
6 in education?

7 A. Yes.

8 Q. And I think you tell us that at that stage you
9 specialised in religious studies.

10 A. Yes. They allowed me to do that, even though I didn't
11 have a degree in any religious studies related subject.
12 But I think I was asked by the Christian Brothers, you
13 know, could I follow that course rather than do a PGCE
14 in English or ...

15 Q. While you were doing your postgraduate, did you do
16 a number of postings at different schools?

17 A. Well, I think I did one teaching practice. It was in
18 Greenwich and I think it was a school run by another
19 religious order, the De La Salle Brothers. So that was,
20 I don't know how long, a month or two teaching practice.

21 Q. During your time at Twickenham, were you sent to
22 St Ninian's for around a month?

23 A. Yes. I don't remember the exact timing or the details,
24 but I was asked to go up there. I think it was during
25 the summer just to kind of help out for a bit.

1 Q. I think you tell us that was in around 1973.

2 A. Yes.

3 Q. So would you have been around 23 at that time?

4 A. That's right, yes.

5 Q. We can see from a daybook --

6 A. It might have been -- it could have been as late as
7 1974. I'm not entirely sure.

8 LADY SMITH: You're showing up on a list we've got as having
9 been there in 1973.

10 A. Okay. I was just thinking, was it like the college year
11 would end in 1974, I think, so I'm not sure when
12 I actually went.

13 LADY SMITH: So you'd be 23 years old then when you went
14 there --

15 A. Yes.

16 LADY SMITH: -- and would not at that stage have taken final
17 vows; am I right?

18 A. That's correct, yes.

19 LADY SMITH: You'd be about two years off taking final vows?

20 A. Yes.

21 LADY SMITH: Thank you.

22 MS MACLEOD: The inquiry has seen a book, which is sometimes
23 called a logbook or a daybook, from St Ninian's --

24 A. Right.

25 Q. -- from 1973.

- 1 A. Right.
- 2 Q. We can see that you were there certainly in
3 September 1973. Does that sound about right?
- 4 A. Well, it must be correct, yes. I finished the degree in
5 Liverpool in July 1973, I think, so that's quite
6 possible because the course in Twickenham wouldn't have
7 started until the October, I don't think. I kind of
8 thought it was at the end of a school year but it seems
9 it was at the beginning.
- 10 Q. I think after spending a period, you say, of around
11 a month at St Ninian's, you then went to work in
12 a grammar school in Birkenhead?
- 13 A. Yes.
- 14 Q. That was your next teaching experience. How long did
15 you spend there?
- 16 A. Two years.
- 17 Q. And by that time were you qualified --
- 18 A. Yes.
- 19 Q. -- as a teacher?
- 20 A. Yes.
- 21 Q. Then I think you tell us that you were posted to
22 St Ninian's on a more permanent basis from 1976 --
- 23 A. That's correct, yes.
- 24 Q. -- to 1980?
- 25 A. Yes.

1 Q. So did you spend around four years then between 1976 and
2 1980 at St Ninian's?

3 A. Yes, that's correct, yes.

4 Q. And were you between ages 26 and 30 at that time?

5 A. That's correct, yes.

6 Q. You go on to tell us that you spent many years of your
7 career working abroad.

8 A. Yes.

9 Q. And that you returned to the UK in 2005.

10 A. Right. Yes.

11 Q. I think you tell us that at that time you decided to
12 leave the order.

13 A. That's correct, yes.

14 Q. I think you then did some further work in education and
15 you're now retired?

16 A. That's right, yes.

17 Q. So the focus today, as you know, will be on St Ninian's.
18 I want to start by asking you just a little bit about
19 your recollections of the month or so you spent there
20 during 1973.

21 A. Right. I have a very vague recollection.

22 Q. That's okay. Can I ask you, first of all, how did it
23 come about that you went to St Ninian's? Do you
24 remember who asked you to go?

25 A. I think it would have been the provincial. I don't

1 remember exactly, but I'm almost sure it was, yes.

2 Q. What was your understanding of what St Ninian's was
3 before you went there?

4 A. I knew it was like a residential -- well, a
5 children's home, you know, with children in care.

6 Q. Can you remember arriving at St Ninian's for the first
7 time in 1973?

8 A. No. I have only a few vague recollections of what
9 happened.

10 Q. Who was in charge or who seemed to be in charge of
11 St Ninian's at that time?

12 A. I know there was a Brother [REDACTED] LNA [REDACTED] who was [REDACTED]

13 [REDACTED]
14 [REDACTED] I think maybe one of the other brothers
15 might have been a kind of sort of religious superior of
16 the community. I'm not absolutely sure. But there was
17 a brother [REDACTED] MHJ [REDACTED], I think, there. I think he may
18 have been the [REDACTED].

19 Q. Did you form any impression at that time about the
20 regime at St Ninian's, what it was like?

21 A. I did. I said something like in some ways it reminded
22 me of my time at the juniorate in Leitcham. It was kind
23 of a school day routine and a lot of games, activities,
24 and recreation activities in the evening and that. So
25 it seemed very similar in many ways, yes.

1 Q. From that initial period you spent at St Ninian's, did
2 you have any concerns about what was going on there in
3 any way?

4 A. Well, the only thing I mentioned was that I think the
5 brothers who were there at the time kind of conveyed the
6 impression that they felt that they were quite
7 overworked and were not a priority for the province.
8 They felt, I think, the province was going through
9 a period of transition in relation to the way schools
10 were organised, from grammar school to comprehensive and
11 things like that, and I think they felt that they were
12 very much out on a limb and were overworked and that
13 kind of thing. You know, kind of, I listened to that
14 and I think when I went to Twickenham, I actually wrote
15 a letter to the provincial expressing that I had picked
16 up on some of those concerns.

17 LADY SMITH: At that time was the province Great Britain?

18 A. No, it was known as the English province, I think, then,
19 which would have included -- well, it was a bit of an
20 insult.

21 LADY SMITH: This was in Scotland.

22 A. Yes. It included England and Scotland.

23 LADY SMITH: Right. Northern Ireland and Ireland were
24 separate?

25 A. Yes. They were separate. I think there were two

1 separate Irish provinces divided down the middle in
2 Dublin. But, yes, it would have been called the English
3 province.

4 LADY SMITH: And I think I'm right in saying that
5 St Ninian's in Falkland, Fife, was the only
6 Christian Brothers institution in Scotland at that time;
7 is that right?

8 A. No, there was a place called Scotus Academy.

9 LADY SMITH: Of course. At the time you were there?

10 A. Yes, it was still operating. Just along the road,
11 Corstorphine Road, I think.

12 MS MACLEOD: I think St Ninian's was the only residential
13 establishment; is that right?

14 A. In Scotland, yes.

15 Q. Something you say in your statement about that period,
16 Harry, is that the brothers were very worn out.

17 A. Yes. That's why I'm a bit surprised why you said I was
18 there in September because I got the impression it was
19 like at the end of the year and they'd had a hard year
20 or something. I do feel they felt under quite a bit of
21 pressure. The staffing ratio wasn't high, particularly
22 in terms of the all day care and night care and all that
23 kind of thing.

24 Q. You mentioned earlier, and you also say in your
25 statement, that you wrote something when you returned;

1 is that right?

2 A. Yes. I have some recollection of doing that. My memory
3 largely comes from when I was actually posted there for
4 the four years, that the way the provincial phased the
5 letter was something to do with, "We recognise you've
6 shown great interest", or something.

7 Q. I think you mention in your statement that you wrote to
8 the provincial with your reflections about
9 St Ninian's --

10 A. Yes.

11 Q. -- and that you mentioned them being overworked and
12 understaffed.

13 A. Yes.

14 Q. Did you get a reply at that time?

15 A. No. No.

16 Q. And did you eventually get a reply?

17 A. The reply was the being posted there.

18 Q. Then your official posting there, you have told us was
19 in 1976.

20 A. That's correct, yes.

21 Q. How did you feel at the time about going back to
22 St Ninian's on a more permanent basis?

23 A. I can't fully recollect, but I think I was apprehensive
24 because I realised it was quite challenging work and it
25 was very, very different from the kind of work I was

1 doing in Birkenhead in the secondary school.

2 Q. What kind of work were you doing in Birkenhead?

3 A. Well, I was teaching secondary school, full range.

4 I was teaching up to A level, A level history, and also

5 I took responsibility for the RE department there as

6 well. So it was quite -- and involved in all sorts of

7 activities like school games and things like that.

8 Q. What was your role to be at St Ninian's?

9 A. I don't think it had any specific title, but my memory

10 was that I was largely responsible for organising a lot

11 of the games activities. Also, teaching, kind of --

12 a lot of it was remedial teaching, English and maths.

13 But I also think I did a range of subjects. I remember

14 doing some history and a few other subjects as well.

15 Q. Okay. We'll come on to look at the schooling side of

16 things.

17 Can I ask you to look at a photograph at

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

19 A. Very much so.

20 Q. Could we then look at CFS.001.006.1188. What do we see

21 there?

22 A. That's the front entrance, yes.

23 Q. CFS.001.006.1190. All the photographs were taken in

24 more recent times, so the decoration may look quite

25 different. Do you recognise this area?

1 A. Yes, I have seen some of the outside pictures on the
2 internet. I haven't ever seen any inside pictures, but
3 I recognise the stairway. So I presume we're looking
4 out towards the front entrance there.

5 Q. Was there a carpet? There wouldn't have been a carpet
6 there in your day?

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

8 Q. Then if we move down on the same page, there's another
9 photograph there.

10 A. Right.

11 Q. Do you see a better view of the stairs there?

12 A. Yes.

13 Q. At this time, when you were returning to St Ninian's,
14 you'd already been there, what was your understanding of
15 the kind of establishment St Ninian's was at that time?

16 A. I think it was explained to me that it originally was
17 set up as like a kind of orphanage. And then I remember
18 it being described to me what a List D school was.

19 I think I was told it was like something in between the
20 two and that children were being sent there from the
21 Children's Panel. So it wasn't -- it was no longer
22 technically just an orphanage, it was dealing with
23 children coming for other reasons as well.

24 Q. I think you say in your statement that:

25 "It was impressed on me many times that it was more

1 enlightened than in England."

2 A. Yes. I think the whole process of the Children's Panel
3 as opposed to, I think, in England juvenile courts and
4 that, it was a far more child-friendly way of dealing
5 with problems.

6 Q. You describe in your statement at paragraph 31 the
7 layout of St Ninian's. You describe it as:

8 "Two rectangles with a main entrance."

9 Is that your recollection?

10 A. Yes. There seemed to be the kind of main area and then
11 there was another rectangle with like a courtyard in the
12 middle of it.

13 Q. I'll put a plan on the screen for you.

14 CFS.001.006.8297. Do you recognise that as the two
15 rectangles you were describing?

16 A. Yes.

17 Q. Do you see the main entrance hall marked --

18 A. Yes.

19 Q. -- and then taking you into the main hall --

20 A. Right.

21 Q. -- from there?

22 A. Yes.

23 Q. If you go back to the main entrance and take a right,
24 does that take you up to the dormitory area?

25 A. Yes. Yes, that's the first time I've seen a plan like

1 that, so it does bring it back, yes.

2 Q. Okay.

3 LADY SMITH: You may remember, Harry, as we've learned, that
4 that right-hand part of the building on the plan that's
5 got the courtyard in the middle is on a different level
6 from the part of the building to the left. The land
7 drops away there.

8 A. Yes. I can't ... I do remember some stairs and that.
9 Yes, it kind of slopes down towards a stream or a burn,
10 I think, or something like that.

11 LADY SMITH: Yes.

12 MS MACLEOD: What's your recollection of how many boys were
13 in St Ninian's in 1976?

14 A. Well, my memory was it was roughly 40, and I have the
15 impression that 44 was the kind of limit to the number
16 that they would take in.

17 Q. What about the age range of boys?

18 A. I think 12 to 16, I think was the age range.

19 Q. What about the brothers you remember? I think you tell
20 us in your statement that Brother LNA --

21 A. Yes.

22 Q. -- was at that time.

23 A. Yes.

24 Q. I think you say that he had some involvement with the
25 junior end of the dorm.

1 A. Yes. That's my memory. His room was -- he had a room
2 there at the far end of that rectangle.

3 Q. Which other brothers do you remember?

4 A. When I first went there, there was a, I think, Brother
5 [REDACTED] LHC an elderly brother, and I think he died --
6 he died very soon after I arrived there, I think.
7 I can't remember the ...

8 Then there was a Brother [REDACTED] MHJ I have already
9 mentioned. There was a Brother [REDACTED] LMZ who
10 I think remained there while I was working there for
11 part of the time. There was a Brother [REDACTED] MCY,
12 I think he left when I came. I think.

13 Q. What about lay staff? Do you remember there being lay
14 staff?

15 A. Yes. Can I look at -- is it in my own statement?

16 Q. You tell us about somebody called [REDACTED] BHB

17 A. Yes.

18 Q. What was his role?

19 A. Well, there was a teaching role and mainly it was kind
20 of [REDACTED] -- well, you know, kind of
21 [REDACTED] and [REDACTED] and that kind of thing.
22 I don't think I got it actually completely right in my
23 statement in the sense that I think, on reflection, that
24 he was qualified to teach what he was teaching. And
25 also, I think he took responsibility for the swimming

1 that they used to do on a Wednesday afternoon and that.

2 Q. You mention also [REDACTED] MIK [REDACTED]

3 A. Right. He came after I came there. I don't think
4 he was there in the first year. It was possibly a year
5 later or so. Again, he did a lot of [REDACTED] activities.
6 But it was more kind of like [REDACTED], I think,
7 from memory.

8 Q. You also tell us, I think, that there were two
9 [REDACTED] there.

10 A. Not at the same time. I think I gave that impression
11 in the original statement, but ... I'm not sure whether
12 there was one there at all when I first went there, but
13 I knew that there was a [REDACTED] MBV [REDACTED] who had been
14 a Christian Brother, and had worked with Brother
15 [REDACTED] LNA [REDACTED] I think they'd worked together out in
16 Gibraltar or something. He was appointed at some stage,
17 I think.

18 I've some memory of somebody called Brian, but
19 I don't remember what his second name was. I don't
20 think they were ever there together, and I don't know
21 who came first. I think [REDACTED] MBV [REDACTED] was first. That
22 would be my memory, yes.

23 Q. You mention a teacher called Margaret.

24 A. Yes.

25 Q. What was her role?

1 A. Well, she was appointed -- I think she taught mainly
2 in the mornings and she kind of was -- I think she was
3 trained and experienced in remedial teaching. So she
4 took on -- I think she took on a lot of the remedial
5 teaching for English and maths and that. I think she
6 gave us -- I don't know whether she was appointed as
7 opposed to responsibility for that, but I think her
8 experience was very, very helpful to everybody in terms
9 of what was required for remedial education.

10 I don't think any of us had any training in it,
11 apart from Margaret.

12 Q. You tell us that while you were there, towards the end
13 of your time, Brother Kelly arrived.

14 A. Yes. I don't know exactly when. I have very few
15 memories of when he was there. I think he came probably
16 in the last year. I think we were there for the best
17 part of a year at least, I would have thought.

18 Q. You mention also a Brother Farrell.

19 A. Yes.

20 Q. Is he somebody who came towards the later stages of your
21 time?

22 A. Right, right. It would have been in that last year, but
23 I don't know exactly when.

24 Q. So when you arrived in St Ninian's, you've told us you
25 had your teaching qualification from England. Did

1 you have to do some kind of teaching qualification in
2 Scotland?

3 A. Yes. I think the Scottish Teaching Council picked up on
4 the fact that the postgraduate certificate was in
5 religious studies and my degree subjects were in mainly
6 English and history. So I can't remember all the
7 details of it, but I was encouraged to -- if I went and
8 did, I think, about three months at a teacher training
9 college in Craiglockhart, then I'd be certified to
10 teach.

11 I think I probably did that almost as soon as
12 I arrived and I used to -- well, it was about 40-odd
13 miles -- drive in and out each day and get back in the
14 evening and try and help out in the evening.

15 Q. Can I ask you in relation to the set-up, where in
16 St Ninian's in the building did you sleep?

17 A. Well, I don't exactly remember, but it was in the kind
18 of main part of the building, I think to the left of the
19 entrance. It would have been upstairs and I have
20 a vague memory of being able to look out down the drive
21 towards the village.

22 Q. So we've looked at the plan with the dormitory area.
23 Were you in that area or a different area?

24 A. A different area.

25 Q. Would you go up the main stairs to your own

1 accommodation?

2 A. Either that or I think there was also some stairs on the
3 left-hand side of the main entrance. I'm not entirely
4 sure. But you could certainly access it from the main
5 stairs, yes.

6 Q. Were there some brothers who stayed in the dormitory
7 area when you first arrived?

8 A. I know that [REDACTED] LNA [REDACTED] did at the junior end of the
9 dormitory. My memory was that a Brother [REDACTED] MCY [REDACTED]
10 had been in charge of the senior end and I'm not
11 entirely sure, but I think Brother [REDACTED] LMZ [REDACTED] took over
12 that role. I'm not entirely sure of that, but I think
13 that's what happened.

14 Q. If I just put the plan back on the screen at
15 CFS001.006.8297. If we focus on the dormitory area, the
16 top part of the plan, are you able to tell me by looking
17 at the plan where in that area Brother [REDACTED] LNA [REDACTED] had
18 a room when you first arrived at St Ninian's?

19 A. Yes. It's the top right where it says "brother's
20 bedroom".

21 Q. At that time was there another brother somewhere else
22 that you can identify?

23 A. Yes, there would have been one on the other side
24 there -- it says "staff bedroom". My memory of it was
25 it was more in the middle of the room, the dorm rooms,

1 but I might be mistaken.

2 Q. But somewhere on that bottom row of dormitories?

3 A. Yes.

4 Q. Who stayed in that room when you arrived?

5 A. Well, I can't exactly remember. I don't know

6 whether ... I think at that stage ... This brother,

7 **MCY** had been there, I think, but I think at

8 that stage Brother **LMZ** had taken over. I'm

9 partly assuming that. I can't picture him actually

10 in that setting because I have a memory of him being

11 right over the other side of the building when I first

12 went there in -- when I first went for that month, 1973.

13 But I think he moved over and took over responsibility

14 for that room.

15 Q. If I can just ask you then about Brother **LNA** What was

16 his role at St Ninian's when you arrived in 1976?

17 A. Right, well, I think he was responsible **██████████** for the

18 **██** for the children who were

19 there, the school and the evening activities and

20 dormitories and everything. So kind of like **██████████**

21 Q. Was he **██████████**?

22 A. **██████████** yes, yes, basically. As I said, I think

23 maybe another brother was the religious -- **████████████████████**

24 the community of brothers. I don't remember.

25 Q. Was Brother **LNA** **████████████████████**?

1 A. He was technically, yes.

2 Q. And another brother may have been [REDACTED]?

3 A. Yes, I think so. I can't remember.

4 Q. Do you remember which brother?

5 A. I think a Brother [REDACTED] MHJ

6 Q. If we can just look at Brother [REDACTED] LNA At the time you've
7 told me that you would have been around 26, I think.

8 A. Yes.

9 Q. Brother [REDACTED] LNA was perhaps around his late 40s then. We
10 know he was born in 1928, so he would have been in his
11 late 40s. What were your impressions of [REDACTED] LNA at
12 that time? How would you describe him?

13 A. Well, I remember he was like a strong presence in the
14 place. I think he actively took on the overall
15 responsibility for the good order of the running of the
16 place. I think he had a strong personality and was able
17 to carry that in a very positive way, I thought. My
18 other memory is that also he was very caring and
19 compassionate and understanding. I felt that he did try
20 to bring in innovations to improve the situational
21 conditions for the children who were there. My memories
22 of him are very positive.

23 Q. Did it surprise you at the time that as [REDACTED]
24 he had a room in the dormitory area of the school?

25 A. No. I mean ... No. There was no sense of it being

1 very hierarchical. The community worked there together,
2 it was a very collaborative thing and I suppose it never
3 struck me as unusual that that would be the case.

4 Q. How did Brother LNA interact with other brothers?

5 A. I think well. I think there was a very good community
6 spirit there. I think people were very supportive and
7 encouraging and accepting of the fact that it was
8 a tough assignment and kind of -- well, very supportive
9 and very positive.

10 Q. What about his interactions with the boys in general
11 terms? How would you describe that?

12 A. I think very well. I think they respected him and
13 I think the majority of them liked him.

14 Q. Who were you accountable to at the school?

15 A. It would have been to Brother LNA, yes.

16 Q. Did he monitor your performance in any way?

17 A. I don't think so. I think everybody got on with their
18 job and took on their own responsibilities. I don't
19 think there was any real like professional monitoring of
20 the teaching that was being done internally. I also
21 don't remember there being much inspection externally
22 either.

23 LADY SMITH: Do you remember any external inspection?

24 A. I don't, no. I don't ever remember being observed
25 teaching or being asked to account for anything to do

1 with the curriculum or that, no. I think the general
2 feeling was everybody pitched in and did their best and
3 got on with it, and if there were problems, you would
4 discuss it. But it's not like, if you look at today,
5 clear line management and kind of posts of
6 responsibility clearly laid out. I don't think it was
7 ever like that.

8 MS MACLEOD: Did you have any experience of a residential
9 childcare setting prior to your posting at St Ninian's?

10 A. No, no.

11 Q. Did you get any training in childcare specifically at
12 St Ninian's?

13 A. No.

14 Q. If there were any issues that you had and you wished to
15 raise them with somebody, who would you raise them with?

16 A. I think probably if it was something official, I'd
17 probably speak to Brother **LNA** But as I say, it was
18 very collaborative, so any issues that came up would
19 have been talked about generally within the community of
20 brothers, but also with the kind of lay members of staff
21 as well.

22 Q. Did you keep any records when you were at St Ninian's?

23 A. I don't remember any. I presume I would have kept some
24 records of performance in school, you know, marks or
25 that, but I don't think there was any ... I don't think

1 there was any system. There's no records I can
2 remember. It would have been a very sort of informal
3 kind of arrangement if I did, and it wasn't sort of
4 aimed at anything or part of a process, no.

5 Q. Do you remember there being records kept more generally
6 in the school, such as, let's say, admissions registers?

7 A. I didn't have much to do at the office. I knew there
8 was some kind of record-keeping going on there.

9 Q. Which office?

10 A. Well, there was like an office on the ground floor to
11 the right of the main entrance. It was kind of --
12 I don't know ... Eventually, it became the office where
13 the social worker was based. I think it had always been
14 an office before that, probably Brother LNA's office or
15 something.

16 Q. Did you see, for example, an admissions register?

17 A. I can't remember seeing one, but I would presume there
18 was one, yes.

19 Q. Do you remember if there was a logbook or a daybook
20 kept?

21 A. I can't remember a logbook. I certainly don't think
22 there was a lot of day-to-day logging going on. At
23 least I wasn't involved in any day-to-day logging.

24 Q. If visitors came to the building, for example, would
25 there be a note kept of that?

1 A. I don't know. I don't know.

2 Q. Did you have information about the backgrounds and
3 family circumstances of the children at the school?

4 A. Yes, as I said in my statement there that the
5 social work department, when a child was sent there --
6 I mean, my memory was very kind of thorough reporting of
7 the background and why they went there, and I think on
8 occasion, having the opportunity to go into the office
9 and read through some of that to get some kind of idea
10 of the circumstances ...

11 Q. Do you remember doing that yourself?

12 A. I've a vague memory of it, yes.

13 MS MACLEOD: My Lady, I see it's a few minutes after
14 4 o'clock.

15 LADY SMITH: Yes. How are we placed? I can sit on a little
16 longer. How much longer do you think we need for this
17 witness's evidence?

18 MS MACLEOD: I think it'll be longer than half an hour, but
19 we can sit on for a little while this afternoon.

20 LADY SMITH: Has anyone discussed with you the possibility
21 of your evidence running into tomorrow, Harry?

22 A. Yes.

23 LADY SMITH: And can you accommodate that? Is that all
24 right with you?

25 A. Yes.

1 LADY SMITH: Let's sit on for another 15 or 20 minutes now
2 and see what progress we can make and then if you can
3 find a stopping place around that point.

4 Just while Ms MacLeod's deciding where to go next,
5 you said you have a memory, I think, of going into an
6 office and reading about the background circumstances of
7 children or maybe a particular child. Why would you
8 have done that?

9 A. I think I would have been invited to do it, just to kind
10 of have an understanding of the child or one of the
11 children we were working with.

12 LADY SMITH: Did it help?

13 A. I think so, yes. I was impressed by the quality of the
14 reports and that kind of thing. They seemed to me very
15 thorough and, yes, very helpful, I think.

16 LADY SMITH: And in that way you'd be able to distinguish
17 between the child who was in St Ninian's because they'd
18 been, for example, refusing to go to the secondary
19 school near their own home, and the child who was in
20 St Ninian's because perhaps the death of one parent in
21 a very large family and the remaining parent, surviving
22 parent, not being able to cope with all the children?

23 A. I think so. I think so.

24 LADY SMITH: If it was the social work records you were
25 getting access to, that would all be there?

1 A. Yes.

2 LADY SMITH: Ms MacLeod.

3 MS MACLEOD: Harry, can you give me a sense of what your
4 involvement was day to day in the dormitory area?

5 A. I think, from memory, I'd often help out during the --
6 before the kind of lights out period. So just be around
7 to be a presence. I can't remember -- sometimes maybe
8 at that particular period it was a kind of a break for
9 people like -- well, LNA because they would have
10 to come back after lights out and take responsibility
11 for the dormitories through the night.

12 So my memory is that the children went over to the
13 dormitories. I don't know whether the juniors or the
14 seniors -- I think they probably went at separate times,
15 and then it was a very kind of relaxed atmosphere where
16 they sort of played around, got washed, got changed, got
17 ready for bed, and then everything was settled down.

18 I think I would have been around during that time and
19 then, when lights out came, I would have come away then.

20 So I don't know how frequently I did that, but I have
21 some memory of doing that, yes.

22 Q. Did boys have showers before bed?

23 A. Yes. I mean, since giving my statement, I've remembered
24 that there were some showers also downstairs, I think,
25 and I think it would depend on how the activities had

1 gone that day. If they were playing games on muddy
2 football pitches, they probably would have had a shower
3 when they came in from that. Otherwise, I think in the
4 evenings, they would have had showers in the
5 dormitories, got washed and changed in the dormitories
6 up there.

7 Q. So do I understand from what you've said there that
8 there were two different showering areas at that time?

9 A. I think so. I have a very -- only a very vague memory
10 of there being one for the sporting activity, but I do
11 think there was something downstairs. Because I don't
12 think they were coming up to the dormitories covered in
13 mud and that to get changed after a game of football or
14 rugby or something like that.

15 Q. So can I ask you, first of all, about the showering area
16 in the dormitories.

17 A. Right.

18 Q. What was the layout of the showers themselves?

19 A. From memory, I think if you went in the door, I think
20 they were on the left-hand side, and I think there would
21 have been about four or five showers in an open -- just
22 one open area. And I think there were toilets possibly
23 on the right-hand side.

24 Q. I'll briefly put the plan back on the screen at
25 CFS.001.006.8297. If we could focus on the dormitory

1 area and perhaps zoom in on that.

2 A. From my memory, the showers would have been on the top
3 wall there (indicating) below where it says -- the
4 second dormitory area. I think the showers -- sorry,
5 the toilets --

6 Q. Harry, the plan is actually on a map behind you as well,
7 on the screen behind you. Could you possibly just
8 indicate for me where you remember the shower area
9 being?

10 A. I think the shower area was in that area there
11 (indicating).

12 Q. So it's in the room marked "toilets and showers"?

13 A. Yes. I think there were some washbasins there, maybe
14 some toilets around there (indicating). I'm quite
15 definite about the showers. I don't remember the rest.

16 Q. So as you come in the door, you remember the showers
17 being on the left-hand side?

18 A. The left-hand side, yes.

19 Q. Thank you. So from what you've said about the set-up
20 there, Harry, do I understand that if boys were
21 showering at the same time they could see one another
22 showering?

23 A. Yes.

24 Q. Were brothers, to your knowledge, at all involved in
25 supervising the showers?

1 A. Yes. I don't think it was ... I think it was kind of
2 like a general supervision in the area. I don't know
3 that showers specifically were supervised as a separate
4 activity. I can't remember. But it was supervised, you
5 know, it wasn't just left.

6 Q. So when boys were showering, was there a brother in the
7 showering area with them?

8 A. There would be. Whether it was permanently or in and
9 out and that, I couldn't honestly say.

10 Q. Do you remember supervising the showering?

11 A. Yes.

12 Q. What would be the purpose of supervising the showering?

13 A. I wouldn't have ... A purpose wouldn't have occurred to
14 me at the time because it was just part of the general
15 supervision that was going on. You know, make sure
16 people were getting showered, getting hurried up, get
17 changed, don't hang about, that kind of thing. I don't
18 think it was associated with any misbehaviour, it was
19 just a general supervision, kind of interacting with the
20 boys in the dormitories, getting showered, getting
21 changed and settling them down. That would be my memory
22 of it.

23 Q. If you were supervising that, would other brothers be
24 supervising on the same evening or would they be doing
25 it on different evenings when you weren't there?

1 A. I think there would generally be two or three around the
2 dormitories at that time, yes.

3 Q. Do you remember supervising the shower area with any
4 other particular brothers?

5 A. No, no. I think you would either be passing or
6 checking, you know, tell them to hurry up, others still
7 have to get their showers, that kind of thing. That
8 would be my impression of what was going on. I don't
9 think -- I can't remember being with anyone else
10 specifically supervising.

11 Q. And the showers that you mentioned in the basement, can
12 you tell me what you remember about the set-up of the
13 showers there?

14 A. Nothing, really. I've just ... In preparation for
15 this, I did try and read up a little bit to kind of
16 refresh my memory, and some mention was made of showers
17 down there. I know there were some outside toilets on
18 one side and it's kind of jogged my memory to think,
19 yeah, there were a few showers down there as well. But
20 I have no real memory of them.

21 Q. I think you said earlier that once the lights were out,
22 you wouldn't have further involvement with the boys;
23 is that right?

24 A. I wouldn't, no.

25 Q. So what would then happen?

1 A. Well, my memory was that the lights would go out.
2 I don't know whether the juniors before the seniors or
3 what. I think that was probably the case. Then I think
4 there was some kind of piped music put on, just playing
5 quietly around the dormitories just to help the kids go
6 to sleep. I think sometimes they had a choice as to
7 what the music was. That's a memory I have.

8 Q. Do you know if anybody was supervising the dormitory
9 area during the night?

10 A. Well, I think it would be only the two brothers who had
11 rooms over there. They would have overall
12 responsibility.

13 Q. Do you know what they would do in terms of supervising
14 the dorms during the night?

15 A. Nothing other than, you know, kind of walk up and down
16 the corridor, make sure things were quiet, everybody was
17 settled and that kind of thing, and then go to their own
18 room and to bed themselves. That would be what I would
19 presume took place.

20 Q. Did you ever see what they did in reality?

21 A. Only that I would probably have been there when --
22 right, it's lights out now, the lights are going out,
23 and they're settling down, and then I would come away.
24 So no, I wouldn't have stayed round much longer than
25 that, I don't think.

1 Q. Did you have involvement in the dormitory areas in the
2 mornings?

3 A. I don't think so. My memory or impressions of that was
4 it was less supervised in the sense that the community
5 of brothers had various religious activities going on,
6 so there'd be the morning prayers and often Mass was
7 celebrated in the chapel there, and the chapel was next
8 to the dormitory. I don't know how much supervision
9 took place over the getting-up and that.

10 Q. Did you have any involvement in the morning process?

11 A. I don't remember any, no.

12 Q. What are your recollections of sporting activities
13 in the school?

14 A. My memory was I took quite a -- that was my major
15 responsibility. There was sporting activities almost
16 every day. There would be a whole range of sports, like
17 rugby, soccer and that, and in the summer there would be
18 athletics and cricket. The only thing I wasn't involved
19 in was on the Wednesday, they would go -- I think it was
20 Perth or somewhere -- swimming. I think **LNA** and
21 **BHB** took responsibility for that. That was my
22 sort of afternoon off.

23 It was kind of like organising the games, you know,
24 making sure -- I wasn't involved in washing the kit, but
25 making sure they had kit to wear and all that kind of

1 thing, refereeing the matches, organising occasional
2 games with other schools in the area. Some schools were
3 willing to put out a team which would match their
4 ability and we'd have games there. It was taken quite
5 seriously and they were fully involved.

6 Sometimes they'd have what were called house
7 matches -- they were divided into two houses, the
8 Ramsays and the MacDonalds, and one was red and one was
9 blue. Thinking back, I don't know whether that related
10 to how the house side of things, school side of things,
11 or anything was organised. I think it purely related to
12 games activities, and they were taken very seriously and
13 fought very furiously.

14 I remember in the summer marking out a six-lane
15 running track from scratch, kind of working out how to
16 do it, and then we had a sports day there, which
17 involved almost all the athletic competitions you would
18 get in an Olympic Games or something. It was a big
19 deal.

20 So a lot of sport, yes.

21 Q. In relation to chores, what do you remember about boys
22 carrying out chores?

23 A. I can't remember it or picture it, but I imagine it
24 would have taken place -- and again I've read somewhere
25 that it did. It would have been everybody having

1 a little job of sweeping up or clearing up something
2 before school started, I remember.

3 Q. Were there cleaning staff at St Ninian's when you were
4 there?

5 A. I remember one elderly lady from the village -- I think
6 her name was Margaret as well. I think she cleaned
7 mainly round like the brothers' sitting room and the
8 dining room and chapel and that. I imagine there must
9 have been somebody cleaning round. It wouldn't have
10 been left entirely to the children. But I can't
11 remember who or how many people were doing that job at
12 all.

13 Q. Do you remember if boys were involved in cleaning
14 toilets, for example?

15 A. No, I have no memory of that, no.

16 Q. Do you remember if boys were involved in polishing
17 floors?

18 A. I don't actually remember it, but I've read that some
19 kind of that activity went on. As I say, I can't
20 visualise it, but I presume it did. It's like in
21 a sense I said that there were so many similarities
22 between St Ninian's and the place I first went to as
23 a juniorate, and that was one responsibility, we were
24 all given an area of the building to clean. So I can
25 imagine that being similar in St Ninian's, but I can't

1 picture it.

2 Q. Did you do any cleaning at St Ninian's?

3 A. Not that I ... I don't remember. Tidying up the
4 classroom, I suppose. I don't remember. I can't
5 remember that, no.

6 Q. You mention in your statement that as well as sport
7 being a large part of the school life, there were also
8 some other leisure activities the boys could do inside.

9 A. Right.

10 Q. Is that right?

11 A. Yes. Again, I've only vague memories, but I think there
12 were things like table tennis and a pool table and games
13 they could play and that. And sometimes if the weather
14 was really bad outside, there were kind of little
15 activities like a simple indoor hockey game which they
16 could have played in one of the bigger rooms and this
17 game crab football, which came back to my memory.

18 Q. Were you involved in the supervision of the boys
19 generally?

20 A. Yes. I mean, there was constant, like, two or three
21 brothers on charge, you know, so in the evenings you'd
22 be -- there'd be general supervision of evening
23 activities, just being around.

24 Q. I think you tell us in your statement that you were
25 constantly just going around checking on the boys.

1 A. Yes. I think my memory is, because it was open and
2 there was always the potential that a child might run
3 away or something like that, you needed to -- you'd be
4 sometimes asking each other: have you seen so-and-so
5 around? So it's kind of making sure you had a rough
6 idea where everybody was and what they were doing
7 because they were not being restricted into very
8 confined areas.

9 It wasn't just kind of watching what was going on,
10 it was kind of being aware of every child and whether
11 they were okay or whether you hadn't seen them for
12 a while or something like that.

13 Q. Did boys run away from St Ninian's while you were there?

14 A. Yes.

15 Q. Was that a regular occurrence?

16 A. I wouldn't say it was regular. It seemed to go ... It
17 was kind of unpredictable. It went in fits and starts.
18 Sometimes there would be long periods where nobody would
19 run away. Sometimes when children first came, they ran
20 away, and then sometimes you'd get a spate of it and
21 then it would stop.

22 Q. Why were children running away?

23 A. I have no great -- I couldn't give you any exact
24 examples. Like some of it was opportunistic or
25 something. I remember, I think, we brought a group to

1 Edinburgh Zoo one time and a couple of them disappeared.
2 I'm sure it obviously must have been because they were
3 upset about something. I can't remember all the
4 details, I can't remember specific reasons or examples.

5 Q. What efforts were made at the time to find out why
6 a child had run away?

7 A. I'm sure it would be done, but I can't remember an
8 incident of running away and then kind of what happened
9 after that. I'm sure efforts would have been made to
10 try and understand the situation, but I have no specific
11 memories. I probably wouldn't have been the one doing
12 the interviewing and that anyway. I do remember on
13 occasions having to go and pick them up from various
14 places, but not debriefing them afterwards.

15 Q. Did you ask them why they'd run away?

16 A. I'm sure I did, but I can't remember.

17 Q. What would happen if a child or children had run away?
18 What would happen when they were returned to
19 St Ninian's?

20 A. Again, I have no real memory of that. I'm sure they
21 would have been kind of spoken to and, I think, some
22 sense made to try and understand what the problem was
23 and that kind of thing. I don't remember it being
24 something that was kind of subject to disciplinary
25 activity or punishments or that kind of thing. But it

1 may well have been the case. I don't remember anything
2 like that.

3 LADY SMITH: Are you saying that you're sure that some
4 effort must have been made to understand what the
5 problem was and debrief the children because that was
6 the right thing to do?

7 A. I think probably there's an element of that. I can't
8 specifically remember any debriefing that took place.
9 But I would be ... It's an assumption, I suppose, on my
10 part.

11 LADY SMITH: Well, it would be the right thing to do,
12 wouldn't it --

13 A. Certainly, yes.

14 LADY SMITH: -- to fulfil one's duty of care to the child?

15 A. Yes, I can't imagine children running away and it not
16 being investigated or followed up. But it's more of an
17 assumption than a memory.

18 MS MACLEOD: How would you describe the boys' behaviour
19 towards one another on a day-to-day basis? Were they
20 well-behaved or not?

21 A. Well, I certainly don't remember any sort of systematic
22 bullying and that. I remember kind of arguments and
23 disagreements would take place and that. But my memory
24 is it was quite good in a way. There were some groups
25 of siblings within the school and they'd look out for

1 each other. I don't remember any sort of factions or
2 kind of groups against each other and that. My
3 recollection is it was quite positive. I have lots of
4 memories of them showing kindness to each other, like
5 sharing sweets or playing with each other and that kind
6 of thing. Maybe I'm putting a very positive spin on it,
7 but I certainly don't remember kind of real bullying or
8 any ...

9 Q. Do you remember any fights between the boys?

10 A. I can't remember specific ones, but I do have a sense of
11 them having taken place. One of the memories is
12 in relation to the fact that -- the sense of not having
13 had any training of what would you do in a situation
14 like that, so how do you stop a fight, how do you break
15 it up, what would be an appropriate way of doing that?
16 They did occur. I can't remember any specific
17 incidents, but I would remember they would have
18 happened, I think.

19 Q. Just to be clear on that, do you remember boys fighting?

20 A. It's hard to say from memory. I have a sense of it, but
21 I can't picture a specific incident or a specific fight
22 or something like that. You know, there'd be like an
23 argument on the football pitch or something, or somebody
24 fouled somebody, something like that. Disagreements.
25 I can't remember a specific incident. That's what I'm

1 saying. But I have a sense of, yes, that did happen.

2 Q. What gives you that sense?

3 A. Well, you know, boys, a group of boys together,
4 I suppose. That's it. That's my problem remembering
5 back over 40 years is what do I really remember and what
6 am I assuming?

7 Q. It really is your memory that we're interested in.

8 A. Yes. Well, what I would say is that I can remember
9 a sense of it being a feature of -- that kind of thing
10 did happen, but I couldn't give you a specific incident
11 or example.

12 MS MACLEOD: I'm now moving on to a slightly different
13 chapter, my Lady.

14 LADY SMITH: I think we'll break now for the day. We
15 normally start at 10 o'clock in the morning; will that
16 work for you, Harry, if we ask you to be here for 10?

17 A. That's fine.

18 LADY SMITH: A little bit before 10 so we're ready to start
19 your evidence at 10.

20 I'll rise now until 10.00 tomorrow morning.

21 (4.30 pm)

22 (The inquiry adjourned until 10.00 am
23 on Friday, 14 June 2019)

24

25 I N D E X

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2 Witness statement of "JOHN" (read)2

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4 Witness statement of "KENNETH"6

5 (read)

6 Witness statement "STEWART" (read)9

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