

1 Thursday, 10 October 2024

2 (10.00 am)

3 LADY SMITH: Good morning, and welcome back to Chapter 9 of  
4 Phase 8 of our case study hearings, where this morning,  
5 as promised yesterday, we move on to another witness  
6 giving evidence in person, but this time over the Webex  
7 link.

8 Ms Forbes, would you like to introduce the witness?

9 MS FORBES: Yes, my Lady. Thank you.

10 The witness is morning is anonymous and is known as  
11 'David' and he is someone who would require a warning.

12 LADY SMITH: Thank you very much.

13 'David' (called)

14 (Via videolink)

15 LADY SMITH: 'David', good morning. Can you see me and can  
16 you hear me?

17 A. Good morning. Yes, I can.

18 LADY SMITH: Thank you. I am Lady Smith, and I chair the  
19 Scottish Child Abuse Inquiry here in Edinburgh. Thank  
20 you for joining us over the link this morning, so that  
21 we can explore some of your evidence with you. I say  
22 some of your evidence, because we will look at some  
23 parts of the evidence that you have already provided to  
24 us in such helpful detail in your written statement,  
25 obviously we are not going to go through it paragraph by

1 paragraph, because we already have it.

2 Before I turn to that, could I ask you to take  
3 an oath, please.

4 (The witness was sworn)

5 LADY SMITH: Thank you.

6 'David', I think you have a copy of your written  
7 statement available to you there, so you will be able to  
8 use it if you want to do that. If we are looking at any  
9 particular paragraphs, we will flag up the paragraph  
10 number to help you with that. You don't have to use it,  
11 but of course you are able to do so if you want.

12 Otherwise, 'David', if you have any questions at any  
13 time, please don't hesitate to speak up. If you are  
14 concerned about the quality of the link, do say, that is  
15 really important, that you are able to hear us and see  
16 us all the time.

17 Otherwise, if you want a break at any time, please  
18 just say. I do know that giving evidence in the way we  
19 are asking you to do, and that is not just concentrating  
20 on an electronic link -- which is actually quite tiring  
21 of itself -- but casting your mind back to things that  
22 happened decades ago is really quite hard work and some  
23 of what we need to discuss with you might, I appreciate,  
24 be upsetting.

25 If you need a break, do say, there is no problem

1       with that. Just as long as it takes to enable you to  
2       feel as comfortable as you can going through the  
3       experience of something that I am sure is not going to  
4       be particularly comfortable at all, and that is giving  
5       evidence to a public inquiry.

6           I am sure you appreciate why we are doing this, and  
7       the importance of the work of this Inquiry for the  
8       interests of children now and in the future in  
9       particular, and with your background, I don't imagine  
10      that you fail to understand that.

11          One other thing, 'David', I want to mention to you  
12      is that although this is a public inquiry and not  
13      a court hearing, you have all the same rights and  
14      protections that you would have if it was a court, and  
15      that means that if you are asked any question the answer  
16      to which could incriminate you, you are entitled to  
17      decline to answer it. You don't have to answer any  
18      question like that. But of course, if you do, I expect  
19      you to answer it in full. If you are in doubt as to  
20      whether it is that sort of question we are asking you,  
21      just check, there is no problem about that and we will  
22      confirm one way or the other.

23          Does that all make sense?

24      A. It does.

25      LADY SMITH: Thank you.

1           If you are ready, I will hand over to Ms Forbes and  
2           she will take it from there, is that okay?  
3   A.   Yes, thank you.  
4   LADY SMITH:   Thank you.  
5           Ms Forbes.  
6   MS FORBES:   My Lady.  
7                               Questions by Ms Forbes  
8   MS FORBES:   'David', your statement should be in the folder  
9           in front of you and it is quite a lengthy statement,  
10          100 pages, but if I could ask you to go to the very last  
11          page of that statement first of all, and just have  
12          a look at the last paragraph, do you have that in front  
13          of you?  
14   A.   Yes, I do.  
15   Q.   So this is page 100 and this is where there is  
16          a declaration given that you have no objection to your  
17          witness statement being published as part of your  
18          evidence to the Inquiry and that you believe the facts  
19          stated in the witness statement are true. You have  
20          signed that and it is dated 14 April 2024. Is that  
21          correct?  
22   A.   That's correct.  
23   Q.   Is that still the position, 'David'?  
24   A.   It is, and that's my signature.  
25   Q.   Yes.

1           For our records, we give that statement a reference  
2           number, so I am just going to read that out so we have  
3           it in the transcript. It is WIT-1-000001429. You could  
4           turn back to the beginning of your statement if you  
5           want, 'David', or put it to the side, it is up to you.

6           I am just going to start now by looking at the  
7           background and your experience and how you came to be at  
8           a couple of places that I want to talk about.

9           'David', I think first of all you tell us you were  
10          born in 1940, is that right?

11       A. That's correct.

12       Q. Yes. In relation to your qualifications, you tell us  
13          that you obtained a diploma in physical education in  
14          1961, is that right?

15       A. Yes, correct.

16       Q. A certificate in primary education in 1962?

17       A. Mm-hmm, that's correct.

18       Q. Then in 1968 you obtained a qualification in special  
19          education; is that right?

20       A. Yes, that's correct.

21       Q. I think that these were from  
22          Jordanhill College of Education?

23       A. They were.

24       Q. I think later on, after you had begun work, you obtained  
25          a senior certificate in the residential care of children

1 and young people in 197█?

2 A. That's correct.

3 Q. Then in 197█, you obtained a diploma in social work

4 administration?

5 A. Yeah, that's correct as well.

6 Q. Those two things were both from the

7 University of Glasgow?

8 A. They were.

9 Q. Yes. 'David', you go on to tell us that you started off

10 work in about 1962 working as a teacher of physical

11 education at a high school, and I think there was two

12 schools that you worked at in Falkirk, is that right?

13 A. That's correct.

14 Q. Then thereafter, from 1963 to 1969, you again were

15 a teacher of physical education and general subjects at

16 Mossbank Approved School in Glasgow?

17 A. That is also correct, yes.

18 Q. Then in 1969 you took up the role SNR

19 at Langlands Park, is that right?

20 A. I was, that's correct.

21 Q. You tell us, and we have heard evidence about

22 Langlands Park in this Inquiry, that was a residential

23 school for girls?

24 A. It was.

25 Q. You were employed there until 197█, when you then

1       applied for SNR [REDACTED] job at Balrossie?

2   A.   That's correct.

3   Q.   You were at Balrossie between 197[REDACTED] and 199[REDACTED]?

4   A.   I was, yes.

5   Q.   I think in 199[REDACTED], this is probably about the time when

6       there was [REDACTED]

7       [REDACTED] and things like that, is that right?

8   A.   That's correct as well, yeah.

9   Q.   You also tell us, 'David', about some other things that

10       you were involved in, and you say that between 199[REDACTED] and

11       2008, you were a consultant in residential child care

12       and education and you were employed by

13       Social Work Services Inspectorate as a member of a team

14       carrying out an appraisal of a secure unit for young

15       persons?

16  A.   That's correct.

17  Q.   You were also in 1998 engaged by the Inspectorate to

18       carry out a review of the population of young people in

19       secure accommodation in Scotland?

20  A.   Sure, yeah, that's right.

21  Q.   You tell us that that consultancy work included projects

22       with Fife Council, Aberlour Child Care Trust, various

23       residential schools and the Scottish Institute for

24       Residential Child Care and Audit Scotland?

25  A.   Correct.

1 Q. Yes. In addition to that, I think you tell us you were  
2 a board member of the Scottish Commission for the  
3 Regulation of Care, and I think that became the Care  
4 Commission?  
5 A. It started off as the Care Commission.  
6 Q. That was from [REDACTED] in 200[REDACTED] until 200[REDACTED]?  
7 A. Yes, I was involved for the six years.  
8 Q. You tell us that you served on a number of committees of  
9 the board and you set that out at paragraph 9, which  
10 included a variety of different topics that you set out  
11 there?  
12 A. Sure.  
13 Q. In addition, you were also involved as a voluntary  
14 member of the board of managers, both of the open school  
15 and the secure unit at [REDACTED] as well?  
16 A. I was.  
17 Q. You were also a voluntary member of the board of  
18 Includem, which is an organisation, you tell us, geared  
19 to supporting vulnerable young people in the community  
20 and helping them avoid admission to residential care or  
21 the penal system?  
22 A. Yes, that's correct.  
23 Q. You also say, 'David', that you have undertaken speaking  
24 engagements on a range of topics relating to children  
25 and young people, and various educational and work

1 settings. You mention some courses at Jordanhill,  
2 St Andrew's Colleges of Education, training courses for  
3 Children's Panel members, University of Glasgow,  
4 Langside College and also the residential school sector  
5 in both Scotland and England?

6 A. That's correct.

7 Q. You say also that you were trained in interview and  
8 staff selection procedures and, for a period of time,  
9 you were on the selection board for applicants to the  
10 social work course at Jordanhill College?

11 A. I was. Yes.

12 Q. You go on, 'David', at paragraph 15 to tell us that  
13 later, whilst you were at Balrossie, you were involved  
14 in a community parent project and you were seconded by  
15 Strathclyde Region for a year in 1982 to lead a small  
16 team of social workers to set up this project. You tell  
17 us, 'David', that was a special fostering scheme for  
18 children already living in residential schools or about  
19 to go into them?

20 A. Yeah, correct.

21 Q. That took you away from Balrossie for over a year to do  
22 that?

23 A. It did. It did.

24 Q. You go on, 'David', to tell us you have been involved in  
25 setting up and evaluating intermediate treatment

1 projects in the community with the  
2 Social Work Department and also, whilst SNR at  
3 Langlands Park, you developed a special programme of  
4 integrated outdoor education as an aid to residents who  
5 were reluctant learners, is that right?

6 A. That's correct. That's correct.

7 Q. That was something that Jordanhill College audio visual  
8 department made a training video about it called  
9 is that right?

10 A. That's correct. It was even shown in New Zealand on one  
11 occasion, that particular film.

12 Q. I think you say, 'David', that was filmed over a period  
13 of three years in different locations throughout  
14 Scotland?

15 A. It was.

16 Q. You also chaired a working group over a number of years  
17 that wrote and later revised the code of practice and  
18 safety on outdoor activities for all staff of  
19 Strathclyde Region Social Work Department?

20 A. That's correct. That was just one of my specialisms  
21 really.

22 Q. You mention the fact that you were lead officer for them  
23 to the Ocean Youth Club, encouraging and arranging  
24 funding for young people to become involved in sailing  
25 and other outdoor education activities?

1 A. Correct.

2 Q. I think we will see, as we go through your statement,  
3 'David', that outdoor activities is something that you  
4 have a special interest in, is that right?

5 A. I have, yeah. I have a lot of experience in that, yeah.

6 Q. You also say that over the years you have been involved  
7 in a number of radio and television programmes, which  
8 have covered the topics of young people in trouble and  
9 residential child care and education?

10 A. Yeah, sure.

11 Q. Yes.

12 With that resume, 'David', I will start now by  
13 asking you some questions about your time at  
14 Langlands Park. You tell us about that from  
15 paragraph 21 of your statement. You say that you were  
16 there from 196█ to 197█, but there was a time, I think,  
17 you tell us you were away for a full year to go to  
18 Glasgow University, and that was in 197█?

19 A. That's correct.

20 Q. I think that is where you obtained the senior  
21 certificate in the residential care of children and  
22 young people and the diploma in social work  
23 administration; is that right?

24 A. I did, aye.

25 Q. Did you come back to Langlands Park after completing

1           that or did you then move on to Balrossie from that?

2   A.   I came back for a fairly relatively short period of time

3           before the job at Balrossie came up.

4   Q.   Okay.  You tell us a little bit about Langlands Park,

5           'David', and as I have said, we have heard evidence

6           about Langlands Park, the building, the layout at

7           an earlier period in this Inquiry, but I think you go on

8           to say that before you started there, the schooling was

9           done in the main building but they had plans to build

10          a classroom block, was that right?

11  A.   Yeah, we built a classroom block, aye.

12  Q.   Once you started, you built the classroom block on the

13          old tennis court area.

14  A.   That's correct.

15  Q.   This was a modern, purpose-built building, which,

16          I think you tell us, made quite a difference, from your

17          point of view, for the girls?

18  A.   Oh, it did.  Educationally it was a big improvement.

19  Q.   You tell us that Langlands Park -- again we have heard

20          evidence about the type of girls that went there, but

21          you say at that time, it was about 16 to 20 girls, age

22          range from about 14 to 16 years old in the generality?

23  A.   Yeah, correct -- I don't think we had as many as 20 at

24          any time but ... 16 was probably the most we ever had.

25  Q.   Okay.  You explain that this was girls who were

1 seriously at risk or they themselves had been involved  
2 in some sort of delinquent activity?

3 A. That's correct, aye.

4 Q. There is a combination then of perhaps it being a place  
5 of safety for some girls and, for other girls, there  
6 were offending issues in the background?

7 A. Yeah, it was a very mixed bag of people who actually  
8 came to Balrossie in the way you've described.

9 Q. Langlands Park, sorry, did you say, Balrossie, 'David'?

10 A. Sorry, did I say Balrossie. Langlands Park, sorry.

11 Q. You go on to tell us you got the role because SNR  
12 SNR there had got a job SNR at  
13 a girls' school in England and then you had the  
14 experience of working at Mossbank.

15 Your work, 'David', at Mossbank, that was as the  
16 physical education teacher, is that right?

17 A. And general subjects, I ran a class as well in general  
18 subjects.

19 Q. This role at Langlands Park was then taking a managerial  
20 sort of role; is that right?

21 A. Well, can I just say something about that?

22 Q. Yes.

23 A. When I arrived at Langlands Park, I found that education  
24 had kind of lost its place altogether, there was no kind  
25 of heart in it, as it were, and it needed some sort of

1 injection of something different to actually make the  
2 girls interested in education as a topic, and because of  
3 the kind of things I could bring to it, their education,  
4 I'm a musician as well, I can play the guitar, I'm  
5 a singer -- well, I was a singer at that time, so I had  
6 a whole load of things at my fingertips.

7 And it made a huge impact actually on  
8 Langlands Park, all of that, and it tied itself into  
9 what was going on in the classrooms as well, in that  
10 where they showed no interest from writing up where  
11 they'd been or calculating what it was going to cost to  
12 do things in mathematics or whatever it might have been.  
13 Suddenly, over a period of time, the place became alive,  
14 if you know what I mean, in terms of going places,  
15 exploring the world, finding out about things that they  
16 had never had a chance to do before. So that was  
17 definitely worth doing, and it had quite an impact at  
18 the time.

19 Q. I think we will come to part of your statement that  
20 talks a bit more about that, 'David', but I think you  
21 say that you got the job by applying to the local board  
22 of managers and a number of their members interviewed  
23 you, maybe three, and you think they probably took  
24 written references but you say that Mossbank School at  
25 that time had a good reputation and it wasn't difficult

1 getting a reference for Langlands Park, is that right?

2 A. I think I did well enough at Mossbank with all the

3 things -- because I brought a lot of these same sort of

4 issues to Mossbank as well, and I think I probably had

5 quite a high reputation as somebody who could cope in

6 that kind of setting and could make a good contribution.

7 And then I think it was that that probably then got me

8 the job SNR [REDACTED] at Langlands Park, which needed

9 something of the same.

10 Q. I think you tell us, 'David', when you arrived SNR [REDACTED]

11 SNR [REDACTED] was, you say, a Welshman, MSH [REDACTED],

12 and he was someone who you found to be very supportive

13 of any good ideas that came from you or the girls and he

14 was someone that you found to be a great help, is that

15 right?

16 A. He was a very supportive individual. He wasn't able to

17 do a lot of these things himself, he didn't have these

18 kind of skills, but he had an ability to recognise where

19 there were people in this setting in fact who did have

20 these skills and he was very, very supportive. He was

21 supportive to the girls, he was supportive to the staff,

22 I found, he was particularly supportive to me.

23 Listen, it's not got to do with Langlands Park, but

24 I was a rugby player and he was a Welshman who was keen

25 on rugby and he made it possible for me, in fact,

1 I ended up actually [REDACTED]  
2 [REDACTED] so therefore I was -- he was making  
3 it possible for me to actually do things that I maybe  
4 had the potential to do and that, in another job  
5 situation, I wouldn't have been able to do. He made it  
6 possible. You know, he was very supportive on  
7 a personal level as well.

8 Q. You tell us, 'David', that there [REDACTED], SNR [REDACTED]  
9 which was you, and then the rest of the staff [REDACTED]  
10 were all women, is that right?

11 A. They were -- no, there was an art teacher who was a male  
12 and I think there was a couple of men came. It was  
13 mostly women that were there but some of them were  
14 senior people as well and, you know, they were in charge  
15 of units and in charge of groups of girls and, you know,  
16 but mostly women.

17 Q. You tell us, 'David', that there were two senior care  
18 officers and then there was a group of other care  
19 workers, most of whom were, you say, local women and  
20 their role really was to care for the girls on a daily  
21 basis and to support and keep them safe, but you didn't  
22 have too much to do with the care side, you were  
23 focusing on the education component, is that right?

24 A. That's correct. There was so much to do educationally,  
25 and I suppose that one of the reasons why maybe I was

1 appointed at all was because I brought a lot that was  
2 actually applicable to the education department.  
3 I didn't need to -- it wasn't that I didn't get involved  
4 in other parts of it, I got involved in lots of things,  
5 but my major thrust was to do with education. And most  
6 of my time was actually -- at the school was spent on  
7 that topic.

8 Q. I think you say that whilst you were there, there were  
9 [REDACTED] houses on the school grounds, MSH [REDACTED] and  
10 his wife and children lived in one, and you decided,  
11 I think, to move into [REDACTED] the grounds, is  
12 that right?

13 A. Well, we owned a house in, erm, Bishopbriggs at that  
14 particular time, but I sold the house because I thought  
15 I really needed to be nearer where it was, I was going  
16 to be working in Port Glasgow, and we moved into the  
17 house, which was a vacant house because SNR [REDACTED]  
18 had gone down south, and we moved in there and we lived  
19 there for all of the time that I was involved in  
20 Langlands Park.

21 And that was actually good, because we were very  
22 near what was going on and we became really very  
23 friendly with the girls, just because of the nearness to  
24 the whole thing, and my wife and children, in fact, were  
25 available. The girls loved all that kind of contact and

1 we encouraged it, so it was good, it was healthy.

2 Q. I think you say that you were living really next door  
3 and available if required, but generally you wouldn't do  
4 a night shift, you had night care cover and you don't  
5 remember getting called out, is that right?

6 A. That's correct.

7 Q. There was a night watchman who patrolled the grounds,  
8 but he was never inside the main building from your  
9 recollection, is that right?

10 A. That's what I recollect as well, yeah.

11 Q. Just moving on, 'David', to the issue of training or  
12 induction, I think you say that you had done some  
13 training up to that point, and whilst you were there,  
14 you were seconded for the year to Glasgow University,  
15 but you were not given any formal training or induction  
16 when you started. But you took the time to learn what  
17 the issues were within the school.

18 A. Yeah, I would agree with that. There was -- it's a kind  
19 of hazy kind of period that, as I say, it was 50 years  
20 ago when I went there to begin with, and I don't --  
21 there were certainly a lot of kind of initial  
22 preparation for me to, you know, from SNR to  
23 actually as to what the job was going to be about, but  
24 I don't remember any formal kind of induction work being  
25 done at that point. There may have been, but I just

1 don't remember.

2 Q. As you have said, 'David', education was the general  
3 issue that you identified as needing to be promoted and  
4 encouraged at Langlands Park at that time?

5 A. Yeah.

6 Q. Yes.

7 A. That's right. Education was my main thrust really.

8 Q. I think in relation to what you said, 'David', about you  
9 becoming quite friendly with the girls, as well as your  
10 wife and family, I think you say that one of the girls  
11 used to babysit for you and your wife?

12 A. What we found, early on, was that because of the mix of  
13 girls that were there, some of them were very stable  
14 individuals whose family circumstances had led them to  
15 Langlands Park, rather than them having personal kind of  
16 problems that they needed help with, so there were some  
17 very sensible young women actually there. And there  
18 were others, of course, in fact who were in a real mess,  
19 who needed a lot of help, a lot of support, and needed  
20 time spent with them and who really had to get rid of  
21 some of their demons, as it were, so it was quite  
22 a mixture.

23 I mean, obviously we wouldn't have left our children  
24 with one of the girls that was having personal problems,  
25 but they weren't all having that. Some of them just

1       needed to be looked after well.

2   Q.   But at that time, there didn't seem to be any issues

3       about that happening, about a girl from the school, who

4       was responsible --

5   A.   Not at all.

6   Q.   -- babysitting?

7   A.   No, there wasn't.

8   Q.   I think you go on, 'David', to tell us how things were

9       with the girls, and the culture at Langlands Park was

10       different from where you had worked before and you

11       describe it at paragraph 43 as a 'softer,

12       non-threatening kind of place most of the time'?

13   A.   Yeah, and I must say I enjoyed that kind of atmosphere

14       and it certainly was that. I think the fact -- there

15       were moments, in fact, when girls lost the plot and, you

16       know, went for each other as it were, as happened on the

17       odd occasion, and then -- but no, it was really quite

18       a soft, pleasant kind of place to be involved in and

19       when I think about it, think back to it, erm, I really

20       enjoyed that period of time. I felt that I was making

21       some sort of contribution that was actually very

22       helpful, and the girls were very, very pleased to be

23       getting the opportunity to do the things we were doing.

24       I mean, we were sailing, we were skiing, we were

25       waterskiing, we were camping, we were all over the place

1       doing different sort of things.

2           And I had a friend who ran the local police boat,  
3       which went up and down the Clyde every day, and we got  
4       permission in fact even to take the girls on that. So  
5       they even got a chance to kind of meet up with policemen  
6       in a different kind of setting from what they normally  
7       might have been doing, you know, some of them saw police  
8       as bad and you avoided at all costs, but because of the  
9       kind of experience on the boat, it gave them a chance to  
10      get a kind of different view of the thing.

11   Q. 'David', I think you go on to tell us about your role  
12      whilst you were there, this is from paragraph 47  
13      onwards, and it does very much focus on broadening the  
14      girls' horizons, what you have been telling us --

15   A. That's correct.

16   Q. -- about these outside activities, outdoors and also  
17      music, that you have mentioned as well, because that's  
18      something that you were keen to bring into the place, is  
19      that right?

20   A. Well, my experience is that, if you are lucky enough to  
21      be able to kind of provide some musical opportunities,  
22      then it further kind of softens everything. It makes --  
23      it's got a very therapeutic kind of effect, it actually  
24      has, if the place is singing or it's, you know, or  
25      making music or listening to music or whatever, and I've

1       used that in all the different places that I've been  
2       involved in so ... it had an excellent sort of effect at  
3       Langlands Park, in that I found lots of girls who were  
4       good singers, some who could play musical instruments  
5       a bit, and you know, you made most of that -- we went  
6       out singing as a singing group to old folks' homes. We  
7       did lots of things of that kind. So it further kind of  
8       added to the kind of broadening of horizons in a way.  
9       Very helpful.

10    Q. On a day-to-day basis, 'David', you tell us you would be  
11       in the main building or occasionally you would be away  
12       organising the next trip or the next adventure, but you  
13       would be around the school and classroom area trying to  
14       make sure the teaching staff and the girls had the  
15       resources they needed to do. But you were not involved  
16       in teaching unless you had to be if someone was off sick  
17       or something like that?

18    A. Well, that's right. I mean, obviously you filled the  
19       gaps as required.

20    LADY SMITH: Well, as SNR [REDACTED], that would be the norm,  
21       wouldn't it? As SNR [REDACTED], you wouldn't normally  
22       expect to have regularly timetabled lesson duties, would  
23       you?

24    A. No, I didn't have regular timetabled duties in that  
25       sense. But I was well aware of where there might be

1 gaps arising and you filled the gaps as you could.

2 LADY SMITH: Yes, I can see that. Thank you, 'David'.

3 MS FORBES: As part of that role, 'David', you would be

4 [REDACTED]. I think

5 you tell us, because it was quite a small place, it was

6 easy for you to meet with them regularly. The teachers

7 were only in the school during the day, but some of them

8 would come in and teach extra things beyond that and did

9 some other types of work with the girls.

10 You say at paragraph 59, 'David':

11 'There were some very good people there at that

12 time. There were some local people who weren't very

13 highly qualified but there were a number of people at

14 middle management and upwards who were very well

15 qualified.'

16 A. Yes, that's true.

17 Q. I won't go through this in detail, but again you go on

18 to tell us about your vision of broadening the girls'

19 horizons, exposing them to some new life experiences

20 and, as you have said, you mentioned waterskiing,

21 kayaking, hillwalking and going away on trips, taking

22 part in concerts, discos and that kind of thing, is that

23 right?

24 A. Yeah, anything that the girls maybe were not getting the

25 chance to do in a normal kind of life. Because lots of

1       them weren't leading normal kind of lives at all, so you  
2       really had to kind of try and introduce them to issues  
3       in fact that were alternatives for them.

4   Q.   You tell us, 'David', about, in relation to recruitment  
5       of staff, that the school was managed by the  
6       Church of Scotland and we have heard evidence about how  
7       it was organised.

8       In relation to MSH [REDACTED], SNR [REDACTED],  
9       I think you tell us at paragraph 67 that he was a strong  
10      kind of personality, a dominant figure, but you say in  
11      a very healthy way?

12   A.   That's exactly how I would describe him, aye.

13   Q.   There was volunteers who worked at the school as well,  
14      and he was, you think maybe you were involved in that,  
15      but I think ultimately he would have the final say in  
16      recruitment?

17   A.   Well, he was, SNR [REDACTED], really had to have the final say  
18      in that, because it was a small establishment and  
19      getting the balance of staff right in the place, or as  
20      near right as you could, was very important.

21   Q.   I think you say there was a mix of full-time teachers  
22      and part-time, because really, they couldn't afford to  
23      have a whole lot of teachers on a full-time basis, but  
24      the full-time ones would be things like maths and  
25      English and then others would be part time?

1 A. That's correct.

2 Q. You tell us, 'David', that your wife was a qualified  
3 teacher and there was a point when she was invited by  
4 SNR [REDACTED] to work there, and that was probably two  
5 or three years after you started and it was on  
6 a part-time basis?

7 A. Initially, but she eventually became a senior member of  
8 staff there, in -- I mean, I know it's my wife but she  
9 was just very good at that job and, you know, she was  
10 an asset to the -- as far as -- MSH [REDACTED] inviting  
11 her to apply for a job there was a very good move for  
12 the school, I can tell you.

13 Q. Then you tell us, I think, that you had responsibility  
14 for supervising the teachers, but you would meet with  
15 MSH [REDACTED] on a regular basis to evaluate staff and  
16 you tell us, 'David', that you don't think you had  
17 regular appraisals, it was more on an ad hoc basis, and  
18 your memory was that the teaching staff who were there  
19 at the time were very good in the main?

20 A. I would say they were, yeah.

21 Q. I think you tell us, 'David', about policies and you say  
22 that you think that MSH [REDACTED] did a lot of writing  
23 policies for the school over the years he was there, but  
24 you don't remember seeing written policies. You know  
25 there was guidance but whether it was written down or

1 not, you don't know.

2 You tell us, 'David', about staff meetings that

3 would be chaired by MSH, and that he was

4 keen to keep his finger on most issues that were on the

5 go?

6 A. I would say so, yeah.

7 Q. You don't remember if there was minutes kept or

8 circulated of meetings --

9 A. Oh, I think there were minutes kept of most kind of key

10 kind of issues in the place.

11 Q. You go on, 'David', to tell us about how children came

12 to be at Langlands Park, and again we have heard

13 evidence about that. You talk about the sleeping

14 arrangements and how the girls shared rooms, probably

15 two or three girls. You say at paragraph 85 that you

16 always got the impression the girls were well cared for

17 and looked after; is that right?

18 A. That was the impression I had.

19 Q. They were well-clothed and certainly well fed and you

20 comment that the food was always excellent?

21 A. It was.

22 Q. And the staff ate the same as the girls?

23 A. They did, yeah.

24 Q. You do mention an incident that sticks in your mind

25 about a girl in particular, and this was an incident

1       where the girls had to be separated, but these were  
2       incidents that rarely happened, I think you comment,  
3       things like -- it was hair pulling and that, and that  
4       was the only time you would have to lay your hands on  
5       the girls to separate them?

6   A. That's correct. There was very little in the way of  
7       need to actually touch anybody at all, because it seemed  
8       to kind of run fairly kind of smoothly most of the time,  
9       but now and again girls would fall out and there you  
10      would have a barney on your hands and you really had to  
11      do something before somebody lost all their hair, as it  
12      were, 'cos that's what they usually went for, but that  
13      was a very rare occurrence.

14   Q. You tell us at paragraph 94, 'David', that your  
15      impression was that the girls in the main liked  
16      MSH                      very much and you say 'even although he  
17      was a bit different'?

18   A. He was different. He was a unique kind of character,  
19      lots of strengths and -- the impression I definitely got  
20      was that ... and I was asking my wife about that  
21      recently, what her impression was, that she felt also  
22      that the girls in the main thought he was very a fair,  
23      reasonable sort of person. I think they probably felt  
24      secure because he was so strong just in keeping the  
25      boundaries of the place in fact safe. So I am sure they

1       felt safe with him actually being in the position he was  
2       in.

3   Q.   Just going forward in your statement, 'David', you tell  
4       us about a psychologist who would attend, Janet Hassen,  
5       this is at paragraph 104, and she would come to the  
6       school regularly, whether she was needed or not, and you  
7       think she was an educational psychologist?

8   A.   She was, aye.

9   Q.   She might speak with MSH or you, but most likely it  
10       would be the senior care officer she would speak to, to  
11       see which girls needed her help?

12  A.   She did. The girls weren't always wanting to actually  
13       spend time with the psychologist at all, probably  
14       a number of the girls felt they didn't need that kind of  
15       input, erm, and I know that there were occasions in fact  
16       when girls just refused to go and actually spend time  
17       with the psychologist, but, erm, you dealt with that  
18       kind of issue as it arose.

19  Q.   There was also a psychiatrist you mentioned who used to  
20       come to the school. You say irregularly, but as you  
21       needed him. So you had that level --

22  A.   Bob Brittain, he became -- I think I have said in my  
23       papers, that he became the head of Carstairs eventually,  
24       so ... he was -- it was only in very extreme kind of  
25       situations that we would want help of that kind, so we

1        didn't see too much of him.

2    Q.  As we have mentioned, 'David', it was

3        a Church of Scotland establishment and you say that the

4        girls would go to church at the weekend, if they didn't

5        go home, but there wasn't really religious instruction

6        during the normal school day?

7    A.  There wasn't during the day.  I know that later on

8        Deirdre MacDonald complains about the fact that she

9        thought there wasn't enough kind of -- in a church

10       school, that there wasn't enough going on as far as

11       church work was concerned.  But the local minister came

12       very, very regularly to the school and spent a lot of

13       time about the place and he did hold services in the

14       school on a regular basis, but it didn't happen every

15       single day.

16  Q.  I think you tell us that he was a useful fellow and he

17       didn't really interfere, but he was maybe someone who

18       could suss out things that maybe the rest of you were

19       too close to?

20  A.  He was quite insightful, he was.

21  Q.  In relation to leisure, 'David', you talk about the fact

22       that girls would go to different clubs, usually

23       connected with the church.  This is from paragraph 111.

24       There was a minibus that could seat about 10 or 12

25       people, and there were also evening activities at the

1 school and you made use of the local sports centre for  
2 games and trampolining?

3 A. That's right.

4 Q. As we have talked about, there were always these trips  
5 or expeditions being planned and you talk about a place  
6 up in the Trossachs you could use, a cottage up there,  
7 and that was something that you took advantage of?

8 A. That's beside Loch Achray, up in the Trossachs, aye,  
9 I used that over a number of years really, very useful  
10 place.

11 Q. You've told us already, 'David', about the boating  
12 activities, the girls learning to sail, the fact that  
13 you could take kayaks and boats around the countryside  
14 on the back of the minibus, on the towbar, and that you  
15 would go, not just at the weekends, but sometimes during  
16 the week as a special excursion?

17 A. Yeah, we were always either planning one or engaged in  
18 an activity of that kind and a lot of the work had to be  
19 done in the school, in terms of actually working out  
20 where we were going to go and what we were going to do  
21 and what it was going to cost and all that kind of  
22 stuff.

23 Q. I think you also say, 'David', at paragraph 120, there  
24 was a small group of girls who went to London to see  
25 a show with your wife, I think this is a time when she

1        was a senior teacher, and they stayed down there with  
2        the girls to do that. Is that right?

3    A. That's correct, and that was very successful.

4    Q. There was a local disabled group of young people that  
5        you linked up with and you took a group of them camping  
6        with some of the girls to France on an occasion?

7    A. We did. I wasn't involved in that particular one, but,  
8        erm, my wife was involved, and she said that was  
9        a hugely successful adventure.

10   Q. In relation to family contact, 'David', you say that  
11       most of the girls were allowed to go home at the  
12       weekends, and that was very much organised on  
13       an individual basis, depending on where the girls  
14       stayed, is that right?

15   A. And whether they were at risk by going home, because  
16       a number of them were very seriously at risk by going  
17       home or going to their own area.

18   Q. I think you say, 'David', at paragraph 125, that  
19       anything preventing girls going home at the weekend  
20       would be more to do with their safety, if going home  
21       would put them at risk --

22   A. I think that's the point.

23   Q. Oh sorry, yes.

24   A. Sorry, that's the point I make really, that a lot of it  
25       was to do with safety.

1 Q. As opposed to the situation where it was a privilege  
2 that was being withdrawn?

3 A. No, there wasn't too much of that, really.

4 Q. It would be a combination, you say, of MSH  
5 and the senior care staff, who would make decisions on  
6 whether each girl got to go home?

7 A. That's correct.

8 Q. Parents, separate from that, could visit Langlands Park,  
9 there wasn't a particular day but it would be something  
10 that was negotiated with the senior care officers?

11 A. Yeah, and it was easy for people to get there, because  
12 there was a train station just down the road and buses  
13 passed at the bottom of the road as well. So it was  
14 pretty straightforward for parents to come, you know,  
15 and we encouraged that obviously, as much as we could.

16 Q. You talk, 'David', about the fact the school ran the  
17 same term times as the local schools, to try and make it  
18 as normal as possible but not all girls went home for  
19 the holidays, it just would depend on what stage they  
20 were at and their individual circumstances?

21 A. Yeah.

22 Q. Some would go home for just a few days, some for a week  
23 and sometimes longer?

24 A. Sure.

25 Q. So there would sometimes be girls who would be staying

1        behind at Langlands Park over, for example, the summer  
2        holidays?

3    A.   Yeah, there was always one or two girls in fact that  
4        needed to stay at the school.

5    Q.   During that period, for example the summer holidays,  
6        there wouldn't be school, even though they were staying  
7        within the building. I think you tell us there would be  
8        more recreational activities during that time?

9    A.   That's correct.

10   Q.   'David', you say in relation to assessments and reviews  
11        of the girls from paragraph 130, that these would be  
12        held very regularly but you weren't involved in these  
13        things very often because you were busy doing other  
14        things?

15   A.   That's correct. I mean, I was involved -- if there was  
16        a specific reason as to why I should be involved in  
17        a review, I would be invited to go.

18   Q.   But certainly reviews would take place annually for each  
19        girl, regardless of what else happened?

20   A.   I think they were more regularly than annual, I would  
21        say. I would think pretty regularly, really, and  
22        attendance at children's hearings as well, which usually  
23        stemmed from that.

24   Q.   'David', you go on to tell us about the fact that  
25        Langlands Park wasn't a secure place in the sense that

1       if a girl wanted to leave, they could just walk out of  
2       the building, walk out of the gate, and it was totally  
3       open. Is that right?

4   A. It was. It was.

5   Q. From your recollection, there was very little instances  
6       of girls absconding?

7   A. Yeah, that surprised me. I would have thought there  
8       might have been more, but, I mean, it became a very  
9       pleasant place to be and there was no reason for  
10       absconding, unless there were things going on in your  
11       community that you needed to get to, as it were. So, I  
12       mean, it was a -- absconding was never a problem in the  
13       time I was there.

14   Q. You mentioned already there was a railway station down  
15       the road and you say there was also a bus stop nearby as  
16       well?

17   A. All very handy.

18   Q. But if a girl did abscond, the process was that the  
19       police would be contacted, but it might be that a staff  
20       member would go and collect a girl, instead of the  
21       police?

22   A. That's correct, yeah, sure.

23   Q. Just moving forward, 'David', to discipline and  
24       punishment, from paragraph 136, I think you say there  
25       was a limit to what could be done with regards to that

1       and you don't have a memory of Langlands Park being  
2       a place where punishment was an issue?

3   A.  It was not a punitive place at all.  I mean, it tried to  
4       solve problems rather than actually just put them under,  
5       as it were.

6   Q.  You say the main thing you had to deal with was the rare  
7       occasions when there was absconding and you had to  
8       confront the girl about the implications of doing so?

9   A.  Yeah, because a girl absconding from a place like  
10      Langlands Park was quite seriously a risk, I would say,  
11      you know, and we had instances -- in the very rare  
12      occasions when girls went away -- when they come back  
13      clearly having had a very bad time in whatever community  
14      they went to.

15  Q.  When you say 'clearly having had a very bad time', what  
16      do you mean?  Can you give us an example?

17  A.  Getting involved maybe with the wrong kind of people,  
18      people that were looking for sexual involvement and  
19      maybe harming them in the process of all of that.

20  Q.  Do you recall any girls coming back after absconding who  
21      had injuries?

22  A.  The two girls that I think that Deirdre MacDonald refers  
23      to -- which no doubt you'll be asking about in  
24      a minute -- they apparently ... well, I think I got it  
25      from Deirdre's paper, that they had marks on their body.

1        Now, that would not have been totally unusual, because  
2        if some -- a girl had absconded and gone to the wrong  
3        community, had met up with the wrong kind of people and  
4        had said no to whatever was demanded of them, they may  
5        very well in fact have got badly hurt in the process,  
6        and I think that's what actually happened there with  
7        regard to the two girls in fact that Deirdre MacDonald  
8        was talking about.

9    Q.   Well, we will maybe come to that in a minute or two,  
10        'David' --

11   A.   Yeah, sure.

12   Q.   -- and we can talk a little bit more about it.

13        I think you say that if there were issues about  
14        safety at home or offending, girls offending whilst they  
15        were at home, then they wouldn't be allowed to go home  
16        at the weekend, and that's --

17   A.   That's true.

18   Q.   -- what you mentioned earlier?

19   A.   Yes.

20   Q.   You talk about the fact that there would be a lot of  
21        discussion with the individual girl in relation to this  
22        question of how to deal with her behaviour and that's  
23        really the only aspect of discipline and punishment that  
24        you can think of?

25   A.   Yeah, as I said earlier, it wasn't a very punitive place

1 at all. But from a safety point of view, really we had  
2 to occasionally keep girls in at the weekend, or if  
3 someone, in fact, looked as if they were going through  
4 a very bad spell, then they needed in fact to actually  
5 be with us rather than be in the community, then we  
6 would keep them in the school.

7 Q. Whilst girls did get pocket money, you don't recall  
8 pocket money being removed as a form of punishment for  
9 wrongdoing?

10 A. No. No, I don't at all.

11 Q. But it would be MSH , SNR ,  
12 decision, to mete out punishment, is that right?

13 A. It would in the main -- I certainly -- that wasn't  
14 really much of my role really, because I was too busy  
15 doing other things really, er, but it would be an issue,  
16 probably on the recommendation maybe from a senior in  
17 the unit to MSH about what might be the best  
18 thing to do next.

19 Q. You tell us, 'David', you have no memory of  
20 MSH being punishment orientated?

21 A. I don't. At all.

22 Q. You recall him being, the way you have put it is a kind  
23 of raconteur who was keen on telling girls stories and  
24 listening to them?

25 A. He was very good at listening to them. I mean, he was

1 a storyteller as well, and, I mean, he was an  
2 entertaining sort of fellow to have around, but he also  
3 was SNR [REDACTED], so we had to listen to him,  
4 even when he had stories to kind of share.

5 Q. In relation to corporal punishment, you say that it was  
6 never used?

7 A. There was no corporal punishment in the place.

8 Q. You don't think there was guidance that it wasn't to be  
9 used, but it was something that was never considered to  
10 be used while you were there?

11 A. I don't think it had been ever used in Langlands Park,  
12 but I may be wrong on that but certainly it wasn't being  
13 used when I arrived, and it never was used when I was  
14 there either.

15 Q. In relation to the question of restraint, 'David', you  
16 tell us from paragraph 143 that there was little or no  
17 restraints required and I think you have explained the  
18 situation that might occur with two girls holding on to  
19 each other's hair after a disagreement and having to be  
20 separated and that is the only type of thing you recall?

21 A. That's what comes to mind as the only kind of time that  
22 you really had to kind of take a decision to actually  
23 hold on to somebody, really, because you had to kind of  
24 separate them.

25 I didn't have to do it very often personally, but it

1        was done. Because it had to be. But it was a rare  
2        occasion anyway that it ever happened, that kind of  
3        incident, so ...

4    Q. From what you are saying, 'David', I don't think that  
5        when that happened, you were using restraint in the way  
6        that perhaps had been used --

7    A. It wasn't restraint technique as such. It wasn't -- you  
8        couldn't describe it as restraint. It was separating  
9        people that were harming each other.

10   Q. You had been at Mossbank before that and you say that  
11        there were moments there, and you knew about restraint  
12        whilst there and occasionally had to do it, but there  
13        was nothing like that at Langlands Park?

14   A. Nothing at all.

15   Q. Before you got to Langlands Park, had you had any  
16        training for your time in Mossbank on restraint?

17   A. No specific training, because -- I mean, I know that  
18        later on in Balrossie, I ran training programmes for  
19        staff, but I probably was given no specific kind of  
20        training to actually -- probably -- at Langlands Park  
21        I didn't need it anyway, because of the way things were,  
22        but at Mossbank, there were -- well, I don't want to go  
23        into Mossbank, but, I mean, it was a different kind of  
24        place all together, so ...

25   Q. I think you describe Langlands Park as being a much

1 calmer type of place, but restraint wasn't part of the  
2 scene there?

3 A. That's correct.

4 Q. In relation to concerns, 'David', at paragraph 149, you  
5 say that you are not aware of any of the staff being  
6 subject to any investigation whilst you were there or  
7 subsequently, and you say that after you left to go to  
8 Balrossie, your wife continued to work there for  
9 a period of time and you didn't hear anything about that  
10 kind of thing?

11 A. No. No, and I've asked her as well about that, and  
12 I mean she confirmed in fact that as far as she knew,  
13 there was nobody who worked in the place in fact who was  
14 ever subject to investigation.

15 Q. Indeed at paragraph 151, 'David', you say you don't  
16 remember any girl coming to you with a complaint about  
17 a member of staff?

18 A. No. No, I have no memory of that at all. I don't think  
19 it ever happened.

20 Q. In relation to complaints of bullying amongst the girls,  
21 I think you tell us that the senior care workers would  
22 be the ones that would be dealing with that?

23 A. They would deal with these kind of issues, aye.

24 Q. You go on to say that at that time, there would have  
25 been a key worker for each girl, who would be their

1       trusted adult or confidante, and also there's the senior  
2       care officer who would be involved with them, but you  
3       say that Langlands Park was open enough that the girls  
4       could speak to anyone in the place about any issue?

5   A.   Yeah, sure.

6   Q.   In relation to the question of abuse, 'David', you say  
7       there was a lot of sharing of ideas amongst the staff  
8       about these sort of issues because of the types of girls  
9       that were at Langlands Park and maybe the type of home  
10      situations they had come from?

11  A.   You never really knew what you were going to get when  
12      a new admission, in fact, walked in the door, as it  
13      were. So you never knew whether it was going to be  
14      something that you were going to have to fight to  
15      actually contain or cope with or deal with in any kind  
16      of way, so it was a changing scene all the time. That's  
17      the thing about these schools, there was always a kind  
18      of changing population and you never knew what you were  
19      going to actually have to deal with.

20  Q.   Yes. You have no memory of any abusive situations  
21      coming up at all and you say it could have stuck in your  
22      mind but it hasn't, because you don't think it did  
23      arise?

24  A.   I have no recollection of any abusive situation at all  
25      at Langlands. As I said earlier, I very much enjoyed

1       being at Langlands really for the time -- the few years  
2       I was there and I have no memory of it being a place  
3       where people were suffering or getting treated badly.  
4       Nothing of that in my mind.

5   Q.   Again, in the same vein, I think you say from  
6       paragraph 167 that child protection issues were very,  
7       very regular issues at Balrossie when you went there,  
8       but you don't have a recollection of how much of it went  
9       on at Langlands Park, but there was a lot of discussion  
10      about providing a safe environment for the girls?

11  A.   I think that was the key kind of issue, was the safe  
12      environment, and the -- a reasonable life experience, as  
13      it were.

14  Q.   I think you make the point as well, 'David', that it was  
15      a small place with a small group of girls and a small  
16      group of staff --

17  A.   Yeah.

18  Q.   -- so these issues could be discussed more easily?

19  A.   They were, they were.

20  Q.   I think you tell us that there were inspections of the  
21      school, this is from paragraph 171, from HMI inspectors,  
22      and you remember Church of Scotland personnel being  
23      involved in the school on a regular basis, and members  
24      of the board of managers coming on a regular basis, who  
25      were local people from Port Glasgow?

1 A. That's correct, the board of managers in fact came on  
2 a very, very regular basis, well, so did the  
3 Church of Scotland officials as well, but, I mean, the  
4 people in fact who were from the local community --  
5 I mean, they came and were available for any girl to  
6 speak to, if a girl felt she was being badly treated or  
7 had a complaint to make about any kind of issue but  
8 I have no recollection of that ever having happened, but  
9 there was ... if you like, there was almost a kind of  
10 regular weekly inspection of the place anyway, because  
11 of what was actually happening with the board of  
12 managers. I mean, they were quite active, really.

13 Q. I think you say there were monthly meetings held in  
14 Langlands Park, and they were formal and minutes would  
15 be kept, but this really related predominantly to  
16 financial matters and maybe staff changes and things  
17 like that. But not involving the welfare of the  
18 children?

19 A. I've no kind of information on that, because I wasn't  
20 always really in attendance at these meetings in fact  
21 with the Church of Scotland officials or the managers.  
22 Occasionally I was invited if there was a key issue that  
23 had to be discussed, but they could have discussed any  
24 kind of issue at all really, but there were regular  
25 opportunities in fact for issues to be raised, that was

1 the point.

2 Q. I think you say that this group spent time speaking to  
3 the girls when they attended at the school?

4 A. They did. Yeah. They made themselves available for the  
5 girls, that was the point, and any girl, as I said  
6 earlier, that had an issue to raise could have done so.

7 Q. Records were kept for every girl, but it was the care  
8 staff who were involved in that overseen by the senior  
9 care workers and SNR [REDACTED]?

10 A. Sure, yeah.

11 Q. Just going forward then, 'David', in your statement, you  
12 tell us a little bit more about MSH [REDACTED] from  
13 paragraph 184. You say that your memory of him -- you  
14 have told us some things already, you say that he was  
15 a bright guy, confident about his ability [REDACTED]  
16 [REDACTED] in the main, as you have said already, liked  
17 by the girls and he seemed to get on well with them, is  
18 that right?

19 A. He seemed to, from my memory of it. It was not that he  
20 was hated or was at odds or was treating people badly or  
21 anything, none of these kind of feelings at all.

22 Q. But I think you mentioned the fact that he had a very  
23 distinct, strong voice with a Welsh accent?

24 A. Oh, aye, loud voice. That's just when he was talking  
25 normally, he just happened to have a loud voice.

1 Q. I think you say he didn't need to shout, he just needed  
2 to speak in his normal voice and language --  
3 A. That's right.  
4 Q. And you would hear him long before you saw him?  
5 A. Mm. That's right.  
6 Q. You never saw or heard him shout at the girls?  
7 A. Not directly at girls at all. I mean, when he was  
8 talking you sometimes thought he was shouting when he  
9 was really just telling some issue that he had to pass  
10 on, but ...  
11 Q. You never saw him disciplining girls in any way?  
12 A. No. I never did, and I wasn't always involved in those  
13 disciplinary situations anyway, so ...  
14 Q. You make the point at paragraph 188 that you had never  
15 seen him abuse a girl, either verbally or physically?  
16 A. No, I haven't at all.  
17 Q. I think that you have mentioned already  
18 Deirdre MacDonald, 'David', and you were given her  
19 statement in relation to Langlands Park, and asked to  
20 comment on it, so if we could perhaps go to that --  
21 I won't put it on the screen, you have seen this  
22 statement?  
23 A. I've read it really, yeah.  
24 Q. I am just going to remind you of the parts that are  
25 relevant for your comment.

1           Just for our records, I will give her statement  
2           reference but we don't need to have it on the screen.  
3           It is WIT.003.001.8152.

4   LADY SMITH: Do you also have to hand, Ms Forbes, the day  
5           she gave evidence?

6   MS FORBES: Yes, the day she gave evidence is  
7           a transcript -- it is TRN-12-000000074, that was  
8           30 April 2024, which was Day 441.

9   LADY SMITH: Thank you very much.

10   MS FORBES: 'David', just going firstly to paragraph 6 of  
11           her statement, I think she says that this was when she  
12           started working at Langlands Park, and she tells us she  
13           was there from June until the end of September/beginning  
14           of October 1972, and that she moved into the school as  
15           part of the job.

16           She recalls, when she arrived, she met SNR  
17           SNR, Mr MSH and you SNR. She  
18           talks -- at paragraph 7 -- about Mr MSH having been  
19           in the army, and saying that the -- I should say what  
20           she says at that point, sorry:

21           'Mr MSH had been in the army, he was square  
22           built and a bit of a thug. SNR was a former  
23           PE teacher ...'

24           And then she goes on to describe you.

25           She says:

1           'There was a handful of other staff, who were all  
2           women, and there was also an older member of staff who  
3           sticks in my mind ...'

4           Who she describes as well.

5           Then, at paragraph 22, she talks about an issue in  
6           relation to bed wetting and she says:

7           'A girl who wet the bed would have been made to feel  
8           ashamed for what she'd done. I don't remember having  
9           a sense of the kind of insight and therapeutic approach  
10          to caring for the girls that I would expect nowadays.  
11          It was more a culture of blame. It would be verbal from  
12          any of the staff. I think there was an atmosphere of  
13          fear amongst the staff because of how the two men [REDACTED]  
14          [REDACTED]. I think the staff would have acted because  
15          it would be expected for them to act and behave in  
16          a certain way by the two male members of staff.  
17          I remember a lot of shouting from Mr MSH [REDACTED] and [she  
18          names you, 'David'].'

19          If I stop there, for the moment, and just ask you  
20          what, if any comment, you want to make about what she  
21          has said so far in relation to Mr MSH [REDACTED] being a thug  
22          and this atmosphere of fear amongst the staff because of  
23          how the place was [REDACTED] two men?

24        A. Yeah, I think it's -- it's a lot of nonsense really.

25          I mean, that's not quite how it was at all, but you have

1 to remember that Deirdre MacDonald, from a report that  
2 I read, that she wrote and I read, indicated that she  
3 was about 16 and a half in fact when she was actually  
4 placed at Langlands Park as a community service  
5 volunteer.

6 Now, she was probably no older than many of the  
7 girls who were actually there at that particular time,  
8 but I have to say, probably all of the girls would have  
9 been ahead of her in terms of life experience and the  
10 like. Deirdre MacDonald didn't have really a clue about  
11 how to interpret what she thought she saw or what she  
12 thought she heard, but, I mean, she was making judgments  
13 on issues.

14 The bit about, for example, the wetting the bed and  
15 girls being made to feel guilty. I don't know about  
16 that at all, because I wasn't involved in any of that.  
17 I certainly wasn't making any attempt to frighten staff  
18 or whatever, that's nonsense, absolute nonsense. I got  
19 on well, I think, with virtually every member of staff  
20 that actually worked in the place.

21 Now, I could see why she might think that  
22 MSH, because of the kind of persona that he  
23 was, would -- some staff might be wary of him or might  
24 feel intimidated a bit by him, just because of the loud  
25 voice and the rest of it, he probably gave some of them

1 a bit of a concern, but I don't have any kind of picture  
2 in my mind of staff being afraid of MSH .  
3 They certainly weren't afraid of me, that's for sure,  
4 because I never did anything -- in fact, I never was  
5 involved with staff at any kind of level that made them  
6 feel bad about me. I have no recollection at all of  
7 that.

8 And certainly, as far as girls were concerned,  
9 I never had really any kind of involvement at that kind  
10 of level over those years with girls that made them  
11 fearful of me. None of them were, I know that for  
12 a fact.

13 LADY SMITH: 'David', were you and MSH about the  
14 same age?

15 A. No, he was a good bit older than I was, my Lady. He  
16 was -- I think --

17 LADY SMITH: You would have been 29 actually when you  
18 started that job.

19 A. Yeah, I was in my 20s, aye.

20 LADY SMITH: He was into his 30s was he?

21 A. He was probably, at that particular time when I went  
22 there, he was probably in his late 40s I would think.  
23 He was quite a bit older and he was a much, if you like,  
24 a much more mature, older man than I certainly was at  
25 that time.

1 LADY SMITH: You mentioned at one point in your statement  
2 that he had been a rugby player. Was he still playing  
3 rugby?  
4 A. No, no, he was long past that.  
5 LADY SMITH: Okay. But you were still playing at that stage  
6 I think?  
7 A. Well, as I said earlier, he was a great help to me in  
8 terms of actually making it possible for me [REDACTED]  
9 [REDACTED] as it were.  
10 LADY SMITH: Of course.  
11 A. I mean, other places may have said, 'No, sorry you've to  
12 get to onto your work', but he made it possible for me  
13 to actually take part in [REDACTED]  
14 [REDACTED] or whatever it might be. Because he  
15 believed in that. He felt it was also good for the  
16 school, maybe having someone in the place in fact who  
17 was a reasonably high performer in any activity, and  
18 some of the girls got to know about that and they liked  
19 that as well.  
20 LADY SMITH: Thank you.  
21 MS FORBES: 'David', I'm just going to move to another part  
22 of Deirdre's statement. She had previously spoken about  
23 girls running away and there being -- this is at  
24 paragraph 23 of her statement -- quite a high wall into  
25 the cemetery next door that girls would have to climb to

1       get away, before they could then run off.

2           If I just stop there, first of all, is that your

3       recollection?

4   A.  No, that's a lot of nonsense.  It was a fence that was

5       in between the cemetery to the back and the school

6       grounds and there's no way that any girl could have

7       climbed over that, that's for sure.  In any case, anyone

8       who had any reason at all for absenting themselves from

9       the school could just as easily have just walked along

10      the driveway and walked out the gates, I mean, it was

11      quite simple.  There was -- there was no difficulty

12      about being able to leave the school.  You wouldn't have

13      to kind of go through the drama of attempting to climb

14      across a fence, but it wasn't a wall.

15  Q.  You say fence, was this a metal fence?

16  A.  A metal fence, aye.

17  Q.  What did it have at the top of it?

18  A.  I can't remember.  I just know that having the thing

19      being drawn to my attention, in fact, that it would be

20      very difficult for anyone, probably including me, to

21      have climbed over it, because it was quite a high metal

22      fence.

23  Q.  'David', she then goes on to talk about a section that

24      is headed 'Abuse at Langlands Park' from paragraph 24,

25      and I will just read you out those paragraphs, it says:

1           'I remember the two girls who ran away a lot being  
2 brought back by the police.'

3           She goes on to talk about one particular incident,  
4 she says:

5           'That evening there had been a lot of talk and  
6 anxiety amongst the staff about whether the girls were  
7 safe. When they were brought back, things calmed down a  
8 bit and I went to my room. I couldn't settle in my room  
9 because of what I heard through the walls. I heard  
10 something that made me come out of my room ...'

11          Then she goes on, paragraph 25:

12          'I went along to where the girls were being  
13 disciplined for having absconded, I think they were with  
14 both the male members of staff in a kitchen area which  
15 had stainless steel units in it. I recall that I could  
16 hear both girls being beaten up. It seemed to last for  
17 ages, but whether that's a distortion of memory, I don't  
18 know. I remember that the older member of staff  
19 consoling me because I was really upset. I remember she  
20 was quite upset too. We were absolutely unable to do  
21 anything. There was no female member of staff in the  
22 room where the girls were with the men. I think hands  
23 and fists were used. I remember seeing the bruises the  
24 next day. There were bruises on their upper bodies,  
25 there were visible marks on their faces as well, cuts

1       and bruises. I think the girls weren't around for  
2       a couple of days. There was nothing that ever made me  
3       think there was ever any sexual abuse at Langlands Park,  
4       it was physical abuse, it was a leathering. I only  
5       remember those two girls running away on that one  
6       occasion whilst I was there. I do remember the older  
7       member of staff indicating to me that it was normal for  
8       them to be dealt with in this way when they were picked  
9       up after running away. I think it was what was  
10      expected. It's because of the blows that I heard being  
11      inflicted that I got in touch with the Inquiry.'

12             This lady gave evidence, 'David', in the Inquiry, on  
13      30 April 2024. So I will just go over what she said,  
14      just so that you have the full picture of her evidence  
15      and then I will let you comment, if that is okay.

16             She is asked about the occasion of --

17   A. Sorry, who are you talking about now?

18   Q. This is Deirdre MacDonald?

19   A. Oh, Deirdre MacDonald, right, okay.

20   Q. Deirdre MacDonald, whose statement I just read parts out  
21      to you?

22   A. Sure.

23   Q. She gave evidence to the Inquiry in person and this is  
24      a transcript I am going to read of the part of her  
25      evidence that deals with this incident, if that is okay?

1 A. Yes.

2 LADY SMITH: Can I check, you understand, 'David', until now  
3 we have been referring to her statement evidence --

4 A. Yeah, sure.

5 LADY SMITH: -- but from now, Ms Forbes is going to read you  
6 part of the transcript of evidence she gave in person  
7 here at the Inquiry.

8 A. I hadn't known that, yeah, thank you.

9 LADY SMITH: All right, in April of this year. Just as you  
10 are giving oral evidence today in addition to your  
11 written evidence, she gave oral evidence in addition to  
12 her written evidence. That is where we have got to.  
13 Ms Forbes.

14 A. Thanks.

15 MS FORBES: Thank you, my Lady.

16 A question is asked of her:

17 "Question: What are your recollections of that day  
18 or that evening, I think you say, and what was being  
19 said in the school?"

20 She answers:

21 "Answer: Well, there was -- when it was discovered  
22 that the girls weren't there, which I think was in the  
23 evening at some point, then there was a lot of anxiety  
24 and worry in the school amongst the staff, amongst other  
25 girls. I seem to remember that there would be

1 an expectation that they would be returned at some  
2 point, and they were, and it would have been after  
3 midnight that they would have been brought back to the  
4 school by the police. And that was what happened after,  
5 that is why I came forward to the Inquiry."

6 She is asked:

7 "Question: What did happen after that, Deirdre,  
8 what was the next thing that you became aware of?"

9 She answers:

10 "Answer: That the girls were in a kitchen area,  
11 I remember seeing it, I remember seeing the stainless  
12 steel catering units in the kitchen. A cold horrible  
13 room and I remember the door being shut quite clearly  
14 and the girls were in the room and with both members  
15 of -- both the guys, and I remember being shut on the  
16 other side of the door and with this older lady, she was  
17 there with me, and then I just remember the awful sound  
18 of them being, the phrase 'leathered to within an inch  
19 of their life' really is what I remember."

20 The question is:

21 "Question: 'Was this late at night?'"

22 She answered:

23 "Answer: It was, it was after midnight, it would  
24 have been in the early hours of the morning."

25 Then she is asked if she was in her bed and how she

1       became aware of it, and she then talks about the fact  
2       that she heard a commotion of the girls being brought  
3       back and that's what brought her out of her room and she  
4       says, in answer to a question:

5               "Answer: The commotion of them being brought back  
6       wasn't the sound of the thrashing that I heard. I can't  
7       even remember how far it was from -- I think the kitchen  
8       area was one of the first rooms along the corridor from  
9       where my room was."

10              Then she is asked:

11              "Question: You have described that you're standing  
12       outside the door of the kitchen area, just who was in  
13       the room with the girls, who was in the kitchen with the  
14       girls?"

15              She answers:

16              "Answer: I think it was Mr MSH and 'David'."

17              The question is:

18              "Question: And what was it that you -- what do you  
19       recall hearing from that room?"

20              And she answers:

21              "Answer: The sound of blows and their upset. So  
22       that's it really."

23              The question is:

24              "Question: What were you hearing to indicate that  
25       they were upset?"

1           She answers:  
2           "Answer: Cries, and cries and sobbing and that's  
3           all I remember."  
4           Then she is asked the question:  
5           "Question: Did you tell us at paragraph 25 of your  
6           statement, you say 'I recall that I could hear both  
7           girls being beaten up'?"  
8           She answers 'Yeah'.  
9           The question is:  
10          "Question: What's your recollection of how long  
11          that may have lasted?"  
12          She answers:  
13          "Answer: It seemed to last forever, but that could  
14          be a distortion of memory as well. It seemed to be  
15          a long time."  
16          She is asked:  
17          "Question: Do you remember how old the girls were?"  
18          She answers:  
19          "Question: I think they were 15."  
20          Then she is asked:  
21          "Question: And standing outside the kitchen hearing  
22          this, Deirdre, how were you, what impact was this having  
23          on you at the time?"  
24          She answers:  
25          "Answer: I was appalled, I remember feeling

1       helpless, frightened, worried about them, just couldn't  
2       believe it, couldn't believe that that could be done."  
3       Then she talks about the older lady and she is asked  
4       the question a little bit later:  
5       "Question: I take it from that that the older lady,  
6       for example, didn't feel like she could burst into the  
7       kitchen and interfere with what was going on?"  
8       She answers:  
9       "Answer: No, not at all."  
10       Then she is asked by Lady Smith:  
11       'And you say there were no female members of staff  
12       in the room?'  
13       She answers 'no', and she is asked:  
14       "Question: Just the girls and these two men?"  
15       And she answers:  
16       "Answer: That is my recollection."  
17       Then she is asked by junior counsel the question:  
18       "Question: You want to say, Deirdre, that you think  
19       hands and fists were used?"  
20       And she nods.  
21       Then she is asked:  
22       "Question: Is that by the men on the girls?"  
23       And she says, 'Yeah', and she is asked:  
24       "Question: What gave you that understanding or that  
25       thought?"

1           She says:

2           "Answer: From what I could see of them afterwards,

3           but, you know, the wounds were, you know, their faces

4           were bloody and their hands -- I don't know if their

5           hands were bloody, but certainly around their top half

6           I could see bruises, well, I couldn't see the bruises at

7           that point obviously, but I could see that they had been

8           beaten, their skin was red."

9           She is asked:

10          "Question: Did you see the girls quite shortly then

11          after?"

12          She says 'Yes'.

13          "Question: After the incident?"

14          She says:

15          "Answer: When they were released from the room,

16          yes."

17          Then she is asked a little bit later:

18          "Question: You say there were bruises on their

19          upper bodies?"

20          She says:

21          "Answer: Yeah, they were evident the next day."

22          She is asked:

23          "Question: And you say there were visible marks on

24          their faces as well, cuts and bruises?"

25          She says:

1 "Answer: Yes, I think so."  
2 She is asked by Lady Smith:  
3 'And this is SNR who you described as "a bit of  
4 a thug"?'  
5 She answers, 'Yes'.  
6 She is asked:  
7 "Question: Who you understand was ex-army?"  
8 And she says 'Yes'.  
9 Then she is asked:  
10 "Question: And a PE teacher?"  
11 And she answers:  
12 "Answer: And a PE teacher, yes."  
13 And she is asked:  
14 "Question: And no female member of staff?"  
15 And she answers:  
16 "Answer: The female member of staff who was with me  
17 outside the room."  
18 She was asked:  
19 "Question: And these two men set about the teenage  
20 girls?"  
21 And she says 'Yes.'  
22 Then she is asked by junior counsel:  
23 "Question: And indeed, Deirdre, I think you tell us  
24 that it is because of the blows that you heard being  
25 inflicted that you got in touch with the Inquiry?"

1 And then she says:

2 "Answer: Excuse me if I get a bit emotional."

3 Then she shortly then answers:

4 "Answer: It's recalling the sound of that has never  
5 gone away. It has been in the back of my mind and  
6 popped into my consciousness every so often throughout  
7 my life and that's why I came forward to the Inquiry."

8 Then a little bit later, in her answer she says:

9 "Answer: It is that physical abuse that brought me  
10 here."

11 So I appreciate, 'David', I have gone through quite  
12 a bit of evidence there but that is a bit more  
13 information about what she says she recollects about  
14 this incident that she recalls, so in relation to that,  
15 her evidence from her statement and from what you have  
16 just heard in the transcript, what do you say about  
17 that?

18 A. Well, firstly I don't remember having been involved in  
19 anything of what you have described there. I mean --  
20 I mean, I certainly didn't go round hitting girls,  
21 that's for sure. I mean, that was not the kind of deal  
22 that I had in the place and had I seen MSH  
23 hitting girls, I think I would have stopped him, to be  
24 perfectly honest, but the bit, I suppose, that concerns  
25 me, because Deirdre MacDonald has mentioned in her

1 written paper, is the fact that she saw nothing really  
2 other than when the girls came out the room later. She  
3 actually -- she's only recording earlier on what she  
4 heard, she's interpreted what she thinks she heard.

5 Now, the other thing I wondered about was any marks  
6 that are on the girls could have been there before they  
7 went into that particular room, because they had just  
8 come back from an absconding situation. I think  
9 I described earlier that they run the risk in fact of  
10 actually getting involved with the wrong kind of people  
11 who could duff them up, as it were, knowing ... and they  
12 could come back to the school with these marks. So  
13 I don't know, because I can't remember anything of that  
14 incident at all, whether or not the marks were there  
15 before they went into the room or whether they got them  
16 in the room or whatever, but I have no memory of having  
17 been with MSH in a room beside the kitchen  
18 where a girl -- girls were getting beaten up. Sorry,  
19 that's -- that's not my style.

20 Q. I think, 'David', you say at paragraph 236 that you  
21 don't remember a time when two girls absconded and you  
22 were in a room speaking to them with Mr MSH?

23 A. I don't, no.

24 Q. But I think you make the point that you certainly  
25 wouldn't have been involved in any type of assault on

1 girls --

2 A. I wouldn't at all, that never happened in the years

3 I was there.

4 Q. You say -- this is at 235 -- that what's been described

5 by Deirdre is extreme kind of stuff?

6 A. Well, it is. It is, really.

7 Q. You make the point that she didn't see apparently what

8 happened?

9 A. No, she only heard what she thought was going on.

10 Q. I think the incident that's being described is something

11 that took place late at night. If girls had absconded

12 and had been returned, would that be something you would

13 be involved in late at night?

14 A. No, not at all. Necessarily. I am surprised that I've

15 been -- it's been said that I was involved at all,

16 because if it was late at night, it's not likely that

17 I would be there. Most of my work was certainly during

18 the day.

19 Q. I think you say, 'David', that there were occasions when

20 girls did abscond but that wasn't often. But ... who

21 came back with bruises, because they had been involved

22 in something when they were out and about on the run.

23 This is at paragraph 239.

24 A. Yeah.

25 Q. So there were girls who did arrive back at the school

1 with bruises, that you recall?

2 A. There were -- I think there were examples of that,  
3 because there were so few absconding, I wouldn't say  
4 that happened every time. There were -- certainly were  
5 absconding in fact where people did not come back with  
6 bruises on their body.

7 These two could have done though, for all we know,  
8 I'm not sure. I have absolutely no memory at all of  
9 that, yet it seems to be such an extreme situation.

10 Q. I think you make the point that if something like that  
11 happened, you accept that that would be abusive?

12 A. Oh, it is abusive, yeah.

13 Q. But you say that this is something that you don't recall  
14 and that you wouldn't be involved in and that is  
15 something that 'isn't your style', I think is the way  
16 you have put it?

17 A. That's exactly my point, aye. The trouble is that it's  
18 difficult to get that kind of information from  
19 MSH, because he died a couple of years ago,  
20 so he's not available anymore.

21 Q. I think you make the point, 'David', at paragraph 244,  
22 that it's a concern to you that this type of allegation  
23 has been made and the fact that you don't really have  
24 anything, apart from your account, to say that you are  
25 innocent, other than what you put in your witness

1 statement?

2 A. That's exactly right. I'd say it's not my style of  
3 operation at all, that one.

4 Q. This incident being described by Deirdre MacDonald is  
5 something that, from your point of view, is completely  
6 alien to your experience of being at Langlands Park?

7 A. It's very much alien to my experience, aye.

8 Q. Separate from yourself, 'David', SNR [REDACTED] is named  
9 obviously as being involved in this too, and from your  
10 experience of working with him and seeing how he  
11 behaved, is this something that you think he would  
12 likely to have been involved in?

13 A. Not based on what I know of him. I didn't spend all of  
14 my working life with him, but I certainly, as I said  
15 earlier, I had no recollection of him being a thug or  
16 being hands on girls or -- I have no picture of that at  
17 all of him.

18 Remembering, of course, that it all took place over  
19 50 years ago, so, I mean, my memory of every single  
20 detail was not -- but I have no picture of  
21 MSH [REDACTED] being the kind of person that  
22 Deirdre MacDonald sort of paints him to be.

23 Q. Would he be somebody who would be likely to be involved  
24 with two girls who had been brought back late at night  
25 after absconding?

1 A. It's possible he may have been sent for. I'm not sure.  
2 Because, remember, he also stayed in the school grounds.  
3 So it wouldn't have been too difficult for him to have  
4 a phone call, ' The girls are here, you should come and  
5 see them', aye.

6 Q. I think you have made the point, 'David', as well that  
7 Deirdre MacDonald didn't actually see what took place in  
8 that room?

9 A. She didn't at all.

10 Q. She seems to name you and SNR as being the  
11 men in the room, but I don't think she tells us that she  
12 saw you going into that room or coming out afterwards?

13 A. I think she's wrong.

14 Q. Okay. She does make a comment, 'David', that it could  
15 be a distortion of memory -- is the phrase that she  
16 uses?

17 A. She does, aye.

18 Q. What do you make of that comment?

19 A. I think some of what she's actually said is a distortion  
20 of memory. Involving me in that kind of situation as it  
21 was described certainly sounds like a distortion of  
22 memory because, as I say, I wouldn't have wanted to play  
23 a part in a scene of that kind at all.

24 Q. In relation to MSH, you take the view that  
25 he's not somebody that you would have thought would be

1       involved in something that like that?

2   A.   He may have been. I mean, it's possible. I just have  
3       no recollection of seeing MSH operating like  
4       that at all. But that's not to say that he's not  
5       capable of it -- I mean, I don't -- I didn't see that  
6       part of him at all. If there is a part like that for  
7       him.

8   Q.   You wouldn't have necessarily been in the school at all  
9       times to see what was going on?

10  A.   That's exactly it.

11  Q.   But I think you do say that he could have been seen as  
12       an intimidating character because of the type of person  
13       he was, and the way he came across?

14  A.   He could be, just because of the voice and the kind of  
15       general style of the man. He was a bit different  
16       from -- he was very Welsh, in the sense that his accent  
17       was still very Welsh as well, so he was a slightly  
18       different kind of fellow -- from what you would normally  
19       meet around here but, no, I have no picture of him  
20       operating badly in any kind of situation at all. That's  
21       not to say that he didn't, mark you, because, I mean, I  
22       -- as you said, I wasn't with him all the time. I just  
23       wasn't.

24  LADY SMITH: 'David', we will have a break very shortly but  
25       just before that, to pick up on one thing, you were

1       reminded by Ms Forbes that at one point

2       Deirdre MacDonald referred to the possibility of

3       a distortion of her memory.

4             That was only, of course, in relation to how long

5       the sound of the incident she says she heard lasted. Do

6       you appreciate that that was what it was referring to,

7       not the happening of the whole event, but the length of

8       time it went on?

9   A. No, I hadn't been described that -- I do understand that

10       now.

11 LADY SMITH: Okay. Thank you.

12             Ms Forbes, would that be an appropriate point to

13       take the morning break.

14 MS FORBES: Yes, my Lady. I was going to move on to

15       Balrossie after.

16 LADY SMITH: Let's do that.

17             'David', I will take a break just now for the mid

18       morning of about 15 minutes or so, if that would also

19       work for you, we normally stop at about this time here.

20       Is that okay?

21 A. Yeah, sure, yeah.

22 LADY SMITH: Very well.

23             I will rise now for about 15 minutes.

24       (11.32 am)

25                               (A short break)

1 (11.46 am)

2 LADY SMITH: 'David', welcome back, I hope you found the  
3 break of some assistance.

4 Is it all right if we carry on with questions now?

5 A. Yes, indeed.

6 LADY SMITH: Thank you.

7 Ms Forbes.

8 MS FORBES: My Lady.

9 'David', just before we leave your time at  
10 Langlands Park, is there anything else you want to say  
11 about your time there or what Deirdre MacDonald has said  
12 in her statement and in her evidence?

13 A. My time there, as I said earlier, was very enjoyable and  
14 I have no experience of the kind that Deirdre MacDonald  
15 in fact has highlighted.

16 I think there was a feeling, in my mind, that  
17 Deirdre MacDonald probably shouldn't have been there at  
18 the age she was. As I say, she was only about 16 and  
19 a half, I think, that's too young really for that fairly  
20 complicated kind of situation. And I think she's got --  
21 she's misread a lot of it, my view is.

22 I'm obviously concerned that she seems to have  
23 somehow or other -- talks positively about me in her  
24 early notes in the paper but then includes me in what  
25 appears to be abuse, which I just totally reject.

1           So I think she's got it wrong.

2   Q.   'David', just moving on then to talk about Balrossie.

3           You tell us about that from paragraph 251 of your  
4           statement, and you say that this was going to be  
5           a promotion and it was an opportunity to get in on the  
6           type of work that was being done there, and so you  
7           applied, and this was in 197█, and you were interviewed  
8           by people from Strathclyde Council who were running  
9           Balrossie at the time, is that right?

10          Then you say there was references taken from you and  
11          you went on a visit before you took up the job to see  
12          what the place was like; is that right?

13   A.   Yes, I have just a vague memory of actually visiting  
14          beforehand.

15   Q.   This post, sorry, was to be SNR █, was that the  
16          title or was it something else?

17   A.   I think the title was SNR █. It wasn't  
18          SNR █, because in fact, you know, a non-teacher in  
19          fact could have gone for the job, probably. A social  
20          worker, for example.

21   Q.   I think you say you recall the visit to Balrossie before  
22          you took the job up, this is at paragraph 256, and you  
23          remember a seven-year old boy, who you name, coming up  
24          beside you and taking your hand and the comment you have  
25          made is you remember thinking to yourself, 'Wow, they

1       are needing some sort of care'?

2   A.   Yeah.   Yeah, that still sticks in my mind, I thought to  
3       myself, 'What kind of place is this?', really, that you  
4       know this boy has to behave like that.

5   Q.   So he was very young, do you remember a lot of boys of  
6       his age being there?

7   A.   No, no, that was extremely young.

8   Q.   Was it generally older than that?

9   A.   It was probably known as a junior List D school, in the  
10      sense that probably children from about 10, 11, 12, 13,  
11      14, that kind of age range.   Occasionally you would get  
12      a younger one, like HKC [REDACTED], for example, was  
13      very -- was very young, but there were reasons for that  
14      at the time.   But ...

15  Q.   So Balrossie, and we have heard some evidence about  
16      Balrossie already, this was a boys-only school and  
17      I think you say that it was an old-fashioned kind of  
18      scene that you came upon.   Did that relate to the  
19      building and the way it was run or one over the other?

20  A.   It was both.   The building wasn't being used, to my  
21      mind, appropriately, SNR [REDACTED] prior to me in fact  
22      stayed in the other main building beside the main  
23      building, and I didn't do that.   I sort of spread the  
24      children out into more areas and gave them more space,  
25      but ...

1 Q. I think you tell us about the fact that you, I think,  
2 converted a building on the grounds that had been used  
3 SNR [REDACTED] previously, to --  
4 A. That's correct.  
5 Q. -- accommodate the boys, give them more space?  
6 A. Yeah, that's right. My wife and I, we bought a house in  
7 Kilmacolm, which was the village just down below.  
8 Q. I think you say you found Balrossie to be authoritarian,  
9 highly regimented and punitive when you arrived?  
10 A. It was. That astonished me. After a period of time,  
11 I thought to myself how on earth are you going to  
12 change -- how am I going to change that particular --  
13 because it had been run like that for years and it was  
14 punitive and they still used the strap as a controlling  
15 device, and it was pretty regimented and a bit cold,  
16 really.  
17 There were -- there was a small team, I suppose, of  
18 men mainly that ran the place, very few women in the  
19 place at all, and I began to wonder just exactly how  
20 long it would take to make a difference there.  
21 Q. 'David', was the balance of gender something that you  
22 thought needed to be addressed in relation to staff?  
23 A. Yes, it was. It was, because there were no women that  
24 I could see -- maybe there was one woman, I think, that  
25 really was involved in the caring side of the work, and

1       that just didn't seem right to me and it kind of further  
2       kind of promoted the controlling approach to the whole  
3       kind of business and as long as you had a loud voice, as  
4       I say, in that kind of situation and could make them  
5       march up and down and make them march from one area to  
6       another, then you did that and if you didn't, you got  
7       the belt, as it were.

8   Q.   You make the point, 'David', if it is all men running  
9       the place, it tends to become cold after a while?

10  A.   Having come from Langlands Park, where there was  
11       probably more women than there were men, certainly,  
12       working in the place at any given time, I suppose  
13       I realised in fact that you usually do need a balance,  
14       but probably, because at Langlands we probably could  
15       have done with a few more men in the place as well, you  
16       know, we needed some sort of balanced kind of approach  
17       to the whole thing, and that wasn't the case in my early  
18       experience of Balrossie.

19  Q.   And --

20  A.   Too many -- not enough staff, in some ways, and most of  
21       them men.

22  Q.   'David', you make the point that after you made the move  
23       there, you weren't sure, after a short period, whether  
24       it was the right move and you say that there was a time  
25       when you were sitting on the end of your bed saying to

1       yourself, 'What have I done?'. Because you say it was  
2       an oppressive kind of scene?

3   A. It was really, aye. It wasn't what I was used to at  
4       all. I mean, it really did concern me that these  
5       children were there but really most of them couldn't  
6       possibly have been happy in that situation at all. And  
7       I'm not sure it was doing them any good. It was keeping  
8       them under control, but that wasn't really what it was  
9       all about, that was only part of it.

10   Q. If you felt that it was oppressive, 'David', you can  
11       only imagine how the children must have felt?

12   A. Well, that's the point. So I happened to be looking on  
13       the computer and there was a member of staff, I have not  
14       got their name on them in fact, who was named by  
15       somebody who was there long before I arrived in the  
16       place, and they said that -- how badly they actually  
17       felt about that particular member of staff, and you  
18       just -- you just didn't know exactly what was going on  
19       at all. But it was punitive.

20   Q. I think you say at paragraph 260 that:

21       'The regime depended on the management of the  
22       children in a disciplined and punitive style.'.

23       There was corporal punishment still being used,  
24       there was a secure locked room, which was used for  
25       particularly disruptive boys, and even the gym shoes

1       were numbered with white paint for each boy?

2   A.   That's right.

3   Q.   I think you made point that you realised quite quickly

4       that a lot would have to change to modernise and soften

5       the approach and to make it more child friendly?

6   A.   Yeah, I realised just how difficult a job, even at that

7       stage, that was going to be. Because what you had was

8       the staff team that was used to the old system, who were

9       not -- a lot of them were quite elderly and actually

10      virtually were due to retire, but while they were there,

11      there was no way that they were going to be any

12      different. They didn't have the capacity to change to

13      anything more soft. They just -- they didn't have that.

14      They were conditioned, as it were, in the old system at

15      Balrossie. I knew it would take --

16   LADY SMITH: Sorry, 'David', at this time you were what?

17      3█, going on 3█?

18   A.   Yes, I was.

19   LADY SMITH: You had a staff team that included people that

20      were quite a bit older than you; is that right?

21   A.   Yeah, one of the kind of bits that was a difficulty was

22      the fact that, as a 3█-year old, I got the job and most

23      of these older people had applied for it and didn't.

24      And that didn't make me very popular to begin with,

25      I can tell you.

1           Until such times as these -- a number of these  
2           people in fact retired, then, you know, they were going  
3           to feel that, 'Why have they brought in this young guy  
4           [REDACTED]?' . Because that feeling  
5           actually lasted, you know, even after I managed to  
6           change things, it still lingered, that he's a do-gooder,  
7           this guy, LWH [REDACTED], really, he's changing things and  
8           I remember when I decided to stop the corporal  
9           punishment, you know, they were horrified, the people  
10          who worked there at the time, thinking that we were  
11          going to be swamped by out-of-control children, sort of  
12          thing, and eventually I did it, and we weren't swamped.

13                So it was just one of these things that they were  
14          conditioned in fact to need it in a way.

15   LADY SMITH: I see.

16                That's very helpful, thank you, 'David'.

17   MS FORBES: 'David', one of the things you mention is that  
18          an example of the thinking around Balrossie at the time  
19          was SNR [REDACTED] had written down you can  
20          tell the levels of delinquency by looking at the sizes  
21          and shape of someone's head?

22   A. Aye. That was a prevalent theory in the 1930s,  
23          apparently. It kind of prevailed right up until the  
24          point in fact when I went to Balrossie. So it seemed  
25          a bit daft, but some people believed in that.

1 Q. I think you say that these older members of staff who  
2 had a different view of how things should be done;  
3 whilst some retired, there were some that hadn't retired  
4 or didn't retire, and you couldn't get rid of them and  
5 you were stuck with a number of them, is that right?

6 A. Yeah, that became smaller and smaller as time went on,  
7 but there was always an element of the ones, in fact,  
8 who were there from the old regime, in fact, you just  
9 knew that they thought you were on the wrong track, as  
10 it were, in fact by softening things and making things  
11 more child centred, they werenae for that really. They  
12 were for control, and even when you had one person who  
13 had experienced a long time in that, it can be quite  
14 influential in a place, really to ...

15 Q. Is what you are saying then, 'David', that the previous  
16 regime had existed for quite a period of time and that  
17 was something that was very slow to change?

18 A. It had. It was set in its ways and I knew early on, as  
19 I say I realised that I had taken on something that was  
20 going to be a real demand, but I reckoned now that I had  
21 taken the job, that I really had to kind of stick with  
22 it and try and do something and make it much more child  
23 friendly, softer, more -- more normal, in a way.  
24 Because the previous regime wasn't really normal at all.  
25 It was like a junior prison in a way.

1 Q. You tell us, 'David', that at that time [REDACTED] under  
2 line management [REDACTED]  
3 and then you would have line management over SNR  
4 SNR and then they managed their seniors.  
5 A. That's right.  
6 Q. You have talked about the fact, over time, you tried to  
7 get different members of staff in who had a similar  
8 approach to yourself and I think you talk in the  
9 following paragraphs about the fact that there was  
10 a period when a number of schools like this closed down  
11 and you were looking really to try and recruit people  
12 who were being made redundant from those places and had  
13 the experience that you were after and references that  
14 showed they were able to live with the boys in the way  
15 that you would like them to.  
16 A. Yeah. Make that point again, sorry? That --  
17 Q. Apologies, 'David', it was quite a long question.  
18 A. No, summarise that one for me again.  
19 Q. I think in the following paragraphs -- this is from  
20 about 271 down to 274 -- you are telling us that there  
21 were a lot of schools closing down at a particular time  
22 --  
23 A. Ah.  
24 Q. -- and that you tried to recruit the best staff from  
25 those places?

1 A. Right, well, the point I was going to make about that  
2 was one of the biggest difficulties in this line of  
3 business, dealing in residential schools, is actually  
4 finding the right people to do the work. That's -- in  
5 fact it's almost an impossible task because you never  
6 really know, you know, whether or not somebody is  
7 actually going to be able to do it if they have never  
8 done it before and you hope that they can grow into the  
9 situation with the right kind of guidance and all the  
10 rest of it, but it doesn't always work that way and  
11 sometimes, you know, mistakes are made.

12 The point about me looking for staff from  
13 establishments that maybe had closed, I wasn't taking  
14 just anybody at all. What I was doing was in fact  
15 looking for people who had a proven record of being able  
16 to live safely with these children because these  
17 children can be very, very demanding, you know, and it's  
18 not for everyone at all. Some people come to work in  
19 that line of business and then, say, 'Get me out of  
20 here', because they can't do it. So I was looking for  
21 people in fact who can.

22 One of the keys to the whole success of running, it  
23 seems to me, a place like that, is having the right  
24 group of people. You can live with a few folk in fact  
25 that are learning about it, but you needed enough of

1 a base of competent people who have got the personality  
2 and style and strength and whatever it takes to be able  
3 to kind of do the job in the first place, otherwise it  
4 doesn't work.

5 Q. 'David', you make the point that some of the boys might  
6 only be 13 or 14 but some were quite physically big?

7 A. Well, they were, and you never knew the moment --  
8 because in a way, it was -- something of the girls'  
9 regime, in the sense that, you know, you had some pretty  
10 reasonably balanced people and some very damaged people  
11 and we had the same thing of thing as far as boys in  
12 Balrossie were concerned. At any given time, you always  
13 had a mixture of people in fact that you could work with  
14 and you could reason with and you could actually do  
15 things. And others, in fact, who were constantly  
16 looking for opportunities to kind of -- to go crazy and  
17 attack people and to do daft things.

18 So you always had a combination of that, and that  
19 changed from month to month, because in fact there was  
20 always children in fact who were going to children's  
21 hearings, who were being discharged from the school, you  
22 know, so that you always had a new group of people  
23 coming in and you never knew what you were going to get  
24 and sometimes, some of the kind of extremes of attitudes  
25 and behaviour that you got coming in the door, really

1       were quite remarkable to behold in a way, you know.

2           You never quite knew whether the staff team you had  
3       managed to shape up to that point was going to be able  
4       to kind of live with some of the new admissions. So  
5       there was always a balancing act to be done there and  
6       that was one of the trickiest bits of the job and that  
7       for me, probably, SNR [REDACTED] the place was a very --  
8       was a very demanding thing to do as well. Where was  
9       I going to find people who could do it? And that's why  
10      I looked for people in fact who were -- who had good  
11      reputations coming from other schools.

12   Q. I think, 'David', you say that you made a few mistakes  
13      though. Was that in relation to taking someone on who  
14      you thought would be able to deal with some of this  
15      challenging behaviour safely, but you found out they  
16      weren't able to?

17   A. You never really knew whether some people were going to  
18      be able to grow into the job or not and over the years,  
19      because it was an evolving place, you know, and when  
20      I really got started and got rid of the corporal  
21      punishment, you know, and started trying to shape it up  
22      into a more caring kind of place, you never really knew  
23      just exactly how it was going to work out.

24           Sorry, did -- I'm losing my thread there a bit.

25   Q. No, thank you, 'David'. I think you make the point that

1       you did need people who were strong enough. Now,

2       I don't know if you mean physically or mentally?

3   A. No, no. Emotionally.

4   Q. In themselves, yes, who believed they could tackle the

5       boys without getting badly damaged?

6   A. Yeah, the point I was going to make there was about

7       people in fact who you appointed in the hope that they

8       maybe could grow into the job, who didn't. And there

9       was always some that -- you didn't sack them, because

10      you couldn't sack them, but you really had to find ways

11      of actually moving them on to other more appropriate

12      kind of jobs, elsewhere, away from there.

13           Because all you needed was one or two people in fact

14      who would mishandle some of the extreme situations in

15      fact, and there were some days, some very extreme kind

16      of things happening, not every day and not every week

17      and not every month, but you had to be ready for some

18      sort of outbursts in fact that was going to be possibly

19      damaging.

20   Q. You say you would have to try and move them away to

21      other jobs, do you mean outwith Balrossie?

22   A. Oh yes, aye, away from that kind of work. Not everybody

23      was -- I think I was telling [REDACTED] earlier on, and it's

24      in my paper as well, that we used to invite teachers

25      from the day schools to come and visit us, and they were

1        keen to come and see how we worked with children in fact  
2        that they couldn't work with, some children in fact that  
3        were out of control in the day schools. And I remember  
4        one person coming to me and saying, 'I don't know how  
5        you are doing this particular work, but I couldn't do  
6        it'. And they were admitting that in fact it was not  
7        for them. It's only for some people with the qualities  
8        that you need for that kind of thing. And finding them  
9        is not easy, I can tell you.

10    Q. You mentioned, 'David', that you couldn't sack them, you  
11       couldn't get rid of them, is that how you felt? You  
12       didn't have the authority to give these people their  
13       papers?

14    A. But you didn't always have reasons for sacking people,  
15       what you did was -- if you were looking after the staff  
16       welfare as well as the children's welfare, you were  
17       actually trying to, erm, point them in the right  
18       direction away from something in fact that was not for  
19       them, it turned out not to be for them, maybe to go and  
20       work in a children's home or something of that kind,  
21       where it was maybe, you know, less extreme at times.

22    Q. You tell us, 'David', about the staffing structure [REDACTED]  
23       [REDACTED] had two SNR [REDACTED], one  
24       was [REDACTED], and that was KQJ [REDACTED], and one was [REDACTED]  
25       [REDACTED], zGVW [REDACTED], is that how you say his name?

1 A. zGVW . zGVW , aye.

2 Q. You say there was a depute head for care for all the  
3 houses and each unit had a senior member of care staff  
4 and at least four residential staff and you often had  
5 students on placements there as well, which you said you  
6 think made it become a very open place?

7 A. It did become a very open place and that was one of the  
8 things I was trying to achieve. I wanted it to be the  
9 kind of place that people could come and go in a normal  
10 kind of way, you know, and it was open.

11 Q. Okay. I think you tell us a bit, and I'm not going to  
12 go through it in detail, but you tell us a bit about  
13 KQJ and you thought he was a positive  
14 influence, having come from St Andrew's School in  
15 Shandon, and he was somebody that you say you were glad  
16 he came your direction?

17 A. Yeah, he was a help. He was very supportive of me and  
18 I mean it was good -- he was a wee bit older than I was,  
19 but he was a very sensible kind of fellow, and he'd  
20 worked in this kind of situation before, so he knew what  
21 he was doing, he knew what he was letting himself in  
22 for. So he was good.

23 Q. You tell us a little bit more about the staffing setup,  
24 280. Then at 281, 'David', you tell us about the fact  
25 you had night care staff for each individual unit?

1 A. Yeah. Can I stop you there and say that we had -- by  
2 that time we had actually moved to four units, so that  
3 we had two units in the main school and two units in  
4 what was SNR [REDACTED] and so that we  
5 had spread out the kind of living arrangements really  
6 and made each unit almost -- well, self-contained in its  
7 own kind of way really, and its own staff team, you  
8 know, so it was different from what it had been prior to  
9 me going there, which was all the children in the main  
10 building.

11 Q. I think you tell us during your statement at one point  
12 that when the SNR [REDACTED] building was converted  
13 for living accommodation for the children, that was when  
14 there was the four units and I think you tell us that it  
15 was --

16 A. That's right.

17 Q. -- Cumbrae and Bute in the main building, Arran and  
18 Lomond in the annex?

19 A. Mm-hmm.

20 Q. That would have been the SNR [REDACTED] building;  
21 is that right?

22 A. That's correct. [REDACTED]  
23 [REDACTED].

24 Q. At one point there was then the Iona unit in an annex as  
25 well?

1 A. Yeah, that was an annex at the back of the school and we  
2 were asked to consider taking some very, very young  
3 children, erm, and set up a special kind of situation  
4 and we did that based on the Iona unit, which was that  
5 particular building. That was a good development.

6 Q. That was something that came about later in your time at  
7 Balrossie?

8 A. It came a bit later, but it was quite successful.

9 Q. You mention night care staff, 'David', and I just want  
10 to ask you about that because you say that a lot of  
11 other places just used one night staff for the units,  
12 but you thought that that was a dangerous practice?

13 A. Yeah. We had -- I think we had one night care officer  
14 on each unit, I think, latterly -- what I didn't have,  
15 and in some ways I regret it, is we didn't have a senior  
16 person. We really should have had probably a senior  
17 person that was overseeing the work, because it was, at  
18 some levels, just as important at night as it was during  
19 the day, that things were on an even keel. There were  
20 comparatively few incidents though at night to be fair,  
21 you know, but we still could have done with a senior,  
22 I think.

23 Q. When you use the word 'dangerous', 'David', what do you  
24 mean, dangerous for who?

25 A. Dangerous to the children in the sense that it would

1        have been an opportunity for children in fact to get  
2        into fights, for children in fact to set fire to the  
3        place, for children in fact to abscond. A whole array  
4        of different things which children do when they're  
5        damaged people. Because they really are damaged, a lot  
6        of these children. Not all of them, but a lot of them  
7        are too.

8    Q.   If there was only one member of staff at night, would  
9        there also be a danger to the children from things like  
10       physical abuse or sexual abuse by a lone member of  
11       staff.

12   A.   Yes, it was and I think I learned about that, it dawned  
13       on me kind of a bit late in the day really that we could  
14       have done with better cover at night but we did -- we  
15       had very few instances of -- in fact, I don't remember  
16       any instances of sexual abuse happening at night in  
17       Balrossie. I don't remember that at all. But it could  
18       have happened and, you know, we really should have had  
19       slightly better kind of cover than probably we actually  
20       had, although latterly, believe it or not, we had 102  
21       staff actually working in the place, if you counted  
22       everybody who was there. It was a lot of people to  
23       manage.

24   Q.   'David', when you say you have no recollection of sexual  
25       abuse at night, are you talking about allegations of

1 sexual abuse on a child by a member of staff or are you  
2 talking about sexual abuse allegations as between the  
3 boys?

4 A. It would have been between the boys. That would have  
5 been -- because I mean a lot of them were teenage boys,  
6 in fact, they were coming to that kind of stage in their  
7 life where they were beginning to want to experiment  
8 with sexual things, but I have no memory of having to  
9 deal specifically with that kind of issue. I don't --  
10 I think we chose our night care staff very carefully,  
11 and we tried to make sure in fact they weren't the kind  
12 of people in fact that would have been engaged in that  
13 kind of activity. However, they could have done, given,  
14 you know, the kind of fact that they had quite a lot of  
15 responsibility at night.

16 Q. So from what you have told us, does that mean there came  
17 a point when there was more than one member of staff on  
18 at night or not?

19 A. No.

20 Q. No?

21 A. No, there was one in each unit.

22 Q. Okay, and that was --

23 A. So there were four people -- also, I mean, I stayed not  
24 too far away and had there been any kind of issue at  
25 all, then a phone call to me and I would have been

1       there, but I never -- I never was never called for that.

2   Q.   During your, I think just almost 20 years there, the

3       position was that it was one member of staff in each

4       unit at night?

5   A.   That's right. And I wish it had been slightly better

6       than that. Not because there was any major problems

7       coming from that but, you know, if you don't staff it

8       properly, then you get problems. That's my experience

9       of it anyway.

10  Q.   You go on, 'David', to tell us a bit more about the

11       teaching staff and the different members of staff like

12       groundsmen, drivers, clerical et cetera, who were there.

13       I think your wife was also one of the teachers at

14       Balrossie for a period of time, at one point, is that

15       right?

16  A.   Yes, she was.

17  Q.   I think you tell us that she was a primary school

18       trained teacher, so she was predominantly dealing with

19       the younger children?

20  A.   She was, aye.

21  Q.   From what you have told us, I think she wasn't working

22       there when you first started at Balrossie?

23  A.   No, she wasn't, no.

24  Q.   And she left to do other things before you finished up

25       at Balrossie as well?

1 A. Yeah, I think she was a couple of years before me.

2 Q. You tell us, 'David', that like Langlands Park, there  
3 was this educational psychologist who would visit  
4 regularly and also a psychiatrist again who would come  
5 less frequently to deal with issues?

6 A. Because we had more children, remember, we had up to 60  
7 resident children and another half a dozen children who  
8 came from the local community who couldn't cope with day  
9 school. So we had as many maybe as 66 children, and the  
10 four children actually in Iona unit who had their own  
11 teaching staff. So it was a lot of people really to  
12 have to kind of deal with.

13 Q. There was this period of time that we talked about  
14 earlier, where you were away on a project for a year,  
15 and you were also asked at one point [REDACTED]  
16 Newfield Assessment Centre, as SNR [REDACTED] was having some  
17 sort of problems and had to leave for a while and you  
18 had to take over that position as well as Balrossie at  
19 the same time, is that right?

20 A. That's correct, but when I went to Newfield, I made  
21 a decision that I was going to use SNR [REDACTED] there, who  
22 was quite capable, really, in the main and I would act  
23 as a main support agent really, rather than [REDACTED]  
24 [REDACTED].

25 Q. That was KQJ [REDACTED], who was SNR [REDACTED] whilst you

1           were away?

2   A.   He [REDACTED] SNR [REDACTED] and I think he regretted it eventually,  
3           because it's not for everyone, that kind of job.

4   Q.   You have told us about the Iona unit and I think you  
5           tell us that was 1992 when that was set up and that that  
6           was for boys of primary school age who were very badly  
7           damaged and had a lot of disruption in their life?

8   A.   Yeah.

9   Q.   You say that that was a successful development from --

10  A.   I would think that was very successful. These children  
11           in fact were in a safe environment, they were getting  
12           very, very well cared for, they were being educated in  
13           a primary school setting, with their own building, we  
14           built another building, we put another Portakabin-type  
15           classroom there for them alone as well. To my mind, as  
16           far as I could see, it was something that was actually  
17           being of great benefit to those four children.

18  Q.   You go on to tell us about the living arrangements,  
19           'David', and I'm not going to go through that in detail,  
20           but I think what you say is that the depute for care had  
21           responsibility for deciding which boy was in what room.

22           You mentioned that you would have to think about  
23           what mix of boys you were bringing together and what mix  
24           of staff.

25  A.   Yeah, you did have to think about that all the time.

1 Q. Given the age ranges of boys in Balrossie, inevitably  
2 did it mean that sometimes young boys would be sharing  
3 with boys who were at least two or three years older  
4 than them?

5 A. Yeah, well, I'd like to think in fact the very young  
6 ones were actually kept together really rather than --  
7 there had to be shared bedrooms, that was the trouble,  
8 just because of the layout of the building. We really  
9 shouldn't have had very young children in the main  
10 school. With HKC [REDACTED], eventually, because he was,  
11 I think, about eight at the time, my memory is that in  
12 fact there was an insistence in fact that we take him  
13 actually to Balrossie, because he had been causing lots  
14 of difficulties elsewhere, but there was a real  
15 difficulty finding a place to put him that was going to  
16 be safe for him.

17 LADY SMITH: Did he end up having to share with older boys?  
18 I think he did, didn't he?

19 A. Yes, he did, my Lady.

20 LADY SMITH: How much older?

21 A. They could be as old as 14 or 15.

22 LADY SMITH: Thank you.

23 MS FORBES: That's quite a significant age gap, particularly  
24 at that age?

25 A. That's what I'm saying. Really in retrospect he should

1 not have been there at all, but the other places weren't  
2 coping with him, so ...

3 Q. 'David', you go on to say that your approach to [REDACTED]  
4 Balrossie was to make it your business to try and know  
5 as much as possible about what went on in the school and  
6 you would make yourself visible and walk around every  
7 day.

8 A. I would try to make myself available, as required. Not  
9 every one of my SNR [REDACTED] colleagues elsewhere [REDACTED]  
10 [REDACTED]. I made that decision, that  
11 I was going to take a high profile, and the reason that  
12 I suppose that I made that decision was to do with the  
13 fact that there were still influences from the old  
14 Balrossie around that could easily have sunk the place  
15 if, erm, I hadn't been on top of some of the kind of key  
16 kind of issues that came along from day to day.

17 Now, I didn't want to be involved in absolutely  
18 everything, you couldn't possibly be, but you wanted to  
19 know about key kind of matters really, particularly if  
20 it had to do with keeping some sort of balanced approach  
21 to the whole business. Because it could easily fall  
22 apart again without -- in a way, I suppose, I paid for  
23 having such a high profile in the sense that I probably  
24 got a lot more stuff coming in my direction that  
25 probably should have been dealt with elsewhere.

1 Q. You make the point, 'David', that getting this balance  
2 between being approachable and remaining authoritative  
3 meant that you occasionally had to be very firm and up  
4 front and make sure that your point prevailed?

5 A. That's right.

6 Q. Yes. You mention the fact that when you were making  
7 changes to the [REDACTED] school [REDACTED], that there was  
8 a period where there was no absconsions, there was  
9 100 per cent return from -- you say 100 per cent return  
10 from leave and virtually no absconding.

11 A. I found that as an unusual kind of situation, because  
12 most of these places have always -- at any given time,  
13 you have got one or two children that have decided to  
14 absent themselves from the place and I think what the  
15 children when that happened, waiting to see -- it was  
16 early on in my career, I suppose, in Balrossie, and the  
17 children all wanted to see what I was going to do next,  
18 you know, see what sort of change was I was going to  
19 make, because I was making changes all the time.

20 Not to everyone's satisfaction, I might tell you,  
21 but I was having to make them.

22 Q. You say 'not to everyone's satisfaction', is this going  
23 back to the old regime and the people that remained?

24 A. It is. The people who thought I was being a do-gooder  
25 a bit, or making the place much more open and that

1 I would pay the price for that, as it were, or  
2 something.

3 Q. Just going forward, 'David', to staff training and  
4 supervision, you tell us about that from paragraph 307  
5 onwards.

6 You say at paragraph 311 that you were involved in  
7 delivering a lot of the training to staff at Balrossie  
8 because of your experience and your knowledge; is that  
9 right?

10 A. Yeah, we did. We did a huge amount of in-service  
11 training that I was beginning to promote all the time.  
12 I mean, I realised that, as well as actually insisting  
13 that some people changed their ways of working, that you  
14 had to give them alternatives, better alternatives, and  
15 so we spent -- there was a lot of time, huge array of  
16 different kind of guidance notes on the best way to go  
17 forward and anybody that we knew of outside the school,  
18 who had something to contribute to that, we would invite  
19 them to come and talk to our staff, so a lot of that  
20 went on all the time.

21 Q. I think you have provided us, 'David', with a paper or  
22 guidance that you produced in -- I think this is in  
23 1993, titled '[REDACTED]', is that right?

24 A. Yes.

25 Q. Is that one of the types of guidance?

1 A. One of the examples of the kind of things. I mean, it  
2 didn't have to be too advanced, it just needed to spell  
3 out what was a safe approach to what we had to do, to  
4 deal with, because in fact some of the issues we had to  
5 deal with were very complicated.

6 Q. I am not going to take you through this, but I will just  
7 read the reference for it, so that we know for our  
8 records, it is WIT-3-0000005677 and that is a note by  
9 you, guidance by you, and it seems to cover topics like  
10 institutional tone, appropriate touching, bullying,  
11 absconding, dealing with aggression and violence,  
12 physical restraint, alcohol and other drug-related  
13 problems, violence to staff, recording serious incidents  
14 and staff training.

15 A. That's a good summary of some of the issues. There were  
16 probably a lot more than that as well.

17 Q. That is an example that you have provided us of  
18 something that you kept that you had produced at the  
19 time in 1993?

20 A. Sure. Yeah.

21 Q. You also tell us, 'David', that you had to bring in some  
22 training for staff from external specialists and I think  
23 that particularly related to safe-restraint techniques,  
24 is that right?

25 A. Yeah, that became obvious, that that was critical, that

1 we needed in fact the best thinking about restraint. It  
2 couldn't be restraint of the kind they might use in the  
3 prison system, or some of the other systems in fact that  
4 actually are dealing with the public. We needed  
5 something that was softer than that but still effective.  
6 So there were some people who were actually making  
7 themselves available to work their way round the  
8 schools, giving guidance to staff groups on safe  
9 approaches to restraint and we had many, many sessions  
10 on that. Not that restraint was an issue every day,  
11 because it wasn't. Some weeks, some months, you didn't  
12 have any of that kind, and other weeks in fact it never  
13 seemed to stop.

14 It depended a bit on what kind of combination of  
15 children you actually had in the place at any given time  
16 and what the presenting problems were.

17 Q. We have heard evidence at this Inquiry about the types  
18 of training that would be delivered at different periods  
19 of time. I think firstly we've heard about TCI,  
20 therapeutic crisis intervention, is that something that  
21 you remember?

22 A. Yeah. Yeah, I remember that.

23 Q. Then there came a point when CALM techniques were being  
24 used, and was that something you recall or not?

25 A. I remember the description of the word -- I don't

1 remember every single detail about what the differences  
2 were between them, but I do remember that we had quite  
3 a lot of debate about what was the safest way, as far as  
4 our group of young people was concerned.

5 Q. I think you made the point, 'David', that staff were not  
6 all competent in that area of work, some were very  
7 experienced and others less so, which meant it was easy  
8 for an incident of restraint to get out of control?

9 A. It could. And sometimes the least experienced member of  
10 staff in fact, who maybe had provoked the thing in the  
11 first place, really with some -- saying the wrong thing,  
12 and the child needed to be restrained, then was with  
13 somebody who either didn't have the techniques to be  
14 able to do it, or maybe even not even enough strength to  
15 do it, because you needed in fact to be able to kind of  
16 to do it in a way that was going to be effective,  
17 otherwise you would be better to avoid it all together.

18 There were some members of staff that I recommended  
19 to them, 'Do not get involved in physical restraint. If  
20 you think physical restraint is coming your way, send  
21 for somebody immediately in fact who you know who could  
22 do ...', me if necessary, because, I mean, I'd been --  
23 probably I'd like to think in fact I knew how to do  
24 appropriate restraint in there, but there was quite  
25 a group of capable people who could do that and deal

1       with it sensibly. Others are better to avoid it all,  
2       like the plague.

3   Q. When you say there were individuals who you would  
4       recommend not to become involved, why was that? What  
5       would their involvement result in?

6   A. Maybe because in fact they didn't have the physical  
7       attributes to be able to -- I mean, you need a certain  
8       amount of strength to be able to -- some of these boys  
9       were huge, they were big lads. I mean, you were dealing  
10      with young men in some instances really, you know, and  
11      it was the kind of thing really that you had to think  
12      very sensibly about before you tackled some of it.

13         And if it was a new member of -- a newish member of  
14      staff and somebody who's physically maybe not very  
15      strong, better not to touch it until in fact, you know,  
16      until you were certain that you could actually do it  
17      safely, because people got hurt otherwise.

18   LADY SMITH: 'David', you made reference a moment ago to  
19       staff in fact who had maybe provoked the thing in the  
20       first place. Can you give me an example of that kind of  
21       occasion?

22   A. Sometimes how people deal with someone who's upset,  
23       supposing a child is upset and the member of staff,  
24       who's maybe not very skillful at dealing with that, says  
25       the wrong things. I've seen that actually happen where

1       then children just fly off the handle and then -- and go  
2       for the member of staff, because they feel they have  
3       actually made their situation worse.

4   LADY SMITH:  Okay, so this is where --

5   A.  It's inexperience in a way.

6   LADY SMITH:  This is a situation where the member of staff  
7       actually makes things worse because they don't have the  
8       skill to deal with it appropriately?

9   A.  That's right.  But you would expect that of someone in  
10      fact who hadn't been in that kind of work very long, how  
11      quickly does it take -- how long does it take for you to  
12      learn the kind of sensible things to say to de-escalate  
13      some of the tensions that you might be faced with?

14   LADY SMITH:  Thank you.

15   MS FORBES:  'David', from your point of view, was  
16      de-escalation the first approach that should be taken?

17   A.  It certainly was.  If you had the skills and the  
18      confidence to be able to say the right things at the  
19      right time, you could -- other members of staff in fact,  
20      by their sheer presence in fact, prevented actually, the  
21      need for there to be physical restraint.  Some people  
22      have that.  I had a lot of that influence myself.

23      I mean, if I arrived in a situation that was tense and  
24      whatever, if I arrived, it kind of tended to calm down,  
25      just because I was there, because partly to do with the

1 position I held, but partly to do with me, I suppose.

2 You know, and some people have that ability to be  
3 able to kind of keep -- to calm things down without  
4 actually getting involved in physical restraint or  
5 anything like it. So I'm looking for these people --  
6 I was looking for these people all the time and I found  
7 a few of them, I must say.

8 Q. When you say, 'David', that you had that effect and you  
9 mentioned the fact that your position was maybe one of  
10 the reasons --

11 A. Yes.

12 Q. -- was another reason maybe your physical build and  
13 stature?

14 A. Oh, I'm sure that had something to do with it, the boys  
15 all knew that I was a [REDACTED] rugby player or had been,  
16 and I don't suppose some of them, if they would have  
17 thought twice about it, they would still have had a go  
18 at me, but it never really happened. They probably most  
19 of the time thought, 'Well, I don't want to take him  
20 on', but it was -- the kind of situation where I didn't  
21 want to use that as my main reason in fact for helping  
22 people out of difficult situations. That would have  
23 been wrong, if it was just my physical kind of build,  
24 that would have been absolutely wrong.

25 Q. I just want to ask you another thing about what you

1       said, 'David', about an incident of restraint could get  
2       out of control if the wrong member of staff was  
3       involved. When you say 'get out of control', what do  
4       you mean by that, what would happen?

5   A. It would mean that the member of staff in fact would  
6       become injured. They would probably have someone who is  
7       of a superior physical build than them, because a lot of  
8       the boys were, and, you know, you really had to kind of  
9       make sure that the staff were safe as well as the boys  
10      being safe. So that's why some people you -- it made  
11      sense to say to them, 'Don't get involved until you have  
12      actually kind of learned some of the techniques of this  
13      that can help to reduce the possibility of you being  
14      hurt'.

15   Q. What about the child potentially being hurt, 'David', by  
16      the restraint getting out of control?

17   A. Well, you want to avoid that at all costs. I mean, that  
18      wasn't what restraint was about. Restraint was to try  
19      and prevent some extreme things happening, and you  
20      certainly didn't want to hurt them in the process.

21         And the good techniques, as far as restraint were  
22      concerned for us, was situations where children were  
23      held but not hurt in any kind of way. I think back to  
24      it, I think that I actually -- occasionally I had to  
25      hold children because they were wanting to fight with

1        somebody else, but you held on to them just for a few  
2        minutes to calm things down and that was okay.

3            So some of it was just kind of simple holding.  
4        Others, in fact, had reached beyond that particular  
5        point and had reached the stage where the child was  
6        going to do damage to somebody or something.

7    Q.    Were there occasions where children were injured as  
8        a result of restraints at Balrossie?

9    A.    I've no memory of a child being injured. It's possible  
10        that it maybe did happen but I have no memory of that.

11   Q.    Okay. Just going forward in your statement, 'David',  
12        you are talking about the types of boys that were  
13        admitted to Balrossie. I think we mentioned, just like  
14        Langlands Park with the girls, there was some there for  
15        their care and protection at Balrossie, is that right?

16   A.    Mm-hmm.

17   Q.    So there was a mixture, some boys would be there because  
18        of offending and behaviour outside, but some was because  
19        of their family circumstances?

20   A.    That's right. It's a very mixed kind of bag of issues  
21        really.

22   Q.    We have talked about the fact that some of these boys  
23        could be very young, indeed as young as seven and up  
24        then to 15 or so, 16?

25   A.    Yeah. I think the youngest boy we admitted to the main

1 school was HKC , and I think he was eight  
2 I think, from what I've read in his paper. Then we had  
3 some younger ones than that in the Iona unit, but the  
4 issues about Iona unit, in fact, tended -- it was almost  
5 a separate kind of agency in a way. The staff team  
6 there did a very good job really.

7 Q. I think though, 'David', you mentioned on your visit to  
8 Balrossie, before you took up the post, being approached  
9 by a seven-year old boy, and that was obviously before  
10 Iona unit was set up, is that right?

11 A. Yeah. No, I remember him doing that and thinking to  
12 myself there's something not right here. Thinking to  
13 myself, whatever it is, you know, I need to think about  
14 it a wee bit harder because, I mean, it wasn't normal  
15 for someone to come up and actually take your hand and  
16 when I think back to it, he was looking for reassurance  
17 in a way and maybe that was necessary, considering the  
18 kind of regime it was at that point.

19 Q. 'David', you go on to talk about two boys, and these are  
20 because statements have been provided to you that these  
21 individuals have given.

22 The first one I think you talk about, we are going  
23 to refer to him as 'Nick', and that's the boy who was  
24 only eight-years old. You start to talk about him from  
25 paragraph 328 in your statement.

1           Now, we know from our records, 'David', that he was  
2       admitted to Balrossie on [REDACTED] 1992, and he had just  
3       turned eight the month before. I think you tell us that  
4       he was somebody that you really only vaguely remember,  
5       but you do have a recollection of him?

6   A. Yes, I don't remember much about him at all.

7   Q. Do you remember him, sorry?

8   A. I do remember him. Just very, very vaguely remember  
9       him. Because of the fact he was so young, I think that  
10      was the bit that stuck in my mind really. I don't  
11      remember much about him beyond that.

12   Q. I think at paragraph 328, you tell us, over the page  
13      into 56 -- I don't know if this is the information from  
14      his statement you are referring to here, or from your  
15      own recollection, but I think you tell us that he had  
16      been bullied everywhere he had been and you think there  
17      was a special reason for him coming to Balrossie?

18   A. Yeah, he'd had a horrendous kind of life experience  
19      really, to be fair. I mean, he'd been bullied  
20      everywhere, he'd been sexually abused it seems, from  
21      what I've read in his notes, when he was very young, and  
22      that happened right through -- it happened in Balrossie,  
23      although I have to say I didn't -- I didn't know about  
24      that at that particular time. That was one of the  
25      issues that wasnae passed on to me and it should have

1       been.

2   Q.  I think from what you are telling us, 'David', the  
3       information about him being bullied in his life is from  
4       the statement that you have seen, it is not from your  
5       own recollection of the time?

6   A.  It's from the statement I saw, yes.

7   Q.  You say at paragraph 329, 'David', that when you think  
8       about it now, it was probably a mistake putting him in  
9       with the older boys and he seems to have spent his whole  
10      life being bullied, so it didn't really matter where he  
11      was, that was what was happening to him?

12  A.  Yeah, and it continued later it seems, even when you  
13      read his reports, everywhere he went he was bullied.

14  Q.  I think then you talk about another boy at  
15      paragraph 331, and we are going to refer to him as  
16      'Donald', but I think you know his name and you have  
17      been given his name again --

18  A.  And I've got his report, the report as well.

19  Q.  And from his statement --

20  A.  Statement now.

21  Q.  You say that he had a horrific life up until he came to  
22      Balrossie, but I think in the main he speaks quite  
23      warmly about his experience at Balrossie and the things  
24      he got to do.

25      You make that point, is that right?

1 A. That's correct, aye.

2 Q. In your approach to how you dealt with difficult boys,  
3 I think you say that at paragraph 332 that your approach  
4 was, firstly, to contain them, but, secondly, needed to  
5 find ways that you could tackle what their presenting  
6 problems were. From that point of view, you saw giving  
7 them life experiences would help; is that right?

8 A. We did a lot of the sort of things in fact that I had  
9 introduced at Langlands Park, introduced a lot of that  
10 to Balrossie and actually it -- a lot of the boys  
11 absolutely loved all of that outdoor education stuff and  
12 sporting activities and the music as well. I mean, we  
13 did a lot of all these things.

14 Q. I think going over the page, 'David', you are talking  
15 really about the setup at Balrossie and you are saying  
16 that there were closed showers, and each of the shower  
17 rooms had cubicles in it for privacy. I think we have  
18 heard evidence about that, so there was privacy for the  
19 boys.

20 But you go on to say you don't think there was  
21 a requirement for a staff member to be present, but  
22 occasionally, if there was a rammy, they would need to  
23 intervene, if it started in an area like the shower  
24 cubicles.

25 A. I wasn't involved in any of that. That was more to do

1 with the units, the unit staff and the care workers, and  
2 occasionally I would get to know about issues of that  
3 kind and maybe somebody would come and say, 'I need to  
4 improve the resources or something', it would be me they  
5 would come to about that kind of thing, so that I could  
6 find the money.

7 Q. You mention a 'rammy', is this something you were aware  
8 of at the time, as things that could happen in the  
9 shower area?

10 A. It could happen anywhere, and there was the odd occasion  
11 in fact where boys had grouped into almost minor gangs,  
12 as it were, and occasionally you would have -- there  
13 would be a bit of a fight, as it were and you had to be  
14 aware of that and you had to be aware of the fact where  
15 they came from, and you could have brought in maybe  
16 three or four boys, from say the Greenock area and they  
17 were all members of a different gang in Greenock, but it  
18 would continue in Balrossie if you weren't aware of it.

19 So you had to be cautious about that as well.

20 Q. I think we have heard evidence, 'David', from 'Nick',  
21 from his statement, who says that boys would fight in  
22 the shower area and there was a lot of violence to see  
23 who was top dog in the unit. That was his experience?

24 A. Aye, I know. Having read his paper, I think he  
25 exaggerates quite a bit. I think there may have been

1 elements of that on the odd occasion, but I think he  
2 makes up stories, I think, as well.

3 Q. You mention, 'David', that you were someone who was  
4 aware that residential schools could generate things  
5 like sexual abuse. When you say that, do you mean  
6 sexual abuse between the boys?

7 A. No, any sexual abuse. It could have been, as we know  
8 very well now, that some of it in fact has to do with  
9 the adults who were running the place or it could be  
10 between children.

11 Q. Okay.

12 A. I was aware of that. One of the other jobs I had at  
13 that particular time, I was the secretary of the List D  
14 Schools' Association, which was trying to represent all  
15 these places and I think there were 26 that we had at  
16 one particular point. So I think just to kind of get to  
17 know a lot of the kind of issues that were going on in  
18 the other places as well. So you got hints of  
19 a possible kind of -- difficulties of the kind that we  
20 were talking about there, from elsewhere. So it helped  
21 me to kind of understand what we had to do with our  
22 particular place.

23 Q. 'David', you say you have a picture in your mind of  
24 facing a member of staff who you are aware there was  
25 'tittle tattle' about, I just want to ask you about

1       that.

2             What do you recollect about that?

3   A.  Not -- I don't recollect very much.  I think the  
4       suggestion was that one member of staff that we had  
5       appointed was an inappropriate appointee, as it were,  
6       and that I think somebody or some people felt maybe that  
7       he was the kind of person who was at risk of actually  
8       dealing with the boys inappropriately.  And I think  
9       that's why I spoke to him about it.  Me speaking to him  
10      about it, even if he was the kind of person in fact who  
11      was going to use his job as access to children, then the  
12      sheer fact that I had spoken to him about it would make  
13      him very wary that, you know, something would be done if  
14      it -- if anything actually happened.

15            It was not based on any issue, as far as I remember,  
16      it was based on a suspicion, that's all it was, and  
17      I was merely trying to kind of keep out of the place the  
18      kind of things I knew had been a problem elsewhere.

19   Q.  You mention this as being a suspicion, 'David', and the  
20      issue was really about inappropriate behaviour.  Was  
21      that --

22   A.  No, it may have been inappropriate talk.  I don't  
23      remember the exact details of it, but I don't think  
24      there was enough for me to take action against the  
25      person.  I merely -- I was, if you like, giving him

1 a warning that whatever it was that his colleagues were  
2 not happy with, couldn't continue in that kind of way.  
3 That's all it was. It wasn't that I had evidence in  
4 fact that he was sexually abusing children or anything.  
5 It wasn't that kind of thing, there wasn't --

6 Q. Whatever it was that was inappropriate, from what you  
7 are saying 'David', was a sexual --

8 A. Well, it might have been inappropriate talk, it may have  
9 been talk, I don't know, it may have been. I don't  
10 remember the exact details of it, I just remember, you  
11 know, dealing with it at the time, as a preventative  
12 measure, if you know what I mean.

13 Q. Just to be clear, 'David', when you are talking about  
14 something inappropriate, do you mean something sexually  
15 inappropriate?

16 A. No. Not necessarily at all. I mean, it could have been  
17 talking to boys in the wrong kind of way about issues in  
18 their life and giving them the wrong advice, it could  
19 have been -- because they had access to children and  
20 could influence children quite easily, if you had the  
21 wrong approach to that, that could be damaging.

22 Q. I just wanted to clarify, because you make that point  
23 about this member of staff in the paragraph where you  
24 are talking about sexual abuse --

25 A. Hmm.

1 Q. -- and inappropriate behaviour, so I just wanted to  
2 clarify that with you.

3 A. There was no -- well, maybe it was in the wrong place  
4 and is badly presented, but it wasn't to do with sexual  
5 abuse as such, although there may have been the  
6 potential for that kind of thing to happen. I think all  
7 I was doing was trying to anticipate in advance of wrong  
8 things happening.

9 LADY SMITH: 'David', in your statement you tell me that  
10 this facing up to the member of staff was prompted by  
11 you hearing 'tittle tattle'. Can you tell me anything  
12 about that 'tittle tattle'?

13 A. I can't really, because the staff knew that I wanted to  
14 know what was going on throughout the whole  
15 establishment as much as possible, and if there was any  
16 kind of hints around that things weren't going according  
17 to the plan that we had all agreed, then I should know  
18 about it. I think that tittle tattle -- I don't  
19 remember enough about that one, and I'm beginning to  
20 wish I hadn't actually maybe raised that particular  
21 point, but the fact is that the tittle tattle could have  
22 come from children, it could have come from members of  
23 staff, it could have been either, but I don't remember  
24 how that came about.

25 LADY SMITH: It's just that when people use the expression

1       'tittle tattle', it's normally associated with something  
2       salacious, if I can use that term, isn't it?  
3   A. That's not how I intend to use it at all.  
4   LADY SMITH: I see. Thank you, 'David'.  
5       Ms Forbes.  
6   MS FORBES: My Lady.  
7       'David', just moving forward in your statement to  
8       the section on schooling from paragraph 339, I think you  
9       tell us you don't know of any of the children sitting  
10      any formal exams within Balrossie, is that right?  
11   A. That's correct.  
12   Q. But there were children who went to outside schools --  
13   A. There were.  
14   Q. -- and although not many, that was something that  
15      happened, you say, fairly regularly?  
16   A. Yeah, we had children in fact who came on a daily basis  
17      from the local schools, we had half -- we had six of  
18      them, a maximum of six, and we had other children, but  
19      not quite so many, who in fact had maybe reached the  
20      point of development where they were ready to go and  
21      handle things in a more normal kind of way and they  
22      would go -- they would be taken every day to the local  
23      secondary school. So ... yeah.  
24   Q. I think you go on to tell us, over the page at 345, that  
25      children had to attend school at that time until they

1       were 16, so most of the children would have left  
2       Balrossie and gone back to their own school or on to  
3       another care home outside --

4   A.   Yeah, that's correct.

5   Q.   You mention the boy that we have talked about earlier,  
6       'Donald', at paragraph 347, and you comment that he said  
7       in his statement that he stopped going to school at  
8       age 15 and started working in the gardens and I think  
9       you say that that would not be the case; is that right?

10  A.   It shouldn't have been the case. And I am not quite  
11       sure why it happened. I have a feeling that it probably  
12       happened because -- I would have stopped that, I would  
13       have insisted that he still continue with his education,  
14       because legally he should have been, but I might have  
15       been in the community parent project at that particular  
16       time, which was a fair possibility. I don't remember  
17       the exact kind of dates of that but I think that, erm,  
18       maybe he was creating mayhem in the classrooms or  
19       something, I'm not sure. I may not even have been in  
20       the school at the time.

21  Q.   I think you tell us you were on that project away from  
22       the school from 1982 until late 1983, is that right?

23  A.   That's correct, that's correct.

24  Q.   I think we know from our records that 'Donald' was in  
25       Balrossie from [REDACTED] 1984, when he was aged 14 and he

1       went home for a trial period from [REDACTED] 1986, when he  
2       was aged 16, and thereafter that was formalised later in  
3       1986?

4   A.   So it wasn't the time then in fact when I was away?

5   Q.   No, sorry, it would have been the time that you were  
6       there. He didn't come to Balrossie until late 1984?

7   A.   Was it 1984, was it? Ah, well, I've got that bit wrong.

8   Q.   In any event, you don't recall that happening but I just  
9       want to be clear, are you saying, 'David', that didn't  
10      happen and he's incorrect about that, or are you saying  
11      it could have happened and you didn't know about it?

12  A.   Well, he seems to, again, make up sort of stories  
13      really. Having read his paper, there are several bits  
14      and pieces in that where I thought to myself, 'That's  
15      been made up'. And I get that kind of feeling that he  
16      has made up a number of the things, something to do with  
17      pigeons that somebody -- none of our staff actually kept  
18      pigeons and he makes the point that at one particular  
19      stage he was breeding chickens and selling eggs to the  
20      kitchen staff and all that kind of stuff, which is all  
21      bizarre kind of stuff really, that never happened.

22  Q.   'David', you go on to a part of your statement where you  
23      talk about outdoor education, the use of music, and we  
24      have talked about that and your kind of ethos having  
25      carried forward from Langlands Park into Balrossie and

1 I am not going to go through that, we have it there, and  
2 thereafter we can see in relation to leisure time and  
3 activities, on page 61, about the types of things that  
4 you introduced.

5 We do have evidence, 'David', in statements, from  
6 those we have heard from at Balrossie at that time about  
7 the various trips and activities and I think it is fair  
8 to say, they all describe them as being very positive  
9 experiences. Indeed, one boy commented that he got more  
10 to do than most people outside of the care system.

11 A. Well, that's right, aye. But that's why I -- as I said,  
12 I in fact introduced that at Balrossie because the place  
13 needed something like that.

14 Q. Going forward to paragraph 375, 'David', you make  
15 a comment about the boy that we are calling 'Nick' going  
16 to a member of staff's home. You say that you wouldn't  
17 have encouraged that, and you don't remember it  
18 happening. But from what has been described, it seems  
19 to have been a positive experience for 'Nick'?

20 A. Yeah.

21 Q. Just, I wanted to ask you, 'David', why was that  
22 something you wouldn't have encouraged?

23 A. I wouldn't have encouraged it because there was always  
24 the risk, in fact, that there was going to be  
25 allegations that you were actually befriending them for

1 the wrong reasons, and, erm, I think we had to be  
2 careful, particularly HKC with the kind of  
3 things, sexual things that had been happening to him,  
4 when I think about it now, I mean, he shouldn't have  
5 been going to anybody's home unaccompanied and with no  
6 other adult there, sort of thing. I didn't mind the  
7 idea of maybe more than one adult being with a group of  
8 children, going to somebody's home. I wouldn't have  
9 minded that, but I think that there were huge risks of  
10 allegations emerging in fact from children going  
11 regularly to the homes of members of staff.

12 Q. 'David', just going forward to paragraph 388, page 66,  
13 you talk about absconding from Balrossie and you tell us  
14 that if a boy absconded, a couple of staff would  
15 normally go out and see if they could find them and  
16 bring them back.

17 You give us some reasons as to why a boy might  
18 abscond, and you talk about something bad happening in  
19 their life and being troubled about something or other,  
20 somebody bullying them, or maybe even a member of staff  
21 having said or done something they didn't like, or they  
22 just didn't want to be in the school anymore that day.

23 Those were the type of reasons that --

24 A. Yeah. Some of the reasons why somebody might go. It  
25 wasn't ever a straightforward affair really. There was

1 usually kind of complicated kind of reasons.

2 Q. You say, 'David', you never normally had to get the  
3 police involved for absconding, because you normally  
4 solved the matter yourselves.

5 I just wanted to ask you --

6 A. We tried to avoid involving the police as much as we  
7 possibly could, if we could solve it ourselves -- 'cos  
8 in some ways it was easy enough for our staff because of  
9 where the school was placed, there were comparatively  
10 few areas that you could go to, few roads you could  
11 follow without a member of staff coming along the road  
12 and picking you up as it were, so, yeah.

13 Q. Were there any punishments for absconding when the boys  
14 returned?

15 A. Not necessarily, and I think, again, I'm trying to  
16 remember -- trying like mad to remember exactly what we  
17 did. Sometimes you would use an internal limiting their  
18 free time, as it were.

19 I did introduce something which I thought actually  
20 worked quite well. It was -- 'close supervision', it  
21 was called, which what I did was, if I felt that a boy  
22 was at risk for any reason, to absent themselves or to do  
23 something daft, then, erm, I would link them in fact to  
24 a member of staff and they would stay with that member  
25 of staff until we decided in fact to kind of take them

1 off that particular supervision.

2 The boys hated that, because it kind of limited

3 their kind of freedom to move around.

4 Q. I think, 'David', you tell us a bit more about that in

5 a section on discipline and punishment from

6 paragraph 405.

7 A. Yeah, yeah, yeah.

8 Q. This is where you tell us about getting rid of corporal

9 punishment. So corporal punishment was in place when

10 you arrived at Balrossie, is that right?

11 A. Very much so, aye.

12 Q. Then I think you took a bit of time before you decided

13 that you were going to remove it; is that right?

14 A. I had to, because there was going to be no cooperation

15 from the staff that were still there at that particular

16 time. I mean, I wouldn't have been able [REDACTED]

17 [REDACTED] if in fact I was saying, 'You're not to strap

18 them'. If I had have tried that, then I think there

19 would have been a rebellion, I think.

20 Q. This was the tawse, the leather strap on the hand?

21 A. On the hand, that's right.

22 Q. Was it also given on the --

23 A. It was legally permissible by the way at that time.

24 Q. Was it also given on the bottom as well?

25 A. No.

1 Q. Just the hand?

2 A. No, it wasn't. The hand only.

3 Q. I think you make the point that you gave the strap once  
4 and vowed you would never do it again?

5 A. Aye, I got kind of lured into it thinking that I need to  
6 go along with this to begin with and it was very much  
7 early in the beginning, but I never did it again anyway.  
8 That's ...

9 MS FORBES: My Lady, I don't know if that's a --

10 LADY SMITH: I think we probably ought to stop now for the  
11 lunch break.

12 Just to help 'David' understand how the rest of the  
13 day is going to pan out, how much longer do you think we  
14 need for his evidence?

15 MS FORBES: I would hope, my Lady, to maybe be 20 minutes or  
16 so.

17 LADY SMITH: Okay.

18 'David', I'm going to stop now for the lunch break.  
19 I'm sure you need a proper breather. We will need to  
20 finish your evidence after the lunch break, so that is  
21 from 2.00 pm. But if I say, really, I don't expect it  
22 to be later than 2.30 pm that we completely finish with  
23 you, if you can bear with us until then, is that all  
24 right?

25 A. Oh, yes, very much so, yeah. I'm keen to cooperate --

1 I'm keen to cooperate with the whole thing really.

2 LADY SMITH: That is really helpful. You will need pace  
3 yourself too, so please have a proper break at lunchtime  
4 and try and think about something else and enjoy the  
5 breather.

6 We will see you again at 2.00 pm.

7 A. Thanks again.

8 LADY SMITH: Just before I rise, there are some names we  
9 have used today; MSH [REDACTED], HKC [REDACTED], this  
10 witness used his own name at one point and a man called  
11 zGVW [REDACTED], none of them are to be identified as having  
12 been mentioned in our evidence outside this room, so  
13 please bear that in mind.

14 Thank you.

15 (1.02 pm)

16 (The luncheon adjournment)

17 (2.00 pm)

18 LADY SMITH: 'David', welcome back. Is it all right if we  
19 carry on now? Is it all right with you if we carry on?

20 A. Yes, indeed, it is.

21 LADY SMITH: Thank you.

22 Ms Forbes.

23 MS FORBES: Thank you, my Lady.

24 Good afternoon, 'David', we were talking about  
25 discipline and punishment, I think, before we broke for

1 lunch. We have already spoken about the fact that  
2 corporal punishment was in force when you arrived at  
3 Balrossie but after a period of time, you abolished it  
4 and you have explained the reasons why you didn't do it  
5 straightaway.

6 I think you also have told us about the system that  
7 was put in place of close supervision of boys who were  
8 misbehaving, and this is from paragraph 413 onwards,  
9 I think, you tell us about that.

10 At paragraph 417, I think you say that this could  
11 involve their home leave perhaps being curtailed, kept  
12 in the school at the weekends, if they were offending  
13 when they went home at the weekend.

14 Is that right?

15 A. That's correct.

16 Q. Yes. That was part of this close supervision and we  
17 have that there in detail and we can read it, so I am  
18 not going to take you through that step by step.

19 We have talked about restraint, 'David', and this is  
20 from paragraph 423, and we have spoken about the  
21 training, et cetera, about that.

22 At paragraph 435, you tell us that you did see  
23 children getting restrained when you were called by  
24 another member of staff and you did occasionally have to  
25 take over restraints yourself, but you were of a view

1       that you were well trained in that and you knew what you  
2       were doing, most of time, is that right?

3   A.   That's correct.

4   Q.   At paragraph 437, you say it was very few times that you  
5       had to use restraint and you have spoken about the fact  
6       that sometimes your presence would mean that restraint  
7       didn't become necessary if there was a situation?

8   A.   That's true.

9   Q.   Going forward in your statement, 'David', you talk about  
10      the issue of complaints procedure, and you mention the  
11      boys' council that you introduced, the friendship  
12      system, also there were key workers and seniors, as well  
13      as social workers, who children could speak to. We have  
14      that there, I am not going to go through that in detail,  
15      you explain it quite clearly.

16         Then I think you go on to tell us about abuse from  
17      paragraph 464. You say at 465 that you never had the  
18      feeling that any boy under your care was being abused,  
19      otherwise you would have intervened and you have no  
20      recollection of any instances when you learned about any  
21      sexual abuse or even a hint of sexual abuse at  
22      Balrossie, is that right?

23   A.   That's correct.

24   Q.   At 468, you talk about bullying and you say that the  
25      incidents that 'Nick' tells us about in relation to

1 bullying surprised you and you say that that never came  
2 to your knowledge and you don't know why that's the  
3 case; is that right?

4 A. The bullying part may have been mentioned to me --  
5 I don't remember it but it may have been mentioned --  
6 but it was the sort of thing in fact that the staff  
7 themselves in fact should be working on and trying to do  
8 something about. It really wasn't an issue that needed  
9 to come to me every time.

10 Q. I think at 470 you say that you weren't aware of any  
11 bullying, but you say that would not surprise you  
12 because you don't like the idea of bullying and had you  
13 known anything about it, you would have intervened?

14 A. That's true.

15 Q. You go on to say that you don't believe that Balrossie  
16 was an abusive place --

17 A. I don't, no.

18 Q. -- and you think that sometimes there were extreme  
19 behaviours that had to be dealt with, but most of the  
20 time it was handled fairly well. Is that right?

21 A. That's correct, yeah.

22 Q. I think you say that when you worked with the  
23 Care Commission, from your point of view, Balrossie  
24 seemed to be held in fairly high esteem?

25 A. It seemed to be, yes.

1 Q. Just going forward --

2 A. Could I make a point, one of the earlier points you make  
3 there about the boys having access to a complaints  
4 procedure. I was well aware of the fact that that was  
5 necessary and that what I really wanted to say was that  
6 not only in fact was there an individual kind of support  
7 system running where a boy could choose a member of  
8 staff, you know, any member of staff who could stick up  
9 for him, but there was a whole array of different  
10 opportunities for boys to make complaints really and  
11 I think that I wanted to highlight that point, that it  
12 wasn't, you know, that a child was having a bad time and  
13 couldn't go and speak to anybody about it, there was  
14 a whole host of people he could go and speak to about  
15 it.

16 Q. Moving forward then, 'David', in your statement, you  
17 talk about some staff, and we have the detail of that  
18 there and I am not going to go through that, but you  
19 mention from paragraph 508 a staff member called  
20 KSP. He is somebody you recall working there  
21 at that time; is that right?

22 A. Yeah, he did. He was there for a relatively short  
23 period of time, if I remember rightly, I think he moved  
24 elsewhere.

25 Q. I want to ask you do you remember a member of staff

1       called LHR [REDACTED] ?

2   A.   Yeah, I remember him as well.

3   Q.   So he was also a member of staff who worked --

4   A.   He was a member of staff, aye.

5   Q.   -- at Balrossie?

6   A.   He was a care worker, one of the care workers, as was

7       KSP [REDACTED]

8   Q.   Yes.

9       You do talk about 'Nick's' statement and 'Donald's'

10      statement in some detail, different parts of their

11      statements, 'David', and I am not going to go through

12      what you say about that in detail because we have that

13      there to read.

14      But if I can go to paragraph 520, I think this is

15      where you mention 'Nick' saying he was bullied and

16      terrorised by other boys.

17      I think, at paragraph 521, he talks about being

18      locked in a room in a tower by a member of staff.

19      Then, if we go forward to paragraph 525, you talk

20      about the fact that there was an allegation in 'Nick's'

21      statement about one of the boys he shared a room with

22      trying to stick his penis in 'Nick's' mouth on more than

23      one occasion.

24   A.   I didn't know about that at all.

25   Q.   First of all then, in relation to that, I just want to

1 take you to a couple of documents. I think if we could  
2 go to INC-000000552.

3 If we could go to page 3 of that, so I think that  
4 those documents are within the papers that you have  
5 there, 'David', is that right?

6 A. Would that be ...

7 WITNESS SUPPORT: 444 at the end?

8 MS FORBES: It is 552 at the end.

9 (Pause)

10 A. Is that it? Page number?

11 Q. Page number 3.

12 A. Yeah.

13 Q. 'David', this is from 'Nick's' records, and it seems to  
14 be a record from a residential child care officer who  
15 was at a children's hearing for 'Nick' on 21 June 1994.  
16 If we can go to the third paragraph, this is where it  
17 says:

18 'The chairperson then asked [this is asking 'Nick']  
19 if there was anything about Balrossie which he disliked.  
20 'Nick' then made comment about an acting senior  
21 residential child care officer whom he said had locked  
22 in the tower building at the school.'

23 The chairperson then asks the representative of  
24 Balrossie about that and she tells the panel that there  
25 was an internal investigation which had been conducted

1       into that matter.

2               So we can see reference to 'Nick's' claim about

3       being locked in the tower in that record?

4   A.   Yeah.  There was a suggestion somewhere that -- if

5       indeed that's true that he was put in the tower -- that

6       it was an attempt at some joke, that, you know, it was

7       light-hearted rather than to do any harm or to upset him

8       in any way.  I don't know, I don't have a recollection

9       about that one at all.

10  Q.   That is not something you recollect?

11  A.   No, I don't.

12  Q.   If I could just take you to another document, it is

13       INC-000000444, and it is page 7.

14  A.   Thanks.  Page 7?

15  Q.   Yes.

16  A.   Again, obviously I sent that letter, I just don't

17       recollect it, I'm afraid.  I don't remember about that

18       one.

19  Q.   'David', this is a letter from you, I think, to 'Nick's'

20       father, dated 18 February 1993, and it relates to the

21       fact that 'Nick' had been hit by another boy in Bute

22       unit.

23  A.   Mm-hmm.

24  Q.   You outline the circumstances and you say in the third

25       paragraph:

1           'I've pointed out to the boy that he will not lift  
2           his hands to 'Nick', or any other boy for that matter.'

3           I think you then go on to say:

4           'I have also pointed out that you and 'Nick's'  
5           mother, were both so angry that you were considering  
6           going to the police and that that is what you will do,  
7           if a similar situation occurs again.'

8           Then you go on to apologise on behalf of the staff  
9           that the incident happened.

10          I think in the paragraph further down you say:

11          'I know that you are also aware that 'Nick' can be  
12          quite an annoying boy at times and sometimes he attracts  
13          trouble to himself, however, I agree that he should not  
14          be hit.'

15   A.   Yeah.

16   Q.   I think this is --

17   A.   Obviously I sent that, aye.

18   Q.   This is one reference to an incident where 'Nick' is  
19          hit. I am not going to take you through 'Nick's'  
20          records, but we do have a lot of accounts in 'Nick's'  
21          records, talking about him being bullied by other boys,  
22          being frightened by other boys, being assaulted by other  
23          boys, sometimes more than one at a time, and that is  
24          a feature of 'Nick's' records at the time that he was in  
25          Balrossie.

1 A. Yeah, sure.

2 Q. Just then to go to a further document, if I can quickly,  
3 it is INC-000000446, and it is page 1.

4 A. Thanks, [REDACTED].

5 Q. 'David', page 1 goes over to page 2 and then we can see  
6 that the author again of this is yourself and it is  
7 dated [REDACTED] 1994. If you go back to page 1, we  
8 can see that this relates to an allegation made by  
9 'Nick' against another boy in his room and it's the same  
10 boy he mentions in his statement that you have seen and  
11 this was an allegation of a sexual nature and I think  
12 you then detail what steps were taken after that and  
13 what decisions were made.

14 Indeed, I think 'Nick's' parents were informed and  
15 if we go halfway down the page where it says 'Evening',  
16 it says:

17 'Soon after 7.00 pm on the same day, [this is  
18 [REDACTED] 1994] 'Nick's' father [is mentioned there]  
19 arrived at Balrossie School, accompanied by two other  
20 men.'

21 Essentially, it seems from the other records that  
22 follow, were made at the time, that 'Nick's' father  
23 wanted to remove 'Nick' from the school, and he wanted  
24 the police involved because of the allegation that had  
25 been made of a sexual assault and, indeed, the police

1        were contacted and I think we know from the records that  
2        the upshot of that was that 'Nick' was allowed to go  
3        home with his father that night and I think this  
4        incident really led to 'Nick' leaving the school and  
5        going somewhere else.

6            Now, I appreciate it's a long time ago, but this  
7        seems to be 'Nick' reporting to staff an allegation of  
8        sexual assault by a boy and the detail of that we can  
9        see at page 3, but I won't take you through all that but  
10       it is similar to what he says in his statement that you  
11       have read, but you seem to have had some involvement or  
12       some knowledge about that at the time, 'David'?

13    A.    What I've got is knowledge, I think, that it's in  
14       'Nick's' report, his written report, is the fact that he  
15       was taken down to my office, I think, on one occasion  
16       and there was no explanation, I think, in there, as to  
17       what it was about -- I have forgotten about all of  
18       this -- and in fact I agreed under the circumstances,  
19       whatever the kind of problem was, he was being bullied,  
20       I think, that he should be allowed to go home with his  
21       father and I think his father had one other man with  
22       him, apparently so, and that's all I know about it, is  
23       what I've read in 'Nick's' report and I now see this as  
24       well, which I had forgotten about.

25    Q.    Yes. So it seems that this was something that 'Nick'

1       reported at the time?

2   A.  He did, and he was brought down to me.

3   Q.  Indeed the police were involved and it resulted in

4       'Nick' being removed from the school, effectively.

5   A.  I thought that 'Nick's' written report really indicated

6       in fact that he was going to be allowed to go home with

7       his parents just in fact for the night, really, until we

8       had got a chance to kind of look at the thing and sort

9       it out.  I think I must have made the decision at the

10      time, and obviously did, that -- to leave him in the

11      school under the circumstances at that moment probably

12      wasn't wise.

13  Q.  Yes.  I think at page 7 there is a reference to 'Nick's'

14      safety not being able to be guaranteed in the school.

15  A.  Yeah.

16  Q.  I don't think that was you that made that note.

17       I just wanted to take you to those records quickly,

18      'David', because it was just to show that this was

19      something that 'Nick' was complaining about at the time,

20      when he was at Balrossie.  I will just go back to your

21      statement now.

22       I think you are clear now, you don't remember this,

23      having been asked about it, but all your knowledge is

24      from what you have been shown in the statement and in

25      the records, is that right?

1 A. Uh-huh, yeah, that's right.

2 Q. 'David', I just want to quickly deal with some matters  
3 that have been raised in relation to you yourself. This  
4 is at paragraph 541. I think --

5 A. Sorry?

6 Q. Sorry, if you could have your statement back before you.

7 A. Is it my statement?

8 Q. Yes. Apologies, 'David', I should have made that  
9 clearer, but if we can go back to your statement and  
10 I am just now going to deal with some allegations that  
11 you have been made aware of.

12 A. Thanks.

13 Q. I think the first thing is in relation to 'Nick', and  
14 this is paragraph 74 of his statement, you have had  
15 sight of that, and I think is where he tells us --

16 A. Paragraph 74?

17 Q. This is paragraph 74 of his statement --

18 A. Of his statement, right, okay.

19 Q. It's not repeated in your statement, but you deal with  
20 it at paragraph 541. But in his statement, his  
21 paragraph 74, his reference is WIT-1-000000822, but  
22 I don't need for that to be brought up, but essentially  
23 he is saying in that paragraph he ran away with two  
24 other boys and he hid in a barn and one of the boys got  
25 stung by a wasp and went back to Balrossie and must have

1       said where they were, that they had built a den in the  
2       hay bales and he looked down and he saw you there  
3       saying, 'Come out, I know you're there', and he says:  
4       'We did get some punishment for running away, but  
5       I can't remember what it was.'  
6       I think, 'David', that is something that was put to  
7       you and in fairness you have said you don't remember  
8       that incident, is that right?  
9   A. No, I don't really remember that incident, no.  
10   Q. You don't remember what punishments were given for  
11       running away?  
12   A. No, I don't at all.  
13   Q. I think you have talked about the fact that close  
14       supervision might be one of them?  
15   A. Could have been, yes.  
16   Q. In fairness, 'David', 'Nick' doesn't tell us what the  
17       punishment was, so --  
18   A. No, he didn't seem to know that.  
19   LADY SMITH: He doesn't criticise whatever it was.  
20   A. Can't remember that.  
21   MS FORBES: Just moving forward then, 'David', to  
22       paragraph 543 of your statement.  
23       This relates to a boy we have been referring to as  
24       'Donald'. In relation to 'Donald', the reference for  
25       his statement, just for our records, is WIT-1-000000856,

1       this is at paragraph 187 to 189 of his statement. In  
2       essence what he says is that a member of staff,  
3       GJF [REDACTED], known as 'GJF [REDACTED]', was involved in  
4       taking his tobacco off of him and he says that he then  
5       put his arse to his door at break time and was going to  
6       go through the door and get his tobacco back, and 'GJF [REDACTED]  
7       GJF [REDACTED]' was in the office, dragged him in and gave him  
8       a tanking and punched him on his body.

9       He then says that 'GJF [REDACTED]' took him down to your  
10      office and told you what had happened and he says that  
11      you punched him as well, knocked him onto his arse and  
12      he says about you:

13      'He wasn't shy of lifting his hands either. He was  
14      a [REDACTED] rugby player, so he was some size. He  
15      said that I was lucky if he didn't get the police  
16      involved, because I was on good behaviour order from the  
17      court.'

18      What's your position in relation to what 'Donald'  
19      says, 'David'?

20    A. I think it's just a complete fabrication as far as I am  
21      concerned. I mean, I do not accept that. It's not my  
22      style to go round punching people or hitting them or  
23      whatever. And I just wonder -- he obviously for some  
24      reason or other doesn't seem to like me. I don't know  
25      what -- he's obviously trying to defame me a bit further

1 as well with regard to saying I go around hitting  
2 children around the school, which is a load of absolute  
3 tripe and nonsense. I mean, I'm not prepared to accept  
4 that.

5 The other thing is that I wondered, and I think  
6 I have said it in my paper, is that it would have been  
7 good had there been actually another witness in the room  
8 when what he said I did to him in fact had actually  
9 happened.

10 Now, that would have been GJF, the teacher  
11 who brought him down to me. The trouble is GJF  
12 in fact died a couple of years ago, so there's no  
13 witnesses to that particular issue at all and I just do  
14 not accept it, because it's just nonsense.

15 And I am not quite sure what motivates, you know,  
16 'Donald', to kind of make that kind of statement. I'm  
17 not sure about that, other than it occurs to me that he  
18 says in his statement that he's making a bid for  
19 compensation and I just wonder whether or not he thinks  
20 that -- I mean why pick on -- even if I had done it,  
21 which I didn't, why not try to blame GJF, who  
22 apparently knocked him around in his office or something  
23 or other. I think he went for maybe the highest profile  
24 kind of guy that you could put in the situation, which  
25 in fact might argue well for compensation that's

1       available for some people.

2               So I'm perturbed by that one. It's not the way  
3       I work at all. It's not the way -- I mean, to go around  
4       punching people, that's nonsense.

5   Q. You mention 'GJF [REDACTED]', I think the person, the way  
6       it's been written in 'Donald's' statement is  
7       'GJF [REDACTED]', but do you think that that must be  
8       GJF [REDACTED]?

9   A. It is, it is. He was known as 'GJF [REDACTED]'.

10   Q. He was known as GJF [REDACTED]?

11   A. He was. Yes, that was a nickname, he'd had that for  
12       a long time I think.

13   Q. From your point of view, you deny that happening?

14   A. I totally deny that.

15   Q. You say that you don't remember 'Donald' --

16   A. No, that's the kind of weird thing about it. I mean, as  
17       I say, because of the age I am and my memory is not as  
18       good as it should be, I don't remember him at all for  
19       some reason or other. And yet the way he talks, it  
20       seems that I have been involved with him an awful lot,  
21       really -- which I haven't been, because I just --  
22       I couldn't even put a face to him at all.

23   Q. 'David', I just want to put another allegation to you.

24               This is not one that is dealt with in your  
25       statement, but it's one that you have been sent because

1       it came in after you had given your statement. This  
2       relates to someone who is called 'Kenny' for our  
3       purposes, and the reference to his statement, just for  
4       our records, is WIT-1-000001417.

5             The allegation he makes is between paragraphs 105  
6       and 107. He talks about the fact that he had been to  
7       visit his girlfriend at Newfield and this had come to  
8       light, and then he says that Balrossie staff took him  
9       back to see you to get his row and he was told not to do  
10      it again and to keep away from Newfield.

11            The allegation he makes is that you poked him in the  
12      chest, he then called you a 'prick', and then he says  
13      instantly you put him in a headlock and punched him in  
14      the face. He then says that you told him to go and get  
15      washed and he thinks you punched him in the face  
16      a couple of times, burst his lip, and there was blood on  
17      the wrist of his jumper, but he didn't need medical  
18      treatment.

19            He goes on to say that he told -- after that, sorry,  
20      this is paragraph 107, at the end, he says after it  
21      happened, he got on all right with you and then when he  
22      went back home and showed his mum the blood, she told  
23      him, 'You need tobering' and that meant he needed to be  
24      taught a lesson and that was the end of the issue.

25            'David', you have not been given an opportunity in

1       your statement to respond to that, so I just wanted to  
2       ask you if you wanted to respond to that now.

3   A.  Same response as I have now with the GJC thing,  
4       is that I just totally reject that.  I mean, again, it's  
5       not the way that -- I am well aware of the fact that to  
6       punch somebody in the face is a dangerous thing, I know  
7       that very well for a whole host of reasons, so I don't  
8       accept -- and again I don't know why he's actually  
9       presenting -- I don't know what went on in the room,  
10      again because it was just him and I apparently there,  
11      just the two of us, I don't know what it was that  
12      actually went on, whether there was a bit of holding or  
13      whatever that ... it was necessary, I don't know how he  
14      was behaving.  But he 's come up with a kind of  
15      statement of how I was behaving, which I just do not  
16      accept.

17  Q.  Is he somebody you remember, 'David'?

18  A.  No, I don't.  I have absolutely no memory of him at all.

19  Q.  'David', thank you, that is all the allegations I wanted  
20      to put to you.

21        I think we have covered the fact that you ended up  
22      leaving Balrossie in 199█ and we talked a little bit at  
23      the beginning about what you went on to do after that.  
24      I think you were involved with other schools and with  
25      the Care Commission and we have that in your statement.

1           Balrossie was not the end of your career and you did  
2           go on to still be involved in things to do with  
3           residential care; is that right?

4   A.   Yeah.

5   Q.   Just really in conclusion, 'David', at paragraph 575,  
6           you say you feel that you made a significant  
7           contribution to the development of Balrossie School as  
8           a child-centred establishment, with opportunities for  
9           the boys resident there to address their personal  
10          problems and have their life experiences enhanced. You  
11          point out that, although occasional mistakes were  
12          inevitably made by staff as they responded to some very  
13          difficult behaviour from the boys, you feel that  
14          predominantly the experiences for most young people and  
15          for most of the staff has been positive and certainly  
16          not abusive?

17  A.   I believe all of that.

18  Q.   Is that your position, 'David', yes?

19  A.   That's my conclusion. Because, I mean, I did try to  
20          work very, very hard.

21           Can I make the point that it was a very difficult  
22          place [REDACTED] to kind of keep evolving. I mean,  
23          these places always are because you never know what you  
24          are going to get. It could be absolutely shattering,  
25          just trying to keep on top of all of that.

1           And as I think I said earlier on, towards the end,  
2           I think, there was about 100 staff working in the place,  
3           as well as 60 residents and six day boys and, you know,  
4           it was a really very difficult kind of scene to keep  
5           tabs on, the whole sort of thing.

6           So that final statement that you have read out there  
7           is exactly the way I feel about it. I was in that kind  
8           of line of business for 31 years, 31 years, and I have  
9           had very few kind of issues of complaint of any kind  
10          over that particular period of time and you will  
11          understand, it's quite perturbing in fact when you  
12          actually -- particularly at 84 years of age, you are  
13          getting kind of faced with these kind of things.  
14          Although I want to cooperate with you in the whole sort  
15          of thing, it's not at all what I would want to be  
16          finishing my life off with, as it were, so ...

17          But it's been most interesting, I have to say, and  
18          thanks very much for how you have handled it.

19   MS FORBES: 'David', that is all the questions I have for  
20          you, unless there is anything else?

21   A. No -- really, what's the next kind of stage in all of  
22          this? I presume there will be another stage?

23   LADY SMITH: Well, let me deal with that, 'David'. We are  
24          in the course of part of our case study work that will  
25          run into next year, looking at all forms of

1 accommodation that are the Balrossie and Langlands-type  
2 of accommodation, and we began that last September.  
3 It's still ongoing and, as I say, it will run into next  
4 year.

5 Then we have some other investigations to explore in  
6 public hearings, two sets of which have been announced,  
7 one to do with healthcare, additional support needs and  
8 disabilities, some time this spring, and another towards  
9 the back end of next year looking at establishments run  
10 by, in particular, local authorities, that type of work.

11 So we have a bit to go and we are publishing all the  
12 time, we are analysing all the time, and thinking about,  
13 all the time, what more we will draw from the evidence  
14 than we have already published in our published volumes.

15 That is the short version, 'David'. If you are  
16 interested in what we are doing, have a look at the  
17 website, it is all there.

18 A. Yeah, there's a lot of information on the website, isn't  
19 there for goodness sake already, and a lot more yet to  
20 come.

21 LADY SMITH: We do try and we keep trying to improve its  
22 accessibility as well, I am quite pleased with the newer  
23 search engine that we have put in which should enable  
24 a quick identification of anything that you are  
25 interested in by reference to a single word or two

1 words.

2 A. I must have a look at that.

3 But --

4 LADY SMITH: Go on.

5 A. Lady Smith, could I ask, specifically to do with this

6 Balrossie issue and the -- Balrossie and Langlands,

7 I suppose, have been joined together here, what is going

8 to happen next with regard to all the information that

9 might have come out today? Well --

10 LADY SMITH: If I put it this way, Balrossie and Langlands

11 were only joined together because you were at both of

12 them. At the moment we are in a group of places that

13 didn't include Langlands.

14 What happens is all the time, obviously, we have

15 transcripts being made of the evidence, we have written

16 statements. As I have said already, we continue to

17 study and analyse and decide what is particularly

18 important from the evidence that I accept for our terms

19 of reference, and we have to keep going back to our

20 terms of reference -- which you will also find on the

21 website -- to help us respond to the questions that are

22 inherent in those terms of reference.

23 A. I suppose, Lady Smith, what I am wondering is, is there

24 more that I am likely to have to do in relation to this

25 whole affair?

1 LADY SMITH: I would never say to any witness never, never  
2 anything else, but let me put it this way, at the moment  
3 I cannot envisage us needing to revert to you.  
4 Occasionally something crops up that we had not foreseen  
5 that prompts to us go back to a witness that we have  
6 already engaged with, but that is very unusual and we  
7 certainly wouldn't do that lightly or without the  
8 witness support officer, who has already been engaging  
9 with you, talking to you about it.

10 A. Sure. You know, it's worth me saying that I am quite  
11 happy to cooperate with any aspect at all in the future  
12 with regard to information or explanations about  
13 situations, I mean, I am quite happy. What I don't want  
14 is to be obviously having most days of the week  
15 occupying my thinking time, as it were.

16 LADY SMITH: No, no, no, I am not asking you to do that at  
17 all, 'David'. We have mined your memory quite well  
18 enough today and in getting your written statements.

19 It really just remains for me to thank you so much  
20 for all the effort you have put in in both those aspects  
21 of your evidence and for bearing with us so patiently  
22 today.

23 As I said, as far as the lunch break was concerned,  
24 I hope you can now go and think about something else.  
25 I don't know what the weather is like where you are, but

1       the sun is shining here, it's cold but the sun is  
2       shining and maybe you can enjoy what's left of the  
3       bright day.

4   A.   Yeah. Can I just finally say that I want to commend  
5       [REDACTED] and [REDACTED] in fact for how they've dealt with me  
6       throughout the various times that we have met and the  
7       various communications that we've had. It has been very  
8       supportive, I have to say.

9   LADY SMITH: Thank you. I am really grateful.

10       I am really grateful for that and I am sure they are  
11       too. Can I say it doesn't surprise me that you want to  
12       pay them that tribute. I am very lucky in the quality  
13       of the people who support me here.

14       Thank you, 'David', off you go, and I hope the rest  
15       of the day is easy.

16   A.   Thank you.

17   LADY SMITH: Thank you. Bye.

18                       (The witness withdrew)

19   LADY SMITH: Would you like a five-minute break just now,  
20       Ms Forbes, and you can get organised as to what we are  
21       doing next.

22   MS FORBES: I have a statement we can read --

23   LADY SMITH: You have one ready?

24       If you are all ready to go, let's do that.

25   MS FORBES: I should put my microphone on.

1 LADY SMITH: That does help.

2 'Jack' (read)

3 MS FORBES: My Lady, the reference for this statement is

4 WIT-1-000000794 and the applicant is anonymous and is

5 known as 'Jack'.

6 LADY SMITH: Thank you. (Pause)

7 MS FORBES: My Lady, 'Jack' tells us he was born in 1962,

8 and he was born and brought up in the north side of

9 Glasgow, he has a large family and there was seven

10 siblings and he was the second youngest, and he didn't

11 have a lot growing up. There were two bedrooms in the

12 property and the boys slept in one and the girls in

13 another and the parents slept on a pull-down bed in the

14 living room. There was a lot of arguments in the house.

15 He started going to primary school but spent most of his

16 time 'dogging', but 'Jack' says in those days parents

17 could go to jail for their children dogging school.

18 He started to become involved in with an older crowd

19 of boys that he hung around with and he would go to

20 school on a Monday and get a dinner ticket, turn up at

21 school to eat dinner and then he go bolt again, he says,

22 to older friends.

23 He also played football for the school, but really

24 only turned up on Saturday mornings to play for the

25 team, very seldom attended school, and he felt that

1 school couldn't teach him anything that he didn't  
2 already know and his father would give him the odd thick  
3 ear for not attending school.

4 He went to his first panel when he was about 10 and  
5 this was about him not going to school and they warned  
6 him that his dad could go to jail. He had a social  
7 worker and he then made various appearances before the  
8 Children's Panel and was given at least two chances to  
9 change his behaviour and go to school before they made  
10 the decision to send him to Balrossie.

11 He says he remembers being driven to Balrossie in  
12 a Rolls-Royce or a Bentley and he was accompanied by his  
13 social worker --

14 LADY SMITH: I doubt that it was a Rolls-Royce or a Bentley,  
15 but it may have been seemed like that to him, I suppose.

16 MS FORBES: Yes.

17 He then tells us about Balrossie from paragraph 11  
18 and we know that from the records that he was admitted  
19 there in [REDACTED] 1974, he would have been aged 12.  
20 I think he was taken off the roll in [REDACTED] 1975, but  
21 then readmitted again in [REDACTED] 1975. 'Jack' says that  
22 to him it felt like an adventure and he was looking  
23 forward to it and he had been told by older boys that he  
24 was hanging about with that it was a good place, but  
25 when he arrived, he immediately knew he was not going to

1       like it.

2           He thought at the time he was to remain there for  
3       about a year. He tells us about staff. At paragraph 15  
4       he says there was a man who covered the weekends and he  
5       was the only one on duty, that most boys went home on  
6       a Friday night and returned on a Sunday but he rarely  
7       got home and would spend most of the weekend on his own  
8       in Balrossie.

9           The man who was on at the weekend would often take  
10       him swimming and let him sit in his room, where he gave  
11       him cigarettes and coffee and other few boys also  
12       followed that same routine.

13          He tells us at paragraph 17 about being taken to the  
14       SNR [REDACTED], Mr GKF [REDACTED], and SNR [REDACTED], and being told  
15       that, after being assessed for six weeks, if he behaved,  
16       he would be allowed to go home on leave but he felt  
17       homesick after just two days.

18          At paragraph 18 he says:

19               'I was to run away so often that during my spell in  
20       Balrossie, I never managed to earn weekend leave.'

21          He talks about how boys would be brought together on  
22       a Thursday, in a semi-circle, sat down, and told what  
23       leave they qualified, depending on their behaviour.

24          He tells us about the routine from paragraph 19 and  
25       the fact that after breakfast, there would be lessons

1 and there was also workshops to learn practical skills.  
2 There was painting and decorating. He was taught by  
3 an old boy who was popular because he left the children  
4 smoke. He says that because of his lack of education,  
5 he spent most of his time in the classrooms and he says  
6 that after lunch, they would sit in the classroom and  
7 watch television. There was a snooker table in the  
8 dining room as well as table tennis and there was a gym.

9 Most evenings, they would be able to go after dinner  
10 outside and play football, but you were always  
11 supervised by staff and he says he was always being  
12 watched because of the number of times he ran away.

13 He then talks about there being a uniform and that  
14 was grey flannels and a shirt for school and then denims  
15 and plimsolls to change into.

16 He says, in relation to schooling at paragraph 28,  
17 he had no interest in school and didn't want to learn  
18 and he says he thinks he was in Balrossie over  
19 Christmas. He was not allowed home because he had ran  
20 away so often, this is at paragraph 29, and he says:

21 'I can't be sure about this, as I spent so much time  
22 locked in the small room next to SNR study.  
23 I don't recall any Christmas celebrations at Balrossie.'

24 He talks about his mum and older sister coming to  
25 visit on one occasion and there being an issue with

1       that, and that he ran away because he didn't get his  
2       visit. His mum and sister had arrived late, later in  
3       a taxi, but by that time he had ran away and he says  
4       that his social worker never came to visit whilst he was  
5       in Balrossie and he doesn't remember attending any  
6       meetings about reviewing his time there.

7       Sorry, at paragraph 32, he says:

8       'I never attended a meeting at Balrossie when my  
9       detention was being reviewed and I never had any input  
10      into what was said.'

11      It would be SNR [REDACTED] that would tell him that  
12      he was staying longer and that that wouldn't change  
13      while he continued to run away.

14      He says there was a matron at Balrossie, but he  
15      didn't have much to do with her until he [REDACTED]  
16      [REDACTED].

17      Then he talks about running away from paragraph 34.  
18      He said he was only in Balrossie for about a week when  
19      he ran away. He ran away at every opportunity. He was  
20      dodging about, sleeping in empty houses under bushes,  
21      and when he was taken back to Balrossie, he was given  
22      six of the belt across his bottom as a punishment and  
23      was watched after that.

24      At paragraph 35, he says:

25      'When the weekend man was sexually abusing me,

1 I became very confused and decided to run away. Running  
2 away from Balrossie was known as "shooting". This  
3 usually resulted in being punished by SNR  
4 Mr GKF .

5 'When you ran away, you could be put into a locked  
6 room which had bars on the window. I spent a lot of  
7 time in that room which was next door to SNR  
8 SNR study.

9 'I ran away on every occasion I could. When I was  
10 on the run I started drinking with the older boys I kept  
11 company with. Eventually I became an alcoholic.'

12 He says that most of the boys who were staying at  
13 the weekend also ran away and were being punished by not  
14 getting weekend leave.

15 He tells us at paragraph 41 that Mr GKF used to  
16 take three or four boys out in a van to search for you  
17 after you had run away:

18 'He would get the boys to chase you and catch you  
19 and take you back to Balrossie and when I left  
20 Balrossie, I recall being told I had run away on 14  
21 occasions.'

22 He then talks about abuse from paragraph 42 and  
23 says:

24 'The man who worked at the weekends, and whose name  
25 I can't remember, used to invite me and two other boys

1 [who he names] to his room in Balrossie. He would give  
2 us cigarettes and coffee, but the other two boys knew  
3 what would happen after that as he had another motive  
4 for doing this. I was only 11 and this man got all of  
5 us to perform sexual acts on him.

6 'I regularly ran away and was aware that if I was  
7 caught and brought back, I would be punished. It was  
8 always Mr GKF who gave me six of the belt across my  
9 backside. He would also hit me across the back and  
10 regularly punched me. Mr GKF called this "capital  
11 punishment".

12 SNR who was an older man with a  
13 bald head, also gave me the belt for running away. He  
14 never punched or kicked me, I can't recall his name. He  
15 always belted you over your backside when you had your  
16 trousers on.

17 'As a punishment, I would be locked in a room which  
18 had bars on the window. It was situated next door to  
19 SNR room. At the weekend, the man with the  
20 limp would come down to my room and give me cigarettes  
21 and coffee. He would expect me to perform sexual acts  
22 on him and he would try to perform sexual acts on me.

23 'This came about because of the time that I spent  
24 with [two boys who he names] in the man's room and I had  
25 to watch those two boys perform sexual acts with the

1 man. After a while he turned his attention towards me  
2 and I was subjected to the sexual acts. The man was  
3 very nice to me and took me swimming and looked after  
4 me. I was too young to understand that he was  
5 'grooming' me. When he performed these sexual acts it  
6 made me feel ill. This abuse started after I had been  
7 at Balrossie for about three weeks.

8 'I am fairly certain that the man with the bad leg  
9 had been sexually abusing boys for a long time before  
10 I came. I only witnessed him sexually abusing [the two  
11 boys], but I suspect there were a lot more. The two  
12 boys [he names] seemed to consider this to be normal,  
13 I think that they were both about a year old than me.  
14 I was sexually abused by this man on more than a dozen  
15 occasions.

16 'I remember that the man used to take [the two boys  
17 and him] to the swimming baths in Johnstone, sometimes  
18 it was just me if the others had got home at the  
19 weekend. When we were in the van he would try and kiss  
20 me. It made me feel ill and I was very confused about  
21 what was going on.'

22 He says thereafter on one occasion he was so upset  
23 about what was happening to him that he tried to commit  
24 suicide and he has indicated how he tried, and he says  
25 that the matron on duty dealt with him and while she was

1 treating him, he told her what was happening and that he  
2 was being sexually abused by the man with the limp. She  
3 didn't believe him and called him a liar and she said if  
4 anyone asked, he was to say that he had [REDACTED]  
5 while he was "shooting", what he says was running away,  
6 and climbing over a barbed wire fence.

7 He thinks that the matron reported it to SNR  
8 SNR [REDACTED] and he says the next thing that happened he  
9 was locked in a room and told that he was unruly,  
10 because he had [REDACTED] and that he was  
11 a danger to himself and there was no action taken  
12 against his abuser, as far as he knows.

13 He also told his social worker, but he didn't seem  
14 to believe him and told him to stop making things up.

15 The social worker knew that he had run away on 14  
16 occasions and told him if he continued running away, he  
17 would be sent to another List D school called Rossie  
18 Farm, where he would be locked in. He says that when he  
19 ran away, he would often go back to his parents but they  
20 would tell him to go back to Balrossie and he was never  
21 able to tell his father about the abuse he was  
22 suffering.

23 He then talks about leaving Balrossie and says it  
24 was quite soon after his attempted suicide and the  
25 complaints he made that he left and he says:

1           'They didn't want me there.'

2           He was accused of being unruly and a danger to  
3           himself and he was spending most of his time in the  
4           locked room at Balrossie. He was due to start secondary  
5           school and out of the blue, a social worker took him  
6           from Balrossie to a Children's Panel meeting and it was  
7           decided he could go back home and start secondary  
8           school.

9           But it wasn't long after he went home and started  
10          school that he was dogging school again and he said that  
11          he had developed a drinking habit when he was in  
12          Balrossie and when he was running away from there, he  
13          was spending his time drinking and he ended up in detox  
14          units, 'Jack' says, on at least 12 occasions spanning  
15          his childhood and adult life.

16          'Jack' tells us at paragraph 58 that whilst he was  
17          dogging school, he was getting involved in crime, the  
18          police would be involved and then he was back before the  
19          Children's Panel and the decision was to send him to  
20          Kibble. He was now about 13 or 14 and he says that they  
21          were always trying to find an alternative to locking him  
22          up again.

23          He then talks about Kibble from paragraph 59 and we  
24          know from his records he was admitted there on  
25          [REDACTED] 1977.

1           He tells us about Kibble in the following  
2       paragraphs. That will be read in or dealt with at  
3       a future time, my Lady. But he did run away from there  
4       a couple of times, he says, and he tells us that there  
5       was no real abuse at Kibble and talks about just being  
6       hit with six of the belt for running away.

7           At paragraph 82 he says he had been on the run for  
8       about three months from Kibble and was mixing with  
9       an older crowd and drink drinking heavily, involved in  
10      petty crime and Kibble told him he was unruly and they  
11      no longer wanted him there and it was decided that he  
12      would be moved to a boys' hostel in Glasgow.

13          He then tells us about that from paragraph 84 and he  
14      says he was about 15 when there was and he stayed for  
15      about a year until he was 16 and he was enrolled in the  
16      local secondary school.

17          At paragraph 90, he says he was told one day when he  
18      turned 16 he would have to leave the hostel, because  
19      they only dealt with juveniles who were under 16. His  
20      16th birthday was due very soon and that was the day  
21      that he left the hostel.

22          Then he talks about life after being in care from  
23      paragraph 91, he went back to stay with his parents, he  
24      was still drinking but managed to get put on a course  
25      for painting and decorating at the college. He then

1 ended up going to prison for offences which he says all  
2 related to alcoholism and his behaviour when he was  
3 drinking. He was in borstal at Polmont in Glenochil, he  
4 was in Saughton at 22 and he served a three-year  
5 sentence and he was released at 25 and has not been in  
6 prison since.

7 He then talks about impact from paragraph 93 and  
8 says he ended up in a psychiatric hospital on three  
9 occasions in his 20s. He was still drinking at that  
10 time and he had issues about his relationship with his  
11 father and his brother, and that preyed on his mental  
12 health. He attended a lot of detox centres to try and  
13 help.

14 He goes on to tell us at paragraph 95 that he was  
15 sectioned under the Mental Health Act. He says he was  
16 having flashbacks to his time at Balrossie and he was  
17 diagnosed with psychosis.

18 He then tells us about various places he was in and  
19 he says, between hospitals and various institutions, he  
20 said he was in one place or another on 15 different  
21 occasions.

22 At paragraph 96 he says the last detox he had was  
23 five years ago at the time of this statement, and he has  
24 not drunk alcohol for two years.

25 At paragraph 97, he says:

1           'My adult life has basically been a mess and I blame  
2           Balrossie for that. I have held a lot of jobs but never  
3           managed to hold them down because of my issues with  
4           alcohol.'

5           He tells us that he had worked on building sites in  
6           London where there was no requirement to produce papers,  
7           but every time he built up money, he would go back on  
8           the booze and lose his job.

9           He has worked as a painter and decorator and would  
10          go back and forward between England and Glasgow. He  
11          says that his father passed away and his mother was on  
12          her own, so he moved back in with her and was in out of  
13          detox units before he finally managed to get his own  
14          house, but nothing really changed.

15          His mother has since passed away six years ago at  
16          the time of this statement and she had been living in  
17          the house below him and he was able to keep an eye on  
18          her when she was getting older.

19          He tells us at paragraph 100 that he has had  
20          relationships and he has two daughters and twin  
21          grandchildren, but he doesn't see them because of his  
22          behaviour when he was drinking.

23          He says that his daughters, one of them he  
24          communicates through the computer with her, and he talks  
25          to one of his sisters but has no contact with the rest

1 of his siblings.

2 At paragraph 102, he says:

3 'I think that Balrossie has ruined my adult life.  
4 I would wake up every morning and have a knot in my  
5 stomach. The only thing that would fix it was to have  
6 a drink of alcohol. I didn't realise it at the time, it  
7 is only when I think about it now. I was blaming myself  
8 for what happened at Balrossie and didn't understand  
9 what was happening to me.'

10 He talks about having a heart attack when he was 46  
11 and they put in stents. He has COPD and is on  
12 medication for those things and for his mental health.  
13 He has been diagnosed with PTSD. He tells us that he  
14 has never reported to anyone outwith the care system  
15 about the abuse he suffered in care, but as I have set  
16 out, he did tell his social worker and the matron at the  
17 time and they didn't believe him.

18 He says at paragraph 105:

19 'I suspect that SNR [REDACTED] was also told and he  
20 dealt with that by giving me a beating and locking me in  
21 a room.'

22 He goes to say:

23 'It is, however, very interesting that after I made  
24 the reports of the abuse I was very quickly released  
25 from Balrossie and sent back to live with my parents.

1 I was also threatened by my social worker that if  
2 I didn't behave, I would be sent to Rossie Farm Approved  
3 School.'

4 He has contacted Future Pathways and has been able  
5 to talk to people about the abuse and he feels that this  
6 is having a good effect on him.

7 At paragraph 109, he talks about lessons to be  
8 learned and says:

9 'There should be a mentor for every child that is  
10 put into care. Children should have someone who will  
11 listen to them and be able to hear their concerns. They  
12 should have someone they can report abuse to.

13 'I could accept getting the belt at these places [he  
14 says] but there is no excuse for the abuse I was  
15 subjected to. I have questioned why it happened to me  
16 and I am sure other children feel the same way. I feel  
17 that back in my time in care I would not have been able  
18 to tell my father about the sexual abuse because it was  
19 frowned upon and I felt guilty that it was my fault.

20 'I do not want what happened to me to be the  
21 experiences that other children have in the care system.  
22 I think that the Inquiry must protect children in care  
23 and ensure it never happens again. It is as simple as  
24 that.'

25 He has signed his statement and it is dated

1       30 August 2021.

2   LADY SMITH: Thank you very much.

3           I think we will take a short afternoon break now and  
4       then you can get organised for where we are going next,  
5       with I think some more statements to be read in, is that  
6       right?

7   MS FORBES: There are, yes, my Lady.

8   LADY SMITH: Thank you very much.

9   (2.58 pm)

10                               (A short break)

11   (3.07 pm)

12   LADY SMITH: Mr Peoples.

13                               'Donald' (read)

14   MR PEOPLES: The next read-in is from an applicant who has  
15       been given the pseudonym 'Donald'. 'Donald's' evidence  
16       was referred to the evidence of 'David' today.

17   LADY SMITH: Yes.

18   MR PEOPLES: I don't propose to read it all today. It is  
19       quite a lot in the statement but could I say at the  
20       outset that the statement itself is WIT-1-000000856.

21           Can I make the point at the beginning, rather than  
22       trying to take it through the statement, that it appears  
23       from 'Donald's' statement that he was in nine different  
24       institutions between 1975, when he was around the age of  
25       four or five, through to 1990, when he was reaching

1 his -- or at least when he was towards the end of his  
2 teenage years, and these comprise children's homes,  
3 an assessment centre, a List D school and several young  
4 offender institutions. Because I am not going to take  
5 your Ladyship through all of the different individual  
6 institutions today, could I just record that I think  
7 it's fair to say that, according to 'Donald's' evidence,  
8 he suffered some form of abuse in seven of these nine  
9 institutions. In some cases physical abuse, in some  
10 cases sexual abuse, and also abuse that I think he  
11 characterises as sort of emotional abuse.

12 By the time he went to Balrossie, which I am going  
13 to deal with perhaps today in principal focus, he had  
14 been in five institutions by then.

15 LADY SMITH: He had been in five by Balrossie; is that  
16 right?

17 MR PEOPLES: He had been in five before then.

18 LADY SMITH: Not seven?

19 MR PEOPLES: No, I think he had been in one particular one,  
20 Newfield, three times.

21 LADY SMITH: Right, so you are not counting each --

22 MR PEOPLES: No, no --

23 LADY SMITH: So he had had eight placements, but it was five  
24 different places?

25 MR PEOPLES: I think what happened, as we are probably

1 starting to learn, is that each time that someone is  
2 being considered for a further placement, they often go  
3 to an assessment centre. In his case, because, I think,  
4 of his community area, he has been sent for short  
5 periods to Newfield for some form of assessment, but, as  
6 we know, young people who were sent there have, even in  
7 the short periods they were there, experienced abuse,  
8 according to their testimony.

9 LADY SMITH: Yes.

10 MR PEOPLES: With that introduction, I will just take a few  
11 brief points from the statement before going to  
12 Balrossie, but 'Donald' was born in 1970. He was part  
13 of a large family, I think there were six children.  
14 Both of his parents did work, as he tells us, and that  
15 on paragraph 5, he tells us that as far back as he can  
16 remember, his mother was an alcoholic and cannot really  
17 remember an occasion when his mother was sober. He  
18 remembers a lot of fighting and screaming at home and  
19 constant arguments and that his parents ended up  
20 splitting up.

21 He tells us at paragraph 7 that his father was  
22 supposed to pay rent, because he was working, but did  
23 not and that his mum got into rent arrears and ended up  
24 losing her house and that for a time, 'Donald' and his  
25 mother moved in with his granny in a small one-bedroom

1 house. I think he and some of his siblings, as well as  
2 his mother and his granny and grandfather, were seeking  
3 to share a one bedroom house between them, as he  
4 describes at paragraph 7.

5 As he puts it there:

6 'It was tight living conditions and there was always  
7 fighting, because of my mum's drinking. My granny  
8 couldn't put up with it.'

9 He tells us that social work ended up intervening  
10 and he and his younger sister were taken away, I think  
11 to their first care placement, or residential care  
12 placement, Nazareth House. He says that he thinks he  
13 and his sister were taken because they were the youngest  
14 of the family members at that time and considered to be  
15 the most vulnerable. Because I think of the actions of  
16 his mother, or rather inaction, or neglect as well.

17 I am not going to go through his time in  
18 Nazareth House, which he was about five years of age and  
19 he does tell us about his time there and the sort of  
20 things that happened. The slipper was used on him a lot  
21 of times. There was one member of staff who tried to  
22 force feed him, that is paragraph 18.

23 He tells us quite a lot about the routine, which is  
24 probably familiar to those who were involved in the  
25 Nazareth House case studies.

1 LADY SMITH: It is in the findings that were published some  
2 time ago, I don't think this is news.

3 MR PEOPLES: I don't think there is anything here that would  
4 in any way be different in substance to the evidence  
5 that supported the findings that have already been  
6 published.

7 LADY SMITH: Yes.

8 MR PEOPLES: And indeed confirm them, that this is more of  
9 the same really.

10 LADY SMITH: Yes.

11 MR PEOPLES: Indeed, he tells us about the administration at  
12 paragraph 57 of a form of corporal punishment, using the  
13 slipper, by a particular sister, whom he names, which  
14 involved taking trousers down, short trousers, on the  
15 bare bottom and given a slipper with him over the  
16 sister's knee and describes a lot of kicking and  
17 grabbing of his hair while being held down to receive  
18 this punishment.

19 He describes other children being hit at the same  
20 time, so I am not going to spend time today. It is  
21 obviously all there, there is quite a lot there, but  
22 clearly our focus today is on a different place.

23 He tells us just simply that he, I think he left  
24 Nazareth House in Cardonald when he was about eight  
25 years of age, that is at paragraph 75.

1           He then was at home, but, a familiar story, there  
2           was police involvement with him and he appeared before  
3           a panel and was sent to Newfield for assessment, where  
4           he stayed for, he says, around six weeks and he says he  
5           was still at primary school, so he reckons he was nine  
6           or ten years of age at that time.

7           From paragraph 80 onwards, he tells us about  
8           Newfield Assessment Centre, he tells us about various  
9           aspects of it.

10          He has a section in relation to Newfield about abuse  
11          at paragraphs 91 through to 93. In essence, he says, at  
12          91, it was not a bad place but there were a couple of  
13          creepy staff and he mentions one particular member of  
14          staff who he recalls reading about in the newspaper as  
15          a person who had been convicted of sexual offences.

16          He just says that the abuse he is describing was  
17          more mental abuse and gives us a description of the type  
18          of abuse he has in mind, such as when children were  
19          carrying on at night, the staff would make them stand up  
20          for hours in a corner and they would get pins and  
21          needles and be begging, essentially begging to go to  
22          bed. And indeed they had them in the gym running in  
23          circles at night, again for misbehaviour.

24          That is really all he says about Newfield.

25          At paragraph 94, this is maybe a familiar theme now,

1       that he does have some comments about appearances before  
2       the panel as a young person and he says, towards the  
3       foot of page 19:

4             'The panel never asked me where I wanted to go.  
5       I was told where I was going and that was it. They made  
6       the decision and nobody ever asked me why I was doing  
7       things.'

8             Then he was sent to St Ninian's, Gartmore as his  
9       next placement. I think it is correct to say that that  
10      evidence was read in on Day 413 on 21 January 2024,  
11      during the DLS, Chapter 2, so I am not going to dwell on  
12      that one.

13   LADY SMITH: Thank you.

14   MR PEOPLES: It has quite a long section, starting at  
15      paragraph 98, on that particular establishment,  
16      including a section on abuse, starting at paragraph 118,  
17      where he talks about various forms of abuse. I think  
18      sexual and physical, and I think that goes through to  
19      about 135 of his statement.

20             I think he does mention someone who may have been  
21      convicted more recently in his statement, as well as two  
22      familiar names, McKenna and McKinstry.

23   LADY SMITH: Yes.

24   MR PEOPLES: He tells us about leaving St Ninian's from  
25      paragraph 136 onwards and, again, he gets into trouble

1 and he is committing some offence with older boys, he  
2 calls it 'doing over a club', and because they were 16,  
3 this is at 140, he says he took the blame for it,  
4 otherwise they would have gone to jail. He pleads  
5 guilty. That plea is accepted and his friends are  
6 released. He is referred back to the panel and he goes  
7 back to Newfield for a second time, for further  
8 assessments. He thinks he was there again about eight  
9 or nine weeks.

10 He tells us at 142 it was all right when he was at  
11 Newfield the second occasion, though he does say that he  
12 was starting to get a bit more out of control and was  
13 sniffing glue. Again, that is not a particularly  
14 unfamiliar scenario that we have heard.

15 LADY SMITH: Indeed.

16 MR PEOPLES: Just picking up on what he had said earlier at  
17 145, he does say that the staff were basically okay but,  
18 as he puts it, there were some 'weirdos' and he mentions  
19 the same person who he thinks was convicted of certain  
20 offences, who wanted to take him out in a sailing boat,  
21 and he says he had the sense that there was something  
22 about him and said no.

23 The upshot of his time in Newfield was an assessment  
24 was made. He was sent to -- I think it is a children's  
25 home in Glasgow. He says he was in his second year at

1 secondary school, I think, at paragraph 148, and that he  
2 was about 12 years of age.

3 He says at 149 he thinks he was there for around  
4 a year and he says at 149, it was really all right  
5 there, so he has not got a lot to say, but he does have  
6 a section, I have to say, despite that, about abuse and  
7 he seems to particularly single out one particular  
8 member of staff, who I think was the person who in fact  
9 [REDACTED] or at least ...

10 He describes that that person, as he describes, was  
11 a 'bad old bastard' and if young people got into  
12 trouble, he wasn't shy about calling them names and he  
13 was a priest he says and he said for a priest he had  
14 'a bad tongue', as he puts it, and he got a few punches  
15 and slaps from this individual as well. And that  
16 punishment in this particular establishment was a slap  
17 in the face and a bawling out from this particular  
18 person, at 155.

19 LADY SMITH: Yes.

20 MR PEOPLES: All in all, at 156 he does seem to say it was  
21 a good place.

22 I think one can see these comments being made  
23 sometimes because he is comparing establishments and so  
24 to some extent one has to be careful not to read too  
25 much into perhaps that type of statement.

1 But he goes back home and gets into some more  
2 trouble after a few months and is put into a children's  
3 home in Inverclyde, which he tells us about at 158, and  
4 he thinks he was around 12 or 13 at that time. So he is  
5 building up quite a collection of establishments by this  
6 stage, and he thinks he was there maybe seven or eight  
7 months.

8 Secondary Institutions - to be published later  
9  
10  
11  
12  
13  
14  
15

16 He leaves and he gets involved in -- well, he ends  
17 up getting charged, he tells us at 164, with two older  
18 boys and he tells us that that matter did go to court,  
19 because of the ages of the older boys, and that he was  
20 held in Newfield, he says, until the case came to court.

21 He tells us at 165 the case was dropped, so he was  
22 released from Newfield and went back home.

23 Then, during his period at home, he tells us at 167,  
24 that he was charged with a wilful fire-raising offence  
25 and he was already on bail for a house breaking and was

1 fully committed and ended up in Newfield again and says  
2 he was there for six months, so that would be the third  
3 time he was there.

4 It appears again, he says, he takes the blame for  
5 the house-breaking matter and is given three years'  
6 residential training. He tells us that on the wilful  
7 fire-raising, the sentence was continually deferred.

8 Just to pick something up, he says at 168 of his  
9 statement that while he was waiting to be sentenced,  
10 this is 'David', that gave evidence, came up to Newfield  
11 and asked if he would like to come to Balrossie.

12 'Donald' tells us he had heard good stories about it  
13 from the boys who were already there, so he said he  
14 would go.

15 Then he comes to his time at Balrossie, which he  
16 tells us about starting at paragraph 169, and tells us  
17 that he went there when he was about 13, which would put  
18 him either 1983 or early 1984, I think.

19 LADY SMITH: Yes.

20 MR PEOPLES: He says he was there for almost three years.

21 At 170, he says 'David' was SNR  
22 SNR and he remembers certain other members of staff,  
23 including SNR QFX and a PE  
24 teacher, GJF, known as GJF.

25 I think we can take it that is GJF based on

1 the --

2 LADY SMITH: GJF [REDACTED], yes.

3 MR PEOPLES: '... also someone called zGVW [REDACTED], known as  
4 [REDACTED], who was ...'

5 He says SNR [REDACTED] of the school. I think that  
6 was SNR [REDACTED], who was zGVW [REDACTED], which  
7 I think the zGVW [REDACTED] is spelled differently to the  
8 statement, it is zGVW [REDACTED], but I think that is the  
9 person on the evidence we have.

10 He says in the final sentence of 170 that he got on  
11 well with most of the staff at Balrossie.

12 He has a section on routine, and I am not going to  
13 go through that all today, I will just pick out some  
14 matters that he tells us about.

15 Firstly, as far as bed wetting is concerned at 173,  
16 he said he was a bed wetter until the age of 13 or 14  
17 and that he would just tell staff what happened, he had  
18 a special mattress, and they didn't make any big deal  
19 out of it. He doesn't appear to have suffered any  
20 significant bad experiences from the fact that he did  
21 wet the bed.

22 He says, as far as schooling was concerned, at 176,  
23 that he went to different classes, including English,  
24 maths, there was a woodwork and art classes and teachers  
25 came in to teach. They were not working in the

1 residential units.

2 As for the teachers, he tells us they were all right  
3 but 'zGVW', the person he has mentioned, and 'GJF  
4 GJF' were hard he says.

5 He says at 177, and this is something I think that  
6 came up earlier today:

7 'I stopped going to classes when I was about 15  
8 because they knew that I was educated enough. They had  
9 me working out in the gardens. I would look after the  
10 goats. I built a big chicken coop and raised chickens  
11 from the eggs. I used lamps until they were wee chicks.  
12 It was an added sideline for me because I would sell the  
13 eggs to the kitchen staff.'

14 He has a detailed description of it, he doesn't just  
15 say it in broad terms, he seems to explain what he in  
16 fact did in more detail.

17 LADY SMITH: Yes.

18 MR PEOPLES: So that is his position.

19 Then he says he was the only boy, at 178, to work in  
20 the garden, but that Mr GJF started working as  
21 a groundsman and that they got on well together, so he  
22 is also linking it, I think, to a person who was at the  
23 school who was in the same place, working in the garden.

24 I am not going to go through some of the other  
25 matters today, but they are there about leisure trips.

1 I think his evidence is along the lines of other  
2 evidence, that there was clearly a lot of trips and  
3 activities, which is something that I think has come out  
4 of the general evidence.

5 LADY SMITH: Yes.

6 MR PEOPLES: As far as family contact is concerned, at 184  
7 he says that he would go home for weekends and would be  
8 dropped off in the area he lived and would often stay at  
9 an aunt and had to go back to Balrossie on a Sunday. He  
10 tells us that -- I think this is to do with when he was  
11 on home leave, he says:

12 'I was finished with glue but I was drinking a lot  
13 and smoking cannabis. That was when I started taking  
14 drugs when I was on home leave at the age of 15.  
15 I could usually take a bit of cannabis back to  
16 Balrossie, but I kept it to myself. I would make sure  
17 it lasted all week. We weren't allowed to smoke but  
18 they knew we all did it.'

19 Again, it seems it's a rule that was more observed  
20 than the breach.

21 LADY SMITH: It may go back to choosing your battles.

22 MR PEOPLES: Yes, indeed. It would have been a very  
23 difficult thing, if it was a general situation that you  
24 had young people who had already been habitual smokers  
25 and some with an addiction, to suddenly impose a rule

1 and expect it to be complied with so ...

2 He said at 186 in relation to discipline -- I think  
3 this is in line with the sort of evidence we heard  
4 before:

5 'If I got into trouble, I would be kept in the next  
6 weekend. That happened to me a few times when I was  
7 drunk.'

8 It may be that some of the trouble was trouble that  
9 had occurred in the community, when he was on home  
10 leave.

11 It would appear that at least the police on some  
12 occasions would simply pick him up, but not charge him,  
13 speak to Balrossie and tell them where he was. And they  
14 would come and collect.

15 Then he goes on to deal specifically with a section  
16 headed 'Abuse at Balrossie'.

17 He starts at 187 on page 41, and I will use his  
18 proper name here, I think rather than the name -- he  
19 calls it GJF [REDACTED], but it is GJF [REDACTED]:

20 '... known as GJF [REDACTED], had been there since the  
21 place opened ...'

22 So we are talking about 1960 or possibly 1962 but he  
23 was there a long time.

24 He says:

25 'He was fair but he wasn't shy of lifting his hands

1 if you got into trouble. He took my tobacco off me and  
2 I knew it would be in his office. At break time, I put  
3 my arse to his door. I was going to go through his door  
4 to try and get my tobacco back.'

5 That is probably an indication, a bit like our other  
6 witness, who was so desperate for tobacco that she acted  
7 up and did anything she could to smoke.

8 LADY SMITH: Yes, and her whole point was, 'If I had just  
9 been allowed to smoke, for example like some people were  
10 smoking outside the gates, none of this would have  
11 happened'.

12 MR PEOPLES: Yes.

13 So this starts over a battle that perhaps, as your  
14 Ladyship said, shouldn't have been fought maybe. But  
15 anyway, he goes on:

16 'GJF [REDACTED] was in his office. He dragged me in and  
17 gave me a tanking. He punched me all over my body.

18 'GJF [REDACTED] then took me down to 'David's' office  
19 and told him what had happened. He punched me as well.  
20 He knocked me on to my arse. He wasn't shy of lifting  
21 his hands either ...'

22 He says he was a former [REDACTED] rugby player  
23 and was of some size.

24 According to 'Donald', 'David' said that he was  
25 lucky that they didn't get the police involved, because

1 he was already on a good behaviour order from the court.

2 He then goes on that GJF never gave

3 'Donald' such a severe beating again, but he was good

4 for giving you a knee to the leg for 'daft wee things',

5 as he puts it. He did that to other boys as well.

6 Then he says:

7 'I also saw 'David' being violent towards other

8 boys. The only way he knew how to deal with boys was by

9 lifting his hands. He did that to me so many times that

10 I can't remember them all.'

11 Then if I could move over to 193, he has been

12 dealing with a member of staff, QFX, and he

13 tells us at 193:

14 'On one occasion I was sent to see QFX.

15 I think it was for swearing at one of the staff. I went

16 into his office and he asked me why I had been sent to

17 see him. I told him and he said, "You did what?" He

18 slapped me and I fell back the way. I cracked the back

19 of my head off the safe. It gave him a hell of

20 a fright. He came over and started shaking me. He

21 asked me if I was all right. He was saying that he was

22 sorry and that he hadn't meant it. That was the only

23 time that he lifted his hands to me.'

24 Then moving on to another member of staff that he

25 recalls, at 196 he says:

1           tzGVW           was good for lifting his hands. He  
2           tried to do it to me once. I told him not to expect it  
3           to be one way. I said if he hit me I'd knock him  
4           straight out. He said he didn't want to fight me.  
5           I had seen him beat up younger boys. He was an old  
6           bully.'

7           I think again that is a theme that comes out, that  
8           they pick -- to some extent the staff pick their  
9           victims, as far as the applicant evidence is concerned,  
10          that they choose someone perhaps that will not resist  
11          and fight back.

12   LADY SMITH: It is not unusual in the wider world as well.

13   MR PEOPLES: No, it is -- there is nothing perhaps  
14          surprising that ...

15          He then says about leaving Balrossie, that he  
16          started to be able to stay overnight at home and attend  
17          Balrossie during the day. He still had the fire-raising  
18          matter hanging over him and he says that remained the  
19          case until he was nearly 16 and he ended up with  
20          an admonition and says that he was released, I think  
21          from Balrossie, I think, that means probably, when he  
22          was 15 years of age.

23          Then he started running about with boys again in his  
24          community. As he puts it, he 'tripped over his  
25          shoelaces as usual' and found himself in jail.

1           He has a section about time at the closed unit at  
2       St Mary's from paragraph 199 onwards, but he says that  
3       he didn't each reach the dormitory because he took  
4       an opportunity to escape and was on the run for four  
5       months. He was caught just before he was 16 and he was  
6       taken straight to Longriggend from court.

7           I think, unless I am much mistaken, the evidence on  
8       this matter was read in during the SPS chapter on  
9       8 December 2023, on Day 396, so I am not going to repeat  
10      it today.

11   LADY SMITH: Thank you.

12   MR PEOPLES: Other than say he was clearly in several SPS  
13      institutions --

14   LADY SMITH: Yes.

15   MR PEOPLES: -- after leaving Balrossie. I don't think he  
16      really -- I think he just touched the door of St Mary's  
17      and that was it.

18           Then he tells us about life after care from 223  
19      onwards and said he was in and out of Polmont a number  
20      of times between the ages of 18 and 20.

21           He says that when he reached, I think, nearly the  
22      age of 21, he was moved to Barlinnie and until four  
23      years prior to his statement, he was in and out of  
24      prison regularly.

25           He says there was a lot of drug abuse in his life

1 and he in fact says he think it is being in jail that  
2 has actually kept him alive. He says he has not been in  
3 prison now for four years:

4 '... and I think that is me now. I am done with  
5 getting in trouble with the law.'

6 He tells us of some of the difficulties of being  
7 someone with this track record at 225:

8 'I've never worked. I've never been out of prison  
9 long enough to get a job. My life after leaving care  
10 was chaos. It was crime and drugs.'

11 He tells us at 226 under 'Impact', that he started  
12 taking heroin when he was 17 in Polmont and this went on  
13 for a number of years.

14 At 227 he says:

15 'The abuse in care is all planted in my head. It's  
16 been with me for the last 40-odd years. Since I've  
17 uploaded it and spoken about it, I feel totally  
18 different. Years ago, I didn't see it as abuse. If  
19 I did something wrong, I got a whack. The way I see it  
20 now is that if I went out on the street and punched  
21 a ten year-old boy full force on the face, it wouldn't  
22 be acceptable.'

23 At 230 I think he indicates the extent of his  
24 criminal record towards the foot, that he has in excess  
25 of 100 convictions.

1           At the time of giving his statement at 231, he was  
2           on a methadone programme.

3           Then he says at 232:

4           'I am a product of the '70s care system. They  
5           basically stole not just my childhood but my whole life.  
6           Luckily I'm still here and I survived. A lot of people  
7           that I was in care with are no longer here.'

8           I think that is something others have said, that the  
9           people they met and knew, many of them have not  
10          survived.

11   LADY SMITH: Yes.

12   MR PEOPLES: As for reporting, he does make the point that  
13          many have made that no one asked why, for example, he  
14          was wetting the bed or he was glue sniffing, although he  
15          says he is not sure he would have been able to come out  
16          with a response and talk about what was happening, but  
17          he adds:

18          'I didn't see the beatings as abuse ...'

19          That I think echoes what he said earlier, that it is  
20          only when he reflects on the matter he sees things in  
21          a rather different light.

22          At 234, he says that police came to take a statement  
23          from him in 2020 and the first thing he said to them is  
24          they were only 40 years too late, that was in the  
25          context of Nazareth House.

1           At 236, he gave a statement in relation to something  
2           at St Ninian's and I think that may well have been  
3           something that was part of the investigation that  
4           ultimately resulted in the conviction of the individual  
5           concerned.

6   LADY SMITH: Thank you.

7   MR PEOPLES: Finally, on his final page and under 'Lessons',  
8           just pick out one thing, he says at 241:

9           'The pain of having your wrists bent back in  
10          restraints was terrible.'

11         Secondary Institutions - to be published later  
12         [REDACTED]  
13         [REDACTED]

14           He signed his statement after the usual declaration  
15           on 15 November 2021.

16   LADY SMITH: Thank you.

17           Thank you very much, Mr Peoples, what is the plan?

18   MR PEOPLES: I have one I think short enough to do in the  
19           next 20 minutes.

20   LADY SMITH: Let's do it then.

21   MR PEOPLES: There are a couple of long ones that I don't  
22           think we will get to those.

23   LADY SMITH: Let's do the shorter one just now.

24   MR PEOPLES: I have one I think I can do hopefully in  
25           20 minutes.

1                               'Michael' (read)

2   MR PEOPLES: This statement is from an applicant who will be  
3               known as 'Michael'.

4   LADY SMITH: Thank you.

5   MR PEOPLES: His statement is WIT-1-000000339.

6               'Michael' was born in 1959, before going into care  
7               he tells us he was born in the Gorbals area of Glasgow  
8               and he seems to have been a member of a fairly large  
9               family.

10              He tells us at paragraph 3 his father was  
11              an alcoholic, but was working away a lot from home and  
12              that his mother was a violent alcoholic.

13              He tells us about moves when he was fairly young to  
14              various parts of Glasgow. I think with the consequences  
15              we have heard in other cases, that it means a change of  
16              school. Again, not an unfamiliar situation.

17              He says by the time that he went to a particular  
18              primary school, in 1969, which would make him about age  
19              ten, he was running about the streets stealing and  
20              breaking into shops and as it was before the era of the  
21              Children's Panels, he was taken to the juvenile court.

22              He says at age ten, he was sentenced to between one  
23              and three years at an approved school and he says that  
24              it was decided he would go to Larchgrove, I think maybe  
25              he was taken there as a preliminary, rather than that he

1 was sentenced to go to Larchgrove for three years.

2 I assume that it what he is saying, but he went  
3 there around 1970 and I am not going to read all of that  
4 out but suffice it to say he does, in relation to  
5 Larchgrove, say that there were things that happened  
6 that were either abusive practices or was violence in  
7 relation to young people.

8 If I just pick out a couple of things there.

9 As regards bed wetting, at paragraph 20 'Michael'  
10 says he sometimes wet the bed:

11 '... staff would ridicule you in front of the other  
12 boys.'

13 And they would make you do 'the walk of shame'.

14 I don't need to go further, we know what the walk of  
15 shame does mean in this context.

16 Under 'Discipline' at paragraph 22, he says:

17 'Staff used violence as a method of discipline at  
18 Larchgrove. It didn't happen to me the first time I was  
19 at Larchgrove, but I saw other boys being hit.'

20 At 23, under 'Abuse at Larchgrove' he says:

21 'Other than having to do the walk of shame with  
22 soiled sheets, there was nothing that happened to me the  
23 first time at Larchgrove which I would consider to be  
24 abuse.'

25 He then seems to have had a spell at Cardross in

1 1970, before ending up at Balrossie.

2 Again, he goes through that period and tells us  
3 a bit about -- it was a fairly short period, I think, he  
4 tells us about the routine. Again, I am not going to  
5 read that, I think it is -- I will only look at the bit  
6 about abuse perhaps briefly, he deals with that at  
7 paragraph 36 and tells us that on the first day he was  
8 at Cardross at dinner, he was assaulted by a member of  
9 staff. This occurred because it appears that there was  
10 some sort of rule that you were not allowed to reach  
11 over the table for things, but he reached over to get  
12 a piece of bread and butter and that the staff member,  
13 according to 'Michael', picked him up and bounced him  
14 off the wall and started slapping him. He rammed him  
15 back down on his seat and said:

16 'You want this, you ask someone to pass the bread.'

17 He says, this is on page 9:

18 'That incident totally changed my life. I was  
19 completely anti-authority after that.'

20 I suppose it's not an unfamiliar thing, 'welcome to  
21 Cardross' with a first-day experience that leaves  
22 a lasting impact.

23 He says he tried to run away while he was at  
24 Cardross and when he got caught, he went to SNR  
25 SNR office and he says that he was belted. He

1       says that it involved him bending over, pulling down his  
2       trousers and being belted across the backside. If that  
3       did happen, that again didn't reflect the rules at the  
4       time.

5   LADY SMITH: No.

6   MR PEOPLES: Also he says:

7       'After I was belted, they told me to change into my  
8       pyjamas and then I was locked in an empty room for two  
9       or three days.'

10       He tells us at paragraph 39 that he was caught  
11       fighting another boy and the staff put boxing gloves on  
12       him:

13       'They made me fight another boy who was a bully, not  
14       the boy I was originally fighting with.'

15       He ends up on that occasion with a bleeding nose  
16       from the boxing.

17   LADY SMITH: He is probably about 10 or 11 years old at this  
18       time, is that right? The dates suggested around 1970?

19   MR PEOPLES: Yes, he would be, if it was 1970, yes, 10 or 11  
20       perhaps -- probably, yes.

21   LADY SMITH: Still quite young.

22   MR PEOPLES: Quite young, yes.

23       Then, of course, we come to the period when he goes  
24       to Balrossie, which is probably the case that he had to  
25       await a placement somewhere. I say somewhere advisedly,

1       because we know that it was often a case of choice of  
2       what was available --

3   LADY SMITH:   Yes.

4   MR PEOPLES:   -- at the time.

5       Certainly the dates would probably fit in with that  
6       situation.

7   LADY SMITH:   Yes.

8   MR PEOPLES:   He tells us that he was at Balrossie between  
9       about [REDACTED] 1970 and [REDACTED] or [REDACTED] 1972.

10       He tells us about the routine and, just to get the  
11       context, SNR [REDACTED] at that stage was GKF [REDACTED],  
12       I think it is a 'GKF' without [REDACTED].

13   LADY SMITH:   It is usually spelt without [REDACTED], yes.

14   MR PEOPLES:   SNR [REDACTED] was Mr GKS [REDACTED].

15       He also mentions another member of staff, who is  
16       called Mr GBR [REDACTED].

17       Then he tells us a bit about his first day and then  
18       the routine.

19       I will just pick out some matters today. Clearly we  
20       can read it all, but under 'Washing and bathing', he  
21       just tells us that the showers were supervised:

22       'I didn't realise at the time but there were some  
23       [staff] who seemed to look inappropriately at the boys  
24       showering, but I don't recall any inappropriate  
25       touching. It would be boys of different ages showering

1       together from eight to 15 years of age.'

2             That in itself could be difficult, I think, for the  
3       boys, both old and young, I think.

4   LADY SMITH:   Yes, very much so.

5   MR PEOPLES:   Then as for school, at paragraph 49 he says  
6       schooling was okay and that he got on with a particular  
7       teacher, who he names, but says he was a hot-headed guy,  
8       and wasn't slow in firing into the boys in the class if  
9       they were messing about:

10            'He would use whatever he got his hands on, his  
11       favourite was a big bunch of keys.  He never hit me.'

12            I think we can tell he obviously used the keys to  
13       target boys that were misbehaving.

14            Sorry, I should say, just while I am there, that he  
15       does say he seemed to like 'Michael' and there is a sort  
16       of theme there as well, that a particular teacher might  
17       be spoken of well by some people because, for one reason  
18       or another they were liked, whether they were good at  
19       sport and a PE teacher liked them or whatever, and  
20       therefore they maybe didn't get the same treatment as  
21       people who were less well liked.

22            Moving on, as far as home leave is concerned at  
23       paragraph 55, 'Michael' tells us that home leave was  
24       done every two weeks.  I think that may well be more  
25       accurate than weekly, because, as I think it is said,

1 the school would never empty entirely each week, I think  
2 it was just they would take half one week and half the  
3 other, generally speaking.

4 He says they operated a points system. I am not  
5 going to go into all of that, but we know now that  
6 certainly some schools were operating a points system or  
7 a level system as a form of behaviour management, no  
8 doubt to replace the previous behaviour management  
9 system, which was the belt.

10 Then he tells us, which again is familiar, that he  
11 sometimes didn't get home leave, this is at 56, if he  
12 had been misbehaving.


13 He says that:

14 '... no social workers or other officials came to  
15 visit me.'

16 At 57:

17 'Your birthday was just another day, there was no  
18 celebration at all.'

19 It seemed to be a little different at Christmas, at  
20 least they would get something at Christmas.

21 He tells us at 58, I am not going to dwell on this,  
22 but he thinks there were two matrons, 

23 

24 

25 As far as bed wetting is concerned, I will just read

1        what he says there at paragraph 60 on page 14:

2            'Bed wetting was still a problem for me at  
3        Balrossie. They gave the night watchman a list of boys  
4        who were bed wetters. He would come in and wake us up  
5        about 1.00 am and tell us to go to the toilet. If you  
6        had wet the bed, in the morning, you had to carry your  
7        soiled sheets downstairs and [would] get verbal abuse  
8        from everyone. There was no physical punishment  
9        though.'

10           There does seem at least on his evidence to be  
11           a sort of system to try and avoid bed wetting that  
12           involved a night care officer or a supervisor waking  
13           known bed wetters at a certain time of night and taking  
14           them to the toilet. Because we have evidence about  
15           night supervisors coming in to dorms --

16    LADY SMITH: Under a pretext of checking for bed wetting.

17    MR PEOPLES: But he does tell us that there seemed to be  
18           genuine reason why this system might be used, at least  
19           in his case.

20    LADY SMITH: He doesn't make any suggestion that the night  
21           watchman was doing anything wrong, far from it.

22    MR PEOPLES: No, but I think as we have heard, the  
23           opportunity was there if someone was so minded,  
24           particularly if they were on their own at night, as  
25           'David', I think, mentioned in his evidence.

1 As for discipline, he says:

2 'You could be punished for running away [this is at  
3 paragraph 61] for walking on a grass verge, for being  
4 out of bounds and a number of other things.'

5 It would either be Mr GKF, SNR  
6 Mr GKS, SNR, or Mr GSY, I think who was  
7 probably SNR.

8 I think that is in line with what would happen in  
9 these cases, if it involved some sort of belting.

10 It says:

11 'You would get belted over the backside for running  
12 away. They would pull your pyjamas down. They put  
13 a desk in the middle of the gym. All the staff would be  
14 standing around like it was an execution. Two members  
15 of staff would hold you down and Mr GKF would belt you.  
16 He would give you however many strokes of the belt he  
17 felt like, until he decided to stop. I think the most  
18 I got was ten. It did leave marks. I saw the marks  
19 from being belted on other boys and they saw the marks  
20 on me.'

21 Then he goes on:

22 'They had a room they used like a cell in Balrossie  
23 with a padlocked grille on the outside of the window.  
24 I got put in the cell as a punishment. You would be  
25 kept there in just your pyjamas. Sometimes they would

1 take you back to the dormitory at night, other times  
2 I had to spend the night in the cell.'

3 As for abuse, he has a section starting at  
4 paragraph 63 and he says there:

5 'The first night I was there, Mr GKF took me to the  
6 dormitory I was in. Each dormitory had a captain and he  
7 introduced me. He showed me my bed and my locker. He  
8 also pointed out a blanket, which was a fire blanket in  
9 case there was a fire at night. You had to fold up the  
10 fire blanket before bed. That first night, I forgot  
11 about folding the fire blanket and Mr GKF came in,  
12 grabbed me by the hair and dragged me into the corridor  
13 and started slapping me. He picked me up and threw me  
14 back on my bed and then started on the guy who was the  
15 captain of the dormitory.'

16 He then moves on to a different form of abuse at 65:

17 'The sexual abuse started off with [a person he says  
18 was GBR], he was a member of staff ...'

19 He gives a description of him as being in his early  
20 40s, six foot one or two inches tall, and he says where  
21 he thinks he came from.

22 He says:

23 'He used to take us swimming. I couldn't swim. He  
24 would have the non-swimmers down in the shallow end of  
25 the pool and he would hold you. He would be groping you

1 while he would be getting you to swim across the pool.'

2 He then says that the same member of staff gave him

3 a job for extra pocket money, which involved stocktaking

4 of school uniforms and shoes in the turret of Balrossie.

5 I think that might be the tower --

6 LADY SMITH: Yes.

7 MR PEOPLES: -- or at least it seems consistent with that.

8 He says:

9 'It was well away from everyone. He started getting

10 me to masturbate him in there. That went on for my

11 whole time in Balrossie, from 1970 to 1972.'

12 Then he says at 67:

13 'After that [the same member of staff] took us

14 camping ... He told me to stay with him and help him

15 with the fire. I knew what was coming, he told me to go

16 into a tent with him. He took my shorts off. He put

17 his penis between my legs. He didn't penetrate me but

18 he did ejaculate.'

19 Moving on he says:

20 'All the time I was there [at 68] he would abuse me

21 any chance he got. There was no one else who abused me.

22 I am not aware of this particular person abusing any

23 other boys, but I have no doubt that he did. There were

24 some comments made by other boys about me, calling me

25 "teacher's pet" and things like that.'

1           He says that one day he ran away from Balrossie and  
2           was caught by the police. He says that:  
3           '[The same member of staff] came to get me and  
4           I remember we went over the Erskine Bridge to get back  
5           to Balrossie ... He pulled into a layby on the way and  
6           abused me in his car.  
7           'On another occasion, [the same person] took me and  
8           another boy to his friend's house...'  
9           He says that there he and the other boy had to sleep  
10          on the floor in sleeping bags and that the member of  
11          staff abused him there too. He says:  
12          'I don't know if the other boy woke up or if he was  
13          still asleep. I didn't discuss it with the other boy.'  
14          He also says that again the same member of staff  
15          abused him in his dormitory. He says it was the weekend  
16          when this happened 'and there weren't a lot of us left  
17          in the dormitories'. He said he had gone for a shower  
18          and when he came out, he said he was waiting for him in  
19          the dormitory.  
20          As for reporting of abuse, he says although there  
21          were some other members of staff he could talk to, he  
22          never told them about the abuse. He didn't tell his  
23          parents. He didn't tell anyone. He says:  
24          'I have spoken to people in the past about the  
25          violence in care, but I have never spoken about the

1 sexual abuse before now.'

2 He then says that he ran away towards the end of his  
3 time at Balrossie and he says that Mr GKF said he  
4 didn't want him back and he was taken to Larchgrove,  
5 where he had a spell for a few weeks, he thinks he  
6 reckons about eight weeks, but he says the only thing  
7 that happened there, at paragraph 74 was:

8 'There was a teacher who used to talk dirty to us.'

9 Then he says:

10 'After about eight weeks, they found me a place in  
11 another approved school, Thornly Park.'

12 I will just deal with that one if I may, because  
13 obviously we will move on to some evidence about that.

14 LADY SMITH: Yes.

15 MR PEOPLES: He was there between, he says, around

16 [REDACTED] 1972 to [REDACTED] 1974.

17 He says the SNR [REDACTED] was GNG [REDACTED] and he  
18 had a [REDACTED].

19 As for routine, at 76 he does a comparison and he  
20 says:

21 'Compared to Larchgrove and Balrossie it was all  
22 right, apart from the violence and strange behaviour of  
23 SNR [REDACTED], GNG [REDACTED].'

24 Then under 'Abuse at Thornly Park', he gives us more  
25 information on that statement and he says at 77:

1           'At weekends, there would be a lot of boys on home  
2           leave and they didn't want those of us who were left to  
3           be scattered in all the dormitories so they put us in  
4           a single dormitory at the weekend, the one nearest to  
5           SNR [REDACTED] . SNR [REDACTED] would come  
6           out of his house at 2.00 am on a Saturday morning and  
7           put all the lights on. He would be drunk and would  
8           attack people. He would claim there was a lot of noise  
9           and commotion, but it was all in his head. He was  
10          a Jekyll and Hyde character.

11          Thornly Park had a small Victorian swimming pool.  
12          Sometimes when SNR [REDACTED] came in drunk in the  
13          middle of the night, he would come in happy. He would  
14          get us to go for a swim in the pool. He would sit in  
15          the gym in his housecoat with his carry-out watching us.  
16          Then he would fall asleep in a drunken stupor. When he  
17          woke up, he wouldn't remember anything about letting us  
18          go for a swim.

19          One time, there were about seven or eight of us left  
20          in the dormitory at the weekend. A couple of the boys  
21          went down and broke into the kitchen area. They came  
22          back with cakes and stuff. They started flinging food  
23          about the dormitory. The night watchman, he was another  
24          alcoholic, came in and put the lights on. The place was  
25          covered in food. He phoned SNR [REDACTED] who came in

1 and had a look and then just put the lights off.'

2 Then he says:

3 'At 6.00 am the next morning, staff woke the boys up

4 and took us down in our pyjamas to a playground which is

5 called the courtyard. SNR [REDACTED] drove his car

6 into the playground and put his car up on the jack.

7 They lined up us up into two lines of about ten boys,

8 SNR [REDACTED] went up to the first boy and asked him

9 who broke into the kitchen. He said he didn't know.

10 And SNR [REDACTED] battered him and then came over to me

11 ...'

12 'Michael' says he was the smallest boy there and he

13 had long hair. He says:

14 'SNR [REDACTED] grabbed me by the hair and dragged

15 me over to his car.'

16 'Michael' says he thought he was going to put his

17 head under the car where the jack was and he says he was

18 aware that the staff looked concerned about what SNR [REDACTED]

19 SNR [REDACTED] was doing and were trying to get him to calm

20 down.

21 'Michael' says he managed to get out of SNR [REDACTED]

22 SNR [REDACTED] grip and ran away, but just before he did,

23 SNR [REDACTED] was screaming and ran after him but he

24 managed to get away and ran to the fields beyond the

25 school boundaries. He says SNR [REDACTED] gave up

1 chasing and shouted:

2 'Keep on running, you'll not be coming back to this  
3 school.'

4 He says that after SNR [REDACTED] had put his head  
5 under the car, he didn't tell the police about this when  
6 they caught him. He says he told his family, but no one  
7 in authority.

8 It appears that that was the end of his time at  
9 Thornly Park and he says that he was back in Larchgrove  
10 again until they decided what to do with him, no doubt.

11 Then it seems that the upshot was that he then moved  
12 on to St Mary's Kenmure in [REDACTED] 1973 [REDACTED] 1974 and  
13 stayed there until [REDACTED] 1974, and that he was 14  
14 or 15 by the time he went to St Mary's.

15 He describes the routine, and I am not going to go  
16 through this in depth, but I will pick out one or two  
17 things.

18 He says at 84 that St Mary's was all right:

19 '... apart from the incident that resulted in me  
20 leaving.'

21 He says that -- and this might be a reflection of  
22 the problem of finding a place for someone to go. It  
23 was a closed unit, but he says at 86 he was the only  
24 Protestant in St Mary's and that SNR [REDACTED]  
25 SNR [REDACTED], said he didn't need to go to chapel and

1 after eight months he said SNR got him a job  
2 in the cookhouse on Sundays.

3 Then he has a section on abuse and he says, at 87,  
4 he worked with Bill Franks and he said that Franks would  
5 masturbate when he was standing in the pantry. He tried  
6 to encourage 'Michael' to come over to him, he was  
7 gesturing with his head. He said:

8 'It was only me and him in the kitchen and I just  
9 left and never went to back to approved schools.'

10 He says he didn't report the incident with Franks,  
11 he just walked out, 'I had had enough'. And I think we  
12 know that Franks was subsequently convicted of sexual  
13 offences at St Mary's.

14 LADY SMITH: Yes.

15 MS FORBES: 'Life after care', I will just take a few things  
16 from that before we finish. At 91 he says he started  
17 drinking after he left care and has been in and out of  
18 jail for a lot of his adult life.

19 He says, on 'Impact', that even though the abuse he  
20 suffered happened many years ago, he still thinks about  
21 it all the time.

22 He says:

23 'In all the care facilities I was in, the staff  
24 would batter the boys like they were hitting a grown  
25 man.'

1           He says at 95:  
2           'I had virtually no education during my time in  
3       care.'  
4           As for reporting, he says at 96:  
5           'I have told my family and others about the physical  
6       violence I experienced in care but I have never  
7       previously spoken about the sexual abuse.'  
8           He says the usual declaration at paragraph 100 and  
9       he signed that statement on 6 March 2020.  
10   LADY SMITH: Thank you very much indeed.  
11           Well, it is after 4.00 pm, I think we stop there for  
12       today.  
13           Tomorrow morning, the plan?  
14   MR PEOPLES: Some oral evidence from --  
15   LADY SMITH: Return --  
16   MR PEOPLES: The return of Mr Hinds, and then there is one  
17       other witness who will be giving evidence tomorrow. And  
18       hopefully some read-in material.  
19   LADY SMITH: Some other read-ins, we will see how we get on.  
20       Very well.  
21           I will stop now until 10.00 am tomorrow.  
22           Before I rise, names again of people who must not be  
23       identified as referred to in our evidence outside this  
24       room. You have heard some of them already; KSP  
25       LHR, GJF, GJC, Mr GKF,

1 QFX [REDACTED], Mr GSY [REDACTED], Mr GKS [REDACTED], GBR [REDACTED] and  
2 GNG [REDACTED].

3 That is all for now. I will rise until tomorrow  
4 morning.

5 Thank you.

6 (4.06 pm)

7 (The Inquiry adjourned until 10.00 am on Friday, 11 October  
8 2024)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1	INDEX	
2		PAGE
3	'David' (called) .....	1
4	Questions by Ms Forbes .....	4
5		
6	'Jack' (read) .....	146
7	'Donald' (read) .....	161
8	'Michael' (read) .....	183
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

