

1 Tuesday, 11 June 2024

2 (10.00 am)

3 LADY SMITH: Good morning and welcome to last day in which
4 we're hearing evidence in Chapter 6 of Phase 8 of our
5 case study hearings, in which we're examining in
6 particular Dr Guthrie's and Loaningdale. Today we have
7 our final witnesses in relation to Loaningdale.

8 Mr Sheldon, I think we have a witness ready.

9 MR SHELTON: Yes, my Lady. The first of two live witnesses
10 today is Bill Whiteside.

11 LADY SMITH: Thank you very much.

12 Bill Whiteside (sworn)

13 (Evidence via videolink)

14 LADY SMITH: Before I invite Mr Sheldon to start taking your
15 evidence from you, could I just say I want to do
16 anything I can do to make your experience of giving
17 evidence as comfortable as I can, and help you give the
18 clearest, best evidence you can.

19 If that means having a break at any time, please
20 just say. That is not a problem. I can do that. If it
21 means us explaining things better, because we're not
22 making sense, just speak up. Sometimes we don't explain
23 things as well as we could, and that's our fault not
24 yours.

25 If you have any questions at any time, if you're

1 worried about the link, don't hesitate to say.
2 Otherwise, I hope the experience of giving evidence,
3 knowing what you've explained to us already in your
4 written statement, will be reasonably straightforward,
5 but do let me know if there are any problems. All
6 right.

7 A. Thank you.

8 LADY SMITH: Thank you.

9 Mr Sheldon, when you're ready.

10 Questions from Mr Sheldon

11 MR SHELTON: Thank you, my Lady.

12 Good morning, Bill.

13 A. Good morning.

14 Q. Bill, as Lady Smith has explained and as I think we
15 discussed earlier on, we'll just be looking at your
16 statement today and I'll be asking you a few questions
17 arising from that and from some of the other evidence
18 that we've heard.

19 Bill, first of all and I don't need your date of
20 birth, but I think you were born in 1938, is that right?

21 A. I was, yes.

22 Q. And where did you grow up, Bill?

23 A. Ah, there lies a story. First three years of my life in
24 Glasgow, at Clydebank. We were bombed out of there and
25 I was picked out of a building that had collapsed and

1 rushed to hospital and thereafter I was moved to
2 a foster home way up in the north of Scotland. And
3 I was there until about the age of maybe seven or eight
4 and we moved back -- I was moved back down to Glasgow,
5 to a children's home called Auldhouse, and from there
6 I moved out to Tiree, which was a wonderful place to
7 spend the rest of my childhood until I was 16 years of
8 age, when I decided to make a career in the Merchant
9 Navy.

10 Q. Thank you.

11 You do tell us about that briefly at paragraph 2 of
12 your statement, that you had a junior secondary
13 education and you came through that?

14 A. Yes.

15 Q. Then went to the Merchant Navy, was that straight after
16 school you went to the Merchant Navy?

17 A. More or less. There was a few months in between.
18 I left in the June and by the January I think it was of
19 the next year I was signed up in a training school for
20 Merchant Navy recruits, as it were, and I did very well.
21 I got first class there and I got the choice of the
22 shipping company that I wanted to go to.

23 Q. Which one was that in the end?

24 A. That was the Union Castle Line and I had -- I had
25 a point to prove. When I was a young 16-year-old I was

1 painting the side of a house and this chap from Cape
2 Town said: 'I hear you're wanting to be a sailor Billy
3 boy', and I said, 'That's right'. He said, 'Well, I've
4 been watching you on the ladder, you're a bit shaky,
5 I don't think you're going to make it'.

6 And I said:

7 'Well, if I do, Donald, I'll come and see you in
8 Cape Town'.

9 A year and a day later I had the pleasure of
10 knocking on [REDACTED], Cape Town.

11 Q. Very good.

12 How long were you in the Merchant Navy, Bill?

13 A. About seven years and initially it was with the Union
14 Castle Line, that was passenger ships, but thereafter
15 I wanted a more adventurous life and I was two years
16 sailing to the Far East, with the Ben Line Shipping
17 Company, an Edinburgh company.

18 Q. Yes, a very famous company, I think?

19 A. A very famous company, yes. And it was an interesting
20 time, because the Suez Canal closed at the latter end
21 and instead of going through the Suez we did Cape Town
22 and the much longer journey out and back and it was
23 a lovely experience.

24 Thereafter I joined the Port Line Shipping Company,
25 which was literally -- we went round the world, I think

1 we did four journeys round the world, going out near
2 Cape Town, over to Malaya, down to Australia and
3 New Zealand, up to Panama, from there up to the New York
4 and Canada and Montreal and back home. That kind of
5 thing.

6 Q. A real adventure?

7 A. Yes, uh-huh, and I thoroughly enjoyed it.

8 Q. Very good.

9 I think you tell us then that after the Merchant
10 Navy you served time as a painter and decorator?

11 A. Yes, uh-huh. When I got married any jobs that I was
12 being offered, they weren't paying a great deal, but
13 I got a job as a painter to serve time as a painter with
14 British Rail, believe it or not at the time, and after
15 that I got a City & Guilds and the likes -- and at the
16 same time I was running a youth club in Leith and then
17 the job came up at Geillsland and I had the
18 qualifications they were looking for, plus my
19 experiences running the youth club, plus attending
20 Murray House College.

21 Q. This may be an obvious question, Bill, but what gave you
22 your interest in working with children and young people?

23 A. I think mainly my own experience of a happy childhood on
24 the isle of Tiree. I was always good with young people.
25 I just had a rapport I felt and certainly with the

1 church getting -- I met three kids in the street, who
2 were out looking for a place to practice and I said.
3 'I know a building where you can come, it's the church
4 that I go to and I would like to see kids off the street
5 coming into that building', and that took off in a big
6 style and -- but then the job at Geilsland came up and
7 I had what they were looking for.

8 Q. Can I just ask you about that then. You say the job --
9 on page 2, paragraph 6 of your statement -- came up at
10 Geilsland, you were then running the youth group and you
11 say SNR [REDACTED] at Geilsland was a Royal Navy man. Was
12 that EZD [REDACTED] ?

13 A. Yes, that was -- sorry, could you repeat that last line?

14 Q. I just asked you, was that EZD [REDACTED] ?

15 A. That was EZD [REDACTED], yes.

16 Q. You tell us that because you both had a navy background,
17 a seagoing background, that you clicked --

18 A. We did.

19 Q. What did you learn about EZD [REDACTED]'s background?

20 A. Obviously, working with EZD [REDACTED], he was very much into
21 young people's club as a young man running -- he had,
22 how will I put it, he was a very charismatic individual
23 and he just loved doing things with young people,
24 adventures and whether it was sailing or whatever and --
25 but he was a very practical man and he was coming to

1 Geilsland it was in his foundations and he saw the
2 potential here that he could build this place and the
3 young people in his care would get important training
4 for work and for life and I seemed to fit in.

5 Q. You tell us that you became a technical instructor at
6 Geilsland, involved in craft and design, but you say:
7 'It was mainly general trades because we were building
8 the works department', what do you mean by 'general
9 trades', Bill?

10 A. Yes. Well, it wasn't spending too much time on
11 theoretical backgrounds to painting and decorating and
12 everything we did had a purpose right, today, we might
13 go to an old folks' home and decorate it. On occasions
14 where a child came from a very poor background we would
15 go to that home and maybe paper the sitting room for
16 them. So in general it was very practical hands-on
17 stuff.

18 Q. Did children at Geilsland also have academic subjects
19 like maths and English and so on?

20 A. I have to say it was a lower -- formal teaching was
21 a lower priority. We did have teachers, but EZD took
22 the view we had premises to build, we had facilities to
23 develop and sure, there was the occasional period where
24 teachers would be -- I think we only had two teachers at
25 the time, but there wasn't ... in my recall the teachers

1 sometimes just joined in with the work squads that were
2 going on.

3 LADY SMITH: This would be between 1965 and 1971, you say,
4 Bill?

5 A. Yes.

6 LADY SMITH: Is that correct?

7 A. Yes, it is.

8 LADY SMITH: Thank you.

9 MR SHELTON: At paragraph 8 of your statement, Bill, you say
10 that there was corporal punishment at Geilsland which
11 was a leather tawse on the backside and you say that was
12 always administered on top of clothing.

13 A. Yeah.

14 Q. Can I just ask you first of all: did you ever see that
15 being done?

16 A. Yes, I had to witness it.

17 Q. All right.

18 A. It was something I would rather not witness, but
19 **EZD** -- although he was the only one that administered
20 any punishment, he sometimes asked the instructors to
21 witness what was happening.

22 Q. All right. Can I just ask you -- it's jumping ahead in
23 your statement quite a bit -- to look briefly at
24 paragraph 138, page 26, this is a paragraph that you are
25 really talking mainly about Loaningdale School, but

1 there is a sentence at the end of the paragraph where
2 you say -- first of all you say:

3 'I experienced coming from Geilsland where kids got
4 the belt on the clothed backside. I often wonder how SNR
5 SNR ESD operated, because he took all the
6 punishment on himself and no other member of Geilsland
7 staff could lay a hand on a child.'

8 I wonder what you meant by that?

9 A. Well, I just wondered certainly, holding the discipline
10 was ESD's big thing and taking away the corporal
11 punishment, I felt what would he replace it with? He
12 and I had differences of opinion about that.

13 For instance, if a child felt threatened being in
14 the school and ran away, and was brought back, he got
15 the belt and I always felt that that was wrong, but
16 ESD explained that if he didn't treat the child the
17 same as the others who ran away that child would be
18 victimised in the school and that was the answer he gave
19 and he said he knew where I was coming from, but he
20 said, no, he said, 'Look, it's the way I operate and --

21 Q. Were you ever aware, Bill, that there might have been
22 corporal punishment going beyond what you've described
23 at Geilsland, something more than just belting on the
24 clothed backside?

25 A. There would be, not in the form of handing out, but

1 responding to a situation. If for instance there was
2 a very difficult aggressive child, then EZD would use
3 what force he needed to use to control that child. But
4 I wasn't aware of anything like that. Sometimes that
5 did include a skelp on the face.

6 Q. And this was from EZD ?

7 A. From EZD .

8 Q. Did you see --

9 A. No one else. And EZD would have taken it -- would not
10 have accepted anybody else administering any form of
11 punishment.

12 Q. What did you think about that at the time, Bill?

13 A. Looking back on it, I'm afraid, you know, I thought,
14 well, if this is what happens, this is what happens. It
15 was only later in life when, you know, more emphasis was
16 being put on treatment of children that it began to dawn
17 on me that not everything was perfect.

18 Q. Looking back at that now, Bill, what would you think
19 about EZD 's --

20 A. I think he was out of order. Totally out of order. But
21 it was an extension, as it were, of his navy practice,
22 because in the navy he told me it was the cane that they
23 got on the bottom.

24 Q. Were you aware, Bill, that EZD was nearly sacked
25 in about 1966 because of his methods?

1 A. I had heard about it, yeah.

2 Q. Was it discussed in the school at all?

3 A. No.

4 Q. But at all events, he wasn't sacked and did things carry
5 on much as before after that chapter in 1966 or did
6 anything change?

7 A. Perfectly honest, I can't recall. I know that I left
8 I think about 1970 and I had a year out at Langside
9 College, so maybe things had changed that I wasn't aware
10 of.

11 Q. All right.

12 You mention -- this is back to page 2 of your
13 statement, paragraph 9 -- you talk about that there,
14 that EZD [REDACTED] seconded you to Langside College. Was
15 that a full-time course Bill or a sort of sandwich --

16 A. No, yes, that was a full -- that was a year out.

17 Q. What year would that be, do you recall?

18 A. 1968/1969. The Social Work Act was just changing at the
19 time, yeah. It was the start of formal training being
20 a necessity as part of working with young people.

21 Q. Perhaps just casting your mind back to that Bill, can
22 you recall about what the training involved? What kind
23 of things were you taught on the course?

24 A. It was pretty broad training. It was about
25 understanding the ages and stages of development in

1 young people, from babies upwards and there was
2 placements in children's home and placements with the
3 departments. For instance, I was with Quarriers for
4 about six or seven weeks. I was in a children's home,
5 Auldhouse, for quite a number of weeks and I can't think
6 what else, where else they were, but it's a long time
7 ago, I'm afraid.

8 Q. Were there other students on the course with you from
9 other Approved Schools?

10 A. Yes. I think there were two people from remand homes,
11 Glasgow remand homes.

12 Q. I know this is a while ago now, but can you recall
13 whether there was any discussion on the course of what
14 we would call now childhood trauma, traumatic
15 experiences in childhood and what affects that can have
16 on a child?

17 A. No, I honestly can't recall that that was an issue, no.

18 Q. So this was what you might call developmental
19 psychology?

20 A. Yes.

21 Q. At paragraph 10 you tell us that SNR would
22 ask you -- this is still EZD -- to carry out
23 assessments on particular families to see where we were
24 going with them?

25 A. Yes.

1 Q. What did that involve, Bill?

2 A. Could you repeat that, please?

3 Q. What did the assessments involve that SNR [REDACTED],

4 EZD [REDACTED], was asking you to do?

5 A. Well, he just wanted me to know what was the response in

6 the home. How was the mum and sometimes the dad, but

7 very often it was a single mum, coping with the child?

8 What was the circumstances in the home? Was there any

9 sign of love, any sign of aggression, or both? And just

10 to get a general picture of how things were functioning

11 or whether the lad was just throwing his bag in and

12 going out with his mates and forgetting about home.

13 We were keen to know if there was a base at home

14 that was meeting the child's needs.

15 Q. From the school's point of view, Bill, what was the

16 purpose of that? What would the school do with that

17 information?

18 A. Other than understanding where the child was coming

19 from, because occasionally a child would be taken in by

20 EZD [REDACTED] to his office, if he noted that the child was

21 particularly depressed or whatever and trying to get

22 a general picture of what was happening in the child's

23 home. So that they could offer a bit of sympathy and as

24 I said, on more than one occasions, you know, we went to

25 that home and maybe decorated one of the rooms, because

1 cash was short and it was to give the mum a sense of,
2 you know, 'I've got a decent place to live in'. It was
3 just human. It was a kind of natural thing to do,
4 I felt.

5 Q. Over the page, page 3, you tell us at the top that you
6 were posted or went to Loaningdale School. What led to
7 that? How did that come about, Bill?

8 A. Well, what came about was that Loaningdale had
9 previously gone through the experience of one of their
10 children -- one of their young people going down to the
11 village and he was -- in their words he was courting
12 a lassie down in the town and the details vary.
13 Occasionally you get papers like the Sunday Post
14 explaining -- trying to make a big story out of things,
15 but the school (audio interference) because of that.

16 EZD was of the view that the children in the
17 school or the young people in the school should have the
18 liberty of going down to the town and, you know, mixing
19 with the young people down there. That didn't work out.
20 Especially when you had the local lassies, you know,
21 there was an attraction there, new boys up in
22 Loaningdale, so when they came down to the town there
23 was relationships, natural relationships and one that
24 went totally out of order.

25 Q. But this is the incident where a Loaningdale boy killed

1 a local girl, is that right?

2 A. Yes, yeah.

3 Q. And what did that have to do with you going to

4 Loaningdale?

5 A. Well, what happened was that Loaningdale, I believe,

6 were told to tighten up their measures with regards to

7 children going down into the town. That had to stop.

8 And there was perhaps too many privileges or leniency

9 shown and the school was looking for a little bit more

10 structure and I saw the job actually as an extension of

11 what I was looking for, working with families and

12 EZD [REDACTED], he said, 'I am regrettingly letting you go

13 there, Bill, because I know John Wilson, he's a lovely

14 fellow and he's trying to change practice in his

15 school', and he said, 'I think you will fit in well'.

16 It was as simple as that.

17 Q. You tell us that Loaningdale had a different approach

18 altogether to working with children, a different

19 approach from Geilsland, can you sum that up for us in

20 a couple of sentences?

21 A. Yeah, well in Geilsland children would -- the day would

22 start with a 10-minute singing of hymns, it was a Church

23 of Scotland, out on to the drill yard and then split off

24 into the works departments and children worked, the

25 young people there worked from 9 o'clock in the morning

1 until say 12 o'clock, had a break for a couple of hours
2 and then were back out at say 2 o'clock in the afternoon
3 and worked until 4.00 or 5.00 pm. The whole day was
4 structured like that.

5 Building premises, painting premises. I might be
6 sent to a children's home to paint it out, you know.
7 That's the sort of thing to give the youngsters
8 practice.

9 Whereas at Loaningdale, children went to school and,
10 yes, there were outings and that and John Wilson was
11 very keen on the outdoor world. He felt that children
12 should -- would benefit from the experience of, say,
13 climbing a mountain, canoeing a river, et cetera,
14 et cetera and it so happened at that time I was his man.

15 Q. Would you say that Loaningdale had a different
16 atmosphere to Geilsland?

17 A. Yes. Oh, yes.

18 Q. In what way?

19 A. It was more relaxed and Geilsland was very, very
20 structured and it was 'Yes, sir', 'No, sir', and that
21 was the way, whereas Loaningdale, it was just pretty
22 more relaxed between staff and pupils.

23 Q. Jumping ahead a wee bit to paragraph 14, you tell us you
24 worked at Loaningdale between 1971 and 1990 and you tell
25 us then that you had another two years, this time at

1 Jordanhill College, doing more qualifications?

2 A. Yes.

3 Q. Again, was that a full-time course, Bill?

4 A. Oh, yes, full time.

5 Q. Was this really expected of you at that time or was that

6 something that you did voluntarily?

7 A. Oh, it was something I wanted to do and John, who was

8 the headmaster at that time, he said, 'Bill, I want you

9 to do it'. He says, 'I'm pleased and I'll see that the

10 management support you', and I was seconded for the

11 two years. Because social work was moving on a great

12 pace then. We were beginning to think more about child

13 protection. The Social Work Act had brought in

14 different measures there and --

15 Q. I wanted to ask you about that. You say, just the final

16 sentence at paragraph 14:

17 'Working with families was seen as the best way

18 forward.'

19 A. Uh-huh.

20 Q. Can you just explain what you mean by that, please?

21 A. Yeah. Well, working with families meant that we brought

22 the family into the school for children's reviews. We

23 wanted to know that the work that we were doing was

24 being beneficial to the home and what was happening in

25 the home and if we were just sending them home on leave

1 and we didn't follow it through, then, you know, we were
2 just blindly assuming that everything was going to plan,
3 but sometimes children were throwing their bags in and
4 away out on the street, in their words 'getting bevved'
5 and ...

6 Whereas by bringing them in and sitting there with
7 them, with the mum or the dad, we were able to say
8 right, what do you want us to do to change that and what
9 do we want you to do to change that. It was about
10 working together.

11 Q. A more co-operative approach, you might say?

12 A. A much more co-operative approach, yes, and bringing the
13 supporting local authority social worker into the scene,
14 so that we weren't working in isolation basically.

15 Q. We might discuss that a little more a little later,
16 Bill, but just over the page, page 4, you talk a bit
17 about the interview process at the school and from what
18 you say in paragraph 15, it sounds as though it was
19 quite a lengthy interview process, is that right?

20 A. Yes, it was. You spent the whole day in the school.
21 And that included being shown round the school by the
22 pupils. That included having a meal with the pupils and
23 just getting the feel of the place. So that's what that
24 was about and then there was feedback from the pupils to
25 the management.

1 Q. So really you were being observed. You were being
2 assessed?

3 A. Yes, assessed.

4 Q. You tell us that you had a reference, you received
5 a reference from EZD [REDACTED], but also from the church,
6 where you ran the youth club?

7 A. Yes.

8 Q. You tell us that you became deputy headmaster in 1975.
9 Was it 1975 or 1977, do you recall?

10 A. 1975.

11 Q. You tell us that you were working as a senior
12 housemaster in one of the units?

13 A. Mm-hmm.

14 Q. It seemed natural you would take up the role of deputy
15 head social work. Should we understand that you lived
16 on site or did you live in --

17 A. No, I had a house in the village, in the town.

18 Q. Okay. Were there staff who lived on site?

19 A. Yes. There was say three or four houses on site.

20 Q. Were they houses, as it were separate houses, or were
21 they flats --

22 A. They were part of the unit. There was no -- there was
23 initially I stayed in a house that belonged to the
24 school, but in the community, down in the town. But
25 there was three houses attached to the buildings of the

1 school -- four, there were four.

2 Q. Thank you.

3 In relation to staff training, you say there was no
4 formal induction or training when you started at
5 Loaningdale. You yourself clearly went on a further
6 course. You have told us about that.

7 A. Yes.

8 Q. Were other staff going on courses or was training kept
9 largely in house at that time?

10 A. Sorry, repeat that one so I get it clear in my head.

11 It's a long time ago. I'm trying to think back.

12 Q. You tell us that training at Loaningdale was an ongoing
13 thing, so is this training on the job, as it were, that
14 you're doing while you're at the school?

15 A. Yes, uh-huh. We would have a regular staff meeting on,
16 I think a Thursday or Friday, and we would look at
17 practices that was going on in the school. If for
18 instance I was doing my outdoor thing with kids, EZD
19 would want -- John would want a feedback on how that was
20 going and any problems that was arising from that.

21 If there was a particular child who was being very
22 troublesome, say in the joinery department, we would
23 look at ways that we might work with that child, because
24 I think I make reference to it later on, where he would
25 take a chisel and be threatening others and of course he

1 was set up by other youngsters who knew how to wind him
2 up basically.

3 Q. All right.

4 You tell us at paragraph 19 that the headmaster
5 would enlighten you, the staff, on what was happening in
6 the changing world of social work. What kinds of things
7 was he passing on to you?

8 A. Well, he would say that -- we wished to involve families
9 more, not to be working so remotely with the children.
10 That was one of the things that was happening, that
11 social workers were to become more of the treatment plan
12 for a youngster. And so it was that sort of thing and
13 just knowing what's happening in some other schools.

14 Q. Over the page, page 5, you tell us a little bit more
15 about Loaningdale. Paragraph 20, just to ask you, am
16 I right in thinking that Loaningdale was able to select
17 children, that there was an admission process for
18 children as well as an interview process for staff?

19 A. Oh, yes, yes. When we had word from a local authority
20 that they wished to place a child, then we would look at
21 all the details of that child and see whether or not he
22 would fit in with our type of approach. And that was --
23 we did that quite thoroughly. We'd send the papers
24 round key staff to say, 'Here is who we have in the
25 pipeline, give us your views and which house would they

1 be best suited to, and who's going to follow through the
2 next stage'.

3 And invariably -- well, invariably I was involved
4 a great deal at that level.

5 Q. You tell us in that paragraph, paragraph 20, that
6 John Wilson's regime was not particularly suited to the
7 more delinquent type of child. What do you mean by
8 that?

9 A. Well, we were set up primarily as -- our main thing was
10 education. It wasn't training, like Geilsland and that.
11 And if we got too many, how will I say, hard cases from
12 the cities, they wanted to stir things up. They
13 couldn't handle the freedoms that was offered at
14 Loaningdale and there would be -- if you got too many of
15 them there would be bullying a great deal of the time.
16 And we had to be very careful that we had the balance
17 right there.

18 The freedoms given to our youngsters, there wasn't
19 locked doors the same way there as in other schools
20 and --

21 Q. Sorry, Bill, so initially when you start at Loaningdale
22 you were able to select children, the children that you
23 felt would be suitable, did that change at some stage,
24 Bill?

25 A. Well, it did towards the end, where to survive we had to

1 take pupils, right, to get the payment, and it wasn't --
2 I think you'll note that I had a bit of a fall out with
3 the director of social work at the time saying: look ...
4 youngster that you must take and I said but, look, the
5 balance is what we're trying to achieve and bringing in
6 too many of the same kind, particularly more
7 delinquent -- I use the term 'delinquent', but children
8 who were violent by nature, children who wanted to just
9 smash windows, steal things, that was upsetting the
10 balance.

11 Q. How did that ultimately affect the life of the school,
12 Bill, the fact that you were taking in --

13 A. It became a much more tense -- you know, for many years
14 the school was a very relaxed place and you were always
15 conscious as we began to take in the more difficult ones
16 that we're having to put more locks on doors, shall we
17 say, and structure the place and --

18 Q. How did the staff cope with that or try to cope with
19 that?

20 A. I think we just had to adjust as best we could, it
21 wasn't easy.

22 Q. Did anything change in terms of the methods of
23 discipline that you were using?

24 A. Not really, because there was no corporal punishment,
25 that was not ... we could put all sorts of restrictions

1 like holding back -- say for instance children going
2 home to Glasgow or Edinburgh in the school van, right,
3 now if there were pupils there that wanted to create
4 havoc and put the whole journey in danger literally,
5 then, you know, that made it difficult -- I had then to
6 send two staff to Glasgow or Edinburgh with the van, so
7 that there was one in the back of the van controlling
8 children.

9 Whereas for years it was, you know, children going
10 home. No difficulties.

11 Q. Yes, it's taking it slightly out of order in terms of
12 your statement, Bill, but you talk a little bit about
13 restraint at a later stage, having to restrain children
14 sometimes.

15 A. Yes, that happened from time to time.

16 Q. The number of times that happened, did that increase as
17 the population of the school changed?

18 A. Not greatly, but there was one or two cases where we
19 were in another area of difficulty and I refer, you
20 know, if we take the young lad in the joiner shop that
21 I referred to with the chisel, threatening, but this
22 young person was being wound up by some of his mates and
23 they were the wrong kind of mates in the balance of the
24 class, you know, they would wind this youngster up to
25 the extent that he wasn't going to lose face and he

1 would take a chisel and threaten anybody that came near
2 him. And in that particular situation, and in all
3 situations where there's violence, I was called in to do
4 something about it. And that -- I always worked on the
5 basis if I had a relationship with the child and I could
6 get everything else round about him calmed down, I could
7 bring matters calmed down a little, but, yes, it was
8 a difficult job at times.

9 Q. You talk a bit about restraint and again I'm jumping
10 forward a little bit, but I think it follows naturally
11 from what you've been saying.

12 This is page 19 of your statement, paragraph 97 you
13 say there that restraint was used on children.

14 A. Sure.

15 Q. You describe the process. You say it was a wrap around
16 by two members of staff and generally involved wrapping
17 your arms around the child. Is that just how it sounds,
18 that literally you were wrapping the child round like
19 so?

20 A. Oh, yes. I mean, young [REDACTED], the fellow with the
21 chisel, I know when I finally took the chisel from him
22 and grabbed the arm that the chisel was on and I knew
23 I had control of him then, but the chisel was put down
24 and it was then I literally wrapped my arms round him,
25 led him out of the classroom altogether, got another

1 member of staff with me and we sat down and the practice
2 was that you sat on either side of him and if he was
3 kicking around, you would put your legs across his like
4 that and your arm round, and probably 10 or 15 minutes
5 and the youngster would calm down. In particular, if
6 you had a relationship -- if the child felt comfortable
7 with who he was with, although he's remonstrating, he
8 would generally -- he wasn't losing face by calming
9 down. He was accepting his ...

10 Q. Would you or other staff doing this, would you be
11 talking to the child during the --

12 A. All the time. Yeah, just making the usual encouraging
13 signs to calm down and as you will maybe see, I don't
14 see it involved punishing him in any way. This was
15 a child that just needed managing. He didn't need to be
16 punished.

17 Q. First of all, can I just ask you, did you learn that
18 process from someone else or was this a process that was
19 developed at Loaningdale?

20 A. I'm afraid -- no, I think it was -- it came from me.
21 I know that sounds as if I was the only one doing it.
22 I wasn't, but that is the way that I found most helpful
23 and I had one or two colleagues who were in the same
24 line of thinking as myself.

25 LADY SMITH: Bill, did anybody ever have any training in

1 restraint practice?

2 A. Not at that time that I was aware of.

3 LADY SMITH: You were at Loaningdale until -- you started

4 there in 1971, you were there for about 19 years?

5 A. 1990.

6 LADY SMITH: 1990.

7 A. Yeah.

8 LADY SMITH: You don't remember anybody receiving restraint

9 training?

10 A. No, no. It was often mentioned. We had staff training.

11 That would just say List D School staff, like management

12 staff, would have meetings and we would talk about

13 restraint there. So that was the only thing. I don't

14 recall anybody demonstrating, shall we say, how you

15 would go about it.

16 LADY SMITH: Thank you.

17 MR SHELTON: You tell us, Bill, a little later on that page,

18 that there wasn't a written policy on restraint --

19 A. No.

20 Q. -- and, paragraph 99, that if you had written a policy:

21 '... I would have identified within the policy what

22 approved restraints we could put into practice within

23 the school and that would have included wrapping the

24 child.'

25 A. Yeah.

1 Q. Were there any other techniques that were in use to
2 restrain children who were acting out?

3 A. Well, isolation was the one -- you know, albeit with
4 a member of staff present. But that was the main
5 practice, was to remove the young person from the scene
6 of trouble and sometimes if it was with another member
7 of staff, that member of staff would be told: right, you
8 just go into your house unit and myself and somebody
9 else will deal with this, because the child was still
10 angry with that member of staff. And it was good to get
11 that member of staff out the way and then later on bring
12 people together again.

13 Q. Sorry, first of all, you are sending the child to the
14 house unit, is that right?

15 A. Yes.

16 Q. Is that a single room or is that the rooms --

17 A. Oh, well, generally if it was during the classroom time,
18 it would be into the sitting room or somewhere like
19 that, of the unit. Restraining or keeping children
20 contained in their bedroom, it sometimes worked, but it
21 was much better, we felt, if we could just sit with the
22 child in the sitting room or somewhere like that.

23 Q. Thank you.

24 You do mention at page 20 of your statement,
25 paragraph 102, that the only training you received in

1 restraint was 'from my brother, who was a paratrooper'?

2 A. Oh, yes.

3 Q. '... [when] he came home he would show me new tricks or

4 holds.'

5 A. Sure.

6 Q. Was there anything that he taught you or told you about

7 that you felt could safely be adopted for Loaningdale?

8 A. No. I think he just -- he would just practise the

9 various holds that he was experiencing as a trainee

10 paratrooper, that -- and he would practise them on me

11 and I just was able to replicate that in my practice

12 with young people. It was about knowing how to handle

13 yourself, basically, and it wasn't about being overly

14 aggressive. It was about knowing the right moves to

15 save the day.

16 Q. In the previous paragraph you say:

17 'When the girls started at the school we approached

18 restraint in the same way.'

19 Girls started to be admitted in 1988, is that right?

20 A. Yeah.

21 Q. You tell us that the same techniques were used but that

22 a female member of staff would always be present?

23 A. Yes, always wanted to have, but some girls -- my word,

24 a violent lassie can be more difficult to contain than

25 a violent lad. The number of times that they didn't

1 care who they hit or what they did, they would just
2 fling out.

3 Q. Was it always possible to have a female member of staff
4 present if there was an emergency situation that had to
5 be dealt with?

6 A. Generally, because we had reasonable amount of female
7 staff on during the day and during the evenings, yeah.
8 I can't recall there being an absence of females. Staff
9 I'm talking about.

10 Q. What was the balance between males and females on the
11 staff?

12 A. Let me see, I think in the west unit we had GYF, one,
13 two, three. I think there was three females to two
14 males, were in what we called the girls' unit. So that
15 was it and with female staff on of course during the
16 night.

17 Q. Thank you.

18 I'll leave that for the moment and turn back to
19 page 6, where we were when we took that diversion. You
20 tell us a bit about the structure of Loaningdale,
21 paragraph 29. You tell us that Loaningdale was approved
22 in 1964, for the provision of education to boys 13 to
23 15. Did that age range largely stay the same, Bill, or
24 did it change over time?

25 A. No, no, that was -- it was that all the way through.

1 More and more the -- there were less 13-year-olds. It
2 was mainly 14 and 15 I would say, but the first years
3 that I can remember we had some who were 13 years of
4 age.

5 Q. We understand that children shared rooms in Loaningdale,
6 is that right, quite small rooms?

7 A. Yes, they did.

8 Q. How many were in a room?

9 A. I tried to keep it at three. There was space and beds
10 for four in each room.

11 Q. Would these tend to be children of roughly the same age
12 or was there a range?

13 A. Generally the same age. We tried to blend it with who
14 children wanted to share a room with, whom we felt was
15 responsible to share a room with. It wasn't just, well,
16 there's a space there, you're going in. We tried, where
17 possible, to look at the balance and there was a wee bit
18 of protection, especially with a younger kid. We
19 didn't -- we wanted them to feel secure basically.

20 Q. And children had some say in which room they went to?

21 A. Initially they didn't, because they didn't know
22 anything. It would be who we felt there, but from time
23 to time we would look at the composition of groups and
24 ask children if they wanted changes and on the whole the
25 bedrooms worked very well. I would have liked to have

1 had more private space in each room and I was going to
2 have partitions so that just even like someone's -- like
3 on a train or something like that, just a compartment
4 that the child would go into, still within the larger
5 bedroom.

6 It never came off for many reasons. I think
7 initially and then for other reasons of where are we
8 going with the school.

9 Q. You tell us that outdoor pursuits were a big thing for
10 Loaningdale and you say that you think you played
11 a major part in that. I think you did have some
12 particular outdoor interests, is that right?

13 A. Oh, yes, all the time. I've always been a keen
14 mountaineer, canoeing, rock climbing and on Saturday
15 I am meeting up with the 50th anniversary of a climbing
16 club that I started in Biggar, so that's the interest
17 there. It's always been -- but I loved taking kids on
18 an experience of canoeing or rock climbing. They live
19 with it for years after. They would meet me sometimes
20 and say, remember that, we did this, we did that and
21 John Wilson in particular was an outdoor man and he
22 says, 'Bill, these youngsters are getting an experience
23 that will live with them for the rest of their lives',
24 so that was the thinking.

25 Q. Was this a regular part of school life, Bill?

1 A. Pardon?

2 Q. Was this a regular part of school life? Did you make
3 trips of this sort frequently?

4 A. Yes, yes, oh, yeah.

5 Q. How often would children be out on these trips?

6 A. Maybe five or six times over the summer. We would be
7 taking kids down to the Lake District to do a bit of
8 rock climbing down there. We'd take them hill climbing
9 up in Argyle. I would say five or six, but occasionally
10 there would be outings for two or three lads and staff,
11 yeah. That was -- and sometimes that was in our free
12 time that we would do that, the staff, you know.

13 Q. Paragraph 32 you tell us a bit about the staffing
14 structure at the school, headmaster and the two
15 deputies, deputy head education and deputy head social
16 work. You were the deputy head social work, is that
17 right?

18 A. Yes, I was, yeah.

19 Q. You then have a senior social worker in charge of each
20 unit. They were ranked one position down and you say
21 GYF [REDACTED] and Ron Reid were the senior social
22 workers and you would have regular meetings with them.

23 When did GYF [REDACTED] join the school?

24 A. When did?

25 Q. When did GYF [REDACTED] join the school?

1 A. Pretty early on. I can't recall the day, but he was
2 there for quite a number of years, GYF. Sadly he's
3 passed away. You'll read later on about it.

4 Q. Sure. We have heard about that. Let me put it this
5 way: did you join the school before GYF did?
6 A. Yes, I did. Yes, thinking back on it.

7 Q. How many years after you joined did GYF come
8 in?

9 A. I honestly can't recall that now. I know that GYF was
10 there for quite a number of years. A very reliable and
11 good member of staff, I would call him.

12 Q. We'll ask you a little more about him later on, but just
13 moving on in your statement, paragraph 33, you say the
14 headmaster and both deputy heads did on-call duties.
15 What did that involve?

16 A. That means that you were just -- you were free to be in
17 your own home, and the second anything was happening
18 that they wanted information on, anything that they
19 wanted you to come and deal with, I think sometimes you
20 would come up and you -- it saves being in the school,
21 you know, 24 hours a day.

22 Q. What kind of issues would you have to deal with when you
23 were on call? What would make you go up to the school?

24 A. Well, I'll give a classic example there, you know, of,
25 I was on call and I give you -- I'll need to look at the

1 paragraph, but it was one evening where I was on call
2 and when I was on call I would invariably be around the
3 school, because sometimes I offered activities in the
4 evening myself. But round about 7 or 8 o'clock I would
5 go back home and as I go back home the girls in this
6 particular -- would always say 'Mr Whiteside, can we
7 watch the film tonight?'.
8

9 And I would say, 'Well, you know what the bedtime
10 is', that is -- it was 10 o'clock, but I said if I don't
11 hear that there's any trouble and the staff allow you to
12 watch the film until say 10.30/10.45, then that's okay
13 by me, but something like ... if I'm called out up here
14 to handle any difficulties, 'Oh, no, Mr Whiteside, we
15 won't ... thanks very much', and that's it.

16 On that particular night everything was normal. The
17 kids wanted to watch this -- the girls wanted to watch
18 this particular musical one and I got home, I was home
19 for an hour or two and the phone call from the police
20 sergeant to say:

21 'Bill, I've got three of your lassies down in the
22 town in their nightdresses'.
23

24 Because the girls would change into their
25 nightdresses around about 8 o'clock and sit in their
26 sitting rooms and they just -- they told me and excuse
27 the language, they just said, 'Mr Whiteside, the film

1 was crap, we just thought we would do something exciting
2 and we ran down into the village', and of course
3 something knew that there was a shop where they could
4 get in the back and steal beer. They did that and they
5 ended up getting drunk and taken to hospital and, you
6 name it, but girls acted on the instant, whatever came
7 into their heads whereas lads would plan things out
8 a bit more.

9 Q. What happened to the girls when they were brought back?
10 Did you have any sanctions for them?

11 A. Yeah, well, first of all, you calm the situation. You
12 get them sobered up and staff would, including myself,
13 would stay all night there until we saw everything was
14 calm, and thereafter we would see that they were in
15 their beds at 9.30 at night and no choice of whether
16 they wanted the films or not. It seemed to be basic
17 controls.

18 Q. Over the page, page 8, you talk a bit more about staff.
19 To take this briefly, in relation to staff recruitment,
20 was the process for recruiting staff when you were
21 deputy head, was that pretty much the same as the
22 process that you had gone through?

23 A. Well, I think my interview was maybe a bit more formal
24 with the director of social work then, but when I came
25 to the school then the interview was as I described,

1 a day at the school to get the feel of the place and
2 them to get the feel of you. Whereas as you went up the
3 ladder, as it were, it was more addressing issues,
4 because I was familiar with everything at the school
5 anyway.

6 Q. You tell us at the foot of that page that you were
7 involved in the recruitment of staff, the headmaster and
8 you would read through applications:

9 'We'd speak about them. Say how we felt.'

10 What sort of things were you looking for in staff
11 members when you were recruiting them?

12 A. Well, just the usual things, that this person had a good
13 track record from his previous employment and
14 particularly if he was in another residential setting.
15 We would look at what skills they had to offer and just
16 by having them spend the day in the school we would get
17 a measure how they related to youngsters and how
18 youngsters related to them. It was just to get a feel
19 of what this person was about.

20 Q. It may be quite a difficult thing to put into words,
21 Bill, but in terms of what you were looking for in terms
22 of their relationship with children, the way they
23 related to children, how would you tell when you found
24 someone who you thought would be good?

25 A. That's a good point. Well, I'll tell you what, I would

1 ask the youngsters in the school. What did you think of
2 that fellow? And you know they would give me it
3 straight whether he engaged with them spontaneously or
4 they hardly got a word out of him, some of the kids
5 would say. But it was a feeling that you got. That's
6 all I can say, that you know after years of doing the
7 job whether someone is comfortable with children and has
8 something to offer and can engage.

9 One particular chap, Bob Haley, who was a wonderful
10 outdoor man, rock climbing and that, and Robert had kids
11 round about him, he was telling them about things,
12 what -- some of the things he could do and you know for
13 me that was my man. He had a certain thing that drew
14 kids to him. That was a measure of it. Other things
15 like academic ability and all the rest of it, that we
16 could deal with later.

17 Q. I just want to ask you briefly about references. You
18 talk about that at paragraph 45. You say you think
19 there were:

20 '... one or two references where I knew the
21 referees. I would give them a telephone call and it
22 could be they would say, "You're getting a good one
23 there" and that would be obviously a good thing for you,
24 a good sign.'

25 Did you ever have anyone say 'don't touch this

1 person with a bargepole'?

2 A. Yes, yes. I've had that said. No, he's -- I think the
3 way it was almost crudely put was, 'We wanted shot of
4 him and he wanted shot of us', so it was a non-starter
5 quite frankly with that kind of thing.

6 Q. In that kind of case, what had the written reference
7 said?

8 A. Well, sad to say, sometimes we felt that the reference
9 was written favourably, in a view to hoping he would get
10 placed outwith their school. That's a reality we felt
11 on one or two occasions. But it's a small network, the
12 List D Schools, so heads knew from inside knowledge,
13 whether or not there was a possibility of (audio
14 interference).

15 Q. You go on then to talk a little about volunteers. You
16 say you did have volunteers?

17 A. Uh-huh.

18 Q. And you talk about a neighbour who was interested in
19 social work and she would come up to the school?

20 A. Uh-huh.

21 Q. How many volunteers would you typically have in the
22 school at any one time?

23 A. No more than one or two. It was just -- and in that
24 particular case, this was a neighbour of mine. She was
25 always interested in being a social worker and she --

1 modelled herself on what she was hearing from me. She
2 liked kids. She was good with youngsters (audio
3 interference) she became a social worker. I recommended
4 her to Jordanhill and she got the job after she did her
5 training. She didn't come back to Loaningdale, but that
6 was all. Volunteers -- we didn't have too many of them,
7 but from time to time --

8 Q. Were there male as well as female volunteers?

9 A. Both, both.

10 Q. You tell us there weren't the same training or vetting
11 checks for volunteers. How did you reassure yourself
12 that these were suitable people to be around children?

13 A. Well, a lot of them I knew just from the network.
14 I knew who I was speaking to at the end of the phone and
15 I knew why the person was wanting to move on . It might
16 be said that she liked the sound of Loaningdale, she
17 wanted to come and work there, she was moving from A to
18 B in her -- back with her family and she saw the job at
19 Loaningdale. I can't say I had any -- that experience
20 with Geilsland.

21 LADY SMITH: Bill, sorry to interrupt you, we were wondering
22 here about volunteers, you say there were one or two
23 volunteers from time to time at Loaningdale and that
24 there wasn't the same training or checks for them. But
25 what was done to satisfy yourself that the person who

1 wanted to volunteer was suitable to do so?

2 A. Well, I would generally do it on the basis of the person
3 coming to the school and spending time with us and just
4 getting to know the person and then of course there was
5 the network of workers and schools that they came from
6 or where they came from, and I would get a general
7 background, but I was always interested to know how they
8 related to the children when they were up for a visit,
9 if the children found that they were an easy person to
10 speak to, then that was always a prod in my direction
11 and if they had outdoor activities to offer, if they
12 were brilliant at football or good at whatever, they
13 could even be just indoor games.

14 LADY SMITH: Was that an area where the volunteers were most
15 valuable? When I say that, the outdoor activities the
16 extras, if you like? Is that what volunteers were best
17 for.

18 A. Yes, more than anything else. Whereas, you know,
19 students coming from universities and other places, they
20 had to be more structured in what they were doing and
21 coming in at a different level and having to account for
22 what they were doing and you got a better measure
23 with -- volunteers were generally one or two evenings in
24 the week, whereas the students you had with you and you
25 could measure ... mainly I was working with students,

1 looking at the response that the children were getting,
2 you know, the chemistry there was always important for
3 me.

4 LADY SMITH: Thank you, Bill.

5 MR SHELTON: Again, just taking this slightly out of order,
6 Bill, but if we look at page 11, paragraph 54, you are
7 talking there about supervision, first of all staff
8 supervision and I'll go back to that, but you say that
9 volunteers were supervised too. You had regular
10 volunteers and student placements:

11 '... and there were formal meetings two or three
12 times a week where we would look at what they'd been
13 doing.'

14 Was this part of what you described as the holding
15 them to account bit of it?

16 A. Yes. I would just -- holding them to account and just
17 gauging where they are in how they felt about the place
18 and whether they were enjoying it or whether they found
19 it a strain or whatever. It was -- I just thought
20 natural observation.

21 Q. You say just in the last sentence of that paragraph:
22 'I liked to see students take the initiative. Even
23 if they made mistakes because it tested out their
24 personal authority.'

25 First of all, what kind of mistakes might they make?

1 A. Well, they might make the mistakes of leaving the
2 billiard room to go and get caught up with something
3 that was happening in the gymnasium and then to come
4 back to the billiard room to find that there were two
5 kids fighting over something or other, and learning
6 that, you know, when you're supervising, you can't be in
7 two places at the one time. It's as basic as that.

8 And looking at how they managed to calm a child if
9 he was or she was being upset about something. Students
10 were good because they were neutral and youngsters would
11 seek them out just to share their worries.

12 Q. What kind of things would you be looking for in terms of
13 calming a child down?

14 A. Just ability -- just ability to talk to a child. This
15 ability to give the child space and time and not just
16 deal with it promptly and walk away and then follow it
17 through, like by bedtime making sure that maybe they
18 would go into the bedroom and sit with them on the bed
19 and let them unwind. It was just what I would just call
20 natural.

21 Q. Just going back a little and to ask you more or less the
22 same question about staff. You talk about staff
23 supervision and you say that the social care staff were
24 supervised both formally and informally and you did have
25 regular meetings where good practice was recognised and

1 weaknesses noted.

2 You talk about expectations being laid down, for
3 example about report writing. You would recognise if
4 there was good work being done or maybe if there was
5 a change of practice and needing to tighten up on
6 certain issues. Can you recall what sort of issues
7 sometimes had to be tightened up on?

8 A. Well, maybe just in how they expressed their views on
9 paper. Maybe rather than two or three short notes,
10 I would like just a little bit of expansion on why the
11 decision was taken. I just wanted a bit more
12 information that way.

13 I wanted to know where they were, if their personal
14 authority, because if you're going to be working with
15 young people you need to have that bit about you that
16 can hold your ground when you say something you mean it,
17 and students sometimes found that -- because lots of
18 students want to be ... almost be the friend of the
19 pupil and sometimes, you know, when they're asking
20 a child to behave in a certain manner and the child is
21 rude to them by telling them to 'F off' or something
22 like that, I would say, 'No, how do you deal with that?
23 Because it's your authority that they're challenging'.
24 And it is good if students have enough about themselves
25 to deal with it, like 'You don't speak to me like that'.

1 It wasn't a case of 'I'll report you to --' I liked
2 students if they could hold the line with the discipline
3 themselves.

4 Q. I was just going to ask you, Bill. How would you deal
5 with that sort of situation, how would you deal with it
6 if a child was telling you to F off for example?

7 A. Well, there is no singular approach to that. I mean,
8 I get so used to children using that word and that
9 phrase that it just brushes off me, but I very well
10 clearly say:

11 'Well, son, if that's how you're thinking about it,
12 that's not how I'm thinking about it, so you are going
13 to be in the house unit for the rest of the night. Now,
14 I know you're a keen footballer and we would like to
15 have you on the field, but you don't speak to me or
16 anyone else like that, so there's consequences and you
17 need to learn to control that.'

18 And that was it. To me it was common sense. You
19 held the line. You were the adult and -- but if you had
20 a relationship with the child that helped, because they
21 would often say, 'Sorry, Mr Whiteside, I just lost the
22 head', that would be the expression used.

23 Q. Thanks, Bill.

24 Just going back briefly to look at page 10. You are
25 talking about reviewing children and reviews with

1 parents. You tell us at paragraph 49 that there would
2 be full reports on children for weekly review writing.
3 Do we understand from that that there would be a weekly
4 written review of a child's progress?

5 A. Oh, yes, in the house units. They would look at how
6 a child performed during the week and sometimes that was
7 rewarded with an extra bit of pocket money or something
8 like that.

9 Q. You go on to talk about reviews of children with the
10 parents, if possible, I think.

11 A. Yes.

12 Q. At paragraph 51, I think you told me earlier on that
13 actually these reviews happened about once every four
14 weeks?

15 A. Four weeks, not six. That was something I wanted to
16 change, yes.

17 Q. Sure.

18 LADY SMITH: Thank you for that, Bill. We have noted it.

19 MR SHELDON: The reviews would involve a local social
20 worker, parents, member of house staff and occasionally
21 a teacher.

22 First of all, can I just ask you, was there contact
23 with local social work? Did local social workers
24 regularly visit the school?

25 A. That varied from organisation to organisation. Some

1 social work departments were very much part of the
2 placement of the child and they would visit the school
3 and we would obviously -- I certainly structured the
4 reviews that the parent should be there if possible so
5 that we're getting a picture of the child in his own
6 environment. The social worker, what liaison was there
7 between the home and the social work department. It
8 just made sense for me to have them together there and
9 parents in particular, I would often say, 'You've made
10 a long journey today, what is the uppermost thing in
11 your mind before we start this meeting?'

12 And parents appreciated that, because very often
13 apparently in other places they were just told to sit
14 down and listen to the review.

15 Q. Just in simple terms, Bill, what was the purpose of
16 these reviews? What were you trying to achieve through
17 them?

18 A. Well, the purpose was to measure progress, if there was,
19 to get a clearer picture of what's happening in the home
20 environment.

21 Q. Sorry to stop you for a moment, but do you mean academic
22 progress or progress personally as it were?

23 A. Both, because there was feed in all reviews of academic
24 and there was feed in from the social work and by having
25 the parent present at the review and giving their

1 priority at the start of the review, to get their -- you
2 know, their presence listened to and, you know, the
3 other thing, simple things like offering them
4 hospitality of tea and biscuits and whatnot, because
5 people have made a journey and just to make the families
6 feel at home. And by and large it worked quite well.

7 Q. Thank you.

8 Back to page 11, please, paragraph 56. You talk
9 about strategic planning and about discussions between
10 managers and headmaster in relation to I think various
11 issues.

12 You use the example of accepting girls into the
13 school. Can I just ask you about that, what was the
14 general feeling of staff about accepting girls into the
15 school?

16 A. Mixed reviews. Mixed feelings about it, because we had
17 always been just the lads and we were feeling our way
18 and we just wanted to know what was happening there. In
19 retrospect it might have been helpful if we had visited
20 some schools where girls were there, but we didn't. We
21 just took it as an extension of what was happening with
22 the lads. That we would feel our way with it. In
23 retrospect maybe there could have been more training
24 done there.

25 Q. You say at paragraph 57:

1 'The policy of the school was to treat each child
2 within an environment that was safe and secure, within
3 a stimulating and caring setting, where each child could
4 achieve confidence to return to their home and local
5 school.'

6 That was the basic policy. Can I just ask you then,
7 how did you go about or try to go about creating
8 an environment where children felt safe and secure?

9 Sorry, that was a big question I know.

10 A. That is the whole ethos of the school, was to bring
11 children in and just make them feel that they were being
12 listened to, that they were being cared for and
13 involving the family. I can't explain it any other way.

14 LADY SMITH: Bill, I can see that was what you hoped to
15 achieve and these were, if I may say, laudable hopes and
16 laudable aspirations. How did you go about trying to do
17 that? What steps did you take to try and achieve these
18 outcomes?

19 Take, for instance, your wish to make children feel
20 safe. Really good. Really important thing to hope you
21 achieve. What was it you were doing to work towards
22 that being the outcome?

23 A. Well, we'll take making the children feel safe. Now,
24 that was important that a child coming into the school
25 had a member of staff or in a unit where she was made to

1 feel comfortable, was listened to and that time was
2 taken to, shall we say, align her with another pupil who
3 we could trust and another pupil who was friendly and so
4 that the new one coming in had someone to talk to. And
5 always there the invitation for the young person coming
6 in if they had concerns they could speak to, you know,
7 people -- dare I say, like myself or their houseparent.

8 And I would make a point, as young people came in,
9 to ensure that how they were feeling, had they any
10 concerns and just in general caring.

11 LADY SMITH: How did you do that? Did you have an initial
12 meeting with them or what?

13 A. Yes. It was generally -- I had space where the child
14 could come in and sit in my office and we would talk
15 about things.

16 MR SHELTON: Bill, I think we'd be keen to know whether that
17 happened as soon as the child came to the school. Was
18 there, as it were, a welcome meeting with the child?

19 A. It happened, I have to say, over a period of time. We
20 were conscious of a new person coming to the school.
21 And I would speak to the house unit staff and ask how
22 was the child being placed, how was she settling in?
23 What were you doing about it? Has she any concerns
24 about her home? Does she know that she can contact her
25 mum or dad by phone if they've got a phone? Just

1 ensuring that she wasn't being overlooked and that she
2 was made to feel -- just made to feel comfortable.

3 Q. Would it really have been the house unit staff who would
4 be responsible initially for the child coming into the
5 school?

6 A. Oh, yes. The house unit staff, and I was fortunate most
7 of the time to have very good housekeeping staff and
8 they were good at that job.

9 LADY SMITH: Mr Sheldon, should we take a break now? Would
10 that work for you?

11 Bill, I normally take a break in the morning
12 evidence at about this time for about 15 minutes, so
13 everyone can get a breather and a cup of coffee or tea
14 or whatever. Would that be something you would find
15 helpful?

16 A. Yes, I would welcome that. Thank you.

17 LADY SMITH: Let's take a break now and we'll keep in touch
18 through the link and you can let me know when you feel
19 comfortable and ready to carry on.

20 A. Right. Thank you.

21 LADY SMITH: Thank you.

22 (11.29 am)

23 (A short break)

24 (11.51 am)

25 LADY SMITH: Bill, welcome back.

1 A. Thank you.

2 LADY SMITH: Is it all right if we carry on?

3 A. Yes.

4 LADY SMITH: Thank you.

5 Again, if you want another break, just say. I am

6 conscious of the amount we're asking you to handle in

7 terms of our questions and the time that we need to take

8 to go through your evidence, so speak up if you want

9 another break.

10 Mr Sheldon.

11 MR SHELTON: Thank you, my Lady.

12 Bill, before the break, we were looking at

13 page 12 -- or we were about to look at page 12 of your

14 statement. This is paragraph 60 and it's really just

15 a short point about police checks.

16 You talk about police checks being introduced in

17 about 1978 and I think you were told that all staff had

18 to be police checked?

19 A. Yes.

20 Q. What did you understand that meant?

21 A. Well, that there was nothing in the records that would

22 give us cause for concern, say child abuse, sexual

23 malpractice, anything at all that would send signals to

24 us that might be a risk.

25 Q. You talk about one particular member of staff,

1 HGK, who had been reported, you say, for being
2 heavy handed at an assessment centre in Edinburgh.
3 First of all, would that have been Liberton
4 Assessment Centre or Howdenhall?
5 A. Yes, I think it was Howdenhall actually.
6 Q. I think we know, but just to be clear, what do you mean
7 by 'heavy handed'?
8 A. I think, you know, that heavy handed would be grabbing
9 a youngster and just trailing him through the place or
10 just being overly assertive, to demonstrate that, look,
11 I'm the one in charge here, not you. And it's tragic,
12 but some people do behave -- I have to say, it's a bit
13 of the bully in them. But -- although, we didn't have
14 any experience of that in working with us. The report
15 came -- I can't recall how long he was with us when the
16 report came in and John, the headmaster at the time, and
17 I -- John said, 'Bill, look, HGK has got to go'
18 and he was out the school within an hour.
19 Q. All right.
20 You may not recall now, Bill, but do you recall
21 whether HGK had good references?
22 A. Well, this has often been asked, you know. And I'm not
23 sure we ever got -- we got the feeling that somehow or
24 other he got a reference, but it was a reference to get
25 rid of him.

1 Q. Right. So this is one of the examples that you were
2 talking about earlier?

3 A. Yes, uh-huh. That was the feeling we got. Both John
4 and I.

5 Q. At all events, you tell us he was out of the school
6 within an hour and that clearly the school wasn't going
7 to tolerate that. Can I just ask you -- again you may
8 not be able to answer this -- hypothetically what would
9 have happened if it had turned out to be a senior member
10 of staff, even for example the headmaster, I'm not for
11 a minute suggesting that he'd done anything in fact, but
12 hypothetically if it turned out that there was an issue
13 with the headmaster's background, what would have
14 happened?

15 A. Well, I think then it would be a case of the managers of
16 the school stepping in and making a decision. It would
17 be a very difficult decision for say the likes of his
18 deputy. I don't think that he could do anything.
19 I think if it was me I would have referred the matter to
20 the board and said: look, here's the situation that we
21 have. And we go by your decision.

22 And given --

23 LADY SMITH: Bill, sorry to interrupt. What if you were the
24 head, the information from the police checks came
25 directly to you, to the head, what in reality would have

1 happened?

2 A. Oh, sorry, can I ask you to take me through that again?

3 LADY SMITH: Let's use John Wilson as the example. We know

4 that in 1978 police checks began.

5 A. Yes.

6 LADY SMITH: Let's say police checks came in for everybody

7 in the school, for the first run of checks, to

8 John Wilson. And one of the names that came up as being

9 someone who had a problem in the past, they'd been heavy

10 handed with children, was John Wilson himself, what

11 then?

12 A. I honestly don't know. I think it would be with the

13 management it would have to go to, that sort of thing.

14 LADY SMITH: But somebody, John Wilson, would have to

15 selflessly perhaps volunteer to the managers that there

16 was this black mark in the records against him.

17 A. Yes. Very difficult situation. I'm not sure. I would

18 have thought that if word of the order came in, it would

19 have to be disclosed to the management and thereafter

20 for them to make the decision.

21 If it had been disclosed to myself, then I would

22 have had a duty just to refer it up to the management.

23 LADY SMITH: Of course. I can see that.

24 Mr Sheldon.

25 MR SHELDON: Thank you, my Lady.

1 Just one follow-up question to that, Bill. Just
2 thinking about the way information came into the school,
3 for example about police checks, would that information
4 have been available to all the senior staff or would it
5 have been channelled, as it were, through the
6 headmaster?

7 A. It would be channelled to the headmaster every time.

8 Yeah.

9 Q. Bill, just moving on a little bit more quickly now.

10 Briefly, page 13, please. You talk a little bit
11 about meal times and the food, which you say you thought
12 was pretty good. Can I just ask you this: did staff eat
13 the same food as the children?

14 A. Oh, yes, yes.

15 Q. We have heard some evidence about that, which is the
16 reason that I ask, but it's useful to confirm that.

17 Thank you.

18 You have talked a bit about bedtime arrangements and
19 the sleeping arrangements. Paragraph 69, though, you
20 say the night staff would come on at 10.00 pm, generally
21 two of them. They would overlap with care staff. You
22 would be on call for so many nights per week.

23 A. Sure.

24 Q. If there was a disturbance, you have told us this, you
25 would get the call and go up to deal with it. You say

1 that you could go for a month and not get called up and
2 another month where 'I'd be called up every second
3 night'.
4 A. Yeah, yes.
5 Q. Can you put your finger on any of the factors, any
6 factors, that might have been behind greater periods of
7 unrest?
8 A. I'm trying to think. I don't think there is any easy
9 answer. It would be -- it could be that at the time we
10 had one or two girls who were hell bent on just ignoring
11 the rules and not listening to the advice. It would be
12 unsettled for a while and then we'd finally get on top
13 of it. There's no -- I'm afraid there's no easy answer
14 to it.
15 Q. Just girls or boys too?
16 A. Mainly girls. Girls acted just at the drop of a hat.
17 They would be -- boyfriend trouble always caused unrest
18 with girls.
19 Q. Again, I'm taking this slightly out of order, but were
20 you aware of girls having not so much boy troubles as
21 troubles at home, that some girls may have been abused
22 at home?
23 A. I think there were individual girls who had problems
24 with mother's present partner, if I put it that way.
25 And, yes, that is something that was there fairly

1 regularly we would hear of upset at home. And that
2 lassie coming back into the school unhappy and maybe
3 little regard for what was happening in the school, she
4 was just hell bent on expressing her anger.

5 Q. Did the school take any particular measures to help or
6 to deal with girls in that situation?

7 A. Other than letting the local social worker know what was
8 happening and by and large it was over to the social
9 worker and the community working with the home to
10 address that. And if need be, to have a joint meeting
11 with the school. That happened maybe once or twice in
12 my lifetime there, but it was mainly over to the social
13 worker.

14 Q. When these meetings happened, what was the school being
15 asked to do, if anything, by the social workers?

16 A. I don't recall being asked to do anything special than
17 what we were doing in providing a caring environment
18 and, you know, making the pupil, the person, making them
19 feel comfortable and giving her support.

20 Q. Moving on then, Bill, paragraph 71, page 14. You are
21 talking in these two paragraphs about showering
22 arrangements.

23 Sorry, can I ask you first of all, were there
24 separate shower cubicles or were the showers communal?

25 A. No, the shower room had -- I think it was three

1 partition sections and there were two shower heads in
2 each section, so you would get a couple of lads having
3 a shower in one section and a couple of lads in another,
4 but there was none that were completely private.

5 Q. You tell us in the next paragraph that staff always
6 monitored showers. How would that be done in practice?

7 A. Oh, no, I think that was a recognition that if you put
8 a bunch of lads into the shower room and there's one or
9 two bullying kids, they can make life hell for the less
10 able to defend kid. And it was a case of having staff
11 there just to see that nobody -- because shower rooms
12 can be a teasing, taunting place and, you know,
13 certainly for the bully in the crowd, it can make
14 a younger person's life pretty miserable. No, it was
15 fairly important to have staff supporting.

16 Q. Would the staff actually go into the showers?

17 A. They would stand at the shower space, you know. The
18 shower space was available. You walk in and there was
19 the cubicles there, as it were, but they were open.
20 They weren't closed cubicles. And the staff had a view
21 of what was happening and, you know, a relatively small
22 area, say 15 feet by 20 feet or something like that.

23 Q. Did boys ever -- well, children generally, did any of
24 the children comment on that or object to it?

25 A. No, not that I recall, no. It was just -- I might hear

1 if somebody was being a bully, but then it was up to the
2 staff that was supervising just to bring that to a stop
3 immediately.

4 Q. Moving on again then, please, page 15, you talk at the
5 foot of that page about schooling. You talk about the
6 school assembly and the school timetable. Children were
7 sometimes taken out of class to go on trips, but you say
8 that you tried to balance that out between kids.

9 A. Mm-hmm.

10 Q. And children would have to write up their experiences of
11 the trip.

12 A. Oh, yes.

13 Q. Over the page, you say at paragraph 80:

14 'We had a very good English teacher. I'm not sure
15 they followed the National Curriculum but I'm aware the
16 children sat exams set by their teachers, it wasn't
17 Standard Grades or anything like that.'

18 Should we understand from that that children at
19 Loaningdale didn't sit external exams, like O-Levels as
20 it perhaps would have been then?

21 A. No, I don't recall children sitting the likes of
22 O-Grades, no.

23 Q. Do you know why that was?

24 A. I don't know. I don't know why that was.

25 LADY SMITH: Bill, could it have been to do with the age

1 group? Could it be that they were finishing at
2 Loaningdale before the year in which they would have
3 done a Standard Grade exam?

4 A. Yes, that could well be it. But because there was good
5 liaison with the schools and so they -- we felt that
6 although they weren't sitting the formal exam there,
7 there was a good deal of preparation, but I have to say
8 that maybe there was a wider offer to children to say
9 write up on a trip out, you know, but that would be part
10 of the English exercise, to express themselves in
11 writing of their day out. It was just an extension of
12 the day out, as a learning issue.

13 Q. You have told us, Bill, that children would be at
14 Loaningdale until they were 15?

15 A. Yes, generally, 15.

16 Q. Would that essentially be until their 16th birthday?

17 A. No, birthdays rarely came into it. No. It would be
18 generally 15 years of age the age group that we had.
19 Initially I think there was one or two younger ones.
20 Girls came to us later on in the school.

21 Q. Thank you.

22 At page 17, you talk about inspections. You say
23 that inspectors did come to the school about once
24 a year, you think?

25 A. Yes.

1 Q. Were these inspectors from the Social Work Services
2 Group, from --
3 A. No, they were from the education group.
4 Q. Right, SED?
5 A. Yeah. That's --
6 Q. You say that the inspector would spend the whole day at
7 the school?
8 A. Yeah.
9 Q. And, paragraph 89, that inspectors would speak to some
10 of the children alone, but not many?
11 A. Mm-hmm.
12 Q. How many children do you think the inspectors would have
13 spoken to during a visit?
14 A. I don't know. I think three or four at the most. You
15 would get alongside a child and ask him how he was
16 getting on at school and then, as I say, the child would
17 maybe -- when -- when it was identified that he was
18 speaking to an inspector, we'd say, 'Why don't you take
19 inspector in for lunch and that way you can get to know
20 him, both of you can get to know each other better', and
21 on the whole that worked quite well.
22 Q. Did inspectors ever speak to children in private, as it
23 were?
24 A. Not to my knowledge. Not to my knowledge. They may
25 well have singled out a lad from the crowd and then

1 walked, say, from the main unit over to the dining room,
2 with that particular lad, but there was no sitting in
3 a closed room asking questions, not to my knowledge.

4 Q. All right. Thank you.

5 You say at the foot of that page that you don't
6 recall ever seeing any written feedback from
7 an inspector, but over the page you say that your first
8 headmaster, John Wilson, would immediately share
9 everything with you.

10 Do you mean things that the inspector had told the
11 headmaster?

12 A. Yes.

13 Q. What kind of things would they say?

14 A. It would be just: look, I've enjoyed my day in the
15 school and we would talk about certain things that's
16 happening in the various departments and would say he's
17 quite pleased or, 'I note, however, that listening to
18 the English teacher, that there hasn't been any, say,
19 exams to see where children were with their learning'
20 and are there other areas where we could be giving
21 pieces of set work to do in the joinery department to
22 see -- record a person's skills. It was noted in
23 general that the children enjoyed what they were doing
24 and they got to take home what they were making or
25 sometimes they would make something for a member of

1 staff who would pay something for the effort.

2 Q. Was the feedback almost always just about schoolwork,
3 about lessons rather than care issues?

4 A. It was about the lessons. They liked the dining room
5 experience, because they felt that they were welcomed in
6 and it was good to sit at a table and have a chat with
7 the other four or five children that were there.

8 Q. Thank you.

9 Moving on, again, to paragraph 91. You talk about
10 the complaints process:

11 'If a child or parent had an issue or wanted to make
12 a complaint they would go to their social work
13 department. If it was a really serious matter they
14 could call in the deputy or director of social work.'

15 What kind of really serious issue do you have in
16 mind there, Bill?

17 A. Let me see. I am afraid I can't recall the specific
18 incident there.

19 You would get youngsters saying that they didn't
20 like a particular punishment for say being denied --
21 taking it at their level, being denied a game of
22 football because of maybe what they saw as a trifling
23 issue. So they would complain about that.

24 I don't recall any serious issue of staff being
25 bullying or unfair. Maybe they would moan a little at

1 being fined for some breakage and that was something,
2 you know.

3 I think I say somewhere else in it that a child
4 breaking the window, I would say, 'Well, look, son, the
5 window's got to be paid for. You broke it. You've got
6 to help to pay for it', and a lot of moans about that,
7 but by and large they accepted, okay, fair enough,
8 I'll pay something. It was a token amount. We didn't
9 deny his total pocket money. It was just something that
10 registered, don't do that again.

11 Q. Just one other thing on that page, Bill, paragraph 93,
12 you are talking about logbooks and you mention the house
13 logbook or if there was a very serious matter arising
14 you are sure that there would be an entry in the
15 manager's logbook, so two different sets of logs, is
16 that right?

17 A. Yes, uh-huh. The manager's logbook would be very, very
18 rarely, but it would be entered if there was --
19 I'm trying to think of an example. I think where
20 a child was being bullied or abused by another pupil
21 that would be recorded, so that we were keeping an eye
22 on it.

23 Q. When you talk about managers in that passage, are you
24 talking about the managers of the school as it were, the
25 trustees, or are you talking about senior staff?

1 A. No, no, we're talking about both actually, yes. If
2 there was a serious issue, Lady Morton in particular
3 always wanted to know how it was being dealt with.
4 Q. Would that kind of thing also go in the house logbook,
5 staff would enter that?
6 A. Oh, yes, it would.
7 Q. Thank you.
8 Moving on then. At page 19, you start to talk about
9 restraint and we have talked about that already. So
10 I'll move on.
11 A. That would be four weekly reviews, 96 at the top of the
12 page there.
13 LADY SMITH: Right, again.
14 A. That would be four weekly reviews.
15 LADY SMITH: That's the same correction as you gave us
16 before, Bill?
17 A. Yes, yes.
18 LADY SMITH: Thank you.
19 MR SHELTON: Thank you.
20 At page 20, at the foot, you start to talk about
21 discipline and punishment. You mention the
22 community-based thinking of A.S. Neill, that the
23 children should have a guided say in the running of the
24 school and over the page, you talk about the children's
25 court?

1 A. Yes.

2 Q. Can you tell us about the children's court, please?

3 A. Right, well, the children's court was an extension of

4 the A.S. Neill thinking, that this is where the

5 youngsters of the school could have a say in the running

6 of it. And there was children appointed by their

7 pupils -- by their colleagues, to be the chair of the

8 meeting and the sentence makers and it was -- it worked

9 quite well, because the young people were accountable to

10 their fellow colleagues to -- for their behaviour. And

11 I know at times you would get the bullies saying, 'You

12 put me on a charge and I'll get you after', all that

13 happened, but on the whole it worked well. The children

14 were feeling that they were having a say in running the

15 place.

16 Q. Would this be overseen by a staff member?

17 A. Oh, all the time. Staff were sat in on the court

18 meetings, yes.

19 Q. Did they ever intervene?

20 A. Occasionally where it was felt that something was coming

21 up that we would look into. Maybe speak to a bully in

22 particular after the meeting or follow through something

23 else.

24 Q. You tell us that the court handed out fines, chores or

25 confinement, so for example stopping a boy from going

1 out and taking part in a football match.

2 A. Yes.

3 Q. Was that as far as the sanctions went?

4 A. Yes, by and large. That was -- the maximum that we give

5 to the pupils and, you know, any more serious matters

6 would be dealt with by staff.

7 Q. You say at paragraph 111:

8 'The children's court punishments were the same

9 punishments the staff would give out, except at a much

10 lower level.'

11 A. Yes.

12 Q. You do talk in that paragraph about extreme bullying,

13 where the staff would move in. What do you have in mind

14 about extreme bullying?

15 A. Extreme bullying would be if there was a member of the

16 room that children were living in or the house unit,

17 just someone that is maybe literally hitting other

18 children, just to -- you know to say, look I'm boss in

19 here, nobody tells me what to do, and just bullying that

20 goes on in all schools, dare I say.

21 Q. If it went beyond just being nasty to someone, as it

22 were, that's when staff would step in, is that a fair

23 way of putting it?

24 A. Yes, very much so.

25 Q. Taking this short, on page 22, you say, paragraph 116:

1 'We never used physical punishment.'

2 A. No.

3 Q. By that do you have in mind, for example, the use of the

4 belt, such as you'd seen at Geilsland?

5 A. Oh, no. They just didn't. This didn't enter into it at

6 all. Physical punishment was a non-starter.

7 Q. What would you have done if you knew that staff was

8 using physical punishments?

9 A. Well, there would be -- depending on how serious it was,

10 there might be instant dismissal, but it was so clear,

11 look, nobody in here strikes a pupil or -- so it was

12 just no way.

13 Q. Were you aware of any staff using slapping or

14 backhanders or whatever?

15 A. Not really, no. I'm not aware -- I'm aware of different

16 staff would be maybe giving a kid a good bawling out and

17 maybe direct him out of a classroom if he was making

18 life difficult for people in there or calling the likes

19 of myself to come over and take the child to the house

20 unit, away from others, but, no, physical punishment was

21 never an issue, that I was aware of.

22 Q. Do you recall an incident, Bill, when GYF

23 offered to resign because he had been provoked, he said,

24 into hitting a child?

25 A. No.

1 Q. We heard some evidence that there was an incident where
2 GYF [REDACTED] had been provoked and had hit a child,
3 given him a backhander, and had offered to resign
4 because he felt bad about it.

5 A. I'm surprised that I haven't heard about that, because
6 GYF [REDACTED] generally -- and I got on fairly well and what
7 year was that? Was I in the school at the time. I was
8 at Jordanhill for two years. It may have happened in
9 that time.

10 Q. Right.

11 A. I honestly don't recall.

12 Q. Certainly the account suggests that it was an isolated
13 incident and so far as you were concerned, was
14 GYF [REDACTED] someone that you thought was capable of
15 violence?

16 A. No, GYF [REDACTED] by and large was a very, very relaxed
17 individual and that surprises me and I would be
18 interested to know what year it took place.

19 Q. I'm not sure that we had a specific year.

20 I just want to take you to a document briefly,
21 SGV-000103006.

22 Bill, I think you may have a hard copy of that in
23 front of you or it should ...

24 Later in your statement you talk about -- it is
25 actually GYF [REDACTED] I think who mentioned a book that

1 had been written about Loaningdale?

2 A. Yes, I heard about that just recently.

3 Q. This is an extract from what I think is the book that

4 you're talking about, it was a study by a woman called

5 Paquita McMichael who spent some time at Loaningdale in

6 1971 and interviewed boys and former pupils.

7 The purpose of it was to try to find out whether

8 Loaningdale was more successful in stopping

9 re-offending. It wasn't specifically aimed at any

10 issues of abuse.

11 But I just want to take you to a passage at page 21

12 of the extract, the hard copy is terribly small text.

13 We see there is a heading halfway down the page 'Staff

14 attitudes disturbing to the boys' and it seems that in

15 the course of interviews Ms McMichael was trying to find

16 out why boys chose certain members of staff to confide

17 in and not others and one of the children that she spoke

18 to has clearly said, this is the first quotation in that

19 section:

20 'You feel he would hit you if someone gave him

21 cheek. You don't feel he's really interested in you.'

22 In fairness to you, Bill, this would have been

23 before your time and maybe --

24 A. Yes, I'm just aware of that, yes.

25 Q. Does that sound like any member of staff that you knew

1 at Loaningdale?

2 A. Not in my time in the school. I can't -- I'm reading
3 that with disbelief.

4 Q. Of course, it doesn't say he would hit you, he did hit
5 you. It just says:

6 'You feel he would hit you.'

7 So it's not clear whether this is actually a report
8 of being hit or whether it's just a feeling that a child
9 had got from a member of staff. That's something that
10 you don't recognise from your time at Loaningdale?

11 A. No, I'm aware that people like our gardening instructor,
12 HHX, I forget his name now, would give a good old
13 bawling out to a kid, you know and yes he used the
14 expletives and whatnot and I had to work with HHX on
15 that, but never physically belting a kid or even taking
16 him by the scruff of the neck and taking him out of the
17 scene, no. But my, word, yeah, I'm reading that with
18 concern about -- but it was before I came to the school.

19 Q. Just the last quotation on that page, a child has said,
20 and again it's a shame we don't have more context, Bill
21 but this child has said:

22 'He was too rough and would carry on until he was
23 really hurting you and he loved to shout and bawl at you
24 in front of the rest of the staff.'

25 A. My gosh.

1 Q. Again, that is something that a child is reporting. You
2 have said that the gardener might have shouted and
3 bawled?

4 A. Yes, that was his style, you know. He was like --
5 I think he came from farming stock and he -- I mean he
6 was an ex-army guy and he wanted kids to know that he
7 was in charge, but he never, to my knowledge, hit
8 anybody. And I liked him in that he was good at coming
9 and telling me of a piece of work that young people did
10 and showing me the result of it. And the kid feeling
11 proud that he was being praised, but that clashed
12 a little with his style.

13 Q. I think in fairness, Bill, and for balance, if we can
14 just look please at page 13 of this extract, this is
15 a section on staff and boy relationships and there is
16 a passage, it's the fourth paragraph down:

17 'The headmaster has described the school's welcome
18 ...'

19 The author quotes the headmaster saying:

20 'Boys remember very clearly their reception in the
21 school. Their apprehension as they come from court or
22 remand home lays them open to impression and it is vital
23 that these first impressions convey warmth and
24 acceptance as an individual. They must feel that
25 they've not come to a prison but to a place of help ...'

1 A. Uh-huh.

2 Q. '... a refuge.'

3 Does that sound like something the headmaster would

4 have -- this would have been John Wilson -- said?

5 A. Very much so. John would make -- try and make the child

6 feel, look, the past is past, let's look at what we have

7 to offer here.

8 Q. Over the page, page 14 and it's about halfway down the

9 page, Bill, there's various quotes from children and the

10 author sums these up as saying:

11 'That a warm atmosphere is established immediately

12 is very evident from these comments. That the staff

13 were perceived almost entirety in a nurturant [her

14 words] capacity appears in the following remarks. It's

15 not possible without experimental conditions to test

16 whether boys took staff behaviour for imitation. It is

17 only possible to establish that the conditions for

18 imitative and modelling behaviour existed.'

19 Again, is that something you would agree with about

20 the school, that a warm atmosphere is established or was

21 established from the outset?

22 A. Oh, I would agree, yes.

23 Q. Thank you. We'll leave that now and go back to your

24 statement at page 22.

25 You have told us about the incident where the girls

1 ran off to the town.

2 On page 23 the boy, who you name, who had a chisel

3 and you had to disarm him literally?

4 A. Wee [REDACTED], yeah.

5 Q. Page 24, please. You talk about local police and you

6 say that -- I'm summarising really -- you had a fairly

7 informal relationship with the police and indeed you

8 knew some of the local police. You had a very good

9 relationship with the local sergeant. You talk about

10 running away, about pupils running away and sometimes

11 being brought back by the police?

12 A. Mm-hmm.

13 Q. Did children ever complain about the treatment they

14 received from the police?

15 A. No, I don't think so. I think they just accepted their

16 lot, that they were caught and brought back. They would

17 be told if they were being cheeky to the police the

18 police would, you know, verbally take them down and make

19 it well clear that they wouldn't tolerate it, but

20 I haven't heard of a kid coming in and saying 'The

21 police hit me', that was ...

22 Q. Page 25, still talking about running away and you say at

23 paragraph 130 that you would always explore with the

24 children why they were running away. It might be

25 an obvious question, Bill, but why would do you that?

1 A. Can I ask you to repeat that?

2 Q. It's paragraph 130. You say there:

3 'I would always explore with the children why they

4 were running away.'

5 As I say it's perhaps an obvious question, but why

6 would you do that?

7 A. Well, I just wanted to know what was behind it, why was

8 the kid feeling that they had to go and you'll see here

9 that they would often tell me they were worried about

10 what was happening at home or that they were being

11 bullied, or that they didn't like being confined to the

12 school, if they were doing the bullying themselves. For

13 some it was a challenge to prove to their mates that

14 they could survive away from the school. Any issues of

15 concern raised by the children I would ensure were

16 addressed by myself and senior members.

17 Yes, some youngsters felt the only way I'm going to

18 be accepted here is if I show, look, I can run away from

19 this place and survive. But -- I tell in 129 about

20 [REDACTED], the bright cookie, aye. He proved to me

21 that I was wrong. This three-day record that you've

22 got, a postcard from --

23 Q. He was a particularly resourceful lad?

24 A. Resourceful lad indeed. He kept in touch with me for

25 many years afterwards.

1 Q. Did he ever come back to the school after he ran away?

2 A. Oh, yes. He -- well, he was generally brought back to

3 the school by myself from London, from Liverpool, from

4 places like that. He was quite a bright cookie, he

5 really was.

6 Q. Going back to the reasons why children were running

7 away. Did children ever raise concerns about members of

8 staff, when you asked them about that?

9 A. No, by and large it was they were running away -- they

10 were running away from other kids, because they might --

11 you know, there might have been bullying going on that

12 staff were not seeing, and -- but -- and sometimes it

13 was a bet that was laid down, look, I can run away and

14 I won't get caught, et cetera, et cetera. The numbers

15 of reasons for running away varied enormously.

16 Q. You say towards the foot of that page, paragraph 132,

17 that you did prepare children for leaving the school.

18 How did you go about doing that?

19 A. Well, we would give sometimes -- extend their home leave

20 for an extra day at weekends, just to see that they're

21 managing the behaviour side. We would introduce them to

22 the -- back to the school that he was ... we would

23 introduce them to the school that he was going back to

24 and give him support that way. And we would liaise with

25 the local social worker, just to ensure that things were

1 as good as they could be in the family home.

2 Q. Was the idea, Bill, then that the social worker would

3 monitor the child's progress after they left the school?

4 A. Yes, oh, yes, that was the expectation.

5 Q. Page 26, you move on to talk about awareness of abuse at

6 Loaningdale School.

7 You say it was just generally accepted that we knew

8 what abuse was and we didn't see it happening within the

9 school. Was there ever any guidance from local

10 authorities, from SED, about abuse, about what it was,

11 about how you might recognise it?

12 A. No, I have to say there was none that I was aware of.

13 Q. You say that you knew abuse would be inappropriate touch

14 to either boys or girls but you can't recall anything of

15 that nature. That wasn't something that arose so far as

16 you knew at the school, during your time there?

17 A. No, I wasn't aware of that, because I know that

18 John Wilson, in particular, if he had heard anything of

19 it he would be -- he would address it immediately.

20 Q. Paragraph 140, over the page, Bill, you say:

21 'I never saw any behaviour in Loaningdale that

22 I would consider abusive and I would think that any such

23 abusive behaviour would have come to light.'

24 Why do you say that?

25 A. Well, it's a small community, within the school I'm

1 talking about, a small community, and I had staff that
2 that I was on a very friendly basis because we would be,
3 you know, rock climbing together, canoeing and that,
4 staff would tell me if there was something going on.
5 I'm quite sure they would say, 'Listen, Bill, this is
6 what is happening', so I wasn't aware of anybody raising
7 an issue of real concern.

8 And the other thing to that youngsters, if -- when
9 you work in an establishment for a long time and you
10 have rapport with the young people, they will seek you
11 out. They know who to talk to and I could rely on them
12 to keep me posted.

13 Q. You also say towards the end of that paragraph,
14 paragraph 140:

15 'Simply because I was head of the living department
16 I had a relationship with the kids and felt they could
17 come and speak to me about most things.

18 I suppose there are always vulnerabilities when only
19 one member of staff was working at one time.'

20 First of all, did that happen to your knowledge,
21 that staff would be working one to one with children?

22 A. Occasionally, yes, it would happen, yeah.

23 Q. Would that include children going to staff living
24 accommodation?

25 A. No -- staff -- children going to staff living

1 accommodation, I found out after the school closed, that
2 GYF [REDACTED], that a boy, he had ... either the boy
3 took to GYF [REDACTED] as someone that he could see as his
4 friend, but GYF [REDACTED] must have at some time -- no, I think
5 what happened the boy came back from Glasgow and visited
6 GYF [REDACTED] at his own home in the town, but I discouraged any
7 children going into staff homes at the school area,
8 because I said, 'Don't leave yourself open to any
9 likelihood of being accused'.

10 Q. You were clearly conscious there was a possibility that
11 an accusation might be made, what --

12 A. Yes.

13 Q. -- would you have said to a member of staff if you knew
14 that children were going into their accommodation? How
15 would you deal with that?

16 A. Well, very quickly I would deal with it by saying:
17 right, stop. I don't want that to continue. You are
18 leaving yourself wide open to criticism and it's not the
19 policy of the school and you know where I stand on that
20 and make it very clear and staff by and large took that.

21 It wasn't -- it certainly wasn't a general practice
22 that kids went in to -- when I was outwith the school at
23 Jordanhill, you know, I was aware that occasionally kids
24 were invited in to do weightlifting or something like
25 that, but when I came back I told John and John agreed

1 with me: Bill, it stops.

2 Q. Can you recall who it was that was doing things like
3 weightlifting in their own accommodation?

4 A. GYF [REDACTED] was one. I think GYF [REDACTED] was the only one
5 who did the weightlifting. He did most of it in the
6 gym, but occasionally he would have an apparatus in the
7 home and he was [REDACTED].

8 Q. You mentioned a moment ago school policy. Was there
9 a policy about that sort of thing, about children going
10 into staff accommodation?

11 A. There wasn't a written policy. It was common sense
12 policy from people like myself saying you don't, you
13 leave yourself wide open, don't do that. And all
14 headmasters that I've worked with fully agreed with me.

15 LADY SMITH: Bill, I can understand why, to your mind, that
16 was obviously sensible policy. How would other members
17 of staff have known that was school policy? How would
18 they have known?

19 A. Well, it's a difficult one. They would know that at
20 staff meeting, or at house meetings more than staff
21 meetings, they would know my view, you don't -- by the
22 way, you know, if the idea of children going into staff
23 units leaves staff wide open so we don't do that sort of
24 thing. That's the only way it would come over.

25 LADY SMITH: It would depend on an issue about a child being

1 in the house of a member of staff cropping up at
2 a meeting?

3 A. Yes, it might have. I can't recall. We're going back
4 so long now.

5 LADY SMITH: Let me put it a different way. I don't think
6 you're telling me that you would have made a point of
7 ensuring that regularly at meetings you reminded staff
8 about that?

9 A. No, it came up sort of rarely, you know, I'm looking
10 back over the years and thinking, no, I remember saying
11 look, folks, don't start taking kids into -- some member
12 of staff might do it out of friendliness, you know.
13 And -- but, you know, it was too risky.

14 MR SHELTON: If I can ask you a little more about
15 GYF .

16 You talk about this a bit more, on page 29 --
17 I'll go back, my Lady, to ask Bill about records -- you
18 talk about an incident where police officers came to
19 speak to you about an accusation that had been made?

20 A. Yes.

21 Q. You say at paragraph 154 that it was a child who had
22 befriended a member of staff after the school had closed
23 down and the child had called into the member of staff's
24 house.

25 Was your understanding that the complaint arose

1 after the school closed or did it relate to a period
2 when the school was running?

3 A. No, this was after the school closed. I was working as
4 a social worker at Loanhead at the time and it was some
5 years after. It wasn't -- I don't know -- I don't know
6 how many years after that this lad called at GYF's
7 house.

8 I had kind of lost touch, because I'm now working at
9 the local authority and GYF, although he lived
10 relatively nearby, I rarely saw him. So I wasn't aware
11 of what's happening and it was a long time afterwards
12 that I heard that this particular lad had called and
13 just the other day I heard that GYF -- now,
14 I am trying to think where the information came from,
15 but the boy stole something from GYF, from his house,
16 and GYF charged him with the theft and whether there
17 was further visits, I don't know, but, yes, the story
18 gathers the more I hear it of something was amiss there.

19 But GYF sadly took his own life.

20 Q. What else can you tell us about GYF, Bill?

21 First of all, what did he look like?

22 A. He was physically -- six foot tall, usual pretty good
23 build. There was nothing effeminate in his presence at
24 all. He was very much a man's man, as far as doing the
25 practical physical things.

1 He was a very pleasant individual. Very sociable.
2 He was involved in all sort of things in the community,
3 to do with the theatre and the workshops that were in
4 the town. Bowling et cetera. I liked GYF. GYF was
5 a very, very caring individual. He was good with
6 children who were sad and he would spend time with them.
7 Q. How did he dress, Bill?
8 A. He was a fairly macho guy. He had jeans and there was
9 nothing about him that pointed to being effeminate in
10 any way.
11 Q. We have heard other evidence, Bill, that GYF would
12 sometimes take children on holiday during the school
13 holidays with another member of staff or another person
14 called Shona. Do you --
15 A. Shona Reid, yes.
16 Q. -- remember anything about that?
17 A. No, I think I heard about it, but it was when I was at
18 Jordanhill, those two years I was out the school, that
19 I heard it.
20 Q. Did that practice continue so far as you knew or did it
21 stop?
22 A. No. That was a one-off. I heard about it long after
23 I came back to the school. But there was a bit of slack
24 for the two years I was out of the school, where that
25 sort of things happened without being checked as

1 regularly as it might be.

2 Q. You note that, paragraph 154, the police came to tell

3 you that no records could be found --

4 A. Yes.

5 Q. You say you found that hard to believe. Why did you

6 find it hard to believe that there were no records,

7 Bill?

8 A. Well, I would have thought that when the school closed

9 the records that we kept in our filing system would be

10 transferred to the respective social work departments of

11 the children, because the premises were closing, it was

12 no longer going to be anything to do with social work,

13 and I was surprised when the police said that they

14 wanted to check something. I asked them to check with

15 the social work departments and they said, believe it or

16 not, no records of Loaningdale -- I just found it hard

17 to believe.

18 Q. You have told us that you did keep logbooks, there were

19 house logbooks and manager's logbooks. Where were those

20 physically kept, were there filing cabinets or something

21 like that?

22 A. Yes, they were kept in a filing cabinet in the

23 headmaster's room, especially the logbooks to do with

24 the managers, all of that.

25 Q. Were you involved in the process of closing the school,

1 the decommissioning of the school, if you like, or had
2 you left by the time everything was taken away?

3 A. I had left just before the final closure. I have no
4 idea what happened -- I just assumed that when the place
5 closed that filing cabinets, et cetera, et cetera, would
6 have been transferred and it was later when I heard from
7 managers that they were unclear what happened to them.

8 Q. On the home straight, Bill.

9 At page 30 you are talking about helping the Inquiry
10 and you tell us about a number of different members of
11 staff. You talk about first of all HIA .

12 I think we know he was the techy teacher?

13 A. Was he?

14 Q. Is that right?

15 A. Yes, that's him, yes, HIA .

16 Q. The metalwork teacher and you say that he was a little
17 bit fiery?

18 A. Mm-hmm.

19 Q. But you say at the end of that paragraph:

20 'There was nothing in HIA 's behaviour that gave me
21 any cause for concern, either at the time or since.'

22 A. Well, that's true, because in real life there will be
23 employers who will shout and demand and HIA was like
24 that. He would yell at kids at times, but the balance
25 and it's always the balance that I look for, the balance

1 is that when a child made something, HIA would make
2 a point of bringing me in, showing me when the child was
3 there and saying, 'Look, here's someone that's good at
4 this and good and that' and I mean he had them making
5 tent pegs for my tent and all that, and youngsters
6 really enjoyed that, being the makers of something that
7 was their own creation.

8 Q. We have heard that Mr HIA would sometimes strike
9 children over the knuckles with a metal ruler. Did you
10 hear anything about that?

11 A. Well, I heard about it afterwards, but I never ever
12 heard a youngster complain to me and the youngsters knew
13 that if they told me something I would do something
14 about it, but I've never heard from a youngster that
15 that happened.

16 LADY SMITH: Just for completeness, Bill, am I to take it
17 you never saw it happening?

18 A. Yes.

19 LADY SMITH: Thank you.

20 MR SHELTON: Bill, you go on then to talk about the
21 gardener, HHX and you have spoken a little
22 about him.

23 A. Mm-hmm.

24 Q. You mention that you found out he had a gun --

25 A. Yes.

1 Q. -- and I think you were a bit concerned about it and
2 asked him to get rid of it?

3 A. Oh, aye, immediately when I heard that he had the gun.
4 I was straight up to his department and said, 'HHX',
5 take that gun and I don't want to see it in school
6 again'. He was one of these country lads that rabbit
7 shooting was a way of life for him, you know. And he
8 wanted -- and he was an army man -- to prove to the
9 kids, watch me, I'm a good shot. The kids were drawn to
10 that like a magnet. But, no, HHX was okay. He sadly
11 has passed away.

12 Q. You talk then about HGK, you have mentioned him
13 before.

14 And LUJ, who I think was the last headmaster
15 before the school closed?

16 A. Yes, yes, I'm surprised that his name comes -- was --

17 Q. In fairness, you say you didn't have any concerns about
18 him?

19 A. No, he was a lovely guy. I -- LUJ and I got on.

20 Q. You go on to say a little more about GYF and
21 of course we have discussed him quite a bit already, but
22 can I just ask one other thing about GYF and
23 it is that towards the foot of page 31, paragraph 163.
24 You say, fourth line from the bottom:
25 'GYF was a comforting individual for kids, who

1 would go and speak to him and maybe the lad [this is the
2 person we have discussed] kept in contact with him.'

3 Just to ask you, was GYF one of the
4 members of staff that you felt had a good rapport with
5 children?

6 A. Yes. He was, he was a very comforting fellow. He
7 really was. He was good. He would take the time to sit
8 down with the chap, and the same with girls. He was
9 someone that the young people felt comfortable with.

10 Q. You talk then, page 32, about leaving Loaningdale and
11 the school closed. I think you have mentioned this
12 briefly already, Bill, but would it be fair to say that
13 discipline started to become ...

14 (Pause)

15 I was just asking you, Bill, whether it would be
16 fair to say that discipline became more of a problem,
17 more of an issue, towards the end of Loaningdale's time?

18 A. Yes, yes. It was, because as I said, Strathclyde had
19 flooded the school with very delinquent, very difficult
20 young people, who thought nothing of breaking windows,
21 who thought nothing of causing mayhem if they could, and
22 Loaningdale staff were not geared -- they weren't best
23 geared for that kind of behaviour.

24 Q. Did that have anything to do with the decision to close
25 the school?

1 A. No, I think the thing that closed the school was
2 Strathclyde's lack of finance, because apparently it was
3 a very costly business to keep a child in a List D
4 School as they called them.

5 Q. Of course Loaningdale was really quite a small school as
6 these places went?

7 A. Yes.

8 Q. At the end, how many pupils would you have had? I think
9 it was originally meant to be for 40 pupils?

10 A. Yes, that latterly was probably 30 and then that went
11 down to about 25.

12 Q. Thank you.

13 You say towards the foot of the page that you feel
14 a bit guilty that there's not more evidence of recording
15 decisions?

16 A. Yes.

17 Q. You felt there should be some more formal recording.
18 Can you just elaborate for us a little bit on that?

19 A. Well, it's always great to be wise after the event, but
20 it's only in situations like this, where people are
21 looking back at what your practice has been and it's
22 been questioned and, you know, there is a bit of me
23 saying, 'I wish to God I had a better recording system
24 of house units that then was collated and, you know,
25 part of the main records kept in the school', but

1 I'm not aware of that happening.

2 Whilst I was content to read in journals that the
3 house was well run and that children on the whole were
4 happy or there was maybe the odd incident that was dealt
5 with satisfactorily, that sort of thing, but, you know,
6 I just wish that maybe a little bit more detail could
7 have been added to house journals.

8 Q. Of course in fairness to you, Bill, we don't have the
9 records. As we have discovered they don't seem to have
10 been preserved, although we may hear more about that.
11 That's not your fault in any way.

12 A. I'm amazed that that's happened. Disappointed.

13 Q. Finally, Bill, you mention that you have worked in
14 Loanhead Social Work Department, you said that was your
15 last job. You retired in 2001 and you retired to your
16 garden; is that right?

17 A. I did, yes.

18 Q. I understand you are particularly fond of dahlias?

19 A. Yes, I am and I've just recently acquired a tunnel,
20 I call it, a plastic tunnel, where I can walk in and
21 just watch -- compare that with my greenhouse, so life's
22 very enjoyable.

23 MR SHELDON: Very good.

24 Bill, thank you very much, I've nothing further for
25 you.

1 My Lady.

2 LADY SMITH: Bill, I just want to thank you again for
3 engaging with us as carefully and willingly as you have
4 done. As I said, when we came back after the break,
5 I know that we've put you through the mill a bit but
6 it's been so helpful to hear from you in person in
7 addition to having your written statement.

8 I can now let you go and get into your gardening
9 things and relax in your garden for the rest of the day.
10 Thank you.

11 A. Thank you. Nice meeting you.

12 LADY SMITH: Thank you.

13 Before I rise for the lunch break, people may have
14 noticed we have been using names. Those, some whom
15 I've mentioned before, cannot be identified outside this
16 room because they're protected by my General Restriction
17 Order. Those names are GYF [REDACTED], HGK [REDACTED],
18 [REDACTED], [REDACTED] and HIA [REDACTED]. Please
19 bear that in mind.

20 Thank you.

21 (1.03 pm)

22 (The luncheon adjournment)

23 (2.00 pm)

24 LADY SMITH: Before we turn to this afternoon's evidence

25 I just want to add to my list of people whose identities

1 are protected by my General Restriction Order, it was
2 EZD [REDACTED], who of course was mentioned
3 repeatedly during the Geilsland section but just in case
4 anybody has forgotten, he also has that protection.

5 Ms Forbes.

6 MS FORBES: Good afternoon, my Lady.

7 The next witness is an organisational witness for
8 Loaningdale and his name is Angus Knox.

9 LADY SMITH: Thank you.

10 Angus Knox (sworn)

11 LADY SMITH: Angus, thank you for coming along this
12 afternoon to help us with evidence about Loaningdale.

13 Can I say at the outset I do appreciate that you
14 were not involved at the time Loaningdale was operating
15 as an Approved School, but you are in a position of
16 responsibility now in relation to, although it's
17 a company, it's a charity, Loaningdale School Company,
18 a charity that's a company limited by guarantee.

19 Thank you for doing that. Thank you for being
20 prepared to bear with us as we ask you questions.
21 Forgive us if we ask you questions that you just can't
22 answer and that will only be because we're checking just
23 in case there is some nugget in your knowledge that we
24 haven't yet managed to extract.

25 A. Right.

1 LADY SMITH: If at any time you have any questions, do speak
2 up. If you want a break at any time, that's not
3 a problem. I normally take a break in about an hour
4 anyway, around 3 o'clock in the afternoon, so you can
5 plan for that, but I can do breaks at other times if
6 that's what you need.

7 A. Okay. Thank you.

8 LADY SMITH: If you're ready I'll hand over to Ms Forbes and
9 she'll take it from there.

10 Questions from Ms Forbes

11 MS FORBES: Thank you, my Lady.

12 Angus, is it okay if I use your first name?

13 A. Yes, uh-huh.

14 Q. Angus, we have been given a CV from yourself. I'm not
15 going to put that on the screen just now, but just going
16 to ask you some questions about your background.

17 I think you were born in 1955?

18 A. Yeah.

19 Q. In relation to your employment history, you started off
20 in retail for a number of years?

21 A. Yeah.

22 Q. You were a branch manager of various stores?

23 A. Yes.

24 Q. That was in the 1970s and 1980s.

25 Then you moved into life assurance sales, is that

1 right?

2 A. Yeah.

3 Q. That was in the mid-1980s into 1990?

4 A. Yeah.

5 Q. Then you became a self-employed independent financial

6 adviser?

7 A. Yeah.

8 Q. You were doing that between 1991 to October 2014 and

9 then became a management consultant from 2014 to 2021;

10 is that right?

11 A. Yeah.

12 Q. Since April 2021 to now, you volunteer for several

13 not-for-profit organisations and charities?

14 A. Yeah.

15 Q. Are you also still employed as a self-employed

16 consultant involved in other projects now or not?

17 A. Not really. There is -- I might be starting that up

18 again, because I have been actively involved in the

19 local community and it's becoming almost like a job, so

20 I might be looking at doing that, but at the moment it

21 is mostly volunteering, and still old clients will come

22 on and you'll give them some pro bono advice et cetera.

23 Q. I think just now then your work is mainly in the

24 voluntary sector?

25 A. Yeah.

1 Q. You are actively involved in the local community with
2 youth clubs; is that right?

3 A. Yeah.

4 Q. And youth club associations?

5 A. Yeah.

6 Q. In particular I think you were involved with Strathclyde
7 Youth Club Association, which was merged with Youth
8 Scotland?

9 A. Yeah.

10 Q. Also you are a chair of the new Carnwath Young People's
11 Drama Group?

12 A. Yeah.

13 Q. Essentially this volunteer work and the charities you
14 are involved in centre around young people; is that
15 right?

16 A. Yes, that would be correct, yeah.

17 Q. Is it fair to say that you are quite passionate about
18 working with young people?

19 A. Yes, I've done it for years. I mean ideally with the
20 youth club side there should be somebody younger taking
21 over, but at this moment people are saying there is too
22 much responsibility and patience and everything, but we
23 are starting a new committee so we'll look eventually,
24 because I -- my grandchildren are coming to it now and
25 parent's children are coming from years ago, which is

1 nice, but it would be good to get succession but it's
2 harder to get volunteers now because of the
3 responsibilities et cetera.

4 Q. I think you became involved with Loaningdale School
5 Company in 2001?

6 A. Correct.

7 Q. You are currently a trustee and a board member as well
8 as the chair?

9 A. Yes.

10 Q. You have been the chair for several years?

11 A. Yes.

12 Q. How did it come about you becoming a trustee first of
13 all?

14 A. Going back to 2001, it was probably in the days before
15 Facebook and different things so basically there was
16 a chap in our village who did it, Steve Smith, who was
17 a university lecturer and he was getting older and
18 needed somebody to take over, then they looked to try in
19 that day to get people from villages who were actively
20 involved working with young people and they knew the
21 other groups in the village, so Steve asked me to take
22 over.

23 I went for two meetings with Loaningdale to see if
24 they liked me and I liked them and they said right come
25 on board. Then we went through all the procedures of

1 selling the land, et cetera and getting houses built and
2 getting the money we have got now so we're able to give
3 our larger grants and Ted Gordon, who was the chair,
4 asked me to take over from him.

5 A lot of things changed from 2001, OSCR started in
6 2005 and the regulation and a lot of these things that
7 I probably knew more about than some of the other
8 trustees, so I took over as the chair. Sadly Ted died
9 last year, but he was the local RBS bank manager and he
10 joined I think April 1991 and he took over from the
11 previous RBS bank manager Duncan Sloane, who I think was
12 involved with the List D School and Ted advised me that
13 Duncan said to him, 'Look, I'm moving on now, he's
14 coming through to Edinburgh, you can take over this,
15 it's only four meetings a year', so Ted took over from
16 there.

17 Q. You becoming chair was really related to your financial
18 background?

19 A. We have got secretaries and treasurers who do the
20 accounts et cetera, so it was probably more the -- when
21 we were doing a lot of the land side et cetera I did
22 know some of the financial side and I did know what we
23 had to do with OSCR and different things, because when
24 we started there was much more lax regime then, we had
25 to submit accounts to Companies House and then to OSCR,

1 various things.

2 LADY SMITH: Angus, when you are talking about the land
3 side, doing things with the land side, what was that?

4 A. Right, so when the school closed -- we sold the building
5 to Scottish Outdoor Education Centres. We kept the --
6 not necessarily 50 acres, we maybe kept 45 acres, we
7 gave them some land as well so they could have
8 an outdoor centre and we kept the field directly in
9 front of them. Then at that stage we rented the land to
10 local farmers, so that we didn't have the expense of
11 keeping the fences maintained et cetera and they cut the
12 grass and cut the hedges and paid a nominal rent.

13 Then we kept trying to get permission to build
14 houses and South Lanarkshire Council at the time said
15 no, no, no, and then eventually they came to us and said
16 we're doing a new local development plan. We think if
17 you apply you will get, so we did. It was Anderson
18 Strathern that was our solicitors for many years and
19 David Hunter that did that side of it and we had
20 DM Hall, the surveyors.

21 So we were anxious to get that done because we did
22 go down to about 150,000/200,000 and we were getting
23 quite large legal fees then trying to sell the land.

24 LADY SMITH: That was 150,000 or so capital that you were
25 down to?

1 A. Yeah, that was -- but because Anderson Strathern didn't
2 fee us until we got permission and DM Hall didn't fee
3 us, so the first time we sold £300,000 worth of land, we
4 got their fees in and they were substantial so we said
5 we need to look at how we look at it, but we were able
6 to, at one stage we thought we might have to go dormant
7 for a year or two, but we were able to continue and then
8 we started getting the money in. We are now in
9 a position now where the bank balance is something like
10 6.5 million or something.

11 LADY SMITH: You realised the land acquired a substantial
12 amount of money, that you then invest to make, as
13 I understand it, grants in accordance with the original
14 purposes of the trust, is that right.

15 A. Yeah. We pay out the dividends really so we're trying
16 to keep the capital, so we pay out -- the dividends at
17 the moment is about 150,000 a year, so we pay that out.
18 When I joined Loaningdale we were probably paying out
19 about 24,000/25,000, much smaller grants.

20 We can spend the capital if required, it's just
21 a case we've not had to do that so far.

22 LADY SMITH: It's normal for the power to be there, but if
23 a trust such as yours is able to operate on the basis of
24 expenditure in grants being only out of income and not
25 more than your income that can work well also.

1 A. Yes.

2 LADY SMITH: Really what you're doing now is looking after
3 money that you can then make some of it available to
4 other people in accordance with the original intentions
5 of the trust, which of course, as normal, were quite
6 wide?

7 A. Yes.

8 LADY SMITH: Got you.

9 Can I ask you one other thing, you naturally speak
10 very quickly, could you possibly slow down a little.
11 I'm coping fine, but there are two great people here who
12 are recording every word you say --

13 A. I've had that comment before.

14 LADY SMITH: -- for our transcript purposes and it's now
15 2 o'clock in the afternoon and they've been working hard
16 all day already.

17 A. Okay.

18 LADY SMITH: Thank you.

19 MS FORBES: Angus, just then going to look at a document
20 that I'm not sure if you've seen it before, but the
21 reference for our purposes is LOA-000000013. Hopefully
22 that should be up on the screen just now.

23 A. Yes, it is.

24 Q. If we look at the top of the very first page, page 1, at
25 the very top of that page there is some writing. This

1 seems to be memorandum and articles of association and
2 we see further down of the Loaningdale School Company
3 and reference is made to the Companies Act 1948.

4 It says the company limited by guarantee and not
5 having a share capital.

6 This appears to be the original document creating
7 the Loaningdale School Company. I'm not sure if you've
8 seen that before, Angus, or not?

9 A. Yes, it's my writing on the left.

10 Q. It is, that's good.

11 If we can go then further down in the document, to
12 page 4 of the pdf. This is where we can see the
13 memorandum of association and the clauses that follow.

14 We can see the name of the company at clause I is
15 Loaningdale School Company and then if we go to
16 clause III, we can see that it says:

17 'Each and every clause, including this clause, both
18 of the memorandum and of the articles of association of
19 the company, shall be read and interpreted as if there
20 were embodied therein an overriding qualification to the
21 effect that no expenditure of income by the company
22 shall be permitted for the purpose of carrying out any
23 activities which are not wholly charitable ...'

24 Then it references within the meaning of two
25 sections of the Income Tax Act 1952 or any amending Act

1 or regulation.

2 If we go further down to 3(a):

3 'Subject to the said overriding qualifications the
4 objects for the which the company is established are:
5 (a) to establish, maintain and carry on a school or
6 schools for the education and training of persons in
7 pursuance of the Children and Young Persons (Scotland)
8 Act 1937 to be approved by the Secretary of State for
9 Scotland, in terms of Section 83(1) of said Act.'

10 Then over to the next page (b):

11 'To conform to the provisions of the Children and
12 Young Persons (Scotland) Act 1937 with regard to
13 Approved Schools, to any rules for the management and
14 discipline of such schools applicable to the school or
15 schools which may be made by the Secretary of State for
16 Scotland under that Act and to any provisions of the
17 Education (Scotland) Acts 1939 to 1956 applicable to
18 an Approved School and of any statutes, rules or orders
19 amending or extending those Acts or rules.'

20 It then goes on to talk about other clauses,
21 subclauses there that allow purchasing and leasing
22 et cetera of property, but essentially the first two
23 subparagraphs there of clause III set out that this
24 company limited by guarantee, which is a charitable
25 company, is really to undertake the provision of

1 an Approved School as they were at that time?

2 A. Yes.

3 Q. If we go further down to page 8 of the pdf, which is
4 also page 8 of the document, this is at the bottom of
5 the memorandum and halfway down the page it say:

6 'We, the several persons who names addresses and
7 descriptions are subscribed, are desirous of being
8 formed into a company in pursuance of this memorandum of
9 association.'

10 Then it has a list of names. I think there are nine
11 names, if I'm right, that are listed there and the first
12 is Harald R. Leslie, Sheriff of Caithness, Sutherland,
13 Orkney and Shetland, I think he later became
14 Lord Birsay, and there are some other persons' names,
15 Sir Gerald Reece, with an address in Haddington,
16 a George Carstairs, Professor of Psychological Medicine
17 with an address in Edinburgh, Norman Murchison, address
18 in Edinburgh, a David Wyllie, address in Dunbar, East
19 Lothian, who is named as a farmer, a married woman
20 called Jean Watt from Dalkeith, a Margaret Bowe from
21 Dunbar, East Lothian, also named as a farmer and Elsie
22 Matthews, with an Edinburgh address, widow and
23 a Peter Walker, with a West Lothian address.

24 Underneath it says dated this first day of
25 August 1962, so 1 August 1962, the subscribers signed

1 the memorandum of association.

2 It appears that the subscribers of this memorandum
3 of association are mainly based in East Lothian and
4 Edinburgh. I think we may come to some documents later
5 which explain why, but I think you're aware of the fact
6 that originally the school was intended to be set up in
7 Haddington?

8 A. Yes.

9 Q. But ultimately the property was not suitable for that
10 and the property over near Biggar was chosen.

11 If we can go to the end of the articles of
12 association, I think we again have the same subscribers
13 with the names and addresses and that's on page 18 of
14 the pdf and again it's the same date.

15 This is something you have seen before and indeed
16 it's your handwriting on it?

17 A. Yes.

18 Q. It appears that after Loaningdale as a school -- it
19 later became a List D School as far as you're aware?

20 A. Yes.

21 Q. An Approved School to List D School until its closure in
22 around the end of 1989, beginning of 1990. We'll see
23 some reports that perhaps it was ultimately closed in
24 April 1990, something like that?

25 A. Correct, yeah.

1 Q. At that time then, after the closure, it appears that
2 there were some changes made to the memorandum of
3 association. If we go to the document which is
4 LOA-000000014, again this is a document that you have
5 seen, Angus?

6 A. Yes.

7 Q. Again, this refers to company limited by guarantee not
8 having a share capital and again the Loaningdale School
9 Company. I think the solicitors, they're named on the
10 first page at the bottom, are different from the
11 original ones and there is a stamp then, Companies
12 House, 4 October 1990, which is when this seems to have
13 been registered with Companies House?

14 A. Yes.

15 Q. If we go to the second page, we can see clause I, which
16 states that the name of the company is
17 Loaningdale School Company.

18 If we go to clause III further down, again we can
19 see the fact that this shall be a wholly charitable
20 company, is that right?

21 A. Yeah.

22 Q. Thereafter if we go over to the next page, which carries
23 on clause III, down to where it says:

24 'Subject to said overriding qualifications the
25 objects for which the company is established are ...'

1 Then it has (a) and then it goes (a) (1) and further
2 down. So we can see there is a change here to the
3 memorandum of association and at (a) it now says:

4 'To benefit children and young persons in need, and
5 where appropriate giving preference to those residing
6 within Clydesdale district of Strathclyde region by (1):

7 'The provision of residential, education and
8 instructional facilities.'

9 (2):

10 'The provision of loans and/or grants or advances
11 for projects and schemes deemed to be inter alia for the
12 benefit of children and young persons.'

13 (3):

14 'The provision of loans and/or grants or advances to
15 other charitable bodies.'

16 (4):

17 'The provision of loans and/or grants or advances to
18 any former pupils of Loaningdale School in need.

19 (5):

20 'The general furthering of the company's stated aim
21 in such other ways and through such projects as the
22 company sees fit.'

23 Given that the List D School was no more, it appears
24 that this memorandum of association changed to reflect
25 that, is that right? Is that your understanding?

1 A. Yeah, I think the original one they wouldn't have had
2 the powers to give out grants, I think it was mostly
3 just talking about schools, so they would have had to
4 change that.

5 LADY SMITH: The school was about to be no more. I can't
6 remember the exact date. This has a Companies House
7 stamp of 4 October 1990, so the house is in order and
8 ready to change the functioning of the trust --

9 A. Yeah.

10 LADY SMITH: -- to circumstances where you weren't running
11 a school anymore.

12 A. I would agree with that, yeah.

13 MS FORBES: It does still say though, Angus, at the
14 beginning, (a) (1):

15 'The provision of residential educational
16 instructional facilities.'

17 But at that time there was no intention to continue
18 providing a school on the property?

19 A. Not as far as I know, because the actual property was
20 sold quite quickly from when the school closed to
21 Scottish Outdoor Centres. I take it their legal advice
22 at the time when they were changing this must possibly
23 have been to leave it in, because at that time it was
24 probably HMRC that was granting charitable status. So
25 I would take it they would have had to keep it so that

1 they were happy with any changes being made.

2 Q. If we can go -- page 9 of that document and just at the
3 bottom of that page, this is at the end of the
4 memorandum of association, again this is where it talks
5 about the persons named are subscribed of being formed
6 into a company in pursuance of the memorandum of
7 association.

8 If we go to the next page, page 10, we can see that
9 there is a list of the same people who were in the
10 original memorandum of association, so we have the same
11 nine, which included Harald R. Leslie, or Lord Birsay,
12 and with the date of the signatories being
13 1 August 1962.

14 A. Correct, yes.

15 LADY SMITH: This is actually 28 years later.

16 A. Yes.

17 LADY SMITH: These people would not all have still been
18 around.

19 A. I know, it's obviously a mistake and it's been accepted
20 by Companies House, but I've no understanding but
21 I would have thought at the time that some of the
22 trustees would have resigned and new people were taking
23 over and it would have been the new people who would
24 have been the ones that were going to be running the
25 charity.

1 MS FORBES: Yes, there would have been a number of changes
2 between the original memorandum of association being
3 signed and this date of the amendments.

4 Indeed, Lord Birsay died in 1982 so by this time he
5 wasn't alive and I imagine that some other people on the
6 list perhaps were in the same position.

7 In any event, this appears to be an anomaly in
8 relation to the changes that were made, but certainly
9 this is the document under which the Loaningdale School
10 Company currently operates?

11 A. Correct. We have spoken about changing to a SCIO, some
12 of the trustees are -- the older trustees were not too
13 keen, because they thought it would cost us money et
14 cetera, but --

15 LADY SMITH: That is SCIO?

16 A. Yes, Scottish Charitable Incorporated Organisation,
17 which means we don't have to deal with Companies House,
18 we're just dealing with OSCR. So again we are looking
19 at that at the moment to -- because we only have -- we
20 only own one field, so to transfer that across would be
21 a lot easier than when we had 50 acres and sell them in
22 tranches et cetera.

23 So we should be able to correct that probably at
24 that stage.

25 Q. Indeed it's the same name, it's the same organisation in

1 effect as with the same subscribers in error that were
2 there originally?

3 A. Yes.

4 Q. So you are not operating Loaningdale School Company as
5 a trust?

6 A. No, it's a registered charity. We have got investments
7 and we pay out grants et cetera.

8 Q. You have told us, Angus, that there's quite
9 a substantial sum that's invested, over 6 million?

10 A. It's 6.5 million at this moment in time, from the sale
11 of the land to the builders.

12 Q. As is outlined in the changes on the memorandum of
13 association, really you are handing out residential and
14 educational grants, is that right?

15 A. We can do. Most of our grants are to not-for-profit
16 organisations, small charities and individuals, but we
17 have got the powers where we could do loans and
18 different things to another charity if they were
19 struggling and we thought we could give them that until
20 they get funding through, we could assist them. But
21 most of the applications that come in are from either
22 individuals or from small groups. We do -- if a large
23 charity came on for funding and they've got millions in
24 the bank it's not the type of thing we'd want to fund,
25 but if they've got beneficiaries in Clydesdale then we

1 would say, 'Right, fine, we could give you some money
2 for that beneficiary if they stay in Clydesdale'.

3 Q. In a document -- we don't have it to put on screen --
4 you provided to the Inquiry you said the primary purpose
5 of Loaningdale School Company is to benefit children and
6 young persons in need, as you said with a particular
7 focus on those residing within the Clydesdale district
8 of South Lanarkshire Council.

9 I think in that document you outline four general
10 ways which is in accordance with the memorandum of
11 association that we have looked at, which is are these
12 residential and educational grants, support for other
13 charitable bodies, assistance to former pupils and
14 general furthering of the stated aims?

15 A. Yes.

16 LADY SMITH: If you are looking again at tidying this
17 document up, which obviously needs to be done by
18 reference to the names, Strathclyde Region doesn't exist
19 any more, nor does the Clydesdale district of
20 Strathclyde Region, so no doubt you're going to see if
21 that can be defined in a way that is future proofed.

22 A. Yes, the trustees are very hooked on the Clydesdale
23 side, because even Clydesdale as described there has
24 changed, Strathaven is part of Clydesdale and other
25 areas that weren't before. They would like to stick to

1 the old, but there is a thought now we've got more money
2 we could do more good by expanding that.

3 LADY SMITH: The problem is that that language doesn't mean
4 anything now.

5 A. No.

6 MS FORBES: During the course of the communication between
7 Loaningdale School Company and the Inquiry, you have
8 been asked to complete various documents and one of them
9 was Parts A and B. The reference is LOA.001.001.0001.

10 I think that is 21 pages in total and the first page
11 is really the covering letter, dated 30 June 2017.
12 I think in that you explain I think it's yourself,
13 Angus, is it, that has authored this covering letter?

14 A. Yeah.

15 Q. You explain that there is a Loaningdale School Company,
16 you refer to it as the Loaningdale School Company
17 Limited, obviously limited by guarantee, but then you
18 talk about it formerly being Loaningdale List D School
19 and then you give an acronym of LLDS, but I think is
20 that just something that you're using colloquially to
21 describe it, because that's not what it was known as in
22 the memorandum of association?

23 A. I think that was used sometimes with some of the
24 correspondence we got LLDS. It's probably why it's been
25 used, just an abbreviation.

1 LADY SMITH: It may be that the Scottish Office were using
2 that.

3 MS FORBES: Just so we're clear, both memorandums of
4 association relate to the same entity?

5 A. Yeah.

6 Q. I think you explain that you are answering on behalf of
7 the present trustees of Loaningdale School Company, who
8 weren't the trustees before, when was operating as
9 a school and don't have knowledge of the operation of
10 Loaningdale School Company as a school, as an Approved
11 School or a List D School, is that right?

12 A. That's correct, yes.

13 Q. I think you tell us here that you have made enquiries of
14 solicitors and accountants and they don't have records
15 going back to that time?

16 A. Correct, yeah.

17 Q. You were advised that records were destroyed after six
18 or seven years in relation to them.

19 You tell us that the chairman at that time had
20 spoken to one of the trustees who was a trustee at the
21 time it was operating as a List D School.

22 A. Yes.

23 Q. Is that Hazel Gourlay?

24 A. I think it was Hazel Gourlay and Ann Matheson,
25 Ted Gordon was the local Royal Bank of Scotland bank

1 manager, in the days when bank managers had quite a lot
2 of power, so he knew lots and lots of people and that's
3 why he was on the committee and he was able to dig in to
4 try to find out and get information.

5 Q. Unfortunately that trustee didn't have any recollection
6 of the operation of the school, because that was carried
7 out by the headteacher and the teaching staff, is that
8 right?

9 A. Yeah. I think they were elderly as well and I know Ted
10 said to me that nobody wanted to get involved and I said
11 well they'll have to, because we need to pass the
12 information on, on that side, but obviously they'd
13 retired and they were getting on with their lives
14 without worrying about this type of thing.

15 Q. I think it was explained that the trustees at that time
16 weren't involved in the day-to-day operation of the
17 running of the school?

18 A. That's correct, yeah.

19 Q. That that trustee in particular didn't have any records
20 that they held relating to the List D School?

21 A. I don't think she had records and also I mean
22 technically the trustees are the people in charge and
23 should have been doing the strategic side and the school
24 doing the operational, but it seems to be that to me
25 they operated a bit like a parent council and if you've

1 ever been in the parent council and the headteacher is
2 there and the headteacher more or less decides what's
3 happening and the people in the committee go away and
4 operate it.

5 Q. You go on to explain, Angus, that you had spoken to the
6 Head of Justice and Children's Services at South
7 Lanarkshire Council?

8 A. Yeah, Liam Purdie, yes.

9 Q. They had advised that they had no records relating to
10 the school and suggested you contact the chief archivist
11 of the Mitchell Library in Glasgow, Dr O'Brien?

12 A. Yes.

13 Q. At that time you were waiting on a reply to see what
14 records they hold regarding staff. I think you were
15 advised that if they did have any records it would be in
16 relation to staff?

17 A. Yeah.

18 Q. I think later, not in this letter, Angus, you do explain
19 that there was a trip to the Mitchell Library, is that
20 right?

21 A. I think one of the trustees did go to the
22 Mitchell Library to try to see what information was
23 available but we didn't get anything to come back.
24 I spoke to Dr O'Brien probably on two or three occasions
25 and she said she didn't think there was anything.

1 They'd been down when the Inquiry started looking at all
2 sorts of things but didn't think there was anything for
3 Loaningdale School Company.

4 It's something we should maybe follow up with maybe
5 another formal letter or something to say could you give
6 us something just to say categorically there is nothing,
7 because I think they said something about staff records
8 were not kept or care records were not kept for a long
9 time but institutional records were kept for a very long
10 time. So whether that -- we should maybe look at that
11 and do one more response to see if we can get any
12 information that would help.

13 Q. You think there may still be a kind of avenue open then
14 to check?

15 A. Dr O'Brien, any time I have spoke to her she is very,
16 very helpful et cetera, but it might just be to try and
17 say right ... I think she was really, really busy
18 because she was getting all these enquiries and she
19 maybe would have a bit more time for us or something.
20 I'm not saying she hadn't time for us, but it may be
21 worth our while just trying to have another try to see
22 if there's anything we could find, because we're also --
23 emailed and telephone HMI inspectors, because we said we
24 were going to do that and we hadn't done it, so we did
25 that yesterday. And I think the Inquiry suggested we

1 should go on to National Records of Scotland, so we'll
2 do that as well.

3 Q. From what you're saying, Angus, it might be worthwhile
4 checking again with Dr O'Brien --

5 A. Yeah.

6 Q. -- and also the avenues of the National Records of
7 Scotland --

8 A. Yes.

9 Q. -- and HMI, the Inspectorate as well?

10 A. Yeah.

11 Q. You said you've contacted the Inspectorate yesterday?

12 A. Yeah.

13 Q. But you would need to go back to Dr O'Brien?

14 A. Yeah.

15 Q. And you would need to make an enquiry with the National
16 Records of Scotland?

17 A. Yeah.

18 LADY SMITH: Angus, I'm sorry you are in this position, but
19 I'm bound to point out our original Section 21 notice
20 was 2017. That is seven years ago and you are telling
21 me there is something that you'll do tomorrow and you
22 did yesterday? Mm-hmm.

23 A. I think it was I was reading through something about the
24 HMI, had missed and I thought we better do it, so
25 I added that and added it to the chronology that we had

1 omitted. So apologies.

2 LADY SMITH: Will this be accelerated now?

3 A. Absolutely, yes.

4 LADY SMITH: Thank you.

5 MS FORBES: We are thinking about Loaningdale as an entity,

6 I think you have told us that the land, most of it has

7 been sold?

8 A. Yes.

9 Q. And that means that the buildings are no longer there,

10 is that right?

11 A. The land we sold didn't have buildings on it. The

12 buildings were on the land that we sold to Scottish

13 Outdoor Education Centres. They had three or four

14 houses and then the big main house and then another more

15 modern building.

16 LADY SMITH: Are the buildings still there?

17 A. Yes.

18 MS FORBES: Because if you think about a place where records

19 might be kept for a particular organisation, where that

20 organisation is physically situated is probably the

21 obvious place, but by the time these enquiries were

22 being made did you, as Loaningdale School Company, own

23 that property any more?

24 A. No, no. We did visit. So Mr Cameron who owns property

25 now, he rents part of it out to Scottish Outdoor

1 Education Centres, myself and Ted Gordon visited him on
2 a couple of occasions, because, as I mentioned earlier,
3 we still own a field at the front, which he reckons we
4 should just give to him and we're trying to explain it's
5 a charity, we can't. You need to buy it from us.

6 He's quite a character. He's in his 80s. He owned
7 a music school in Edinburgh. We got a tour round
8 looking to see if we could find any records and nothing.
9 Then another trustee went back again later, because he
10 was quite friendly with him, Ian Murray, and he didn't
11 find anything, because we thought that possibly would
12 be, because it's a huge building that is maybe where it
13 would be.

14 Q. Some enquiries have been made with the person who now
15 owns it or the organisation that now owns that
16 property --

17 A. Yes.

18 Q. -- but as far as you're aware nothing has been located
19 in relation to records?

20 A. Nothing, no.

21 The building was in quite a bad state of repair
22 I think when Mr Cameron took over, Scottish Outdoor
23 Education Centres were struggling financially, so
24 I think there were leaks in roofs. I don't know if
25 there was anything about what condition it would have

1 been in, but certainly we've never -- when we've gone
2 round it, we have never found anything.

3 Q. Has anyone made enquiries of the person who would have
4 been involved in taking possession of the buildings when
5 they were sold?

6 A. We tried with Steve Spence, I think -- I'm sure he's now
7 deceased -- but for whatever reason Ted Gordon and him
8 had a volatile relationship. I think it was because
9 they just kept thinking that we should give them other
10 bits of land at no cost and we tried to explain we
11 couldn't and we were selling the land that we were --
12 got quite a lot of hassle and we were in the papers
13 saying that we could help this other charity and why
14 were we not doing it et cetera and we had to try to
15 explain that we couldn't just give away an asset that
16 belonged to a charity. We had to look -- to act in the
17 best interests of the charity, which they just would not
18 accept.

19 And there was a wealthy, wealthy businessman who was
20 helping them and was going to open a school and
21 everything, who Ted Gordon used to be his bank manager,
22 so the relationship there was embarrassing for Ted and
23 they were almost insisting that -- threatening us with
24 all sorts of legal action if we didn't just give them
25 that piece of land. So Steve Spence I don't think would

1 have been the most helpful of people, but he's now
2 either retired or deceased so we could look at the new
3 chief executive.

4 Q. One of the questions that could have been asked of the
5 persons who now own and have possession of that building
6 is: were there any records? If so what happened to
7 them? Things like that. Is that something you think
8 you might be able to take forward?

9 A. We could take it forward. We have certainly done that
10 before and we were told there's nothing, but we have got
11 that verbally so we can maybe get that in writing for
12 you and say right, there's Mr Cameron saying it and
13 there's Scottish Outdoor Education Centres saying that
14 they've no records.

15 Q. This covering letter has your responses to the Parts A
16 and B. If we go to page 5 of that, these are the
17 questions that you are asked and on page 5, Part A, 1.1
18 deals with the history of the organisation and
19 establishment and it asks when, how and why was the
20 organisation founded.

21 The answer that's provided there is:

22 'Loaningdale School Company was formed on
23 24 August 1962 as a limited company and was registered
24 as a charity on 8 November 1962. Loaningdale List D
25 School operated from 1963. It may have started off as

1 an Approved School.'

2 I think from what we know in relation to the
3 legislation and what we've seen from the memorandum of
4 association is that it did start off as an Approved
5 School. Would you agree?

6 A. Yes.

7 Q. Then at a later date, when the Social Work (Scotland)
8 Act 1968 came into force, it would have then been
9 reclassified as what became known as a List D School?

10 A. Yes, agreed.

11 Q. If we go to -- I think it's (vi) on that page, which
12 says:

13 'When, how and why was each of these establishments
14 founded?'

15 You say when, circa 1963, which I think we know is
16 1962 from the memorandum of association, is that right?

17 A. Yes.

18 Q. Then it says, 'To facilitate the operation of the List D
19 school', but it would have been an Approved School?

20 A. Yeah.

21 Q. If we go just down from there, which is (vii), which
22 asks:

23 'In the case of any establishment which is no longer
24 in operation, when and why did it cease operating?'

25 The answer there is:

1 'Circa, November 1989, trustees appear to have
2 resigned on 5 November 1989.'

3 Is that information that you have received from
4 Companies House or is that information that the other
5 trustees provided?

6 A. No, it would have been Companies House I think on that
7 date in November 1989, there are several resignations at
8 that time and, yes, there seems to be some -- obviously
9 within close to 1990 there must have been some people
10 continued.

11 Q. It's not the case that all of the trustees resigned on
12 5 November, some still continued?

13 A. It appears to be, because Ted Gordon didn't join until
14 April 1991, so there would have been some of them
15 continued, I would imagine, closing the school down and
16 then taking advice as to how they become a grant-making
17 organisation compared to a List D School.

18 Q. I think (viii) says:

19 'If the organisation itself is no longer involved in
20 the provision of residential care for children in
21 Scotland, when and why did it cease to be so involved?'

22 Again, you said, when, circa 1989, in relation to
23 why, you have said:

24 'Local complaints, financial sustainability,
25 government policy.'

1 Are you able to just expand upon that a little bit?

2 A. Certainly, after the girl that was murdered I think the
3 people of Biggar never wanted an Approved School.

4 I mean Biggar is similar to Peebles, Moffatt,
5 Stockbridge, it's a nice touristy area. They don't even
6 like social housing in Biggar, so an Approved School
7 coming there would not have been popular at the
8 beginning.

9 When it was one of these schools where the gates
10 were open and it was quite liberal as far as punishment
11 was concerned, what I've been told is that a lot of the
12 residents would go down and fight with the local
13 children and et cetera and shoplift and various things
14 and then after the girl was murdered obviously there was
15 a petition by the local people who wanted an inquiry and
16 wanted it closed and I think the Scottish Government
17 refused that.

18 So there were quite a lot of complaints in
19 connection with it. I think the trustees have said in
20 their financial sustainability that Strathclyde Region
21 no longer had the money to fund these and although it's
22 pre-OSCR et cetera, I think if there are some highly
23 qualified trustees would be having a look and saying,
24 'Right, okay, if it's not sustainable and we don't have
25 reserves, we've either got to close it down or do

1 something different'.

2 So they had the assets but maybe didn't have cash at
3 that time.

4 LADY SMITH: Angus, just rewinding a moment to individual
5 managers, as they were called, ceasing to be managers,
6 that of course was provided for in the original articles
7 of association, very sensibly as it should have been.
8 I think it's paragraph 7 of the original articles,
9 because there is a date after the name of each of the
10 members and they were to be retirements in 1964, 1965,
11 1966, you wouldn't have them all going at the same time,
12 because therein lies madness, but by the end of 1966
13 there should have been a completely new set of managers
14 as compared to the originals, and we find that on
15 page 10.

16 I thought there would be something of that nature in
17 the document, but that explains what was happening.

18 Going back to what we discovered earlier, of course
19 that list should never have been appearing in a 1990
20 document.

21 A. No.

22 LADY SMITH: Sorry, Ms Forbes, I digress, but the answer is
23 in the document itself.

24 MS FORBES: No, no.

25 Angus, just going forward then to this document at

1 page 6, if we go down to 1.3, legal status, and at
2 (a) (i) the question is asked:
3 'What was the legal status of the organisation?'
4 And you have said:
5 'Company limited by guarantee and also a charity.'
6 But as we have discussed, it's for charitable
7 purposes but not a registered charity in the sense of
8 creating a charitable trust, is that right?
9 A. Yeah.
10 Q. Then (ii):
11 'Were there any changes in legal status of the
12 organisation since it was founded?'
13 And it says:
14 'Ceased as a List D School circa 1990 and became
15 a charitable grant-giving trust.'
16 As we have discussed, it's still a company limited
17 by guarantee?
18 A. Yeah.
19 Q. If we can go to page 11 now, this is 1.6. It talks
20 about numbers and the organisation at the past, (a) (i)
21 the question is asked:
22 'How many children did the organisation accommodate
23 at a time and in how many establishments?'
24 The answer is:
25 'We understand the original roll was to be 20 to 30

1 residents.'

2 Do you understand where that information came from?

3 A. I think it's possibly in some of the press releases to
4 say it was 20, possibly to 35 and, then when they
5 started taking in girls the numbers doubled possibly up
6 to 60, because they were looking at possibly creating
7 more revenue. I'm sure it's in some of the documents
8 that they could accommodate I think a maximum of 35 and
9 then when they decided to take girls and they changed
10 they seemed to be able to take 30 boys and 30 girls, but
11 as the witness this morning was saying, in the end
12 I think they were down to 25.

13 Q. This is not from records from Loaningdale School
14 Company; is that right, this is from something else?

15 A. I think it was -- information was replied to, there were
16 things that had happened in Parliament with Teddy Taylor
17 who brought things up and different people about the
18 school and I think it was information about that and
19 there was an article in the Herald as well, so I think
20 it was gleaned from that.

21 Q. Just to understand then, this is information that you
22 would be able to source, that's available publicly for
23 example --

24 A. Yes.

25 Q. -- it's been reported in newspapers or in Parliamentary

1 debates and the like?

2 A. Yeah.

3 Q. Then underneath at (ii) you say again the school roll
4 grew to 40 to 50 residents, but is that from similar
5 sources?

6 A. Yeah.

7 Q. Go to page 20 now. This is part B. 3.1,
8 acknowledgement of abuse.

9 We haven't gone through each part of this A to D
10 response, Angus. I think you would agree that a lot of
11 the answers are not known or not applicable?

12 A. Yeah.

13 Q. Is that right?

14 A. Correct.

15 Q. There are a few where a response has been provided, that
16 isn't that and Part B, 3.1(i) is one of those and the
17 question that's asked is:

18 'Does the organisation/establishment accept that
19 between 1930 and 17 December 2014 some children cared
20 for at the establishment were abused?'

21 And the response is 'no'.

22 A. That probably should have been 'not known'.

23 Q. Because from what you've told us, Angus, you don't have
24 any records so you're not in a position to say either
25 way at the stage of completing this document, is that

1 right?

2 A. Correct. We did write to the Scottish Child Abuse
3 Inquiry when we started to look at these forms, because
4 we thought in our own opinion when we were saying not
5 known or not applicable that somebody needs to look at
6 that and say they've never bothered to do anything and
7 just sent it back, but we did spend quite a lot of time
8 on it and I think we got a response back saying you just
9 have to answer the questions. You couldn't advise us
10 what to do, because we did ask whether we should have --
11 where we could have said that we couldn't meet or
12 couldn't comply with the Inquiry as to whether we should
13 go down that route, but we didn't get a reply on that,
14 so we then completed to the best of our abilities.

15 Q. Here you appear to be stating 'not known' or 'not
16 applicable' and 'no'. I think you explain the basis of
17 that at 3.1(iii) and say:

18 'The school closed circa 1990 and as far as we are
19 aware there have been no accusations of abuse now or in
20 the past.'

21 A. Correct.

22 Q. Is that the basis upon which you were saying 'no' to
23 3.1(i)?

24 A. Yes.

25 Q. Angus, you have told us that you have been following the

1 evidence in the Inquiry in relation to Loaningdale. Has
2 your position in relation to that question at 3.1(i) now
3 changed?

4 A. I would think so from the evidence that people have
5 stated they've been abused and by either staff members,
6 teachers or people within the school, if that's proved
7 correct, yes.

8 Q. You accept now that there are accusations of abuse,
9 sexual, physical, emotional et cetera, yes and obviously
10 a matter for her Ladyship in relation to that what
11 findings she makes, but you do accept there may well be
12 findings made in relation to that?

13 A. Absolutely, yeah. I think after hearing the witness
14 statements et cetera that it would change our opinion.
15 I mean the trustees from our point of view, is that we
16 have got a lot of money in the bank now and everyone's
17 in agreement if young people have been abused we're
18 quite happy that they get compensated on that basis.

19 LADY SMITH: Angus, do you appreciate that this is not
20 a compensatory body? It's a public inquiry, that's not
21 what I do. I don't have the power under the legislation
22 to do it. That's not our function. But there are other
23 ways in which people may seek to be compensated, whether
24 they go to Redress Scotland or civil litigation.

25 A. We have got one or two in the civil litigation, we've

1 just decided we are going to join the Redress Scheme and
2 we have a Teams meeting with them arranged, for I think
3 some time next week, for the other trustees, because
4 I can't decide that myself. The idea would be that we
5 are looking to after getting advice from our solicitors
6 to join that. It's something I don't know why we seem
7 to have missed it, it just seems to have come to our
8 attention when we got an email from asking do we want to
9 join it several weeks ago.

10 LADY SMITH: Okay. Thank you.

11 MS FORBES: That was going to be my next question about the
12 Redress Scheme, but that is a live issue just now for
13 the trustees to make a decision about?

14 A. Yes. We have been in touch with Fiona White, and she
15 has put us in touch with her team and they've emailed to
16 say, 'Look, can we have a Teams meeting to explain it,
17 who wants to be involved?' So after today we'll get
18 that organised.

19 Q. Going to 3.2, further down that page, Angus, again this
20 is acknowledgement of systemic failures and you are
21 asked at 3.2(i):

22 'Does the organisation establishment accept that its
23 systems failed to protect children cared for at the
24 establishment between 1930 and 17 December 2014 from
25 abuse?'.
26

1 Again the answer is 'no' to that.

2 Again, at (iii), that seems to be based on there
3 being no accusations of abuse now or in the past at the
4 time of this being completed, is that right?

5 A. Correct, yes.

6 Q. Would you accept now on the evidence that you have heard
7 that there may be a failure in the systems to protect
8 children during that period of time at Loaningdale?

9 A. Yes, I think from what I've heard about the way the
10 school's been run and the witnesses saying they have
11 been abused et cetera, so we'd agree, yeah.

12 Q. Going forward to 3.3, again this is a slightly different
13 question but in a similar nature:

14 'Does the organisation/establishment accept that
15 there were failures and/or deficiencies in its response
16 to abuse and allegations of abuse of children cared for
17 at the establishment between 1930 and 17 December 2014?'

18 Again, the answer to that is 'no'.

19 And the same basis of that assessment at (iii) is
20 put forward. Again, Angus, has the position changed now
21 in relation to that?

22 A. Yes.

23 Q. Do you now accept that there may have been failures
24 and/or deficiencies?

25 A. 100 per cent, yes.

1 Q. Just moving on from that then, Angus, you did send
2 a covering email in relation to Parts C and D. I'm not
3 going to take you to that, but the reference for that is
4 LOA.001.001.0022 and that was dated on 14 January 2019.
5 In that essentially, Angus, you just outline that none
6 of the trustees or directors had any involvement with
7 the List D School and had no knowledge of how the school
8 operated; is that right?

9 A. Yeah.

10 Q. Then you provided a response to the Section 21 notice
11 for Part C and Part D and that was on the same date.
12 The separate reference for that, again I'm not going
13 to take you to do it, but it's LOA.001.001.0023, it's
14 a 30-page document and the answers to all of the
15 questions in Parts C and D were either 'not known' or
16 'not applicable'. Is that correct?

17 A. Correct, yes.

18 Q. You have told us, Angus, and you have explained some of
19 this today, but you have told us separately that there
20 were various enquiries made in relation to documents.
21 However, you have accepted when her Ladyship asked about
22 this, that there were avenues that you should have gone
23 down, that you are now attempting to go down or will go
24 down, is that right?

25 A. Correct, yes.

1 Q. I think one of the things that you explained in
2 a chronology you gave to us is that the response to
3 Part C and D being either 'not known' or 'not
4 applicable' may have come across or given the impression
5 that the Loaningdale School Company or the trustees
6 didn't care sufficiently about the response, but that's
7 not the case, is it?

8 A. That's correct, yes.

9 Q. I think you do tell us that you regret the fact that it
10 simply says 'not known' and 'not applicable'?

11 A. Yeah.

12 Q. There are some documents I wanted to take you to, and
13 I was going to start doing that --

14 LADY SMITH: Shall we do that after the break?

15 I said earlier I normally take a break now, so if it
16 would work for you we will do that at this point and
17 then pick up on the other documents when we come back.

18 (2.58 pm)

19 (A short break)

20 (3.10 pm)

21 LADY SMITH: Are you ready for us to carry on, Angus?

22 A. Yes.

23 LADY SMITH: Thank you.

24 Ms Forbes.

25 MS FORBES: My Lady, the next document I'm going to take you

1 to is SGV-000103003 and on page 1, it might be difficult
2 to see, so I'll make it a little bit bigger.

3 Angus, I appreciate you might not have seen this
4 before. These are taken from records from the Scottish
5 Education Department that were retained by the Scottish
6 Records Office, formerly the Scottish Records Office.
7 This document that we're looking at is a briefing paper,
8 as we understand it, from Under-Secretary of State who
9 surname was Millan, and he was on a visit to Loaningdale
10 in 1967, so this was a briefing paper to him.

11 LADY SMITH: Yes, that would have been Bruce Millan.

12 MS FORBES: This is just to brief him on Loaningdale School
13 and its background. There is a section that starts
14 'Origin' from paragraph 1:

15 'In order to help to meet the heavy demand for
16 Approved School places the Secretary of State decided in
17 the spring of 1961 to invite a specially selected body
18 of voluntary managers to establish a new Approved School
19 for boys which would ultimately provide about 40 places
20 and which would be an establishment where experimental
21 work could be undertaken. The main initial experiment
22 in mind was the development of a regime, directed fairly
23 intensively towards social rehabilitation, which would
24 be appropriate for specially selected boys of reasonable
25 intelligence and of the less criminal type who might be

1 expected to be fit for release after a relatively short
2 period. Premises were acquired in 1961 and after
3 adaptation and extension, Loaningdale School was opened
4 in January 1963.'

5 Angus, according to this briefing note in any event,
6 we can see that this seemed to be something new of its
7 kind at the time, that was to be set up in Loaningdale.
8 But, as we have said, there is a document we'll come to
9 later that shows us that perhaps that wasn't the
10 original intended location.

11 Indeed, the school opened in January 1963. Going on
12 then:

13 'Management.'

14 Paragraph 2:

15 'The chairman is Lord Birsay, (formerly
16 Sheriff Harald R. Leslie). There are nine other
17 managers representative of a wide range of interests,
18 including Biggar Town Council.'

19 I think by the time of this briefing note in any
20 event the managers didn't just involve those who we have
21 seen on the memorandum of association, but included
22 somebody from the local area.

23 Then 'Role and development', paragraph 3:

24 'The school caters for Protestant boys aged 13 or
25 over on admission. The original selection criteria were

1 devised in consultation with the Home Office Research
2 Unit. These in descending order of importance
3 restricted admission to boys with IQ of 90 or over, no
4 previous Approved School history, no or very few
5 previous offences, and reasonable family background with
6 parents likely to co-operate in treatment and aftercare
7 support.'

8 We can see from this, Angus, that there appears to
9 be a selection criteria and this school is being set up
10 for a particular type of boy, would you agree?

11 A. Yeah, yeah.

12 Q. Going on:

13 'The number of boys who satisfied all the criteria
14 were limited although enough to take up the 18 places
15 available at the outset. At the same time the boys
16 often proved to be seriously maladjusted and while
17 deriving benefit from the treatment could not be
18 released as quickly as had been intended. The selection
19 arrangements were kept under review and by the time new
20 buildings, providing up to 40 places, came into use in
21 April last, the procedure had been varied in certain
22 respects. The IQ level of 90 or over and the absence of
23 previous Approved School training were retained, but
24 home relationships were advanced to be the second group
25 of priorities and much less emphasis was placed on past

1 records. This is now the system in operation, it has
2 not excluded the type thrown up by the original
3 arrangements but has increased the number of
4 "Loaningdale possibles" and has provided a broad
5 selection of boys of the "normal" Approved School type.
6 Whether the Loaningdale system, which is permissive and
7 largely self-governing and unique in some respects, will
8 be effective for such boys remains to be seen. The
9 results with the early maladjusted type however were
10 encouraging and this latest development will, it is
11 hoped, offer guidelines for developing and improving
12 systems of training in Approved School generally.'

13 Then it's noted that the staff-pupil ratio is more
14 generous than is usual in Approved Schools.

15 It then goes on to talk about the information that
16 they receive on boys prior to them being received and
17 I won't go into that with you.

18 It does say at page 3 that the authority for placing
19 a young person in an Approved School will rest with
20 Children's Panels instead of the courts.

21 At paragraph 6 on that next page it does talk about
22 the fact that Approved School managers will not, as they
23 are at present, be in loco parentis.

24 At paragraph 7:

25 'The system of Approved School aftercare will

1 disappear, as the panels will exercise control over
2 placing, release and oversight through social work
3 departments.'

4 So just reflecting really the changes that were
5 happening at that time.

6 This I think, Angus, provides us with a bit of
7 a snapshot at that time of how Loaningdale was seen to
8 be operating and what its original purpose was for.

9 If we can go to page 6 of this document. This is
10 correspondence, I think it starts off with
11 correspondence withdrawing a teaching certificate to
12 a teacher and then it goes on to correspondence
13 restoring that certificate.

14 The writing is quite light, so we might need to zoom
15 in a little bit. Essentially this first page is
16 a minute to Mr McPherson stating that the teacher
17 certificate of Ronald Forsyth, who was convicted of
18 lewd, indecent and libidinous practices against young
19 girls should be withdrawn.

20 It then goes on to say that Mr Forsyth is 37 and
21 a teacher at Dalkeith High School and that he pled
22 guilty at Edinburgh Sheriff Court on 14 June 1957 to
23 charges of lewd, indecent and libidinous practices and
24 behaviour towards young girls aged 11 and 12 years
25 pupils, who were pupils in his class at school, and he

1 was sentenced to three months' imprisonment on two
2 charges and three months' imprisonment on a third
3 charge, sentences to run concurrently.

4 As a result of that he was suspended from teaching
5 and there was various information given about his
6 background, but if we go to the next page, page 7, it
7 was then advised that he had been examined -- this is at
8 paragraph 5, if we can see it on that page -- by
9 Sir David Henderson, formerly Professor of Psychiatry at
10 Edinburgh University, and his view was that it would be
11 safer and better if Mr Forsyth gave up his scholastic
12 work and found employment where he would not be brought
13 so closely into association with young people.

14 At paragraph 6 it says that he was also seen by
15 Dr Jardine, who has provided a minute which states that
16 his conclusion is the certificate should be withdrawn
17 and that no encouragement should be given to Mr Forsyth
18 to consider a possible resumption of teaching.

19 That is recommended accordingly and it's dated
20 2 August 1957.

21 If we then go to page 8, this is to Lady Tweedsmuir,
22 and there is another minute recommending the restoration
23 of Mr Forsyth's teaching certificate. It sets out the
24 background, that it was withdrawn in 1957 on the grounds
25 of misconduct, although we have seen the detail in the

1 previous minute of what that was, and it goes on, Angus,
2 to say that in 1960 at paragraph 2:

3 'Mr Forsyth applied for the restoration of his
4 certificate. He was examined again by
5 Sir David Henderson, a psychiatrist, who recommended
6 that the certificate should be restored, although he
7 advised that Mr Forsyth should teach in a technical
8 college or other establishment where he would teach
9 young men.'

10 It then goes on to say:

11 'Our own medical officers in the knowledge that the
12 certificate would have to be restored without
13 qualification advised against restoration and we decided
14 in the summer of 1961 not to recommend it.'

15 It goes on to say:

16 'Mr Forsyth has again appealed for the return of his
17 certificate and for the last year he has been employed
18 with the concurrence of the department as welfare
19 officer in Loaningdale Approved School for boys, Biggar.
20 His referees, who are all connected with the school and
21 aware of his previous history, have praised his work,
22 which brings him into close contact with the boys. They
23 consider him a fit person to be entrusted with the care
24 of children. Mr Forsyth himself indicates that he would
25 like to take up a teaching appointment in a school

1 similar to that in which he is at present employed.

2 'Professor Carstairs of the Department of
3 Psychological Medicine at Edinburgh University, who is
4 a manager of the school ...'

5 I think we saw, Angus, that he was named on the
6 memorandum of association:

7 '... has provided a report on Mr Forsyth. This
8 states that Mr Forsyth is a man of high moral standards
9 who is keenly aware of his former lapse, that he is very
10 confident that Mr Forsyth will not represent a risk to
11 any children placed under his care and that he is
12 convinced that even with a class of young girls
13 Mr Forsyth is so keenly aware of the need to be alert to
14 any sexual impulses that Professor Carstairs would feel
15 confident in regarding him as equally fit to be trusted
16 with classes of girls as of boys.'

17 At paragraph 5, over to the next page, page 9:

18 'Our own medical officers having regard to
19 Mr Forsyth's good behaviour since his discharge from
20 prison and the absence of any evidence of mental
21 abnormality or sexually deviant behaviour, consider it
22 justifiable from the psychiatric point of view to
23 restore the certificate. They think however that it
24 would be preferable for Mr Forsyth not to be employed in
25 teaching young children, especially girls.'

1 At paragraph 6 it states:

2 'There is always an element of risk in restoring
3 a certificate after withdrawal. In this case I consider
4 that the reports and the calibre of those who have
5 spoken on Mr Forsyth's behalf, they include
6 Mr Norman Murchison, Headmaster of Ainsley Park School,
7 and the Depute Director of Education for Midlothian,
8 justify our taking the risk and recommend that the
9 certificate should be restored. If you approve, we
10 shall in communicating the decision to Mr Forsyth make
11 clear that he should seek employment where he would be
12 teaching older boys, as he apparently has a mind to do,
13 and we shall ask him to let us know when he takes up
14 a post.'

15 That is dated 23 July 1964 from the Scottish
16 Education Department. It appears that this records the
17 fact that Mr Forsyth had his teaching certificate
18 withdrawn due to convictions in relation to young girls
19 and then several years later it was restored and he was
20 free to take up employment?

21 LADY SMITH: Conviction and a custodial sentence.

22 MS FORBES: Yes, my Lady.

23 Indeed, there are documents, I won't take you to
24 them, that he did in fact take up a teaching position at
25 Loaningdale School thereafter.

1 A. It's incredible.

2 Q. If we can go now to page 21 and this seems to be, if we
3 can go to the end of it to see the date, a document
4 again by J McPherson, who was I think the school
5 inspector. This is dated 5 September 1967. This is
6 addressed to a Mr Bennett and a copy going to the other
7 inspector, Mr Murphy, and also a Ms Cox, who I believe
8 is mentioned a lot in the Scottish Education Department
9 memos.

10 Essentially this is about what has been going on at
11 Loaningdale School. If we can go forward in this
12 document to page 23, there is a section further down the
13 page headed:

14 'Transfer of housemother.'

15 It states:

16 'A young untrained housemother aged 22 became
17 particularly friendly with a disturbed boy, problems
18 arose and the matter was discussed at a staff meeting
19 with a view to weaning off the lad to other members of
20 staff. It was not then known that the housemother had
21 been as keen on the boy as he on her. It was
22 discovered, however, that she later spent her holidays
23 at the boy's home while she was on leave. Her excuse
24 was that the lad would otherwise have refused to go home
25 for his leave.

1 Since the girl is assessed as having real potential,
2 which would justify continuance in the service with,
3 perhaps, training at a course, it was decided to arrange
4 for another more suitable post for her. She has gone to
5 Langlands Park and is said there to be a good
6 acquisition.'

7 It then goes on to suggest that during police
8 investigations into this matter, suggestions were made
9 to some boys that they'd had intercourse with the
10 above-mentioned young lady, but the headmaster protested
11 to the police official in charge and there appeared to
12 be no evidence that anything of the kind had indeed
13 occurred.

14 LADY SMITH: Can we just see the handwritten note at the
15 bottom? It may need to be enlarged a little:

16 'It should perhaps be put on record that apart from
17 early teething troubles the school's [something] record
18 is better than probably any other school in the country,
19 eg until one or two incidents in March of this year
20 there had been a period of 18 months with no absconding
21 whatever.'

22 MS FORBES: I think it is 'absconding record', my Lady.

23 LADY SMITH: Absconding record, so children aren't running
24 away as they were from other schools?

25 MS FORBES: It appears, Angus, that this seems to be

1 a record of an inappropriate relationship with
2 a housemother, with a boy and I think that there are
3 press reports in relation to that which suggest that the
4 boy was 18 and I think you have seen here that she was
5 22 and indeed it did make some headlines at the time.

6 A. Right.

7 Q. But even after the discovery of this relationship, the
8 decision was that this was a promising young woman who
9 was going to continue working in a similar position, but
10 at a different school?

11 A. Yeah.

12 Q. If I can go to another document, Angus, which is
13 INQ-0000000591.

14 This is a record from Hansard of a House of Lords'
15 debate on 17 July 1968, it's volume 295, columns 412 to
16 35. And in relation to this we have -- it is starting
17 by Lord Ferrier and this is in relation to Loaningdale
18 Approved School. You mentioned, Angus, before you
19 alluded to the fact that there was a murder and that
20 that had soured relationships in the village.

21 A. Yeah.

22 Q. I think the date of that murder was 6 August 1967 --

23 A. Right.

24 Q. -- and thereafter there was various enquiries made into
25 who was responsible for that murder. I think it was

1 suspected initially that it was a boy from Biggar, but
2 it wasn't until dental impressions and the science
3 behind that were then used to link him to the crime that
4 charges were brought, so I think there was a delay and
5 suspicion fell upon Loaningdale.

6 We can tell from the records we have that that boy
7 was moved to Rossie before any charges were placed.
8 However, it was such a small community that it caused
9 quite a lot of difficulty and I think if we go through
10 this it probably sums up the situation in relation to
11 Loaningdale around about that time:

12 'Lord Ferrier rose to ask Her Majesty's Government
13 whether in the light of the evidence in a recent murder
14 trial in Edinburgh they will institute an inquiry into
15 the administration, security and discipline of the
16 Loaningdale Approved School at Biggar. The noble Lord
17 said:

18 'My Lords. I beg to ask the unstarred question
19 which stands in my name on the order paper. On
20 Saturday, August 6 last year, a 15-year-old schoolgirl
21 did not arrive home. Although she had said good night
22 to a girl companion at about 7 o'clock in the Biggar
23 High Street and set off to walk the mile or so through
24 the main road to her parents' house. The next morning
25 her body was found in the cemetery by that road. She

1 had been strangled, partly stripped and horribly mauled.
2 Had she not been a good girl she might be alive to this
3 day. The occurrence stunned the town and countryside
4 and the people hardly dared to think that the culprit
5 might be an inmate of the Approved School 500 yards
6 away. However, police enquiries did in fact trace the
7 murderer to the school. The boy had slipped out of the
8 school in the dark and then slipped back half an hour or
9 so later when he realised what he had done and proceeded
10 to clean up and destroy nearly all the clues of his
11 guilt. The piecing together of the case against him
12 took a long time and I need not worry your Lordships
13 with the details. He was convicted at the Court of
14 Session in Edinburgh on 7 March. An appeal followed on
15 a point of law but this was rejected and in May the
16 conviction was upheld.'

17 LADY SMITH: That was probably the High Court of Justiciary
18 rather than the Court of Sessions, but it could have
19 been in the same building because the High Court used to
20 sit in Parliament House.

21 MS FORBES: 'I would assure your Lordships that had the case
22 not remained sub judice for such a long time I would
23 have this question long before this. When your
24 Lordships debated the Court Lees case on 25 October 1967
25 I referred, without mentioning names, to this school and

1 I hope that it will suit your Lordships if I quote
2 extracts from my speech on that occasion as probably the
3 quickest way to complete the background to my question.

4 I said then inter alia:

5 'There is an Approved School in Scotland, close to
6 a prosperous little town of say 1,500 to 2,000
7 inhabitants.

8 'I went on: It is my present intention to put down
9 specific questions, one for written answer, and to
10 follow this up as time goes on. The school of which I
11 speak, the only one of its kind in Scotland, one which
12 was accepted as an experiment, was established in 1963.
13 Many people in the locality were surprised that it had
14 been located in a property so very close to the town.
15 But the public was assured that the boys to be sent
16 there were those who appeared likely to make good as
17 decent citizens in the minimum of time. It has been
18 suggested actually by one of the governors to me that
19 the townspeople did not try to co-operate. That was not
20 at all my impression. They were naturally hesitant, as
21 any country community would be, at the arrival of
22 an organisation of this nature, but in general they were
23 absolutely willing to help, despite the absence of
24 a member of the town council or indeed of the locality
25 at all on the Board of Governors. Unfortunately, from

1 the first, discipline was such that the boys started
2 making trouble almost straightaway. Had they not done
3 so, things may have been very different, because the
4 sympathies of the neighbourhood were directed towards
5 helping the whole scheme, and these were in a measure
6 alienated from the beginning. If you want the local
7 people to help, please make certain that discipline is
8 adequate ab initio. Unfortunately, the trouble has
9 continued and in the case of which I speak, the damage
10 done to the neighbourly relations of the locality is now
11 so serious that it will take years to re-establish, if
12 indeed that is ever possible.'

13 He refers to that being the official report of the
14 House of Lords of 25 October 1968, columns 1694 to 51.

15 He goes on to say:

16 'I would remind your Lordships that it was not known
17 to me or to the public at the time I said this that the
18 murderer had in fact been apprehended and that he was
19 an inmate of Loaningdale School.

20 'The murder was the climax of the local anxieties
21 and reactions which I described at the time. Not that
22 I wish to raise the matter as a parish pump complaint,
23 but rather in the very much more important context of
24 the whole problem of the place of the Approved School
25 and of the importance of its task in our social

1 environment and the absolute necessity for the future of
2 taking advantage of experience such as ours has been, no
3 matter how bitter. The story of Court Lees and its
4 aftermath of local trouble under a new regime is there
5 to see.

6 'Let me turn to the further history of this school
7 and the various errors of judgment which have bedevilled
8 the whole undertaking. As I understand it, the position
9 is this. First of all, the school was intended to be
10 near Haddington in a place which was an Approved School
11 before and perhaps it was a mistake that that school was
12 ever closed down. Be that as it may, the Board of
13 Governors under the chairmanship of Lord Birsay, the
14 much respected Chairman of the Scottish Land Court, were
15 drawn from East Lothian or from the neighbourhood of
16 Edinburgh.

17 'When one turns to the Articles of Association it is
18 indeed interesting to note that after Sir Harald Leslie,
19 now Lord Birsay, there was: Sir Gerald Reece of Bolton
20 Old Manse near Haddington; G.M. Carstairs, a professor
21 in Edinburgh; Norman Murchison, Edinburgh; David Wyllie,
22 a farmer in East Lothian; Mrs Macdonald Watt, a married
23 woman from Dalkeith, that is nearby; another lady;
24 a farmer from Dunbar; a lady from Edinburgh, and
25 a Mr Walker from West Lothian.

1 'When the building in East Lothian was found to be
2 unsound, the house at Loaningdale to which I'm
3 referring, some 400 yards or so from the outskirts of
4 Biggar in Lanarkshire, was purchased. That was some
5 60 miles away from the house in Haddington. In my view,
6 error number one was that at that juncture the Board of
7 Governors was not adjusted to include local people. We
8 have seen from these articles that it was obviously the
9 intention of the original plan that such should be the
10 case.'

11 I think, Angus, we did see that going through the
12 memorandum of association?

13 A. Yeah.

14 Q. He then refers to a letter that he had from the Church
15 of Scotland Committee on Social Service and quotes
16 a sentence from it, which says:

17 'The managers of Approved Schools are the Social and
18 Moral Welfare Board, which is of course a committee of
19 the General Assembly. In addition, in respect of each
20 individual school however we have a local committee of
21 management on which the board is represented and on
22 which there is a majority of local people, including
23 a member or official of the local authority of the
24 particular area.'

25 That's the end of the quote from there.

1 It then says:

2 'Error number two, as I see it, was that one of the
3 several available houses not so close to the town as
4 that of Loaningdale might have been considered more
5 suitable by a board with local knowledge, which, as
6 I have shown, the board did not have.

7 'Error number three was that although the property
8 is only just outwith the burgh boundaries, little or no
9 effort was made to make contact with the provost or the
10 council of this township which was to be an integral
11 part, as it were, of the scheme to rehabilitate the boys
12 by associating them with the community during the period
13 of their treatment at the school. One side effect of
14 the school is that it pays no rates to compensate the
15 township for the extra load its existence places on the
16 town finances, such as extended street lighting.

17 'Error number four was that very considerable
18 latitude, putting it mildly, was allowed to the boys by
19 the headmaster. They were not only allowed into the
20 town, often unaccompanied, but their unruly behaviour
21 and dirty language caused great offence and had a bad
22 effect upon the youth of the town. Both boys and,
23 I regret to say, girls. As for the latter, no doubt
24 with the best intentions, an invitation had been issued
25 to the girls from the town to join in specific dancing

1 parties - "Bring your own records" sort of thing - no
2 doubt properly supervised in the school. That was
3 a mistake, because thus acquaintances were started up
4 which eventually went a good deal further than was
5 intended, especially as the boys could and did get out
6 at night.'

7 He goes on to talk about the cost to the public
8 purse and provides some information, which I think is
9 corrected later slightly by someone else, but
10 essentially making the point this is a costly
11 enterprise.

12 He goes on to say:

13 'Here I come to error number five, which consists of
14 a combination of the number of pupils and the outlay and
15 in this matter I have considerable sympathy for the
16 headmaster, the original plan was that the school should
17 contain say 20 or 30 boys who appeared likely to make
18 good as decent citizens in the minimum of time, as
19 I quoted before. It was enlarged to accommodate 40 or
20 50 boys and the department I believe, despite the
21 headmaster's protests, started sending boys to the
22 school who had a number of convictions and who were thus
23 mixed in with the originally intended types, some of
24 whom had no convictions at all. The influence of the
25 new intake was a serious matter, trouble, trouble and

1 more trouble ensued. Driving away cars, housebreaking,
2 shopbreaking, petty theft, minor assaults, carrying
3 weapons. All this placed a heavy burden on the police
4 and magistracy and a gradual crescendo of protests from
5 the public. In some respects, the community's pattern
6 of life was changed. I can say that because it has even
7 extended to the surrounding country, including the
8 village in which I live some three miles away.

9 'After two years, in 1965 two local people,
10 including the provost, had been co-opted by the
11 governors. So far, so good. After the murder in 1967,
12 the member of Parliament met the Burgh Council and the
13 Under-Secretary of State, Mr Bruce Millan, has taken
14 a close interest in the matter, meeting the Council and
15 introducing changes to widen the board and to tighten
16 the discipline. Two more local governors were appointed
17 earlier this year, one being the minister of one of the
18 local churches and the other a local doctor, both
19 valuable additions. When the two original local
20 directors had completed three years, one retired and the
21 other, the provost, was not invited to continue. Two
22 more local individuals were invited but they refused,
23 perhaps because they felt that the local authority
24 should be entitled to nominate. This is my own
25 conjecture. I make the conjecture because this point

1 has now been conceded and forthwith the Burgh Council
2 nominated a lady counsellor and another man, who was in
3 fact the brother-in-law of the murdered girl. So things
4 have changed very much for the better.

5 'But have the steps taken go far enough? As I have
6 said, I have a considerable measure of respect for the
7 headmaster and for his theories, although he must bear
8 his share of the blame for what has happened. He is
9 dedicated to a permissive approach to the redemption of
10 young delinquents, which may ultimately be the right
11 one. I wonder how many of your Lordships heard the item
12 on the BBC's programme this morning called "To-day",
13 about the Ipswich open borstal experiment, which I found
14 quite fascinating.

15 'I look forward to the Minister's reply to my
16 question and hope that the Government will institute
17 an inquiry with the broadest terms of reference to
18 establish, if nothing else, what went wrong, because
19 make no mistake, my Lords, a great wrong has been done.
20 I repeat, over the past few months great strides have
21 been made to meet the clamour of the burgh, a clamour
22 which in my view should never have been induced, but the
23 present strict control of the boys if they leave the
24 premises is contrary to the main theme of the
25 experiment.

1 'What then is to be done? If the permissive
2 experiment in all its details is to be continued, it is
3 fair to suggest that this might be done elsewhere. Why?
4 Because it seems to me to follow that a continuation of
5 the experiment where it is will mean a return to the
6 comparative freedom of the inmates' movements, but from
7 now on in a deeply injured and consequently antagonistic
8 community. Would this be fair to the future of the
9 school? It might take a generation perhaps more in
10 a countryside such as the southern uplands for what has
11 happened to be forgotten.

12 'Another point is that if it is too early yet to
13 assess the success or failure of the experiment in
14 overall terms of the end product who have passed through
15 it, what are the present indications? We know that
16 another horrid murder has been committed by
17 an ex-inmate. We know that there have been fire-raising
18 troubles. But I should like to know, are the after-care
19 services adequate? If not, should permissive
20 experiments be continued until the after-care services
21 are adequate? Such and such would be the questions that
22 an inquiry might answer.'

23 He then says:

24 'It could go further and deal with questions such as
25 whether screening of entrants is adequate and should

1 a school of that size be next to such a small community,
2 whether the headmaster has power of summary expulsion
3 and should such a school have an active local committee
4 of governors.'

5 He then goes on:

6 'Whatever happens, I look forward to some sort of
7 public admission that mistakes have been made over
8 Loaningdale, mistakes which have had terrible
9 consequences and the burden of which, an unnecessarily
10 heavy burden, has been laid on a neighbourhood. The
11 great bulk of the people, and I am one, say carry on
12 with the experiment by all means, but do not continue
13 here. Despite the heavy cost, cut the loss and start
14 again elsewhere. Cannot the premises be used for some
15 other social services?'

16 I think that really sums up his position, which he
17 speaks there, Lord Ferrier, for the local community from
18 which he is part.

19 Then I think Lord Balerno then comments and this is
20 at 7.55 pm on page 4.

21 Lord Balerno states that he has an interest in the
22 matter and has been a manager of Approved School in
23 Scotland for nearly 30 years and was chairman of the
24 management for about eight years. He says halfway down
25 the first paragraph:

1 'What the noble Lord, Lord Ferrier, has said about
2 the anxiety of the people of Biggar over this sad case
3 at Loaningdale is entirely true. But I would say this
4 from my limited experience: that what has happened at
5 Loaningdale could, I think, have happened at any
6 Approved School. I would go further and say that it
7 does, unfortunately, happen elsewhere in society today.
8 Therefore, sad as we are at this event, we must not pin
9 it, as it were, too precisely on this one particular
10 school.'

11 He goes on to say that he doesn't know the
12 headmaster and has never visited Loaningdale, but has
13 every reason to believe that the headmaster is a most
14 admirable man.

15 Halfway down that next paragraph he says:

16 'The headmaster seems to be experimenting and this
17 one incident should not I think be regarded as a failure
18 of the experiment.'

19 He then says:

20 'It's not easy to know where to draw the line, just
21 as it is not easy where to draw the line in the
22 administration of discipline. Discipline and freedom go
23 together, but there is one lesson which we must learn
24 from this particular incident, that in an Approved
25 School of this nature it is most important to have

1 adequate night security. Lord Ferrier has drawn
2 attention to the lack of this.'

3 Lord Balerno then goes on to agree that the value of
4 close contact with local residents is another point, and
5 he says at that paragraph:

6 'I can speak from experience and say that if you do
7 not have the closest association with certain local
8 residents then you are almost certainly bound to have
9 trouble between the school and the community.'

10 Further down that paragraph he says:

11 'The importance of having local authority
12 representatives knowing about the school on the board of
13 managers, for sure enough at any Approved School there
14 will come a crisis and they are invaluable people to
15 have at your back at a time of crisis and to go to for
16 guidance.'

17 Going on to the next page, page 5, halfway down that
18 first paragraph he says:

19 'The purpose of an Approved School is to
20 rehabilitate and to educate the boys. It is quite
21 unreasonable to think that this can be achieved with
22 many of the boys in less than one year.'

23 He goes on to compare the borstal situation to the
24 Approved School.

25 Lord Mitchison then at the bottom of that page then

1 makes some comments at I think -- I'm not sure of the
2 exact time there -- 8.9 pm. He decides to speak because
3 he has received a letter from Lord MacLeod and asked to
4 put his views before the House and his views are very
5 definite:

6 'First of all, he thinks, as we all do, that this
7 was a most deplorable incident, and I am sure he would
8 agree with me in saying that we are in no position, any
9 of us, to decide questions between crime on the one hand
10 and irresponsibility or ill-health, or whatever it was,
11 on the other. He thinks that the school was a very good
12 one indeed and it was a very valuable experiment.'

13 The next paragraph in the second sentence he says:

14 'This is not at all a hopeless situation. It is not
15 a case where the school must be moved.'

16 Halfway down that page, Lord Ferrier points out that
17 many of the improvements have taken place since his
18 question was put down on 21 March.

19 If we can go then to Lord Bannerman of Kildonan, who
20 intervenes and states:

21 'There can be no question at all but that the staff
22 of these Approved Schools are of exceptional quality;
23 I have visited several of them and I know from
24 first-hand experience. But in this case is it not right
25 that there should be an inquiry, not necessarily into

1 the administration, security and discipline, but into
2 the actual siting of the school so close to the small
3 town of Biggar?

4 He says some other things:

5 'For that reason I would back an inquiry, not
6 necessarily into the type of administration or its
7 quality, but most certainly into the location of the
8 school so close to Biggar.'

9 If we go to page 8, we can then see the second
10 paragraph down Lord Ferrier again speaks and states:

11 'It's only right that I should say that the
12 headmaster himself told me he did not want this boy any
13 more and he would have been moved within a day or two if
14 things had not happened that way. He had already
15 decided that the boy who committed the murder was not
16 fit for the place.'

17 This seems to be information passed to Lord Ferrier
18 from the headmaster at the time that prior to even the
19 murder taking place he had made a decision about
20 transferring the boy.

21 If we then go to Lord Hughes and the second
22 paragraph:

23 'I think he was absolutely right when he pointed out
24 that we could not possibly regard the school as having
25 failed because of an accident of this kind, since the

1 one thing which is quite certain in this life is that
2 there is no way of recognising a potential murderer,
3 whether a boy of 16 or a man of 80. There is no such
4 thing as the murdering type who should be recognised.'

5 The next paragraph he says:

6 'The boys who are admitted to Loaningdale are
7 accepted if they satisfy certain selection criteria, as
8 I think the noble Lord, Lord Brooke, expected would be
9 the case. They are, for want of a better description,
10 not so bad boys as are admitted to other Approved
11 Schools. No boy has been taken who did not measure up
12 in the first examination to these requirements. But,
13 naturally, there have been those who have proved on
14 closer examination to be unsuitable. Some boys have
15 been transferred to other schools to complete their
16 training, and when a Loaningdale boy commits an offence
17 in the locality he is automatically moved elsewhere.'

18 If we skip the next paragraph and go to the
19 paragraph that starts:

20 'As the noble Lords, Lord Ferrier and Lord Balerno,
21 have both made quite clear, this school is trying new
22 methods which, among other things, involve release after
23 a fairly short period of detention -- about six to nine
24 months -- and the results, so far as they are
25 measurable, are being closely watched. So far, the

1 proportion of Loaningdale boys appearing before the
2 courts following their release is rather less than the
3 proportion for the system as a whole; and this,
4 considering the shorter period of training, may be
5 regarded as a favourable sign. Evaluation of methods in
6 the rehabilitation of delinquents is notoriously
7 difficult, and more experience of a greater number of
8 boys is necessary before any sound conclusions can be
9 reached.'

10 Page 9, second paragraph:

11 'So far as behaviour in the school is concerned,
12 I understand that the general philosophy of the regime
13 is to encourage self-discipline rather than to impose
14 a discipline of conformity. Relations with the staff
15 are deliberately informal, so that a responsible
16 attitude may be achieved. This does not mean, however,
17 that the boys are given licence to behave as they
18 please. All are expected to behave in a civilised way,
19 and unacceptable conduct is penalised by loss of
20 privileges or by extra duties. In general, sanctions
21 are applied by the boys themselves, but the staff and
22 the managers of course ensure that misbehaviour does not
23 go undealt with.'

24 If we miss the next paragraph and go to the
25 paragraph after, this is where it's pointed out that

1 this is not an isolated -- yes, there is reference to
2 another murder and the murder of the girl in Biggar is
3 not the only murder, and he says:

4 'The boy concerned was admitted to the school in
5 March 1963, at the age of 13 years and three months.
6 The only offence of which he had been guilty was
7 persistent truancy (he came from an exceedingly bad
8 home), and he went to the Approved School for that
9 reason only. In April 1964 his conduct had so improved
10 that he was released from the school. I have said that
11 he came from a very bad home. The home circumstances
12 were such that in July of the same year -- that four
13 months later -- the boy was readmitted to the school,
14 and he remained there until March 1965. He left the
15 school at the age of 15. Subsequently he got into
16 trouble in different places; he was in borstal in
17 England; he eventually came back to Scotland at the
18 beginning of this year, and a month later he murdered
19 his grandmother -- an offence of which he has now been
20 found guilty.

21 'My Lords, how could that possibly be regarded as
22 a criticism of Loaningdale in the case of a boy who, at
23 the age of 13 years and three months, came in because of
24 truancy; who, during the period he was in the school,
25 was responding well to the treatment; and who left at

1 the end of a year and then came back, because of the
2 unfortunate effects of his family life, for another
3 year? How could anyone in the Approved School, in any
4 institution, even in your Lordships' House, possibly be
5 expected to know that a 13-year-old truant was to become
6 an 18-year-old murderer?'.
7

He then goes on to say:

8 'On this subject of security, it is probably
9 unnecessary for me to remind your Lordships that
10 approved schools are not penal establishments. All
11 schools have their share of absconders, but this is not,
12 I am happy to say, a major problem in any of them.
13 Indeed, so far as information is available from the
14 police and from the school, abscondings from Loaningdale
15 have not been numerous, although there have on occasions
16 been undetected absences. The managers fully appreciate
17 the need to assure the community of Biggar that the
18 school does not constitute any sort of threat to them,
19 and the security arrangements at the school, and the
20 liaison with the police, have been strengthened to offer
21 as great a safeguard as possible -- short of adopting
22 absolute prison standards -- against abscondings. In
23 particular, the managers have installed a night-alarm
24 system in the dormitories, and have now also appointed
25 a night supervisor. The daytime routine is such that the

1 chances of a boy's absence remaining undetected for more
2 than a very short time are now very slight indeed.'

3 If we go to the next page and just at the end of the
4 first paragraph it says:

5 'If a mistake was made, I do not think it can
6 possibly be denied that it was in the beginning and not
7 having sufficient local representation on the board as
8 the noble Lord, Lord Ferrier, has been very fair to
9 point out, this has now been remedied. It was not in
10 fact until June 1965, and I think he said this, that the
11 town council had the opportunity of appointing a nominee
12 and another local person was adopted in membership at
13 that time too.'

14 I think Lord Hughes then goes on to provide further
15 information about Provost Telfer going on to the board
16 and later that the changes that had been made with local
17 representatives being on the board should improve the
18 lines of communication between the school and the
19 community where he says:

20 ' ... which I must admit have been deficient in the
21 past.'

22 Lord Hughes goes on to correct Lord Ferrier's
23 costings saying that in fact the estimate for the
24 current year for each boy would be about £1,180 which is
25 slightly more than the average was for Approved Schools

1 up and down the country.

2 Then on to the next paragraph, he says that there
3 has been careful appraisals of all the matters involving
4 the management and the conduct of the school and in the
5 interest of the community and states:

6 'The changes which have been made should not be
7 taken as a criticism of the able management and
8 leadership which the school has enjoyed since its
9 inception. I think they will offer a sound basis for
10 re-establishing the good relations which are a necessary
11 component for the success of the school.'

12 He goes on to say that the government have come to
13 the conclusion that an inquiry is not necessary.

14 If we go to the paragraph before, page 11, he
15 outlines that something like this could have happened
16 anywhere essentially and in paragraph two, he says:

17 'For all these reasons, the Government feels that
18 what requires to be done in relation to Loaningdale has
19 already been done as a result of a great deal of work
20 done by all concerned locally and in the department.'

21 They do not propose to instigate an inquiry such as
22 has been requested and at the end of that paragraph
23 states:

24 'I'm satisfied from what has been said during this
25 debate and from the reception which the Provost has

1 given to action taken by my honourable friend, that real
2 efforts will be made by all in the town and within the
3 Approved School itself to make certain that the
4 relationship in the future is as good it can possibly
5 be.'

6 So that seems to be quite a lengthy background into
7 what happened in relation to the local community after
8 the murder of the young girl in Biggar?

9 A. Yeah, I agree.

10 Q. And outlines the changes made to the school and the
11 security, the night manager and that led to them
12 deciding that there didn't need to be a public inquiry,
13 as requested, but, I think, as you have said, Angus,
14 there still seemed to be concerns within the local
15 community and it's probably a mixture of things, but if
16 we go to LOA-0000000016.

17 This is an article in the Herald and it's 9 October
18 1989. That's not on the document, but that is date that
19 it was --

20 A. That's my writing at the top.

21 Q. I think the actual date was 9 October 1989, just so we
22 know the time period we're dealing with and essentially
23 this relates to the closing of Loaningdale List D School
24 and it says that it's going to be closing early next
25 year because:

1 ' ... of the new Strathclyde social work policy of
2 reducing the number of residential placements for
3 children in care. The school caters for 35 children, 25
4 of them are referred by Strathclyde and the remainder
5 from other social work regions in Scotland. The staff
6 of 36 received redundancy notices last week.'

7 It goes on to say:

8 'A declining number of suitable children available
9 through the changing social work policy and
10 an increasing incidence of petty crime in the town,
11 coupled with the likelihood of a substantial deficit in
12 the accounts this year, has made the non-profit-making
13 charitable company, the Loaningdale School Company
14 Limited reluctantly decide to close down.'

15 It says:

16 'The sale of the school premises will enable us to
17 pay off the remainder of our debt to the Scottish Office
18 and with regret make the redundancy payments to the
19 loyal staff.'

20 That is a quote from Hazel Gourlay
21 chairman of the board of management, and it says that
22 she's been chairman for the past three years and adds
23 another quote from Hazel Gourlay saying:

24 'I have been on the board for 11 years and chairman
25 for three years. Since going independent as a result of

1 the Secretary of State's withdrawal of funding to
2 residential schools we have been struggling against many
3 and varied pressures to keep the school open. I deeply
4 regret the school's closure.'

5 It goes on to say that the closure next April, April
6 1990, opens up the possibility of major housing
7 developments on the north side of Biggar. And it goes
8 on to talk about some conditions controlling the school
9 grounds.

10 You have told us that subsequently and before you
11 came involved that there were already some of the land
12 that has been sold?

13 A. When we sold to the outdoor centre we gave them seven
14 acres so they could actually have an outdoor area for
15 young people to come and climb trees or do whatever and
16 because there is no garden ground or whatever and it's
17 not very good, and that's why we rented the field in the
18 front of the building to them under a preemption and we
19 got it back after 20 years.

20 Q. It seems from this press release anyway that there was
21 a number of factors, funding being one of them, changes
22 to the provision of these type of schools and also some
23 criminality in the local area had all led to come
24 together to close down the school; is that your
25 understanding of what happened?

1 A. I think so. The fact it was classed as an experiment.
2 It's surprising that they don't have any youth workers
3 in there that a lot of schools do have now for children
4 with challenging behaviours that may have helped and
5 there was a lot of unqualified teachers who were maybe
6 on the vocational side and people were saying they
7 weren't being educated, so I think it probably was the
8 wrong location for the people of Biggar ever to accept
9 it. Maybe having some youth workers -- I'm not
10 a qualified youth worker, but I've worked with a lot and
11 they have a mantra where they continually say: are you
12 changing a child's behaviour? Are you making
13 a difference to a child's life and are you creating
14 a positive future for that child? And they'll tell you,
15 there's no bad children, they might do bad things, but
16 there's no bad children if they catch them in time.

17 MS FORBES: Angus, I appreciate I have taken you to a lot of
18 things which were at a time when I appreciate you were
19 not involved, so I appreciate you bearing with me, just
20 to get the background of what happened with Loaningdale
21 or the Loaningdale Experiment, as it's been referred to,
22 and how it came to close, so I think that takes us to
23 the end of the questions I have for you.

24 I just want to give you an opportunity now to say
25 anything if you want to on behalf of Loaningdale School

1 Company as chairman and a trustee.

2 A. I think we do regret how we started when we didn't think
3 we were involved. We have now accepted that we are very
4 much involved and we are going to join the Scottish
5 Redress system and all the trustees are in agreement
6 that if somebody has been abused, if there is
7 compensation, then we're happy that that compensation is
8 paid out from whatever funds we've got et cetera.

9 And I think our solicitors are going to check if
10 there is any historic insurance or anything that we can
11 assist with it, and hopefully once the compensation is
12 paid out we can carry on and continue with grants for
13 the foreseeable future.

14 LADY SMITH: Angus, could I add my thanks to you for bearing
15 with us and answering our questions this afternoon.
16 I said at the beginning I did appreciate you weren't
17 involved when the school was operating, but the
18 knowledge you do have and the increase in the knowledge
19 you have since first being asked questions by us in 2017
20 has been very helpful. Thank you.

21 I'm able to let you go and wish you well with the
22 rest of the work that you are doing as the chair of the
23 Loaningdale School Company.

24 Thank you.

25 (The witness withdrew)

1 LADY SMITH: Well, that completes our evidence for this
2 chapter and we'll move to closing submissions, I think,
3 a week on Friday; have I got that right?
4 MS FORBES: Yes.
5 LADY SMITH: The date for which suddenly escapes me.
6 MS FORBES: 21 June.
7 LADY SMITH: Well, I'll rise now until then.
8 Thank you to everybody who has been engaged with
9 this chapter and I wish you well in the meantime.
10 (4.08 pm)
11 (The Inquiry adjourned until Friday, 21 June at 10.00 am)
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