

1 Friday, 11 October 2024

2 (10.00 am)

3 LADY SMITH: Good morning, and welcome to the last day this  
4 week of our evidence in relation to Chapter 9 of Phase 8  
5 of our case study hearings.

6 Jonathan Hinds (continued)

7 LADY SMITH: We welcome back this morning, Jonathan, who was  
8 here earlier in the week.

9 Before, Jonathan, I turn specifically to your  
10 evidence in inviting Mr Peoples, can I just formally  
11 remind you that you took an oath to tell the truth when  
12 you were here just a few days ago and I hope I am right  
13 in assuming you have not forgotten that?

14 A. No, my Lady.

15 LADY SMITH: Thank you.

16 Let me turn to Mr Peoples to reintroduce you and we  
17 will take your evidence from there.

18 Mr Peoples.

19 MR PEOPLES: My Lady.

20 Questions by Mr Peoples

21 MR PEOPLES: Good morning, Jonathan.

22 A. Good morning.

23 Q. As promised, I don't plan to revisit the various  
24 documents that have been submitted to the Inquiry by  
25 Inverclyde, other than to just ask you about one matter,

1       it is something that is included in the original A to D  
2       and we could perhaps just bring up the A to D, which is  
3       INC.001.001.5059. The one page I am interested in today  
4       is at page 22.

5             This is giving, I think, some information about the  
6       history of matters in relation to the school and there  
7       is reference there at (X) to a 1994 'Statement of aims  
8       and functions', under a question:

9             'What was the establishment's attitude to discipline  
10       of children?'

11            The response is it is to be found in that statement.

12            Just by way of introduction, I think the background  
13       to this type of statement is that the 1987 regulations,  
14       which replaced the Approved School Rules and applied  
15       generally to residential establishments for children,  
16       required this type of statement to be produced by  
17       providers of residential care services. In this case,  
18       because Balrossie was run by a local authority, it is  
19       the local authority that has done the statement in this  
20       case, and it appears that this is the statement that  
21       would be relevant to Balrossie, is that your  
22       understanding?

23   A. Yes, it is.

24   Q. There was reference, I think, earlier to a 1991  
25       statement. I am not sure whether it was a mistake,

1       whether it was 1991 or 1994, but whatever the position,  
2       this probably was the first statement produced following  
3       the regulations, so I think there was a degree of delay  
4       if you like, but I don't think that was uncommon because  
5       I think a number of providers took time to put this sort  
6       of document in place, would that be your --

7   A. I think that's a fair assumption.

8   Q. Yes. All I am really interested in today is that it  
9       says:

10       'The children who stay ... have many personal  
11       problems not least of which might be a poor attitude to  
12       authority or an inability to behave in a socially  
13       acceptable manner. The encouragement of more positive  
14       attitudes and behaviour takes place here in group living  
15       and working situations.

16       Regional policies are fully observed and  
17       an appropriate record is kept in all instances of  
18       physical restraint and violence to staff, both of which,  
19       thankfully, rarely occur.'

20       Then it goes on:

21       'Involvement of police is kept to a minimum, but is  
22       sought to assist with more extreme difficulties certain  
23       levels of drug involvement or violence to staff [for  
24       example] ...'

25       I just wonder whether, if someone was reading that,

1       they might feel that if there is some form of complaint  
2       about physical restraint, such as it was more an assault  
3       than an appropriate restraint, or even simply  
4       an allegation of an assault by a member of staff on  
5       a pupil, that that document might suggest that you only  
6       involve police in fairly extreme cases, not more  
7       generally, where it is clearly an alleged assault or  
8       excessive restraint.

9             Do you agree it is not maybe as happily worded as it  
10       could be?

11   A. I think, from reading that statement of aims and  
12       functions, it really highlights the shift from that time  
13       to now and the wording, the tone, and the inference  
14       within that statement of aims and functions is not  
15       something that would equate with current practice at  
16       all.

17   LADY SMITH: Put shortly, Jonathan, you wouldn't read that  
18       as flagging up that it is recognised that the police may  
19       need to be told that it looks as though a child has been  
20       assaulted or the police may need to be told that it  
21       looks as though a child is coming to some sort of  
22       unidentifiable harm but they need to investigate it,  
23       something like that?

24   A. No, indeed, my Lady, the wording would appear to put the  
25       focus on the behaviour of the young person as opposed to



1       any potential harm that they themselves may be at.

2   LADY SMITH:   Yes.

3   MR PEOPLES:   The reason I asked the question was because, as

4       we have observed earlier, on Wednesday, I think, that

5       when the review of the records was carried out, the

6       wider review, there wasn't any evidence that complaints,

7       albeit they were investigated, were referred also to the

8       police. I think that was what, I think, you told us,

9       that that wasn't evident from the ones that did identify

10      allegations or complaints, even although some clearly

11      related to a matter that could amount to a criminal

12      offence, is that --

13   A.   Following my appearance on Wednesday, I reviewed the

14      templates of the 36 cases that I'd referred to then and

15      I found evidence of one that referred to the police

16      being contacted but the outcome appeared to be that the

17      young person then withdrew their statement and didn't

18      wish to proceed, so it suggests some level of police

19      contact but no continuing involvement.

20   Q.   In one case though only?

21   A.   Yes.

22   Q.   I wonder whether, in fairness to those that were dealing

23      with these matters, that, bearing in mind what the

24      statement of functions was saying, they might have been

25      thinking, well, we are being told -- consider whether

1       you ought to involve the police at all even if it is  
2       an obvious police matter, and that that might explain  
3       the absence of police involvement for some of the cases.  
4       I am just trying to see if one can explain why the  
5       police are not being brought in on more than one  
6       occasion, for example? Is that a possibility?

7   A. I think it could be a possibility. Clearly the records  
8       that were read and the number that identified  
9       indications of abuse or harm are just a snapshot, so  
10      I think that's a reasonable inference to make.

11   Q. Obviously I was putting to you another possibility, that  
12      it perhaps suited those dealing with the complaint to  
13      deal with it very much in-house, even not referring it  
14      on to the external social work department, because that  
15      did appear to be a pattern as well, that they tended to  
16      deal with it themselves, is that --

17   A. That is certainly an impression that we gained from the  
18      record reading. I know there was one reference in one  
19      template to an 'informal complaint', a term that was not  
20      expanded on or explained, so that again would help to  
21      reinforce that perspective, that in-house responses  
22      appeared to be common practice.

23   LADY SMITH: Yes.

24           There are various ways, Jonathan, of course of  
25      looking at this. At one end of the scale there is

1 an organisation's desire to protect its own reputation,  
2 not let anybody outside the organisation or the  
3 particular place know that it looks as if something has  
4 gone wrong. I can see that at the other end of the  
5 scale, there is a desire just to not have the fuss, not  
6 have the disruption of getting other people involved,  
7 'That will mean more paperwork, that will mean  
8 disrupting our plans for the day today. Surely we can  
9 sort this out ourselves?'

10 Do I have that right, that all these things could  
11 come to play but what is being forgotten is at the heart  
12 of this there is a child?

13 A. I would agree, my Lady, that at the heart of all of this  
14 is, of course, the child and the young person. I think  
15 that summary is particularly helpful in terms of where  
16 the focus, the organisational focus, appears to have  
17 been and certainly, from more historical records,  
18 a really strong focus on process, on systems, on  
19 discipline, and a child-centred approach does not appear  
20 to be strong in this statement of aims and functions at  
21 all, and the impact that could have had on the  
22 environment and the context within which children lived  
23 in Balrossie, we are not seeing from the records that  
24 child-centred approach until much later.

25 LADY SMITH: What do you do to get across to staff that

1       complying with process in terms, particularly, of  
2       writing things down in a particular way within the  
3       system, isn't to be regarded as an irritation and  
4       a nuisance but is important, not only for record keeping  
5       but for you, the individual, to process your own  
6       thoughts and understanding about what you are dealing  
7       with? How do you do that?

8    A. I would say from my own experience, over the last  
9       25 years of practice, that the increased focus on  
10       a child's record being their story, and through  
11       processes such as subject access requests, where people  
12       in adulthood may seek their records, that it's extremely  
13       important that that story is clear, that it's balanced,  
14       and from a record keeping, from a case recording  
15       perspective, there is a place for analysis as well as  
16       verbatim recording of events as well.

17   LADY SMITH: For you, the employee at whatever level, that  
18       is filling in these records, presenting your performance  
19       on that day, as well as you can, people will be looking  
20       at this for years, how do you want it to seem in decades  
21       to come?

22   A. I would want, if records were being looked at, that were  
23       created at the moment in 20, 30 years' time, to be  
24       accurate, to be empathic, to be analytical, and to be  
25       absolutely fair and balanced but comprehensive in terms

1 of the actions taken but also the rationale for actions  
2 taken as well.

3 LADY SMITH: Yes. Thank you, Jonathan, that is very  
4 helpful.

5 Mr Peoples, I'm sorry, that is a diversion --

6 MR PEOPLES: Well, I have another diversion for you, which  
7 maybe I am catching you a bit unawares here, but it is  
8 a good chance to try it.

9 There is a general issue here of reporting  
10 a disclosure or an allegation, and that is a hot topic,  
11 not just historically but currently, because we know  
12 that there are those who would favour a legal framework  
13 in this area and, perhaps more generally, that would  
14 require mandatory reporting of disclosures to various  
15 people and bodies in certain circumstances. I am not  
16 going to ask you about the detail of the different  
17 possibilities, but in broad terms, because I think this  
18 matter was canvassed -- and you may or may not know this  
19 -- that in the past there was some degree of  
20 consultation in 2014, when it was a hot topic.

21 There was a division of opinion on this and, indeed,  
22 some providers said that they didn't necessarily think  
23 that it should necessarily be mandatory, because there  
24 might be situations where it would discourage people, if  
25 they thought that in every case, by saying something, it

1 starts a process that they can no longer control.

2 Others, I think, took a different view and so we  
3 have perhaps two schools of thought.

4 It is likely to come back, certainly IICSA in  
5 England recommended, after their inquiry, a system of  
6 mandatory reporting, although I don't think that has, as  
7 yet, seen the light of day. I am putting you on the  
8 spot -- do feel free to reserve your position -- but do  
9 you have any views, either personally or does the  
10 authority have a view, Inverclyde, about the issue of  
11 mandatory reporting, has it been discussed?

12 A. Your last point first, no. I have not been involved in  
13 any discussions within Inverclyde about the question of  
14 mandatory reporting. I suppose whenever I think about  
15 mandatory reporting, either from a practitioners'  
16 perspective or more broadly organisationally, I can  
17 appreciate the validity of both positions that you have  
18 articulated and I suppose there is always for me the  
19 question of the best interests of the child or young  
20 person.

21 I suppose there is a concern that a mandatory  
22 process takes people on a journey that once it starts,  
23 nobody knows where it is going to finish, but equally,  
24 it is that balance of rights and responsibilities and  
25 the protection of our most vulnerable, so I wouldn't

1       have an opinion, a personal opinion, to express on that  
2       matter, but I suppose the complexity of the issue is  
3       reflected in the debate that was had ten years ago.

4   Q.   From your answer, I take it that perhaps -- this is not  
5       an unfamiliar test for decision making that has been  
6       used since probably 1948 -- that decisions affecting  
7       a child in care should be ... the paramount  
8       consideration should be what is in the best interests of  
9       the child. I think you are suggesting that if you are  
10      looking at an issue such as reporting, or mandatory  
11      reporting, that perhaps there should be an overarching  
12      requirement to decide whether ... or it could be  
13      a possibility to decide whether it should be tested by  
14      reference to what is in the best interest, not just  
15      an automatic requirement to report, even if there are  
16      apparently good grounds for not doing so. Is that  
17      something that at least should be considered if someone  
18      is promoting the idea of mandatory reporting, that maybe  
19      we should be using a best interest test in some shape or  
20      form?

21   A.   I feel that my ability to answer that question is  
22       somewhat limited, given that I have not had the  
23       opportunity to consider it in advance.

24       However, I would always take the position within my  
25       professional experience and my practice and my current

1       role that the best interests of the child and young  
2       person are absolutely paramount and any processes, any  
3       mandatory reporting, et cetera, really needs to place  
4       that at the centre. Because ultimately that is what we  
5       are all committed to doing and to upholding.

6   Q. Thank you. Sorry I sprung that one on you but it seemed  
7       a good opportunity just to at least explore it, if  
8       I could put it that way. I am not holding you  
9       necessarily to any position --

10  A. No.

11  Q. -- but I think you recognise that is at least a matter  
12       that should be brought into the discussion and debate?

13  A. Yes.

14  Q. There is only one other matter, and I think I probably  
15       asked you on Wednesday, that we did hear that there had  
16       been action raised and the action had been settled and  
17       I asked you if it was possible to tell me whether,  
18       without reference to the details of the settlement,  
19       whether that settlement by the council's insurers was  
20       done on the basis of an admission or non-admission of  
21       liability?

22  A. I was able to confirm after my appearance on Wednesday  
23       that the matter was settled without admission of  
24       liability and without prejudice.

25  Q. I will move on now to the final matter that I said



1 I would deal with with you, which was things that  
2 perhaps can be picked up from things that were written  
3 by the Scottish Education Department or officials within  
4 the department or inspectors from the department over  
5 the years about Balrossie.

6 What I propose to do is just to take some that  
7 I have come across. I am not going to take you to the  
8 source document in all cases, but I can, perhaps,  
9 provide the reference in some cases, but I just want to  
10 get a broad picture of the evolution of the school and  
11 the issues that at least were concerning central  
12 government and the officials and inspectors.

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20 First of all, I think the records suggest, and this  
21 was something I hinted at on Wednesday, that Balrossie  
22 had been purchased by Glasgow Corporation in possibly  
23 1962, and it was at that point it became an approved  
24 school. There is a possibility it was not as early as

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2           We also know that, under the Approved School Rules,  
3           that was a key role because it expressly articulates  
4           that the personal influence of the headmaster is quite  
5           a significant consideration. I think in practice, many  
6           headmasters were more influential historically than the  
7           boards of management, certainly in relation to matters,  
8           day-to-day matters in school, or welfare matters, or  
9           issues of discipline, or approach to discipline and so  
10          forth.

11           Would you agree with that? Did the researches  
12          suggest that?

13   A. I think that is rather difficult to answer, having not  
14          seen documents to suggest whether the influence of  
15          headmasters was greater than anticipated. However,  
16          I have seen other historical records that relate  
17          directly to the time period you are referring to and the  
18          sense of the span of responsibility, but also the  
19          influence of the headmaster.

20   Q. I think -- certainly I can tell you that we have seen  
21          inspectors sometimes indicating -- I am not doing this  
22          in relation to Balrossie -- that the headmaster runs the  
23          board rather than the other way round and the headmaster  
24          is the continuity, because often the board would change,  
25          if they had collected members of a local authority as

1 part of the composition, so they would be the one  
2 constant and, to some extent, they would be the --  
3 I suppose they had the knowledge and they were there  
4 24/7 as well and on the premises and that therefore they  
5 could exert a considerable influence on how the school  
6 was run and how the pupils were treated.

7 I think also maybe the other thing that maybe comes  
8 out of the evidence we have is that the quality of the  
9 headmaster was variable, and I am not going to take you  
10 to it but we have an interesting memorandum by one of  
11 the HMI inspectors for approved schools, called  
12 'A History of Heads', which was done in around 1967.  
13 I think, to summarise it, he basically says the history  
14 is not a happy one and then he gives various  
15 illustrations of why he says that, that there have been  
16 a number of, in his view, poor appointments to that  
17 position.

18 If I go back to my looking at Balrossie, however,  
19 records suggest that Balrossie took at least its initial  
20 population from another approved school, Mossbank School  
21 in Glasgow, but Mossbank didn't close at the time, it  
22 was closed, I think, in the late 1960s, a bit after  
23 Balrossie had been in operation, but I think it took  
24 an intake of pupils from that particular school, perhaps  
25 for reasons of overcrowding or something like that.

1           We know the development of Balrossie itself, it was  
2           a List D school in 1971 and then a residential school  
3           after 1986.

4           By 1967, one of the long-standing HMI inspectors,  
5           a Mr McPherson, put his thoughts on paper, including the  
6           'History of Heads' paper that I have just mentioned, but  
7           he also had something to say in relation to Balrossie in  
8           particular. Maybe I can bring this document up for you.  
9           Can I start with document SGV-000090107.

10          What has come up, and I think I am wanting to go to  
11          page 3, or can we go to page 3 of the document.

12   LADY SMITH: What is the document, Mr Peoples?

13   MR PEOPLES: The document is what might be termed a minute  
14           or a memorandum by HMI McPherson, which was an internal  
15           document within an SED file. It is not something that  
16           was in circulation and it certainly was not something  
17           that the school itself would have seen. In fact, it was  
18           not the practice then to show them the inspection  
19           reports and certainly not the practice to show the  
20           exchanges internally within the SED at that time.

21          What I am looking at is -- it is headed, this  
22           document, 'Management of Approved Schools', and this was  
23           a hot topic in the 1960s about whether local authority  
24           management or voluntary management was best and whether,  
25           indeed, it would be better to have a national body with

1 oversight, but that is the topic and that is the  
2 background.

3 The other HMI inspector for approved schools,  
4 Mr Murphy, was also writing on the subject at that time  
5 and earlier.

6 What Mr McPherson says in the second full paragraph,  
7 I will just read it for you:

8 'My own experience of our one local authority, which  
9 at present handles approved schools, confirms  
10 Mr Murphy's views. [He says] I recollect an occasion  
11 when a headmaster and deputy headmaster were about to be  
12 appointed to Balrossie. This was a special meeting of  
13 the responsible committee and reasonable time was given  
14 to the first appointment.'

15 I think the first appointment is the appointment of  
16 the head, I will take you to another document shortly:

17 'When a decision had been taken, however, the  
18 chairman indicated that he had another meeting to attend  
19 after lunch and that there would be no time to consider  
20 fully the claims of the various candidates for the post  
21 of deputy; he would therefore suggest that the one man  
22 who had already some experience of acting as a deputy  
23 should be appointed. No one demurred and the man, who  
24 in my view was about the poorest of the candidates and  
25 who had been an unsatisfactory deputy headmaster in

1 a previous post, was appointed. The chairman at lunch  
2 told me that it was time these schools were handed over  
3 to a voluntary body as they were much too busy to be  
4 bothered with them. The home truth is fully  
5 substantiated in Mr Murphy's note.'

6 That is a reference to another note that Mr Murphy  
7 wrote, and I will come to that.

8 Do you see there it is certainly not showing any  
9 great enthusiasm for being responsible for managing  
10 approved schools. Indeed, they seem to be wanting to be  
11 relieved of the burden and they seem to think that, as  
12 priorities go, that this is not a big priority and they  
13 have better things to do with their time. That is the  
14 way it comes across?

15 A. Yes, it seems to, absolutely.

16 LADY SMITH: What is date of this, you say --

17 MR PEOPLES: 1967.

18 LADY SMITH: 1967, thank you.

19 MR PEOPLES: I will take you perhaps to another document  
20 which is on the same matter, if I can, which is  
21 SGV-000089792.

22 LADY SMITH: There is a very young looking Fred Edwards in  
23 that photograph.

24 MR PEOPLES: Yes, it is not the one I am wanting to -- that,  
25 I think, is a little bit later, when the future of

1 List D schools was under some scrutiny and I think we  
2 knew by then what Mr Edwards's view was about large  
3 residential schools and, indeed, children's homes,  
4 I think he had a certain view on them.

5 If we go on to page -- we will start with page 2,  
6 which is headed 'Management of approved schools'. This  
7 is another document that Mr McPherson produced and he  
8 has copied in a Mr Murphy, his colleague, as HMI  
9 inspector for approved schools. The background seems to  
10 be -- this is in 1967, in June, that this document was  
11 circulated. He says that before reading this minute,  
12 you should read three appendices that he has attached to  
13 his minute or memorandum, and he has written this on the  
14 understanding that:

15 'The intention is to continue meanwhile with  
16 voluntary management of the schools and, at a later  
17 date, to transfer them to the local authorities.  
18 Except, of course, in the case of Mossbank and  
19 Balrossie, which are already managed by Glasgow  
20 Education Authority and would presumably go over to the  
21 local social work department.'

22 Pausing there, the background here is that we are  
23 just about on the eve of the Social Work (Scotland) Act  
24 1968, the Social Work Services Group has been set up to  
25 some extent to oversee the implementation of the

1       legislation and to assist both central government and  
2       local authorities with the changes that were coming in  
3       from the removal of children's departments and the  
4       replacement by generic social work departments, so this  
5       is all that -- and obviously one issue that came up was:  
6       what do we do about approved schools? I think we  
7       discussed this maybe loosely or broadly on Wednesday,  
8       that I think the favoured view was of inspectors and  
9       officials that it was hoped that, during a transition  
10      period after the Act was passed, that these schools  
11      would be absorbed into the general provision of  
12      local authority establishments for children, but that  
13      didn't happen, as we know, and, indeed, in 1986,  
14      decisions were taken by the Secretary of State to just  
15      withdraw and let them get on with it. Some closed, some  
16      became independent schools, and, I think I am right in  
17      saying, none were taken over by local authorities,  
18      including some of the ones that we have -- I think most  
19      of the List D schools were non-local authority and  
20      I don't think any of them were taken over in that  
21      period, 1968 to 1986.

22             That is the background to the document and I think  
23      what Mr McPherson was perhaps suggesting was that  
24      consideration be given to some national oversight body  
25      that had general responsibility for these schools, so it



1 was one of the options on the table, or at least being  
2 considered. What I want to do at this stage is to go on  
3 in this document to towards the end, to the appendix  
4 that he mentions. I think if we start with page 6, that  
5 is appendix C to this document.

6 It is a minute written by Mr Murphy, it says, some  
7 years ago. It is undated, but I think we can tell from  
8 other records -- I am not going to go through it all --  
9 that it was probably written around 1964. Its heading  
10 gives a clue to what was being said, 'Disadvantages of  
11 local authority management of residential schools', and  
12 starts with the statement:

13 'Local authorities show little enthusiasm or  
14 capacity for providing new residential units ...'

15 He goes on about this whole matter. I think he  
16 basically is saying that they are very cool towards the  
17 idea of taking over schools or, indeed, managing  
18 existing schools. He raises a number of matters I am  
19 not going to go through, but if you go to page 7, and we  
20 go to a heading, item 6, called 'Cost', what we see  
21 there is an addendum to Murphy's memorandum which has  
22 the initials 'JAMcP', that's John McPherson, 26/1/67.

23 What Mr McPherson is doing there is to give  
24 a further account about the appointment of the head and  
25 deputy head of Balrossie that we saw in the earlier

1 document, do you see that? I will just read what he  
2 says. This is not, I think, Mr Murphy, this is  
3 Mr McPherson's addition. It says:

4 'At one such meeting of the Glasgow committee, when  
5 a head and deputy head were being appointed to  
6 Balrossie School, the chairman indicated that they had  
7 taken too long to select the head.'

8 That is in line with what we read earlier:

9 'Since he could spare no more time, he would suggest  
10 that as one of the applicants already had experience as  
11 a deputy, they should just appoint him [I think this is  
12 to the post of deputy, on a fair reading], this was  
13 agreed and we have since been saddled with one of the  
14 biggest nitwits in the business. His stature was well  
15 known to me at the time but I could do nothing about  
16 it.'

17 You will not find any of that in the Balrossie  
18 records, I am quite sure.

19 A. No, I have not seen that reference before.

20 Q. It is a very frank statement, said privately, and  
21 clearly he was not impressed by the quality of the  
22 appointee at that time.

23 There we have it there, that is being said in 1967.  
24 I think SNR [REDACTED] who was appointed at the beginning to  
25 be SNR [REDACTED] Mr Hand was a man, Mr GKS [REDACTED], who was SNR [REDACTED]

1 SNR . I think we have heard some evidence  
2 about him already in this Inquiry. So there we have it,  
3 that's his view. It doesn't seem to be in any way out  
4 of step with Mr Murphy's view either, and they are both  
5 the HMI inspectors for approved schools. So we see  
6 that.

7 Just around the same time, the UK Government, and in  
8 particular the then Home Secretary, Mr Roy Jenkins,  
9 wanted to ban corporal punishment in approved schools.  
10 There had been a report about an approved school in  
11 England called Court Lees and that had generated quite  
12 a lot of debate and discussion, including discussion  
13 about the use of corporal punishment.

14 I am not going to take you to that, but for those  
15 that are interested, it is SGV.001.001.8990, but I will  
16 take you to maybe two documents just briefly, because at  
17 that time Thomas Hand, the headmaster of Balrossie, was  
18 strongly opposed to the removal of corporal punishment.  
19 In fact, if I can take you to one document, because  
20 I think this will make the point, because he was not  
21 alone in fact in opposing corporal punishment.

22 Perhaps the easiest way to see this is to look at  
23 a document that was published in January 1999, I think,  
24 following release of files under the 30-year rule. It  
25 is a document INQ-0000000933. If that could be brought

1 up. It's headed 'Soft on teachers, soft on the belt',  
2 and it is an article in the Times Educational  
3 Supplement, which is a well-known educational  
4 publication. Just looking at the first page to see what  
5 is being said there, based on an examination of the  
6 files that had been released which had previously not  
7 been available to the public in general. It starts  
8 with:

9 'Scottish Office records of 30 years ago show how  
10 ministers ducked banning the tawse reports  
11 David Henderson [the writer of the article]...'

12 And it says:

13 'The Labour Government's reluctance in the late  
14 1960s to upset teachers and intervene in classroom  
15 practice ensured the belt survived for a further  
16 15 years.'

17 It says:

18 'Pressure was building throughout the '60s for  
19 an outright ban, but Scottish Education Department  
20 papers released under the 30-year rule show ministers  
21 were reluctant to legislate, instead they backed  
22 a consensual approach towards gradual elimination of  
23 corporal punishment.'

24 Then there is reference to a liaison committee on  
25 educational matters:

1           '... an umbrella group of unions, headteachers,  
2           employers and civil servants which took more than two  
3           years to produce a code of practice on phasing out  
4           corporal punishment. The code was published in  
5           February 1968 and recommended the belt only as a last  
6           resort and advocated alternative sanctions.'

7           It says:

8           'Three years earlier, the Primary School Memorandum  
9           had suggested the belt should not be needed.'

10          At least I think in the primary school context.

11          Going on, one starts to see the opposition to this  
12          attempt and it says:

13          'The Scottish Secondary Teachers' Association in  
14          1967 advised civil servants involved in drafting the  
15          code that teachers would not be prepared to eliminate  
16          the belt until a proved alternative was forthcoming.  
17          Nevertheless, the spokesman said the code was, quote:  
18          "Extremely handy guide for teachers" and would act as  
19          a deterrent to anyone inclined to be over-severe in the  
20          administration of corporal punishment.'

21          Another association, the Scottish Schoolmasters'  
22          Association made a comment, and I quote from the  
23          article:

24          'Most of the points are already followed by teachers  
25          anyway and I would disagree with the mollycoddling of

1 girls.'

2 Then the Times Educational Supplement for Scotland  
3 attacked the outcome, according to the article, and  
4 I quote from what they said:

5 'The code of practice will be seen by teachers who  
6 have dispensed with corporal punishment as a licence to  
7 beat. Those who use and, indeed, rely on this sanction  
8 as the basis of their discipline will be confirmed in  
9 their practice.'

10 The Glasgow Herald also weighed in at the time and  
11 there is a quote from an editorial:

12 'The code contains little that is new and nothing  
13 that is enlightening.'

14 It says:

15 'The code said [according to the newspaper] the belt  
16 should not be used for poor class performance, truancy  
17 or lateness or in infant classes, it should only be used  
18 following clear warnings and only given by striking the  
19 palm of the pupil's hand. Girls should be exempt in  
20 secondary school.'

21 It goes on:

22 'Where used, corporal punishment should be used as a  
23 last resort [this is the code I think] and should be  
24 directed to punishment of the wrongdoer and to securing  
25 the conditions necessary for order in the school and for

1 work in the classroom.'

2 Then the article goes on, based on the records that  
3 have been released:

4 'Whipping boys in approved schools was strongly  
5 supported by heads and school managers in the late  
6 '60s.'

7 Does that come as a surprise to you, to read that?

8 A. Yes.

9 Q. It says:

10 'Bruce Millan, the education minister, sought to  
11 bring approved schools into line with the code of  
12 practice and encountered strong resistance.'

13 It then says that corporal punishment was being used  
14 in Scotland ten times as often as in English approved  
15 schools and:

16 'Heads had mostly stalled following  
17 a Scottish Office circular in 1967.'

18 It says that the Approved Schools Association for  
19 Scotland was advising in January 1968, I think this is  
20 advising the minister:

21 'Overhasty withdrawal may lead to a general  
22 breakdown of discipline and force the acceptance of  
23 standards that would not be accepted at home or day  
24 school.'

25 The article does also mention private letters

1       between psychologists who worked in approved schools and  
2       HMI and say that these letters tell a different tale.

3             Max Paterson, I think he was an influential  
4       psychologist in the 1960s, and, for a short time,  
5       headmaster at Loaningdale School, wrote to  
6       John McPherson, this is the person we have seen who did  
7       the documents in 1967, he says he wrote about the true  
8       picture of beatings and there is a quote:

9             'On one visit to another school, I was told by the  
10       headmaster as a joke that a child, an 11 year-old, bent  
11       over the desk to receive his punishment, had soiled  
12       himself after two strokes. The child had panicked and  
13       jumped and run around the room. The head said, "You  
14       should have seen the job I had before I caught him to  
15       give him the rest".'

16            The school is identified as Dr Guthrie's Boys in  
17       Edinburgh.

18            It then goes on:

19            'Punishment books in approved schools did not  
20       reflect the actual number of beatings or that some  
21       pupils were held down.'

22            I think there is reference in Scottish Office files  
23       to suggest that they were sceptical at times about  
24       punishment returns of the day, whether they were  
25       reflecting the true position or not.



1           Then, it says that heads and managers of approved  
2           schools -- these were largely private providers --  
3           largely defended continued beatings, the head of  
4           St Andrew's School said corporal punishment, quote:

5           '... should be to the eventual benefit of the boy.'

6           And said that in 1967:

7           '28 boys were belted for violence towards each other  
8           and 38 for insolence [I think that is to do with  
9           St Andrew's, I am inferring] and that 13 absconders  
10          enjoyed the benefits of the tawse.'

11          It says:

12          'In each of these, the application of corporal  
13          punishment was meant as a therapeutic aid, the head  
14          said.'

15          So that was his attitude. It was a therapeutic  
16          intervention.

17          Then, perhaps of more direct relevance we have  
18          Thomas Hand, head of Balrossie, weighing in and what he  
19          says at the time:

20          'When it has been decided that corporal punishment  
21          is the most appropriate treatment for a serious offence,  
22          and when strokes are administered on the posterior, it  
23          is surely right to assume that it is intended that the  
24          punishment in this case should be painful to the  
25          recipient. This is not the case when administered over

1 corduroy trousers and underpants with a light tawse. It  
2 is considered that when the occasion demands it, special  
3 clothing should be worn to produce the desired effect.  
4 Alternatively, a heavier type of tawse should be used.'

5 We have actually heard evidence this week from  
6 someone who was at the school in the 1960s who recalls  
7 being given corporal punishment and being told to remove  
8 his underpants and trousers to wear shorts, were which  
9 were then tightly drawn over his buttocks and then  
10 corporal punishment was administered.

11 LADY SMITH: The shorts were thin gym shorts, thin cotton  
12 gym shorts.

13 MR PEOPLES: And, of course, that was contrary to the  
14 existing rules, which required that if punishment was  
15 given on the posterior, it was to be over ordinary cloth  
16 trousers and to a maximum of six strokes.

17 Then he goes on that Mr Hand added:

18 'The deterrent value to others of corporal  
19 punishment is increased when witnessed by a group and  
20 has probably more effect on the recipient when he is  
21 dealt with before his fellows.'

22 He was not advocating corporal punishment outwith  
23 the presence of other pupils.

24 Then he said:

25 'He said beatings had [quote]: "a corrective and

1       deterrent effect" on certain individuals, a study had  
2       shown that most boys believed there was insufficient use  
3       of corporal punishment, no grudges were borne against  
4       the administrators of punishment, he added.'

5       So he is actually saying that the boys welcomed  
6       corporal punishment, they would not really favour  
7       something else, that was his position in addition to his  
8       views on making it painful as part of the punishment.

9       However, he wasn't necessarily reflecting the views  
10      of all headmasters, because if we just read on in the  
11      article, it says that J Hill, head of Balgowan School,  
12      Dundee wrote, and I quote:

13        'We have been trying since 1959 to phase out the  
14        belt. It's inevitable with modern thinking, modern  
15        methods of treatment, the accent constantly on  
16        understanding the individual child, that the future will  
17        see approved schools managed well without corporal  
18        punishment. I look forward to that day but not in  
19        1968.'

20        Maybe he was accepting that you are not going to be  
21        able to do this overnight, but he was wanting it to  
22        happen.

23        I don't suppose you have read this article before?

24    A. I have actually seen this before.

25    Q. You have seen it?

1 A. Yes, I have.

2 Q. Do you have any comment to make, when you see this, as  
3 someone who has responsibilities for children who are in  
4 residential care today? What is your reaction when you  
5 read these things?

6 A. Perhaps, not surprisingly, it is horrific to read that  
7 and it is entirely removed from current practice.  
8 I appreciate that these quotations are attributed to  
9 teaching staff and headmasters rather than social  
10 workers. However, their position is entirely removed  
11 and what is not reflected in the quotations is anything  
12 related to the experience of children and young people  
13 at all.

14 Q. The only thing we get is from Mr Hand suggesting that  
15 pupils welcome corporal punishment. Whether they  
16 welcomed it in the way he administered it may be another  
17 matter, but that was his position, but that is the only  
18 contribution of the views of the child?

19 A. Mm.

20 Q. It is only expressed secondhand through Mr Hand?

21 A. Yes.

22 LADY SMITH: It is also expressed as it supposedly being  
23 a universal view of all children, and even if there were  
24 some who expressed the view they were okay with it, it  
25 couldn't have been 100 per cent.

1 A. No.

2 LADY SMITH: Not from what I have heard, it couldn't.

3 Mr Peoples.

4 MR PEOPLES: Just before I leave -- in the event, as we  
5 know, where they were legal challenges in the early  
6 1980s and there was an important case that went to the  
7 European Court of Human Rights, Campbell, I think, is  
8 one of many, and corporal punishment was condemned, but  
9 it did actually remain in the Approved School Rules of  
10 1961 until new regulations on residential establishments  
11 for children replaced them in 1987. So they were still  
12 there.

13 That is 1967.

14 Can I move on to 1969 and I am not going to take you  
15 to this document but I will give the reference, it is  
16 INC-000000556. It is a visit by a social work adviser,  
17 a Mr Hill, on 19 June 1969 to Balrossie. It is at pages  
18 1 to 3 of the document I have given the reference for.

19 I will just pick out some things that that report  
20 records. There were 78 boys on the roll at that time,  
21 though the school was licensed for a maximum of 74. The  
22 first point he is making; overcrowding. The age range  
23 was 9 to 15 years, and there were 21 boys under 12 years  
24 of age at that time.

25 There were seven teachers, including a headmaster,

1 a deputy headmaster and a third in charge, and there  
2 were two teachers described as specialist teachers;  
3 a woodwork teacher and a PE teacher. The school had  
4 a matron, an assistant matron, three care workers and  
5 one night supervisor. It was said that normally three  
6 male care workers were on duty from 4.00 pm to 9.00 pm  
7 and that there would be two on duty at weekends.

8 The adviser said this:

9 'It is obvious that three men on duty can give  
10 little individual attention to the boys in their  
11 charge.'

12 The adviser made various recommendations at that  
13 time, one being recruitment of two part-time weekend  
14 workers to increase the staffing. Secondly, to appoint  
15 a woman teacher to take charge of the youngest and most  
16 immature boys. Thirdly, in the longer term, to reduce  
17 in numbers to 65 and to divide boys into smaller groups,  
18 with consideration to be given to the appointment of two  
19 housemothers and a new classroom block.

20 So he is not very happy with how things are at  
21 Balrossie at that stage.

22 The other matter that he raises is that he is  
23 critical of the system of awards and punishments, as  
24 there is, as he puts it, 'a preponderance of  
25 disincentives'. Also, he suggests, to soften what he

1 describes as a predominantly male regime, he is  
2 suggesting that they should be trying to recruit more  
3 women to the school.

4 He is looking for quite a lot of change to be  
5 effected, although he doesn't have the power, as the  
6 current regulatory bodies do have, to bring these  
7 changes about, other than through some form of  
8 encouragement or the nuclear option of withdrawing  
9 approval, which, I think, it is maybe correct to say,  
10 never happened. So that is what is being said then  
11 about the school.

12 This is against the background that there is  
13 certainly an expectation within the  
14 Social Work Services Group that these schools would be  
15 absorbed into the residential child care service that  
16 was being operated by then Glasgow Corporation.

17 There is some reference there that certainly the  
18 SWSG and the SED were looking at alternatives, like  
19 short-term intermediate treatment homes, to cater for  
20 truants before they became serious delinquents, because  
21 I think there was a big issue then about is it right to  
22 take truants and commit them to residential schools, in  
23 some cases many miles away from their home community.

24 So we have that background.

25 There is also a concern voiced about the lack of

1 specialist provision for -- I am going to use the terms  
2 that are used in the report, they are not the terms that  
3 would be used now, but these are the terms in the  
4 report: there is a lack of provision, specialist  
5 provision, for maladjusted and mentally handicapped  
6 children, children with learning difficulties, or  
7 learning disabilities that we might say in modern  
8 parlance. These are being flagged up as the situation  
9 in the context of these reports.

10 I will just mention in passing that in that report,  
11 on that visit, mention is made of a memorandum written  
12 by a Dr Smith, Margaret Smith, who was part of the  
13 psychiatric service that provided service to Balrossie  
14 at that time. It appears she wrote a memorandum in 1969  
15 which, according to these reports, made three main  
16 points and I will just set these out.

17 Firstly, there was a large proportion of boys who  
18 were severely emotionally disturbed within Balrossie.  
19 Secondly, there were different methods of treatment, or  
20 differing methods would be necessary to manage and care  
21 for these children, these boys, even within a single  
22 establishment. And thirdly, that individualisation of  
23 treatment in that way would only be possible if there  
24 were facilities and personnel for the purpose. Clearly  
25 she didn't think that the facilities or the personnel



1       existed at that time, and was flagging this up in 1969,  
2       and this was being brought up again by a social work  
3       adviser in 1969.

4             It is not a very satisfactory state of affairs;  
5       would you agree?

6   A.   Yes, of course. Absolutely.

7   Q.   The reason I am doing this by the way, Jonathan, is we  
8       have the records of Balrossie but, as I said before,  
9       records can be either misleading or not give a complete  
10      picture or a frank picture and these records are  
11      revealing, would you not agree?

12  A.   Yes, I think it's a valuable record of inspection and  
13      findings. I can only imagine that it provides a really  
14      helpful timeline in terms of the journey of Balrossie as  
15      an institution, but also shining a light on the concerns  
16      that were expressed by a number of different  
17      professionals.

18  Q.   As I said on Wednesday, we also now have the benefit of  
19      evidence from people who were there --

20  A.   Yes.

21  Q.   -- both former pupils and, in some cases, former staff.  
22      We have heard both during this particular chapter  
23      dealing with evidence about Balrossie. So we also have  
24      that to draw on?

25  A.   Yes.

1 LADY SMITH: Of course, what is quite striking is that these  
2 concerns that we have been looking at were being picked  
3 up before Balrossie had completed its first decade of  
4 operation. Really still quite early in its life it had  
5 run into these difficulties.

6 A. Yes.

7 LADY SMITH: With no apparent solutions being offered.

8 A. I suppose that is the really revealing, or one of the  
9 very revealing aspects from my own reading, was that  
10 concerns were, as you say, my Lady, expressed in the  
11 late 1960s, but there doesn't appear to be a clear  
12 pattern of improvement for many years.

13 LADY SMITH: No. Thank you.

14 Mr Peoples.

15 MR PEOPLES: I think this was 1969, I will move on to 1970.

16 The same social work adviser paid a visit on  
17 5 February 1970 and I will just give the reference, I am  
18 not going to take you to it but I will summarise what  
19 was said. The reference is INC-000000556, at pages 5 to  
20 7.

21 At that stage, the roll was 74 boys, so I think it  
22 was probably within the permitted numbers, but one thing  
23 that was flagged up was persistent absconsions. The  
24 adviser says this:

25 'Mr Hand [the headmaster] insisted that boys could

1 give no reasons for running away when they were  
2 recovered. I suggested that the mark system was  
3 disincentive and that a more liberal policy might  
4 encourage better behaviour.'

5 So he was not too impressed with the points system.  
6 He said in the same report:

7 'The fundamental need is for a change of attitude.'

8 I think that was on the part of the staff, including  
9 the headmaster.

10 He made reference to Dr Margaret Smith, the  
11 psychiatrist, who was attending at that stage on one  
12 half day a week and said this:

13 'Despite the small response to her efforts, she has  
14 persisted in her attempts to make the school less  
15 punitive and more therapeutic.'

16 It doesn't appear as if she is having too much  
17 success in converting from a punitive to a therapeutic  
18 regime, but I suppose that might be difficult if Mr Hand  
19 thought the belt was therapeutic.

20 LADY SMITH: He seems to be quite scathing of her efforts.

21 Is that right? Is he looking to the small response to  
22 her efforts as proof that she is going about this the  
23 wrong way --

24 MR PEOPLES: No, no, no.

25 LADY SMITH: -- his way is the right way or what?

1 MR PEOPLES: Sorry, Mr Hand? Yes, yes.

2 LADY SMITH: Yes, Mr Hand.

3 MR PEOPLES: I think there is a sense that when psychiatric  
4 services were brought into approved schools, and it was  
5 earlier than this, that the schools didn't like that, it  
6 was seen as interference and that they liked to run  
7 their own ship. Maybe this is a reflection of it from  
8 someone who has been around the approved school system  
9 for quite a while. I think there is certainly -- one  
10 could interpret it in that way, that, 'We know best, we  
11 don't need these outside experts to come in and tell us  
12 how to run our school and how to treat pupils'. There  
13 might be a flavour of that, I think.

14 A. There could indeed, absolutely.

15 LADY SMITH: You are also dealing in the late 1960s with the  
16 views of a woman psychiatrist, in opposition to a man  
17 who seems to have been quite a strong character in his  
18 role as head. This would have still been quite early  
19 days in women being accepted into the psychiatry  
20 profession, I have heard powerful evidence in another  
21 case study about that, let alone in an area that had  
22 been dominated by men to date.

23 MR PEOPLES: We hadn't even reached the stage of the  
24 Sex Discrimination Act in 1975.

25 LADY SMITH: No.

1 MR PEOPLES: Anyway, I shouldn't digress into discrimination  
2 but the same report also said that visits by managers  
3 are infrequent. I think at that stage there was a --  
4 perhaps a requirement almost that managers should be  
5 going, at least probably on a monthly basis, but it  
6 didn't appear that that was always the case at that  
7 time, so far as Balrossie was concerned.

8 The social work adviser was clearly unhappy about  
9 the points system, which he described in the report as  
10 'a type of sanction/control of boys' behaviour and one  
11 which reinforced the us/them dichotomy'. As he puts it  
12 in the report as, and I quote:

13 'Respect is imposed on the boys and the tone of the  
14 school remains unrelaxed.'

15 He goes on to say:

16 'There is little evidence of positive warm  
17 relationships between boys and staff. The manner in  
18 which boys sit up and fold their arms in the dining room  
19 when the headmaster appears symbolises the fear of  
20 authority which rules the lives of the inmates.'

21 He says:

22 'A term I use advisedly.'

23 It is a term that one would normally associate with  
24 some form of secure accommodation, like a prison. But  
25 he uses it, and he uses it advisedly, he says.

1           However, I will just mention that Dr Smith, and  
2           indeed the headmaster in that year, in May and June,  
3           made a plea to the Director of Education for more action  
4           to increase the number of staff or reduce the school  
5           roll and for improved classroom facilities. I will just  
6           give the reference, it is INC-000000556, at pages 10 and  
7           11. Whether they were responding to the things that  
8           were coming out of the social work adviser or HMI visits  
9           it is perhaps difficult to say, but at least together,  
10          they are making some sort of concerted attempt to get  
11          the powers that be, then Glasgow Corporation and  
12          particularly the Education Authority, to do something  
13          about this.

14          So it cannot all be just laid at their door, it  
15          would appear, from these types of documents. If it is  
16          a plea for action, and no doubt a plea for money, to  
17          take action.

18   A.   Yes.

19   Q.   Mr Hill's report caused some concern within the SED and  
20          the officials met on 17 April 1970 to discuss the  
21          report. The reference is SGV.001.002.3784. Summarising  
22          that meeting, it was agreed that the school regime was  
23          too rigid and that the treatment used, it was described  
24          as 'self defeating'. The note of the meeting records,  
25          and I quote:

1           'The school had a number of pupils with disturbed  
2 backgrounds who were a little difficult to deal with but  
3 its basic problems could be traced to deficiencies of  
4 staff in post, both in educational and caring efforts.'

5           I mean, it may be an understatement to say 'little  
6 difficult', but maybe that's the language that polite  
7 SED officials use, even in writing privately between  
8 themselves, or about meetings that are recorded.

9           We see that and, indeed, it's said at that meeting  
10 that the school would benefit from transferring some  
11 staff elsewhere and replacing them with, and I quote  
12 from the report, 'new men'. Maybe 'new blood' would  
13 have been a better expression, but we get the idea. It  
14 says:

15           'With one exception, a Mr Abrines, the teaching and  
16 social work staff were aged between 53 and 62.'

17           It says:

18           'Officials decided that they would meet with the  
19 corporation to put forward suggestions [I think that was  
20 how it had to be phrased at that time, they didn't have  
21 enforcement powers] including, firstly, transfer of  
22 certain teaching staff elsewhere, secondly, introduction  
23 of in-service training for school staff and, thirdly,  
24 the possibility of appointment of housemothers and,  
25 fourthly, expansion of recreational facilities at the

1 school.'

2 Because I think they didn't feel there was a lot for  
3 the pupils to do at that time.

4 Following that meeting, SED and SWSG officials and,  
5 indeed, HMI Mr McPherson, that we have seen in the  
6 earlier documents, met with representatives of the  
7 Corporation of Glasgow at the City Chambers on  
8 28 May 1970. I will just give a reference for a note of  
9 that meeting, SGV.001.002.3786.

10 According to the note of the meeting, HMI McPherson  
11 told the representatives of the corporation, I think  
12 they would be mainly councillors but maybe perhaps  
13 a senior official, that Mr Hand was a poor headmaster,  
14 the staff were too old, they had been at the school too  
15 long and displayed little interest in the job, and that  
16 the regime should be altered. Indeed, he went as far as  
17 to say, according to the note:

18 'The rules for conduct and misconduct were so  
19 negative as to leave the children little to live for.'

20 Pretty strong stuff.

21 A. Yes.

22 Q. He is actually voicing that to the officials, to the  
23 representatives, not simply privately to his colleagues?

24 LADY SMITH: Yes.

25 MR PEOPLES: Then if we move on to 1972, perhaps Mr Hand,



1 perhaps, it could be said, to absolve himself of any, or  
2 at least some personal responsibility for this state of  
3 affairs, writes to another HMI, a Ms McKellar, and  
4 I will just quote one of the things that he says at that  
5 time:

6 'I am becoming more and more concerned about  
7 standards of the boys who are now being committed to us.  
8 I feel that the school is being overloaded with  
9 illiterate and maladjusted boys, for whom we have not  
10 the facilities to cope.'

11 Certainly we have heard that Dr Smith clearly felt  
12 that there was a number of boys who were perhaps in the  
13 wrong place and to some extent he is echoing that and  
14 saying, 'Well, the problem is not my making, I am  
15 getting people that shouldn't be here'. Is that how you  
16 would read that?

17 A. Yes, yes.

18 Q. He is giving, to some extent, a defence of his own  
19 position?

20 A. Mm.

21 Q. In that year, in December 1972, Ms McKellar, the HMI,  
22 paid a visit and reported back that most of the teachers  
23 employed, and I quote:

24 '... are incapable of employing group teaching  
25 methods, and in each class there is a spread of reading

1 ability.'

2 She is obviously making the point that, given the  
3 spread of ability, in terms of reading at least, that it  
4 is very difficult to employ group methods to provide  
5 education.

6 I suppose her principal interests on HMI would be  
7 the educational provision. I think we have canvassed  
8 with others that boys in these schools have the same  
9 right as boys in any school to a proper education.

10 That would be the case?

11 A. I wouldn't disagree with that at all.

12 Q. But the HMI records that the headmaster didn't seem to  
13 particularly favour any suggestions for change and used  
14 the lack of accommodation facilities as an excuse so  
15 I think we are beginning to get an idea of what his  
16 position is; 'It is nothing to do with me, it is what  
17 I have been given and the cards I have been dealt with,  
18 and it is the facilities, it's the boys they are sending  
19 me, what can I do? I am trying to get them to give me  
20 more money, give me the right sort of boys for this  
21 place'. That's his position, it would appear?

22 A. Yes.

23 LADY SMITH: There is no thought here to where these boys  
24 are going to go if they don't fit Mr Hand's selection  
25 criteria, whatever they were, is there?

1 A. No, there certainly doesn't appear to be any  
2 consideration about the individual needs of children, it  
3 is very much from the perspective of the physical  
4 environment and the headmaster's expectations of what  
5 his facility is to provide.

6 LADY SMITH: The response being, 'The children shouldn't be  
7 coming to us, these children shouldn't be coming to us,  
8 they should go somewhere else, I don't care where but  
9 somewhere else', not, 'The children that are coming to  
10 us have needs that we are not meeting; how are we going  
11 to do that?'

12 Isn't that what the question is that he should have  
13 been asking?

14 A. Yes, indeed, my Lady, it's about the limitations of the  
15 school --

16 LADY SMITH: And the people there.

17 A. Yes, and not looking for a solution to support the best  
18 interests of those children.

19 LADY SMITH: Thank you, Jonathan.

20 Mr Peoples.

21 MR PEOPLES: I think it is more than Balrossie here, because  
22 Kilbrandon pointed out that there was a lack of  
23 specialist provision, there was an approved school  
24 system which he was not asked to review or make  
25 recommendations for. It continued, because there were

1 not in these days the specialist schools that exist now,  
2 small specialist schools with specially trained staff to  
3 deal with particular conditions, there was simply the  
4 generic approved school, and it would appear that SED  
5 officials recognised that these schools, in their  
6 existing form with the untrained staff, were not in fact  
7 suitable for maladjusted children or children with  
8 a learning disability, but the fact remained, in the  
9 absence of special provision, that's where they were  
10 sent by the courts on committal. There was nothing else  
11 they could do, and in a children's hearing it was the  
12 same. They didn't have alternatives, so children were  
13 sent to what existed, List D schools.

14 It's not just Mr Hand, there is a wider problem here  
15 that wasn't being solved.

16 A. Yes.

17 Q. A systemic problem.

18 A. Mm.

19 Q. Going back to Balrossie, can I move to 1974. We are  
20 getting towards [REDACTED] Mr Hand [REDACTED], but following  
21 a visit on 14 August 1974 by an SWSG official,  
22 Mr Percival, and his report is at INC-000000556, at  
23 pages 16 to 17:

24 'The basic problem [as he says] as have always been  
25 known is the pedestrian nature of the older staff,

1 teachers steeped in the tradition of ...'

2 He says Mosside, I wonder if he means 'Mossbank'.

3 It probably is a typo but Mosside is in Manchester --

4 LADY SMITH: It is, yes.

5 MR PEOPLES: He goes on:

6 'Mr Hand not having moved very far, if at all, since

7 his days in Aycliffe ...'

8 Which is certainly in Durham, and was an approved

9 school at the time. Mr Percival continues:

10 '... which is, of course, a very different place

11 from what it was 15 years ago.'

12 I am just wondering whether Mr Hand, from this note,

13 may have started life, or at least had prior employment,

14 at Aycliffe Approved School before he came to Balrossie.

15 That's a possibility, isn't it?

16 A. That would appear to be, yes.

17 Q. Yes.

18 Whether he did or he didn't, neither he nor the

19 staff appear to have moved away from the traditional

20 approved school regime mentality and approach, that's

21 the point he is making?

22 A. Yes.

23 Q. Then we get a visit in the same year, in October, by

24 a social work adviser, I think it's Ms Reid, at

25 INC-000000556, at pages 22 to 24, which states, and I

1 quote:

2 'The building is a disaster and should never have  
3 been acquired as a residential establishment,  
4 particularly for children of primary age. The building  
5 is a Victorian monstrosity which has been added to over  
6 the years and so now presents rather as a rabbit warren  
7 of odd bits and pieces. Because of the size of the  
8 rooms and the layout, it is really quite inflexible and  
9 does not lend itself to good child care practice. It  
10 presents as a cheerless institution.'

11 The report also says:

12 'The dormitories are overcrowded, there is virtually  
13 no opportunity in the school for any boy who needs a bit  
14 of privacy or a bit of individual attention from  
15 a member of staff. The regime is dictated by the  
16 building [it is said] and the needs of staff, who look  
17 for an orderly, disciplined environment.'

18 So it is the needs of the staff that are put first.  
19 It says:

20 'The boys are cared for as a total group, in other  
21 words not as individuals with particular individual  
22 needs.'

23 It says the general age range at that time was  
24 between 9 and 15. There was a wide range of IQs,  
25 varying from 60 to 125. But the report says that there

1       were two boys who were admitted at that time who were  
2       aged seven and eight.

3       The actual copy is unclear, so I am just summarising  
4       but it is in that report, I can assure you.

5   LADY SMITH:   Yes.

6   MR PEOPLES:   It says that the boys who were admitted ... the  
7       adviser says this:

8       'They were both excluded from school in Glasgow and  
9       were said to be outwith anybody's control, however  
10      I think that this really indicates once again the,  
11      appalling lack of resources for children who need care.  
12      I suspect that many of the young children placed at  
13      Balrossie could be more appropriately placed elsewhere.'

14      The report says there is virtually no opportunity  
15      for children to make individual relationships with  
16      members of staff and it is obviously quite impossible to  
17      meet the emotional needs of these children in these  
18      situations.

19      It is said in the report that the quality and  
20      quantity of caring staff was poor and that there was  
21      a need to break this total group approach and create  
22      smaller groups, which subsequently did happen at  
23      Balrossie.

24      Indeed, the adviser was so pessimistic and critical  
25      that she said she saw no future for Balrossie as

1 a caring establishment for children of any age group.

2 Another social work adviser report at the time,  
3 INC-000000554 at page 3 reported that derogatory  
4 comments about children were less frequent than on  
5 previous visits:

6 '... but there still remained a basic disregard for  
7 the dignity of the children the school existed to  
8 serve.'

9 So they are recognising all these things and they  
10 are not present at Balrossie, but as you have said  
11 earlier, Jonathan, they don't seem to be able to find  
12 a solution.

13 There is also an internal minute in 1975 within the  
14 SED files, dated 1 September 1975, the reference is  
15 SGV-001031940. That makes reference to concerns about  
16 elderly and difficult staff, which were being expressed  
17 by Dr Margaret Smith, who tended to block any real  
18 growth. Again, they are pretty clear what the problems  
19 are.

20 Fortunately this did [REDACTED] GKF  
21 [REDACTED], we are in 197 [REDACTED], and LWH [REDACTED] was [REDACTED]  
22 SNR [REDACTED] 197 [REDACTED] and [REDACTED] at Balrossie  
23 until 199 [REDACTED]. As we observed on Wednesday, this was  
24 around the time of a local government re-organisation,  
25 when Strathclyde Regional Council came into being. It



1       certainly indicated in the records that SNR did  
2       want to modernise the school and I think we have heard  
3       evidence that that was SNR position, other  
4       evidence.

5   LADY SMITH:  Though it was not an easy task .

6   MR PEOPLES:  Not an easy task.  It did take time and the old  
7       guard took time to move on or be moved elsewhere, to use  
8       an expression.

9   LADY SMITH:  He was young, early 30s, mid 30s, and they  
10       resented .

11  MR PEOPLES:  Yes, there was a sort of resistance that the  
12       Scottish Minister got to the attempt to get rid of  
13       corporal punishment.

14  LADY SMITH:  And --

15  MR PEOPLES:  They were set in their ways.

16  LADY SMITH:  It didn't help that there were some who had  
17       applied for the job of SNR and didn't get it and in  
18       came this young man, who had different ideas from them.

19  MR PEOPLES:  Moving on to 1978, that is a few years after  
20       SNR had , what is recorded at that  
21       time in some of the SED files is that older age groups  
22       by this time were coming to Balrossie.  Indeed, when  
23       HMI McAlpine visited on 1 May 1978, the reference is  
24       INC-000000554, at page 12, 21 boys were aged 13 to 14,  
25       11 boys were aged 14 to 15 and there was one boy aged

1       between 15 and 16. That, by my arithmetic, is a total  
2       of 33 boys. The roll was 61, of whom 40 at that time  
3       were resident boys, so the majority were older and of  
4       secondary school age, I think.

5       There was by then a new classroom block, and we have  
6       heard some evidence about that already in this chapter.

7       SNR [REDACTED] was looking for more staff, not  
8       unsurprisingly. The HMI noted that the teachers had  
9       primary school training, so they were not trained to  
10      deal with the older age group. It was reported the new  
11      classroom block was being brought into operation around  
12      that time. So there were changes happening.

13      Then, in 1979, there is an interesting minute by  
14      Mr Percival, that we have mentioned earlier, dated  
15      21 May 1979, INC-000000554 at page 12. It is maybe not  
16      page 12, it is 554 but I think it is a different  
17      reference, but I will just indicate that it is in that  
18      document. It says that Mr Percival, the SWSG official,  
19      is saying children will no longer tolerate being treated  
20      by old-fashioned approved school methods. So he is  
21      picking that up and he says, and I quote:

22      'This in itself means that staff must become more  
23      and more sensitised to the problems underlying  
24      children's behaviour and more sophisticated themselves  
25      to working with their charges.'

1           Around the same time the HMI, Mr McAlpine, is saying  
2           it is time for a 'radical rethink'. Well, not before  
3           time as well?

4   A. No, absolutely.

5   Q. There is then a visit in 1979, in May, by the HMI, at  
6           urgent request of SNR [REDACTED], Mr McAlpine, to  
7           discuss possible developments. That is INC-000000554 at  
8           page 6. I will just summarise the points discussed with  
9           the HMI by SNR [REDACTED] and SNR [REDACTED],  
10          a Mr zGVW :

11           Firstly, the need to give greater degree of  
12           individual attention to pupils, with SNR [REDACTED] and  
13           SNR [REDACTED] stating the school was now accepting  
14           a greater proportion of, quote, 'disturbed children'.

15           Secondly, the demands made by day pupil, because  
16           they had a day unit or at least they were admitting day  
17           pupils by then, and these were said to be pupils who,  
18           but for attendance at Balrossie, might well be  
19           candidates for special schools.

20           Thirdly, the need to develop a suitable educational  
21           programme for older pupils who were now at the school.

22           Fourthly, a lack of reading skills among incoming  
23           pupils.

24           Fifthly, what was discussed was the school's  
25           five-year development plan, which was now being drawn

1 up.

2 So it looks as if he was attempting to address some  
3 of the long-standing issues. However, a note of warning  
4 which always comes when people propose significant  
5 changes; Mr McAlpine in response, at that time,  
6 suggested that the proposals should be submitted in  
7 writing to both the SRC, Strathclyde, and the SED, SWSG,  
8 but warned that financial constraints would limit what  
9 could be done. So he is giving a warning there, 'Well,  
10 you might want this, but we may not provide the cash to  
11 achieve what you are looking for', so it is ...

12 Then we go to 1980 and Ms Reid, who went to  
13 Balrossie as an adviser some years before, pays  
14 a further visit to Balrossie in 1980, INC-000000557.  
15 After a visit, this adviser, who six years before had  
16 seen no future, said it had certainly, in her view,  
17 changed dramatically. She wrote that she was impressed  
18 by the general atmosphere and relationships between  
19 staff and children. She said SNR [REDACTED] had firm  
20 ideas about the model of care he was trying to provide  
21 and was able to offer [REDACTED] to his staff. As for  
22 [REDACTED], the adviser said that he lacked the  
23 qualities of [REDACTED]. She reported that she was glad  
24 to see such an enlightened change at this particular  
25 school.

1           We are seeing now, at least from the perspective of  
2           the Social Work Services Group and inspectors, they are  
3           seeing a change and they think it is a change for the  
4           better and that things have changed dramatically.

5           Then, however, a note of caution. After a further  
6           visit in December 1980, Ms Reid, the social work adviser  
7           reports, and I quote:

8           'Mr LWH [REDACTED] confirms that there is a general state  
9           of hysteria in Strathclyde Region about children in  
10          List D schools. Social workers are being told by  
11          management to get the children out of the schools in the  
12          shortest possible time. This is not related to good  
13          child care practice but appears to be related to the  
14          vendetta against the schools as well as finance. This  
15          confirms what I have heard from a number of other  
16          schools as I go on my rounds.'

17          This may echo perhaps the prevailing view in certain  
18          regional councils and their directors about what they  
19          thought of these types of schools. Indeed, that might  
20          in fact be around the time that Fred Edwards was getting  
21          his photograph in the newspapers.

22   LADY SMITH: Yes. Yes.

23   MR PEOPLES: In 1981, there is a minute of 4 September 1981,  
24           INC-000000557 at page 3, where HMI McAlpine is  
25           supporting a proposal to make the school co-educational

1 as part of the five-year development plan, so we are  
2 beginning to get a date for when that change was made.  
3 Indeed, on her final visit, Ms Reid, the adviser, was  
4 saying that Balrossie was a very valuable resource and  
5 it seemed to her ludicrous that Strathclyde Region did  
6 not assume total responsibility for the school.

7 She seems to have had a complete change of heart,  
8 but also felt well, why is Strathclyde not wanting to  
9 pour money in to continue with this school, because  
10 I think the future then was quite uncertain, in terms of  
11 these types of schools.

12 HMI McAlpine visited the following year, 1982, and  
13 was favourably impressed by the range of activities at  
14 the school. He visited in 1983, in June, and found  
15 a warm homely atmosphere at the school. He said boys  
16 seemed relaxed, quite a change from the old Balrossie,  
17 as it was put. The school was full with 60 residents  
18 and a waiting list of 12 and there were eight or nine  
19 day pupils.

20 So certainly from the inspectorate's point of view  
21 and SWSG things were for the better.

22 We have moved quite a distance now. I am just going  
23 to finish with you, Jonathan, I have a very short bit,  
24 because I am going to take the next chapter fairly  
25 short, because I am just going to say one or two things

1 for the post-1980 period, or 1983 period, just to  
2 complete this chronology.

3 As we have seen, there was the first statement of  
4 aims and functions, which may have been 1991 or 1994,  
5 which was required by the regulations, which were quite  
6 prescriptive in what you had to set out in these  
7 documents. In particular, the statement had to include  
8 details of policies and practices for recruitment and  
9 training of staff to ensure the objectives were met.

10 Am I right in thinking -- maybe you will correct me  
11 if I am wrong -- would it be right to say that by 1991,  
12 behaviour management systems, I am thinking of corporal  
13 punishment until it was stopped, and points or level  
14 systems, had become a thing of the past?

15 A. From my reading in terms of preparation for my  
16 appearance, I would absolutely agree that there had been  
17 a shift away from those very traditional emphasis on  
18 corporal punishment towards other ways to approach  
19 challenges.

20 Q. But not just corporal punishment, these systems, like  
21 points and that which were criticised by the advisers  
22 and inspectors, they were disappearing as well? Things  
23 like privileges started to become recognised as rights,  
24 rather than things that you could give points for and  
25 take away or give at your discretion?

1 A. Yes, and you referred to rights and I think that that  
2 journey of greater recognition of children's rights  
3 becomes more apparent in the records and the shift away  
4 from the very austere traditional attitudes of  
5 particularly teaching staff, but also across the social  
6 work landscape as well, that does start to really shape  
7 practice standards.

8 Q. Just two more points before I finish today. This is,  
9 I think, mentioned in A to D, but between 1980 and 1996,  
10 I think it is correct to say that staffing levels at  
11 Balrossie did increase significantly and indeed,  
12 I think, one statistic is that the number of residential  
13 child care officers and managers, care managers  
14 I assume, increased from 13 to 36 in that period.

15 Then there was the final two years of the joint user  
16 agreement, which aimed, I think, to provide a service  
17 that involved individual care based on assessed need.

18 Can I finish with this, that despite all these  
19 changes, and despite the obvious distinction [REDACTED]  
20 [REDACTED], when Balrossie closed in  
21 1998, as is acknowledged in the A to D, child care  
22 workers were not required to have any experience or  
23 qualifications in child care, that was still to come?

24 A. Yes, indeed.

25 Q. Whatever these inspectors and advisers were saying,



1        whatever they knew about the problems, and however much  
2        they kept saying something about the importance of  
3        trained and qualified staff, nothing really substantial  
4        was done to address that problem. It is only now that  
5        we are getting to that situation after the 2001 changes  
6        with the Independent Inspectorate, Care Commission and  
7        the SSSC and the requirement for staff to either have  
8        qualifications or to obtain them within a certain time,  
9        is that fair to say?

10    A. Absolutely, I think that context has significantly  
11       changed and a lot of key changes within a fairly  
12       concentrated period of time around the regulation of the  
13       workforce registration and, as you say, scrutiny and  
14       inspection as well.

15    Q. These are all the things I want to say. You may have  
16       obviously heard the evidence that we had from -- I think  
17       we have called him 'Robert' this week, he gave evidence  
18       between Wednesday and Friday. I don't know if you did  
19       hear that?

20    A. No.

21    Q. Whether you have or not. Do you want to add anything  
22       before we finish today in terms of on behalf of the  
23       council?

24    A. I suppose it is an opportunity, and I am grateful for  
25       the opportunity, my Lady, to be able to acknowledge that

1 children and young people who were subjected to abuse  
2 and to harm, whenever they were in care, have also shown  
3 a great degree of bravery in being able to take part in  
4 this Inquiry. I suppose for people with professional  
5 responsibilities, such as myself and the organisations  
6 where we work, this is a valuable opportunity to learn  
7 from the trauma of the past and to inform the continuous  
8 improvement and the development of services to ensure  
9 that the protection of the most vulnerable people in our  
10 communities remains at the heart of all that we do.

11 So absolutely, I acknowledge the impact, the pain  
12 and the trauma that children and young people subjected  
13 to abuse experienced and the importance for those of us  
14 in professional roles to continue to make changes to  
15 improve protective processes for them.

16 LADY SMITH: Jonathan, thank you for that.

17 I have no further questions for you. I am really  
18 grateful to you for your input and for having agreed to  
19 come twice this week to assist us with your evidence.

20 I am delighted to say you can now go, and I am sure  
21 you are glad it is Friday. I hope there is not too much  
22 that is going to be demanding for you in the rest of  
23 today.

24 A. Thank you, my Lady.

25 LADY SMITH: Thank you.

1 (The witness withdrew)

2 LADY SMITH: Just let me mention three names which I have  
3 mentioned before of people who are not to be identified  
4 as referred to in our evidence outside this room;  
5 GKF [REDACTED], LWH [REDACTED] and Mr GKS [REDACTED].

6 We will take the break and we will sit again in  
7 about quarter of an hour.

8 Thank you.

9 (11.36 am)

10 (A short break)

11 (11.55 am)

12 LADY SMITH: Mr Peoples.

13 MR PEOPLES: My Lady, the next witness today is an applicant  
14 who will be known by the pseudonym 'McIntosh'.

15 LADY SMITH: Thank you.

16 'McIntosh' (affirmed)

17 LADY SMITH: 'McIntosh', do sit down and make yourself  
18 comfortable.

19 'McIntosh', thank you for coming here this morning  
20 to help us with your evidence for the Inquiry. Thank  
21 you also for all the work I know you have put into the  
22 written evidence which I already have. I know that has  
23 been very carefully attended to by you, I am grateful to  
24 you for that. It has been really helpful to be able to  
25 study it in advance.

1           We will not go through every paragraph of it bit by  
2       bit this morning --

3   A.   No.

4   LADY SMITH:  -- I am sure you appreciate that.

5   A.   Yeah.

6   LADY SMITH:  What we are particularly interested in is  
7       focusing on particular aspects of it and we will talk to  
8       you about that, but of course, if there is anything you  
9       are anxious to go to that we are not doing, do let me  
10      know and we can deal with that.

11  A.   Mm.

12  LADY SMITH:  'McIntosh', doing what you are doing today is  
13      not straightforward, you have agreed to come into  
14      a public place, to give evidence in a public inquiry, to  
15      talk about things that are very personal to you.  That  
16      is a big ask, as the colloquialism goes.  I understand  
17      that.  However well prepared you are to do it, you may  
18      find it distressing or difficult at times.  I do  
19      understand that.

20           If you want a break, just pausing where you are or  
21      to go out of the room for a while, don't hesitate to let  
22      me know, or if there is anything else I can do to make  
23      the whole process of giving evidence more comfortable to  
24      help you give the best evidence you can, please speak  
25      up.  If it works for you, it will work for me,

1 I promise.

2 If you are ready I will hand over to Mr Peoples and

3 he will take it from there, is that all right?

4 A. Yes.

5 LADY SMITH: Thank you.

6 Mr Peoples.

7 Questions by Mr Peoples

8 MR PEOPLES: Good morning, 'McIntosh'.

9 A. Good morning.

10 Q. I think it has not quite reached midday, so I think it

11 is still a good morning.

12 Can I first of all, before we go through some of the

13 matters you have told us about in your written evidence,

14 I will give for our transcript the reference we give to

15 your statement --

16 A. Yeah.

17 Q. -- so you will not need to worry about that, but it is

18 WIT-1-000000895. It should come up on screen,

19 'McIntosh', so you can use the screen, but there is also

20 in the red folder a copy of your statement if you would

21 like to -- in fact I would like you to look at that just

22 now and could I ask you, first of all, to turn to the

23 last page of your statement on page 41.

24 A. Page 41. (Pause)

25 41, yes.

1 Q. Can you just confirm for me that you have signed your  
2 statement and dated it?

3 A. Yes, yes.

4 Q. If we go to the second last page, at the bottom, under  
5 'Other information', paragraph 193, you say you have no  
6 objection to your witness statement being published as  
7 part of the evidence to the Inquiry and that you believe  
8 the facts stated in your witness statement are true?

9 A. Yes, yeah.

10 Q. I propose to look at some things in your statement and  
11 I will really take you through the statement as it has  
12 been prepared and ask you some matters as I go along.

13 A. Right.

14 Q. If we go back to the beginning, you can either use the  
15 written statement or the screen, whichever works best  
16 for you.

17 A. Yeah.

18 Q. First of all, and I don't need your date of birth, but  
19 can you confirm for me you were born in 1949?

20 A. That's right, yeah.

21 Q. You tell us at the start of your written statement a bit  
22 about life before care and we have already heard a bit  
23 of information about this at an earlier occasion --

24 A. Yes.

25 Q. -- but I will try and just take a summary of what you

1        have told us, so that we have the context of your  
2        evidence today.

3    A.    Yeah.

4    Q.    You were born in Dumbarton?

5    A.    Correct.

6    Q.    You had four siblings?

7    A.    Yeah.

8    Q.    I am not going to name them or give the details, but  
9        I will just say, and I don't need his name, but you had  
10       an older brother, and we will hear a bit more about him,  
11       that you were close to?

12   A.    Very close to, yeah.

13   Q.    We will come to him in due course.

14        Looking at the situation in the 1950s where you  
15       start at paragraph 4, you have some memories, you say it  
16       is vague, but you have also learned something, I think,  
17       from records and research?

18   A.    Yes.

19   Q.    Can I just take from you just now that when you were  
20       very young, two or three, you tell us in paragraph 4  
21       your mum had a stroke and that that left her paralysed  
22       and permanently bedridden?

23   A.    Yeah, I don't remember any time when she wasn't, in my  
24       memory.

25   Q.    No, I think you tell us that.

1 A. Yes.

2 Q. Then you tell us a little bit about your father,  
3 paragraph 5, and you say that from the 1920s through to  
4 its closure in 1963, your father was employed at Denny's  
5 Shipyard in Dumbarton, firstly as a [REDACTED] and then as  
6 a general labourer?

7 A. Yes.

8 Q. Just before I go on, this is not in your statement but  
9 I will just take it from you because I think it is  
10 something that you have made us aware of, that your  
11 father, during the Second World War, was involved,  
12 I think, in the fire service or as a fire warden?

13 A. He [REDACTED] a team of what they called  
14 Air Raid Precautions.

15 Q. It was air raid, okay. The reason I am asking is  
16 I think he was at least there when there was the  
17 Clydebank blitz in March 1941 --

18 A. That's right, yeah.

19 Q. -- and he had to attend to the aftermath of the bombing  
20 that took place at that time, of the Clydebank area, is  
21 that right?

22 A. They spent the night digging bodies out, and all the  
23 next day, and then the Germans came again on the next  
24 night.

25 Q. I think that, you think, may have had quite a profound



1 effect on how he was later on?

2 A. Yeah, I'm pretty convinced, yeah. Mm.

3 Q. As well as the problem that obviously he had to deal

4 with with your mother and her situation?

5 A. Yeah.

6 Q. The other thing I will say is that you tell us at

7 paragraph 7 that both of your parents, after you were

8 born, suffered continuous poor health from virtually

9 from your birth 'til a time when you went to Quarriers

10 Homes in 1960, is that right, 'McIntosh'?

11 A. Correct, yes.

12 Q. Indeed, some of that period before Quarriers you lived

13 with your grandmother?

14 A. That's correct.

15 Q. Is that your maternal grandmother?

16 A. Maternal grandmother, yeah.

17 Q. You tell us, there is a lot of interesting information

18 about the history of your family and I am not going to

19 deal with it today, but we have it here and it is part

20 of your evidence, so don't assume ... just take it that

21 we do see it as evidence and it will be considered and

22 has been read.

23 A. Yeah, yeah.

24 Q. What you tell us at paragraph 10, 'McIntosh', is that in

25 December 1957, this is on page 3, that your mother's

1 health deteriorated suddenly, she was admitted to  
2 hospital, and then in early 1958, after returning home,  
3 she had a relapse and that she died early in 1958?  
4 A. That's correct, yeah.  
5 Q. Aged 46?  
6 A. Yes.  
7 LADY SMITH: At that stage, you would have been barely  
8 9-years old.  
9 A. Yeah. Mm.  
10 MR PEOPLES: You tell us at paragraph 5 that shortly after  
11 your mother died, your father was diagnosed with  
12 depression and it was the beginning of a chronic mental  
13 illness which worsened over time and I think affected  
14 him for the whole of his life?  
15 A. Yeah, yeah.  
16 Q. You tell us that he did continue working,  
17 notwithstanding he had this depression?  
18 A. Yeah, yeah.  
19 Q. It was mostly, but not entirely, controlled by the  
20 medication that he received?  
21 A. When he took it.  
22 Q. When he took it.  
23 I think, as you do tell us in your statement, life  
24 was not easy because of your father's condition after  
25 your mum's death and he was in and out of hospital, he

1        had medication and you have just said he didn't take it  
2        always --  
3    A.   No, no.  
4    Q.   -- and he had variable moods and problems, which you  
5        tell us about as well?  
6    A.   Yeah.  
7    Q.   It was not an easy situation for you to deal with?  
8    A.   No, no.  
9    LADY SMITH:   I think you also discovered he had TB.  
10   A.   Yes, he did, yeah.   He was in a sanatorium.  
11   MR PEOPLES:   Was that before you were born or during --  
12   A.   No, I've always been a bit confused about this.   I think  
13        it was after I was born.   He was in there for six months  
14        and then he came back.  
15   LADY SMITH:   Yes.   You mention in paragraph 5 that you think  
16        it was the 1950s?  
17   A.   Yes, yeah.  
18   MR PEOPLES:   That would mean, I suspect, as it was dealt  
19        with in those days, that he couldn't have any direct  
20        contact with his family?  
21   A.   That's right, yeah, yeah.  
22   Q.   Then you tell us among the things that were problems,  
23        after your mother's death, this is on top of page 4,  
24        that there was a number of incidents where he became  
25        confused or forgetful and you give some examples, and we

1       can read those, but that was a problem that he suffered  
2       from?  
3   A.   Yeah.  
4   Q.   That he would sometimes indeed wander off and people  
5       would bring him home and so forth?  
6   A.   Yeah.   Mm-hmm.  
7   Q.   In 1959, this is to do with you at paragraph 14,  
8       'McIntosh', you tell us that you were given a year's  
9       probation for stealing a bike belonging to a fireman --  
10  A.   That's correct, yeah.  
11  Q.   -- who lived in the next street, but as you tell us,  
12       what you thought you were doing was borrowing the bike  
13       and that you always returned it?  
14  A.   Always, always.  
15  Q.   But unfortunately it got you into trouble with the law  
16       --  
17  A.   Mm.  
18  Q.   -- and it got you a probation --  
19  A.   Yeah.  
20  Q.   -- from the court?  
21  A.   Yeah.  
22  Q.   You tell us that one of your brothers in his teens,  
23       after leaving school, and I think he had a job before  
24       this as an apprentice, but he joined the  
25       Territorial Army and then in 1959, when he was aged 18,

1       enlisted in the Argyll and Sutherland Highlanders, is  
2       that right?

3   A.   Yeah, he didn't have a problem getting into the Argylls,  
4       because he wanted to avoid doing national service, so he  
5       enlisted and because my grandfather, who was in the  
6       Argylls, was killed in France in 1916, they accepted him  
7       pretty much immediately.

8   Q.   Okay. You tell us that towards the end of that year, in  
9       1959, your brother was posted to Germany?

10  A.   Yeah.

11  Q.   As far as your father was concerned by that time, in  
12       paragraph 16, you tell us that, although you were  
13       ten years of age, you knew that there were concerns  
14       about his ability to look after you and care for you?

15  A.   Absolutely.

16  Q.   Is that right?

17  A.   Yes, yeah.

18  Q.   If I go on to page 5, which is headed 'The 1960s',  
19       again, we can read what you tell us, but if I could go  
20       to paragraph 21, you tell us that the local Dumbarton  
21       social services became involved with your family because  
22       you were getting into a bit of trouble at that time, is  
23       that right?

24  A.   Yes. Yeah.

25  Q.   Indeed, one of the concerns they had was that your

1 father really wasn't able to look after you?

2 A. That's correct, yeah.

3 Q. Indeed they were saying that unless something could be

4 sorted out with your family, your wider family, that

5 they would be seeking an order to put you into a care

6 setting?

7 A. That's correct, yeah.

8 Q. It seems that -- is it your maternal -- sorry, your

9 father's sister -- I don't need her name.

10 A. All right, yeah.

11 Q. Your father's sister and your father made an approach to

12 Quarriers Homes and the RSSPCC were asked to investigate

13 your home circumstances. An inspector came from the

14 society to interview your father and some of your

15 siblings and the outcome was that Quarriers agreed to

16 take you?

17 A. Yeah.

18 LADY SMITH: By that time you would have been about 11 years

19 old.

20 A. Yes, yes.

21 LADY SMITH: That was [REDACTED] 1960?

22 A. Yes, absolutely.

23 MR PEOPLES: I think you tell us that in paragraph 25 on

24 page 6, if we could move forward in your written

25 statement. You were admitted in [REDACTED] 1960. When

1       you were, you say, about 11 and a half?

2   A.   Yes, that's correct, yeah.

3   Q.   You tell us a bit about the process and I think you are

4       aware, 'McIntosh', that we have had a case study about

5       Quarriers, so we are quite familiar with the situation,

6       indeed there has been findings that have been published

7       about that particular --

8   A.   I didn't read Lady Smith's report until after I writ my

9       statement, but I have read them since.

10  LADY SMITH: You will see that we had a lot of evidence

11       about Quarriers and I was able to gain quite a full

12       understanding about what was happening there and what

13       the setup was.

14  A.   Yeah.

15  MR PEOPLES: What I propose to do, against that sort of

16       background is I will pick out one or two things, but

17       obviously our interest today is in another place that

18       you went to, but I would like to just take a bit of

19       information about your time at Quarriers, if I may.

20       You tell us that you were put into cottage number

21       43?

22  A.   That's correct.

23  Q.   The house parents were a Mr and Mrs QBA/QBB.

24  A.   Mm.

25  Q.   You tell us about Cottage 23, and one of the things you

1 tell us at paragraph 28, 'McIntosh', is that the  
2 children in the cottage were forbidden to talk during  
3 meals?

4 A. That's correct.

5 Q. You tell us about your first night, that something else  
6 happened, that when you were having your meal, you began  
7 to make a sandwich and Mr QBA, the housefather,  
8 knocked it from your hand and said, and I quote, 'We  
9 don't do that here, eat your food properly with your  
10 knife and fork'.

11 That was your introduction to Cottage 23?

12 A. 43, sorry.

13 Q. I'm sorry, 43.

14 A. Yeah, that was my introduction, instead of asking me he  
15 just ...

16 Q. Did that take you aback?

17 A. It did, yeah. Even going back now, 60-odd years, yeah,  
18 it did.

19 Q. We know from your statement that the social services  
20 were seeking to put you in a care setting for your own  
21 care and protection because your father really wasn't  
22 able to look after you?

23 A. Yes.

24 Q. Then you tell us at paragraph 30 that after tea, and  
25 until you prepared for your bed, that QBA/QBB, your



1 houseparents, would retire to their sitting room and you  
2 were not allowed to disturb them?

3 A. That's correct.

4 Q. That would be very different to living in a family  
5 environment where your parents are -- you have access to  
6 them if you need them at any time of day or night?

7 A. That's correct, yeah.

8 Q. You tell us a bit, I think Mr QBA was quite  
9 a religious person and I think he was the  
10 I think?

11 A. He was fanatical.

12 Q. You have a section headed 'Bed wetting' that starts at  
13 paragraph 33, I just take a couple of things from that,  
14 you did wet the bed at times at Quarriers?

15 A. Yeah.

16 Q. You say that if that happened, Mr QBA's reaction was  
17 he would become very angry with you?

18 A. Yes, he did.

19 Q. But he wouldn't just become angry, you say at 34 that he  
20 would verbally humiliate you in front of the other  
21 children?

22 A. Yeah.

23 Q. I mean, are you telling us, 'McIntosh', he would just  
24 say things in front of them about you and --

25 A. He would just, er --

1 Q. Can you remember?

2 A. Call me names, call me a scunner, bed wetter, things  
3 like that.

4 Q. How did you feel when you heard him say that?

5 A. Well, humiliated.

6 Q. Were you a bed wetter before you went?

7 A. No, no, no.

8 Q. That started when you went to Quarriers?

9 A. Yes, absolutely, yeah.

10 Q. Presumably when you got this reaction, it didn't help  
11 your bed wetting?

12 A. No, it didn't, no, no.

13 Q. You say you are not sure you can remember it, because it  
14 was a long time ago at paragraph 34, but you think he  
15 might have strapped you as well for wetting the bed?

16 A. Yeah, he might of. I wasn't sure.

17 Q. No, okay.

18 A. I wasn't sure.

19 Q. That is fair enough, when you say 'strapped', did he  
20 have a strap?

21 A. It was the Lochgelly, what's called the Lochgelly tawse,  
22 I think we all know what that is.

23 Q. Yes, no, you can take it, we are quite familiar with  
24 that. It wasn't a belt or anything, it wasn't a waist  
25 belt, it was like a belt you get in class?

1 A. No, a tawse, yes.

2 Q. He had one of those in the cottage?

3 A. Yeah, yeah. Hanging up, so we all could see it.

4 Q. Because he wasn't involved in teaching at Quarriers?

5 A. No. No.

6 Q. You say that it wasn't just you that was humiliated, he

7 would humiliate other boys in the cottage?

8 A. Yes.

9 Q. Is that for bed wetting or other things as well?

10 A. For anything. If you stepped out of line, if you were

11 rebellious, he could be very humiliating.

12 Q. Indeed you say, at paragraph 35, you are not sure

13 whether he strapped you, but there were occasions where

14 he would shake you?

15 A. Yeah.

16 Q. And that happened quite a lot?

17 A. Yeah.

18 Q. You also have a recollection of being hit several times

19 on the back of the head with the flat of his hand?

20 A. Yeah.

21 Q. You do say there you think you maybe got the strap but

22 not necessarily for bed wetting?

23 A. No, no.

24 Q. You think you got it sometimes for other things?

25 A. Oh, yeah. I was very rebellious.

1 Q. Okay. Well that is --

2 A. Yes.

3 Q. How did you react to getting hit on the head, for  
4 example, for doing something that was thought to be  
5 wrong?

6 A. It just seemed to be normal. You know, it was just  
7 normal. He just did it.

8 Q. Can I go back to your own family situation, was that  
9 something that was normal in your family?

10 A. No, it never happened. No, it never happened.

11 Q. Did your parents use the belt on you?

12 A. No. No.

13 Q. This was something new for you?

14 A. This was something new, yeah.

15 Q. You just saw that's what's normal in this place and that  
16 happens?

17 A. Yes. Yeah.

18 Q. You do say you are quite frank that you were not always  
19 well behaved?

20 A. No, I wasn't, no.

21 Q. Okay. You tell us a bit more about Mr QBA at  
22 paragraph 39. You think that QBA/QBB were perhaps  
23 the oldest houseparents in Quarriers by the time you  
24 arrived in --

25 A. Well, this is what I was talking about yesterday with

1 Lady Smith, she done a report which I read and this name  
2 come up, and I done what I considered to be a timeline  
3 analysis. Now, they were definitely the oldest  
4 houseparents in Quarriers, no question about it. He was  
5 also very close to Hector Munro, the superintendent,  
6 I know they were in there from the '40s because  
7 [REDACTED], the son, was born there. When I went into  
8 Quarriers in [REDACTED] 1960, [REDACTED], the son, had  
9 just started working for a chartered accountancy firm in  
10 Glasgow, a trainee chartered accountant, and he had  
11 just, in that summer, sat his Highers at  
12 Allan Glen School in Glasgow, which means -- you know in  
13 Scotland you are 18 when you sit your Highers, so he  
14 would have to have been born in 1942. He was 18.

15 Q. So they had been there a long time?

16 A. Yeah, absolutely, yeah.

17 Q. Did you remember him being nicknamed [REDACTED] -- you say he  
18 was nicknamed [REDACTED]?

19 A. Well, I mean, this is what I said to [REDACTED] that things  
20 come back to you. I had no idea who [REDACTED] was,  
21 I was far too young, I didn't --

22 Q. You remember the name being used?

23 A. Yeah, but I also remember something else, because it was  
24 on television, Mr [REDACTED], and [REDACTED] wore very thick  
25 spectacles, and I think that's why he didn't serve in

1 the war, so I don't know -- but he was, he couldn't see  
2 when he took his specs off.

3 Q. The nickname QBA you tell us was really  
4 because he dressed with a long black jacket and  
5 pinstripe trousers?

6 A. Yeah, yeah, yeah.

7 Q. You do tell us about his son and where he attended  
8 school and so forth, so I will not go over that with you  
9 further.

10 You tell us a bit about your schooling at Quarriers,  
11 I will come to later how you compare it with what  
12 happened at Thornly Park --

13 A. Yeah.

14 Q. -- but you tell us at Quarriers you were enrolled in  
15 what was a combined junior and secondary school?

16 A. Yeah, yeah.

17 Q. You have good memories of the headmaster, a Mr Elder,  
18 you say he was a kind man --

19 A. He was, yeah. Absolutely.

20 Q. -- and that SNR Mr QAI, who was the art  
21 teacher?

22 A. Yeah.

23 Q. You tell us that you joined the headmaster's book club  
24 and indeed became an avid reader, but only in the school  
25 itself?

1 A. Only in school, yeah.

2 Q. Was there an opportunity to read in Cottage 43?

3 A. There was, but the books I wanted to read, they just

4 didn't have.

5 Q. You tell us a bit about the sort of books you did read

6 and I think to some extent, Mr QBA wasn't very

7 approving of the sort of books that you were reading in

8 the class, is that right?

9 A. Well, yeah, he -- I used to read Nigel Tranter, Scottish

10 history, er, sort of fiction but non-fiction, because

11 Mr Elder had all his books, they were friends, and

12 before I actually went there, Nigel Tranter actually

13 used to come to the school and give them talks, but

14 Robert Burns, he was a no-no, according to QBA, he was

15 a womaniser and a drunkard and he told me never to bring

16 any books of his into the cottage.

17 Q. But you enjoyed obviously reading Burns?

18 A. Oh, yeah.

19 Q. Yes. You tell us that there was an occasion, maybe

20 I should introduce the background to this, that at

21 paragraph 49 and 50 you tell us about something that

22 happened with Mr QBA, but one side of your family was

23 Catholic and the other side was Protestant. Your

24 mother's side was Catholic, your father's side

25 Protestant?

1 A. Protestant.

2 Q. You tell us, because I think Quarriers, at least broadly  
3 speaking, was seen as a place for Protestant boys and  
4 girls, is that --

5 A. It probably universally was 100 per cent, yeah.  
6 Although there was a couple of Jewish children.

7 LADY SMITH: It is interesting you remember that, because  
8 I did hear about a very small element of Jewish children  
9 there, yes.

10 A. Mm, yeah.

11 MR PEOPLES: Against that introduction, you tell us, on  
12 paragraph 50, that there was a day when you told another  
13 boy that your mother was Roman Catholic and indeed you  
14 recited the Hail Mary prayers that she had taught you?

15 A. That's correct, yeah.

16 Q. You say that Mr QBA found out and, as you have put it,  
17 literally dragged you into the play room, he was  
18 red-faced and spluttering, shook you violently and  
19 yelled, 'Don't ever mention that nonsense in this house  
20 again'?

21 A. That's correct.

22 Q. Indeed you tell us it was the angriest you had ever seen  
23 him?

24 A. It was, absolutely.

25 Q. And you found it very frightening?



1 A. I remember Mrs QNG coming in and he saying -- she  
2 said -- he said, 'Get out', very, very angrily to her.  
3 Q. In paragraph 51 and following, you have a section to do  
4 with the death of your brother that you were close to.  
5 I will just ask you a few things about that, we can read  
6 the whole of your evidence about the background for  
7 ourselves that you have set out so fully but you tell us  
8 that his death is still -- at the time of your  
9 statement -- the most traumatic experience of your life?  
10 A. Oh, absolutely. Absolutely.  
11 Q. Does that remain?  
12 A. Absolutely, yeah, it still remains that way.  
13 Q. You say however you have very happy memories of him?  
14 A. Oh, fantastic memories.  
15 Q. That you were close and did a lot together?  
16 A. Yes.  
17 Q. That was before you went to Quarriers but also when you  
18 were in Quarriers --  
19 A. Yeah.  
20 Q. -- he came to see you and you did things?  
21 LADY SMITH: Of course, although there was an age gap  
22 between you and [REDACTED], he was the sibling that was  
23 closest in age, is that right?  
24 A. Absolutely, yeah. Eight years' difference between us,  
25 yeah.

1 LADY SMITH: But your other siblings were older again.  
2 A. Older, much older, yeah.  
3 LADY SMITH: Thank you.  
4 MR PEOPLES: You have located a record that you have found  
5 that was written by the superintendent, Hector Munro,  
6 and you quote from it at paragraph 53. I will just read  
7 what it says:  
8 'Mrs QBB [your housemother] found [you] 'McIntosh'  
9 to be a very nice lad and not too difficult too handle.'  
10 It says it was felt that you improved considerably  
11 from the date of your admission until the date of your  
12 brother's death.  
13 'There was evidently a very close bond between  
14 'McIntosh' and his brother, who was killed in  
15 a motorcycle accident following a visit to 'McIntosh' at  
16 Quarriers. 'McIntosh's' behaviour deteriorated after  
17 his brother's fatal accident and he became increasingly  
18 difficult to handle from that time until he was finally  
19 discharged to his father.'  
20 That is the record that Mr Munro made, I think, in  
21 1965.  
22 A. Yeah, yeah.  
23 Q. Now, as you tell us in your statement, and as Mr Munro  
24 records, your brother was visiting you on leave from the  
25 army in [REDACTED] 1961.

1 A. There was a parade, at Stirling Castle, and he had to  
2 attend it because he was a driver, he drove all the  
3 senior officers around, he was trained in anti-terrorism  
4 techniques, which I only found out about when I spoke to  
5 the people at Stirling Castle and he called Mr Munro and  
6 said that he was only there for a couple of days, could  
7 he visit me and he said yes, no problem, came that  
8 night.

9 Q. I think you had a good evening together?

10 A. Oh, fantastic, yeah.

11 Q. The next day, you were given the news that he had  
12 crashed his motorcycle on the way home and sadly was  
13 killed?

14 A. Yeah, I was at school, I was told I had to go back to  
15 43, and as I was walking up with a prefect -- who  
16 I won't name, saw the police car and she said to me,  
17 'What have you been up to?', and I went in, into the  
18 sitting room, and he said, 'Your brother was killed on  
19 his way home last night'. That was it.

20 Q. It sounds as if, the way you remember it, it was quite  
21 matter of fact and that was it?

22 A. Very matter of fact, yeah.

23 Q. Was there anything you recall that they did to try and  
24 console you or counsel you or help you at that time?

25 A. I went into the play room, Mrs QNG come in and gave

1 me some tea and sat with me. She was very upset, very  
2 upset.

3 Q. Just remind us, Mrs QNG was?

4 A. The domestic.

5 Q. One of the domestics?

6 A. Yes.

7 Q. Okay. You obviously went to your brother's funeral?

8 A. Yeah.

9 Q. And you were at home for a short time --

10 A. A short time.

11 Q. -- after he died?

12 A. With my grandmother.

13 Q. You tell us bit about what happened when you went back  
14 to Quarriers at paragraph 68, 'McIntosh'. You say there  
15 that when you went back, it was as if your brother's  
16 death hadn't happened, that's the way you remember it?

17 A. That's correct.

18 Q. Indeed, QBA/QBB barely mentioned your brother's death  
19 and nor did the children in the cottage, is that --

20 A. That's correct, yes.

21 Q. The children would have known?

22 A. Oh absolutely, yeah.

23 Q. Yes. You are offering some reflections on why that  
24 might have been the way it was dealt with, that you say  
25 you don't think QBA/QBB perhaps knew how to deal with

1 the situation, and you also say that Mr QBA might also  
2 have felt guilty, because, as you have told us in your  
3 statement, he did have a sort of argument with your  
4 brother shortly before you saw him and before he died  
5 that evening?

6 A. This was about when my brother came to see me on the  
7 Saturday. We went to a cafe in Bridge of Weir. We were  
8 sitting there and [REDACTED] says, 'Oh, let's go home', so he  
9 had borrowed my Uncle [REDACTED]'s car, my mother's brother,  
10 and he drove me home, and he called Quarriers and said,  
11 'The car's broken down, I can't get it repaired', and he  
12 said, 'I'll bring him back on Monday', and QBA, he  
13 just didn't like that.

14 Q. Was he suspicious that --

15 A. Oh, yes, absolutely.

16 Q. -- you were just staying beyond your allocated time?

17 A. The car hadn't broken down of course.

18 Q. He suspected that?

19 A. Yeah, yeah, he knew it.

20 Q. He was not happy?

21 A. He wasn't happy, no. It was just [REDACTED] wanted to see me,  
22 he didn't want to come there for an hour, he wanted to  
23 be with me, that was it.

24 Q. It doesn't seem as if Mr QBA could take that or  
25 process that and allow you --

1 A. No.

2 Q. -- to get the time that you and your brother wanted to  
3 spend together?

4 A. No, he didn't, no. No.

5 Q. Now, you tell us, and this may be echoed in Mr Munro's  
6 report, at paragraph 70, that well, firstly, you were  
7 not able to come to terms with your brother's death but  
8 you feel that that was clear to Mr and Mrs QBA/QBB as  
9 well?

10 A. Yeah, absolutely.

11 Q. You say you were suffering at that time from severe  
12 mental anguish and that that would have been obvious to  
13 them?

14 A. Yeah.

15 Q. You tell us that, notwithstanding, you didn't receive  
16 any support or counseling and just had to get on with  
17 matters?

18 A. That's correct.

19 Q. Is that the way it was?

20 You tell us about an occasion when you had -- the  
21 QBA/QBB were on holiday and a younger and less strict  
22 couple were put in charge on a temporary basis. This is  
23 from 71 onwards?

24 A. That's the Nesbitts, yeah.

25 Q. Yes. I think you made a pretence that you had hurt your

1 leg and effectively you went on the run?

2 A. I did, yeah, I went home.

3 Q. In fact, during that time, you stayed with your

4 grandmother overnight?

5 A. Yeah.

6 Q. But one of your other brothers took you back to

7 Quarriers after that and you had to see Mr Munro, the

8 superintendent?

9 A. Yeah.

10 Q. You were asked why had you run away?

11 A. Yeah.

12 Q. You told them that you wanted to see your father, but he

13 was in hospital -- because I think by then you had been

14 told, through your family, that your father had been in

15 hospital or was going to hospital, something like that?

16 A. He was in and out so many times.

17 Q. Then you say that when QBA/QBB came back from

18 holiday, you tell us at paragraph 73 that he was livid

19 and after the younger couple left, he took you to the

20 play room in the cottage, yelled and shook you, and said

21 that no one had ever run away from QBA/QBB before,

22 you were sent to bed early and you were not allowed to

23 go out to the playing fields for a couple of weeks, you

24 recall, yes?

25 So --

1 A. Yeah, yeah.

2 Q. Did you attempt to tell him why you were running away?

3 A. Er, I probably did, but --

4 Q. It didn't make any difference anyway?

5 A. It wouldn't make any difference.

6 Q. Did he seem as if you had damaged his unblemished record

7 of not having any runaways?

8 A. Oh, yeah.

9 Q. That was to him the main point --

10 A. That was it.

11 Q. You had to be punished?

12 A. It was pride.

13 Q. Pride.

14 During this period, as you tell us, 'McIntosh', your

15 father was in and out of hospital, he had good days, bad

16 days and so forth --

17 A. Mm.

18 Q. -- but you were always asking, is it QBA/QBB mainly,

19 what the situation was and you were being told he was

20 okay or all right?

21 A. Yeah, yes.

22 Q. But you are not actually sure that they were making the

23 necessary communications to find that out?

24 A. There just didn't seem to be any communication between

25 my family and Quarriers.



1 Q. Did Mr QBA have a problem with you seeing or  
2 communicating with your family or was it just they just  
3 didn't bother?

4 A. Yeah, I think he did, actually, yeah.

5 Q. You think he might have done?

6 A. Yeah.

7 Q. It wasn't the only time you ran away?

8 A. Oh no.

9 Q. If I go to paragraph 80, there was another occasion when  
10 you ran away again and you say that you were taken back,  
11 I think to Quarriers by one of your brothers?

12 A. Yeah.

13 Q. And that when he left, you say that Mrs QBB locked you  
14 in the play room?

15 A. Yeah.

16 Q. So you were locked in?

17 A. Yeah.

18 Q. Why did she feel it necessary to lock you in the play  
19 room?

20 A. I just think -- I think -- I don't know. I think that  
21 was her way of separating me from the other children.

22 Q. Did she fear you would run away again?

23 A. Probably yeah, yeah. Yeah.

24 Q. You say at any rate when Mr QBA got home or returned,  
25 he yelled at you and went on about all the trouble you

1       had caused --

2   A.   Yeah.

3   Q.   -- and that he in fact had reported you missing to the

4       police?

5   A.   Yeah, yeah.

6   Q.   You tell us he shook you on that occasion, gave you the

7       strap and sent you to bed without any tea?

8   A.   That's correct, yeah, yeah.

9   Q.   What you also tell us is on that occasion, you noticed

10      a big bruise on your shoulder --

11   A.   Yeah.

12   Q.   -- and were unable or could hardly move your arm and in

13      fact you didn't go to church that day?

14   A.   That's correct, yeah.

15   Q.   Am I right in thinking that the big bruise on your

16      shoulder was connected with what happened with Mr QBA ?

17   A.   Yeah, yeah.

18   Q.   Was it caused by some sort of --

19   A.   It was the shaking.

20   Q.   The shaking?

21   A.   Yes.

22   Q.   Okay. That left this big bruise on your shoulder and it

23      restricted your movement?

24   A.   Yeah, yeah.

25   Q.   Okay.

1           You say that on the Monday, that Mrs QBB took you  
2           to the hospital at Quarriers --  
3   A.   Mm.  
4   Q.   -- and you were asked by the doctor what happened to  
5           your shoulder, and you told the doctor that Mr QBA had  
6           shook you?  
7   A.   Yeah.  
8   Q.   When she took you to hospital, did she attempt to say to  
9           you that you shouldn't say how it happened or --  
10  A.   No, she didn't. But this was a new doctor, which  
11           I remembered, he was a new doctor. He was young and  
12           I think he was probably a locum, because the other  
13           doctor was on holiday.  
14           And -- no, no, she didn't say anything about that,  
15           ask me to do that, no, he just asked me straight out  
16           and I told him what had happened.  
17  Q.   I suppose a doctor you would expect to ask how did you  
18           get it?  
19  A.   Yeah.  
20  Q.   You say that you were X-rayed, you remember being  
21           X-rayed and that your arm was put in a sling?  
22  A.   Yeah.  
23  Q.   You say that after your hospital visit, Mrs QBB took  
24           you to the superintendent, Hector Munro, and as you put  
25           it, gave you the usual lecture about running away?

1 A. Yeah.

2 Q. You told him again, you explained that your father was  
3 again in hospital and was that one of the reasons you  
4 were running away --

5 A. Yeah, I wanted to see him.

6 Q. -- you wanted to get back to your family?

7 A. I wanted to see him and find out what was happening.

8 Q. Indeed you say he promised to make some enquiries about  
9 the situation?

10 A. Yes.

11 Q. What you tell us is he didn't ask you at all why your  
12 arm was in a sling?

13 A. No. No. No.

14 Q. Then you say that a couple of days after this  
15 discussion, Mr QBA told you that the superintendent  
16 had checked and that your father was in hospital, but  
17 that was all that he knew?

18 A. That was all they said, yeah.

19 Q. You were kept off school for the rest of the week. Is  
20 that because of your shoulder injury?

21 A. Shoulder, yeah.

22 Q. Then you say that Mr QBA didn't shake you again, but  
23 regularly gave you the strap for answering back and  
24 other things.

25 When you say that, was that after the injury he

1        didn't shake you again?

2    A.   He didn't shake me again after that. I've always

3        wondered, what I always wondered was; did the doctor

4        intervene? Did he go to Munro?

5    Q.   Or did Mr QBA perhaps get a fright --

6    A.   He might've got a fright, yeah.

7    Q.   -- that his shaking had caused an injury that required

8        hospital treatment?

9    A.   Yeah, yeah.

10   Q.   I mean, is that a possibility?

11   A.   It is possible, yeah, yeah.

12   Q.   Or, alternatively, Mr Munro maybe had a word with him?

13   A.   Mm. Yeah.

14   Q.   What sort of man was Mr Munro, did you like him or not?

15   A.   I didn't dislike him, he was a very sedate man. He was

16        very, er, I would say, ambivalent. That's the best word

17        that I can describe him with.

18   Q.   Trying to stretch my memory of Quarriers and the case

19        study, I think we learned, and indeed it has been found,

20        that houseparents had a considerable degree of

21        autonomy --

22   A.   Oh, absolutely, yes.

23   Q.   -- and they weren't really closely supervised by people

24        like Mr Munro?

25   A.   But he and QBA were very close. I think it was

1       because of the length of time that -- and of course he  
2       was [REDACTED], which was the most  
3       prestigious job in Quarriers.  
4   Q.   Which was?  
5   A.   It was the most prestigious job, absolutely.  
6   Q.   Can I move on, 'McIntosh', to paragraph 83 if I may.  
7       You tell us about another incident that happened  
8       shortly after the sling was removed, after this incident  
9       we have been speaking about.  
10  A.   Yeah.  
11  Q.   You say that there was a rota system in Cottage 43 for  
12       washing up --  
13  A.   Yeah.  
14  Q.   -- and that one night after tea, you were carrying  
15       a tray of dishes to a shed when you experienced a sharp  
16       pain --  
17  A.   That's right.  
18  Q.   -- in the shoulder that you injured and that made you  
19       drop the tray?  
20  A.   Yeah.  
21  Q.   You say when Mr [REDACTED] QBA heard the crash, he came rushing  
22       in and yelled at you?  
23  A.   That's correct, yes.  
24  Q.   You say for the first and only time, Mrs [REDACTED] QBB came to  
25       your defence and said, 'Leave him alone, [REDACTED] QBA, it was

1 an accident'?

2 A. That's right, yeah.

3 Q. So even she stepped in on that occasion?

4 A. Yeah. Who knows, maybe she was concerned that he had

5 gone too far by shaking me and injuring my shoulder.

6 Q. Because she would have known by then there had been

7 an injured shoulder and would she have known how it

8 occurred?

9 A. Well, yeah, she knew he'd shaken me.

10 Q. She knew he was doing these things?

11 A. Oh, yeah, absolutely.

12 Q. When Mr QBA came in, did he even ask you how did it

13 happen, was it accidental or did he just rush in and

14 do --

15 A. He just rushed in. What the -- dining room is here, you

16 have to go up, bring the dirty washing down the steps,

17 into the shed, where there's a big sink. There was no

18 washing machine or anything like that, it was just all

19 done by hand.

20 Q. Was it like a scullery?

21 A. Sorry?

22 Q. Was it like a scullery, the shed?

23 A. Well, it was a big shed, but on here, just as you came

24 down the steps from the dining room, you had the sink

25 and that's where you washed the dishes.

1 Q. Now, I am going to move on, 'McIntosh', to a different  
2 matter that you tell us about, that happened when you  
3 were in Quarriers. This is connected with the bell  
4 tower at the Mount Zion church. You can take it we know  
5 about this place and, indeed, I think it has featured  
6 quite a lot in evidence we have heard about.

7 A. Yes.

8 Q. You tell us about something that happened to you. The  
9 background to this is that Mr QBA, you have told us,  
10 was [REDACTED] and that he was assisted in his  
11 church duties by a couple of brothers, I don't need  
12 their names.

13 A. Yeah.

14 Q. That you tell us that their job was to set up the church  
15 for the Sunday and midweek services and the various  
16 things they had to do.

17 You say that one of the brothers was discharged from  
18 Quarriers and that Mr QBA told you that -- I think the  
19 older brother was discharged and Mr QBA said the  
20 younger one would take his place --

21 A. That's correct.

22 Q. -- as the number 1, as it were --

23 A. Yeah.

24 Q. -- and that you would take over the job of the number 2,  
25 as it were?



1 A. Mm, correct.

2 Q. One of the duties that you would have to perform in this  
3 role was ringing the church bell on a Sunday morning  
4 from 10.40 am until 10.55 am?

5 A. That's correct. I can show you, I can demonstrate it  
6 for you if you want.

7 Q. Well, if you want to. Don't injure your shoulder.

8 A. It was a handle.

9 Q. Yes?

10 A. And when it came to quarter to 11, he would say tick,  
11 tick, tick, dong.

12 So it was three ticks and then a dong.

13 Q. It wasn't like pulling a rope?

14 A. No, no, there was no rope, no.

15 Q. Because I think we see bell ringers --

16 A. The campanology (Inaudible), yeah.

17 Q. It wasn't that sort of a technique?

18 A. No, this was a handle.

19 Q. That is what you had to do?

20 A. I had to do that.

21 Q. You kept doing that for the 15 minutes or so --

22 A. Yeah.

23 Q. -- that the bells were to be rung. You tell us that one  
24 of the senior boys in the Scripture Union --

25 A. Yeah.

1 Q. -- and he was called [REDACTED].  
2 A. Mm-hmm.  
3 Q. Were you a member of the Scripture Union?  
4 A. Yeah, you had to join when you were, er, 14.  
5 Q. Okay. Then you say that there was a Sunday when you  
6 were -- you had now become the person who rang the bell,  
7 when he came to the clock room, now, that's where you  
8 performed this bell ringing in the clock room?  
9 A. Yeah.  
10 Q. You say he was quite friendly towards you on that  
11 occasion?  
12 A. Yeah, yeah.  
13 Q. Before I go on, when you say he was a senior boy, was he  
14 at Quarriers then, was he one of the boys or not?  
15 A. Well, there was rumours all over the place that he was  
16 the nephew of Dr [REDACTED], who was a [REDACTED]. And we  
17 only ever saw him at Scripture Union, he wasn't in  
18 Quarriers, we knew he lived somewhere in the vicinity,  
19 but we didn't know much about him.  
20 Q. He didn't live in a cottage in the homes?  
21 A. No, he wasn't in Quarriers whatsoever, he wasn't  
22 a resident.  
23 Q. And what sort of age would you put him?  
24 A. Er, I would say 15/16.  
25 Q. Before this occasion, when he came to the clock room,

1       did you know him?

2   A.   Well, I'd spoken to him in Scripture Union, but he

3       wasn't really interested speaking to me or --

4   Q.   So you hadn't really had much dealings with him before

5       then?

6   A.   No, no, he just suddenly appeared that day in the clock

7       tower.

8   Q.   You tell us that when he did appear at the clock room,

9       he did ask if you were enjoying your new job and he

10      wanted you to show him how the bell was rung, that's

11      what he said?

12   A.   Yeah.

13   Q.   You tell us on that occasion that as you were showing

14      him, he ran his fingers up the back of your neck, you

15      asked him to stop and you kept moving away from him, he

16      continued to try to do it and you say when it was time

17      for you to ring the bell, he just left?

18   A.   Yeah.

19   Q.   Yes. I suppose if he had carried on, and you hadn't

20      rung the bell because of this problem, someone would

21      have come to see you?

22   A.   Er, I don't know, it would have been a hell of a

23      distance to go up those stairs and QBA didn't

24      like going up those stairs.

25   Q.   I was just thinking if it was 10.40 am and it didn't

1 ring, someone might say --

2 A. Something would have been done, yeah, something would

3 have been said.

4 Q. As far as this room was concerned, you would have to

5 access it by going up a number of stairs?

6 A. A spiral staircase.

7 Q. Spiral stairs, there was this room quite high up in the

8 tower, the bell tower?

9 A. Very, yeah. In the bell tower, yeah.

10 Q. It had a door?

11 A. Yeah.

12 Q. Now, on this occasion, you would go in the door to do

13 the bell ringing?

14 A. Yeah.

15 Q. When this happened, with him, what was the position with

16 the door, was it locked or open?

17 A. No, the door was -- the door was always open.

18 Q. When you say open, do you mean it was unlocked?

19 A. It was unlocked, it was never locked.

20 Q. Was it actually open?

21 A. You just pushed it open, that was it.

22 Q. He didn't attempt to lock the door?

23 A. No. No.

24 Q. Okay. Then if I move on, at paragraph 86, you tell us

25 a couple of weeks later he was waiting for you again in

1 the clock room and he had closed the door on that  
2 occasion and began touching you all over?

3 A. Yeah.

4 Q. Yes?

5 A. Yes.

6 Q. You say you kicked out at him and you told him to get  
7 lost or that you would tell Mr QBA ?

8 A. Yeah.

9 Q. He replied with the words, 'He won't believe you,  
10 everyone knows you're a troublemaker and a liar.'  
11 That was what he was telling you?

12 A. That's correct, yeah.

13 Q. Then you, I think, tell us that you threatened to hit  
14 him with a broom --

15 A. Yeah.

16 Q. -- he grabbed you by the neck and squeezed hard on your  
17 neck?

18 A. Yeah, mm.

19 Q. You say that during this incident he kept trying to  
20 touch you and you kept trying to push him away?

21 A. That's correct, yes.

22 Q. What you also tell us was you were quite small at the  
23 time and thin?

24 A. Yeah.

25 Q. And that he was a much bigger person?

1 A. He was much bigger, yeah.

2 Q. And older, obviously?

3 A. Yeah, yeah.

4 Q. So it was difficult to fight him off?

5 A. It was, yeah. But as I say, he left -- I think he

6 probably realised that he couldn't be there when I was

7 ringing the bell, otherwise it might cause problems.

8 Q. Because as you say, as in the previous occasion, when it

9 came to ringing the bell, he did leave the place --

10 A. Yeah, yeah.

11 Q. -- and after that second incident, you say that you

12 spoke to the other boy that had these duties in the

13 church?

14 A. That's correct, yeah.

15 Q. About what [REDACTED] had done?

16 A. Yeah.

17 Q. You tell us that he warned you not to say anything or

18 there would be trouble?

19 A. Exactly.

20 Q. What did you take from him saying don't say --

21 A. Well, looking back, he probably tried it with him as

22 well.

23 Q. Yes. You suspect that he might have done the same

24 thing?

25 A. Probably not then, but looking back on it, yeah, yeah.

1 Q. Because was this other boy, was his duty from time to  
2 time to ring the bell like you?  
3 A. Well, that was his job before me.  
4 Q. Right, okay.  
5 A. Then he moved up when his brother ...  
6 Q. I see, sorry, yes, sorry again. So you took over his  
7 job?  
8 A. I took over his job.  
9 Q. But you suspect when he did the job, he got the same  
10 treatment from [REDACTED]?  
11 A. Exactly.  
12 Q. Did he say anything more about [REDACTED] at that time or did  
13 he just -- that was it?  
14 A. No, no, he said, 'Don't say anything, you'll just cause  
15 trouble', something -- words to that effect.  
16 Q. You tell us that [REDACTED] didn't stop, he did come again --  
17 A. He did, yeah.  
18 Q. -- to see you in the clock room?  
19 A. Hmm.  
20 Q. You say, as before, he started touching you and you kept  
21 pushing him away.  
22 A. Yeah, yeah.  
23 Q. You say that on the third occasion, he grabbed you from  
24 behind and put his hand down your trousers --  
25 A. That's correct, yeah.

1 Q. -- and he fondled you?

2 A. Yeah, yeah.

3 Q. Was he saying anything when he was doing this?

4 A. Sorry?

5 Q. Was he saying anything to you when he was doing this?

6 A. No, no. He was being very forceful. Very forceful.

7 Q. And he was bigger?

8 A. Oh, yeah, much bigger. I mean, at that age, I think,

9 you know, 14 to 16, that's quite a difference.

10 Q. You were quite small --

11 A. Oh, yeah.

12 Q. As you say, you were not a big eater, you have told us?

13 A. No, no, I wasn't, I was wiry.

14 Q. Okay. You say that on this occasion, you recall he did

15 undo his fly --

16 A. That's correct.

17 Q. -- and expose himself and wanted you to touch him?

18 A. Yeah, yeah.

19 Q. Do you mean his private parts?

20 A. Yeah.

21 Q. But you refused and you say you started crying on that

22 occasion?

23 A. Yeah, yeah.

24 Q. You said at the time that you would tell Mr QBA and

25 the minister, but he again said what he had said before,



1        'They won't believe you'?

2    A.    Yeah, exactly.

3    Q.    You say that during the summer of 1962, he came to the

4        clock room on a number of times --

5    A.    Quite a few times.

6    Q.    -- and did the same thing and you fought him off each

7        time. Did it ever get beyond the exposure --

8    A.    No, it was just -- he was --

9    Q.    -- and touching?

10   A.    Touching me, trying to force me to do things to him.

11        Yeah.

12   Q.    Now, you tell us you went to a camp with the --

13   A.    Mm. That was at Meigle, yeah.

14   Q.    You say a summer camp and when you came back, this is at

15        paragraph 91 if I can pick up the situation, that you

16        went back to your church duties when you came back to

17        Quarriers and [REDACTED] came to the clock room several

18        times --

19   A.    Yeah.

20   Q.    -- after this camp that you had been to. You say that

21        there was a Sunday, you think around the beginning of

22        September 1962, when he grabbed you, or he made a grab

23        towards you, and you say on this occasion you simply

24        snapped, to use your --

25   A.    Snapped, yeah, absolutely.

1 Q. What you did then, was -- I think was this something you  
2 hadn't done before, you say you punched him on the face  
3 and his nose spurted blood?  
4 A. Just boom, it went all over my shirt.  
5 Q. Okay. That caused him to run down the stairs?  
6 A. Yeah, he ran down the stairs.  
7 Q. You were shaking and crying?  
8 A. Yeah.  
9 Q. You say on this occasion, but you managed to compose  
10 yourself and rang the bell?  
11 A. Rang the bell. I didn't want to let anybody down.  
12 Q. No, and then after you rung the bell, you tell us you  
13 that you buttoned up your jacket to try and hide blood  
14 that was on your shirt. This would be [REDACTED]'s blood?  
15 A. Yeah, yeah.  
16 Q. But Mr [REDACTED] QBA saw blood?  
17 A. Yeah. When you came through the side door of the  
18 church, our pew was here, we sat at this pew, and he  
19 couldn't miss it, you couldn't cover it up, although  
20 I tried to.  
21 Q. Because after you had finished ringing the bell, you  
22 would come down and sit in the church?  
23 A. Yeah, yeah.  
24 Q. You say that Mr [REDACTED] QBA, having seen blood, took you to  
25 a side entrance and that you burst into tears at that

1 point. He wanted to know what had happened and you  
2 recollect you didn't say anything, you were just simply  
3 crying a lot?

4 A. Yeah.

5 Q. He went back to the church and came back with  
6 a housefather of another cottage?

7 A. 42, which was next to ours.

8 Q. You were asked, is this by the other housefather, what  
9 happened and what was going on, is that right?

10 A. That's correct, yeah.

11 Q. Mr QBA asked the other housefather to just take you to  
12 Cottage 42 until church had finished?

13 A. Yeah, yeah.

14 Q. Then Mrs QBB came on the scene and you were put in the  
15 play room, is this at Cottage 43?

16 A. That's correct, yeah.

17 Q. She asked what had happened --

18 A. Yeah.

19 Q. -- but you didn't say anything at that point?

20 A. No, no, no.

21 Q. Was there a reason why you didn't want to say anything  
22 to her?

23 A. Well, you know, he had said that nobody would believe  
24 me.

25 Q. I see, so you just took him at face value?

1 A. I took it at face value.

2 Q. Then you say Mr QBA returned and he asked you how the  
3 blood got on your shirt and you again started crying?

4 A. Yeah.

5 Q. Then you say after lunch, he returned and again wanted  
6 to know how the blood had got on your shirt and said you  
7 had to tell him and that you wouldn't get into trouble  
8 if you told him?

9 A. He was very calm, he wasn't angry or anything like that,  
10 he just --

11 Q. So on this occasion, he was just wanting to know how  
12 this happened?

13 A. Yeah, yeah.

14 Q. He wasn't angry. He was not angry with you at that  
15 point?

16 A. No, no. No.

17 Q. Do you think he thought it was your blood that was on  
18 the shirt?

19 A. Well, I don't know, because I had no marks on me. And  
20 clearly [REDACTED] had -- didn't go back into the church, he  
21 was gone somewhere else, he had probably gone home or  
22 wherever.

23 Q. He made an exit and he didn't stay around?

24 A. He made an exit, yeah.

25 Q. You did tell Mr QBA at that point about [REDACTED] --

1 A. Yeah.

2 Q. -- coming to the clock room, what he had been doing and  
3 what had actually happened that particular day?

4 A. Yeah, yeah.

5 Q. Then having told Mr QBA, you say that Mr Munro was  
6 brought to the cottage and that you had to tell him --

7 A. Yeah.

8 Q. -- everything you had told Mr QBA?

9 A. I had to repeat everything, yeah, in much more detail,  
10 if I remember correctly.

11 Q. Okay. So it was obviously a sufficiently serious matter  
12 that Mr QBA felt the need to get Mr Munro involved.

13 A. Oh, yes.

14 Q. He, Mr Munro, asked you why you hadn't said anything,  
15 because presumably you had said it was not just on this  
16 occasion it had happened, it was a number of occasions?

17 A. Many times, yeah.

18 Q. You told him it was because [REDACTED] had told you you  
19 wouldn't be believed?

20 A. Wouldn't be believed, yeah.

21 Q. Okay. Then, if I move on, to just find out what went on  
22 after that, that you say that you were kind of put in  
23 a place, separated from the children in the cottage --

24 A. Yeah.

25 Q. -- but you were taken at some point by Mr QBA to the

1 hospital for a medical, is that right?

2 A. Yeah, yeah.

3 Q. Was there a concern, do you think, that something had

4 happened to you? To cause them to ask for you to have

5 an examination?

6 A. Well, yeah, I'm not sure but I know that I was taken to

7 the hospital.

8 Q. Did you tell Mr QBA and Mr Munro the identity of the

9 person that did this?

10 A. Oh, yeah, yeah.

11 Q. That it was [REDACTED]?

12 A. Yeah.

13 Q. They would know who [REDACTED] was?

14 A. Absolutely, yeah.

15 Q. Can you recall whether they expressed any reaction when

16 you gave them the name?

17 A. No. No. I mean he was always speaking to QBA,

18 always. So -- oh, yeah, he knew him well.

19 Q. But they didn't express any reaction either at --

20 A. No.

21 Q. Did they attempt in any way to cast doubt on what you

22 were telling them about [REDACTED]?

23 A. I don't think they did at that point.

24 Q. No, okay. Did you get the impression that they were at

25 least listening to you and at least being prepared to

1       accept your account as truthful and accurate?

2   A.   Well, I thought so, but --

3   Q.   You had no reason to doubt that at that time?

4   A.   No reason to doubt it, yeah.

5   Q.   You say that, to follow the matter through, at

6       paragraph 96, 'McIntosh', you say that on a date in

7       [REDACTED] 1962, Mr QBA [REDACTED] took you to Mr Munro's office

8       and Dr [REDACTED] was there and there was also a woman who

9       had, you said, interviewed you --

10  A.   She had interviewed me about [REDACTED]'s death and she asked

11       me a lot of questions.

12  Q.   I see, right, so the --

13  A.   I think she was a psychiatric social worker or whatever.

14  Q.   Okay, and you say that Mr QBA [REDACTED] was outside when this

15       interview took place?

16  A.   Yeah, yeah.

17  Q.   So there is Mr Munro, Dr [REDACTED], and the woman who you

18       spoke to at the hospital, were in the room?

19  A.   Yeah.

20  Q.   Mr QBA [REDACTED] was outside?

21  A.   He was outside all the time, he didn't come in.

22  Q.   The three in the room questioned you what had happened

23       in the clock room?

24  A.   Yeah.

25  Q.   Both on the Sunday?

1 A. Yeah.

2 Q. And before?

3 A. Yeah.

4 Q. On other occasions?

5 A. They asked he me how many times it had happened,  
6 et cetera, things like that.

7 Q. You have a recollection that the woman who was there  
8 made some notes?

9 A. Oh, yeah, she was scribbling away.

10 Q. Then you went back to Cottage 43?

11 A. Yeah.

12 Q. Then two days later, I think it was, you were told by  
13 Mr QBA that your father would be collecting you the  
14 next day and taking you home?

15 A. Mm, yeah.

16 Q. I think, as you say, to say you were happy is  
17 an understatement, you were over the moon?

18 A. I couldn't believe it, you know, it happened so  
19 suddenly.

20 Q. I think there is a short delay before you managed to get  
21 home, but not a long one.

22 A. This was because -- I don't know, they were supposed to  
23 come but he didn't come and there was a delay and, er,  
24 the woman who was -- when I spoke to her on the phone,  
25 this was when I started writing my statement, she said



1       it's quite likely that when your brother came to collect  
2       you, they wouldn't hand you over to him because he  
3       wasn't your designated guardian and, you know, so they  
4       would have -- it would have to be your father.

5   Q.   So there was a bit of administrative delay?

6   A.   Administrative delay, whatever you want to call it,  
7       yeah.

8   Q.   I think you tell us that once you got home and you told  
9       your grandmother what had happened, as you put it, she  
10      went mad and she wanted to get the police involved?

11  A.   She went absolutely berserk, yeah.

12  Q.   I think in the event, the police didn't get involved, is  
13      that right?

14  A.   No.

15  Q.   Whose decision was that?

16  A.   That was her husband's, [REDACTED]. [REDACTED].

17  Q.   When you had your conversation at Quarriers with  
18      Mr Munro and Dr [REDACTED], and the woman in the office,  
19      was there any suggestion at that point that they should  
20      get the police involved?

21  A.   No. None at all, no.

22  Q.   They just took notes and then you were sent home?

23  A.   They just questioned me. And then that was it. And  
24      then --

25  Q.   That was it, you were sent home?

1 A. I was told two days later I was going home, or whenever.

2 Q. I take it there was no -- you after that, although there

3 was a discussion about the police in your family, you

4 were never seen by the police on this matter?

5 A. No, never.

6 Q. You say that as far as your family were concerned, it

7 was one member of your family that said, although your

8 granny was in favour of bringing the police in, they

9 said we will not do that?

10 A. No.

11 Q. Do you have any idea why that was said?

12 A. Well, I don't think her husband, [REDACTED] -- there

13 was always a lot of problems in my family with my

14 grandmother and her marriage. As I say, my grandfather,

15 [REDACTED], was killed in 1916 and she married him,

16 I think a year later, and, you know, they weren't very

17 close. He wasn't close to us, because we were, you

18 know, we were the children -- grandchildren of our

19 grandfather. Nobody ever met him in my family, because

20 he was killed in 1916 and my brothers were born in the

21 '30s.

22 Q. The person that didn't want the police involved was not

23 directly related to you at all, it was --

24 A. No, he was my --

25 Q. Step --

1 A. Step, er, grandfather, yeah.

2 Q. -- grandfather, yes.

3 You say at 102, although you were happy to be away

4 from Quarriers --

5 A. Yeah.

6 Q. -- you were left wondering what was going to become of

7 you, because you had gone into Quarriers because of the

8 situation at home?

9 A. Mm.

10 Q. So you were left thinking what is going to happen next?

11 A. But I knew my father was seriously ill. I knew it.

12 Q. But you did go back home and at 105 you say that,

13 although you don't know who reported the situation at

14 home, because I think your father -- he wasn't really in

15 a position to look after you, is that right?

16 A. That's correct, yeah.

17 Q. You were not getting anyone coming forward to say,

18 'We'll take you and look after you'?

19 A. Yeah.

20 Q. Social services become involved and the upshot is that

21 you are taken to Bellfield Remand Home in Dumbarton?

22 A. That's correct, yeah.

23 Q. We know a bit about this place, I think it's a sort of

24 place that people are sent while they decide what's

25 going to happen to them next, it's not a permanent place

1       that --

2   A.  That's correct.

3   Q.  -- young people are placed.  You tell us about that, and

4       you tell us, at 106, that you had actually heard of

5       Bellfield?

6   A.  Oh, yeah, it's bandied about to frighten people, yeah,

7       'Send you to Bellfield'.

8   Q.  That is what I was going to ask you about.  It did have

9       a reputation?

10  A.  Yeah, yeah.

11  Q.  If you are bad, you will be sent to

12       Bellfield Remand Home?

13  A.  Yes.

14  Q.  I am not going to ask you -- I see the time is --

15  LADY SMITH:  It is 1.00 pm.  Are we about to move on to --

16  MR PEOPLES:  Yes, I am not going to finish in the next few

17       minutes, but I am not going to be very long because I am

18       conscious that 'McIntosh' is travelling this afternoon

19       and I don't want obviously to keep him too long.

20       I won't be very long, but I do have a little bit to

21       cover.

22  LADY SMITH:  So can we --

23  MR PEOPLES:  Could we perhaps start at 1.45 pm?

24  LADY SMITH:  Would that work for you, 'McIntosh'?

25  A.  That's fine, yeah.

1 LADY SMITH: If we start again at 1.45 pm, and then you  
2 should certainly be away no later than 2.30 pm and  
3 perhaps before 2.30 pm.  
4 Is that all right?  
5 A. That's fine, my Lady.  
6 LADY SMITH: I am sorry about that, because I know you were  
7 hoping to get away by lunchtime, but you have so much  
8 important evidence for us.  
9 A. I think this is important, you know.  
10 LADY SMITH: It is really helpful.  
11 I will rise now for the lunch break and we will sit  
12 again at 1.45 pm. Thank you.  
13 (1.02 pm)  
14 (The Luncheon Adjournment)  
15 (1.45 pm)  
16 LADY SMITH: Welcome back, 'McIntosh'. Are you ready for us  
17 to carry on?  
18 A. Yes.  
19 LADY SMITH: Thank you.  
20 Mr Peoples.  
21 MR PEOPLES: Good afternoon, 'McIntosh'.  
22 Good afternoon.  
23 A. Good afternoon, sorry.  
24 Q. That's all right --  
25 A. I was miles away there.

1 Q. -- take your time, take your time.

2 I can maybe help you with your written statement, we

3 had just moved to your -- we are going to

4 Bellfield Remand Home --

5 A. Yeah.

6 Q. -- that was on page 23 of your statement. I think you

7 had already told me before lunch that it was a place you

8 had heard of and it had a reputation?

9 A. Yeah.

10 Q. You were not there that long --

11 A. No.

12 Q. -- but you do have a recollection of both the place and

13 certain members of staff?

14 A. Yeah.

15 Q. You name them in 112, and I am not going to go into that

16 in too much depth --

17 A. No.

18 Q. -- but there was one particular member of staff, male

19 member of staff, that you say was a nasty piece of work?

20 A. Yeah.

21 Q. He was a bully and you say more than once, for no

22 reason, he slapped you and indeed slapped other boys on

23 the face or back of the head. But you didn't witness or

24 experience violence from any other staff member, it was

25 just the one?

1 A. No. No.

2 Q. Then you tell us, I think, there was a sort of  
3 an abortive attempt to put you in a foster care  
4 situation --

5 A. Yeah, once, yeah.

6 Q. -- but it didn't really last, you walked out the door,  
7 I think?

8 A. Yeah, I just walked out the same night.

9 Q. Was there a reason or was it just simply you didn't  
10 fancy that arrangement?

11 A. I just didn't fancy it because I wanted to be with my  
12 family. That was it, simple as that.

13 Q. Right. So that was really your goal, to get back to  
14 your family?

15 A. Yeah, yeah, yeah.

16 Q. After that attempt, to put you with a foster family, you  
17 were -- I am not going to deal with this one, it is  
18 obviously not part of the establishment we are looking  
19 at, but I will mention it that you went to a place near  
20 Glasgow?

21 A. Yeah.

22 Q. Paragraph 115 you tell us about that place

23 Secondary Institutions - to be published later

24

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1	Secondary Institutions - to be published later
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6 Q. Then you went to Dumbarton Sheriff Court and you say  
7 that after a hearing, you were taken to  
8 Thornly Park School --

9 A. Correct, yeah.

10 Q. -- you think probably around [REDACTED] 1962, is that  
11 right?

12 A. Yeah, that's correct.

13 Q. Just moving on, you have a memory of a number of members  
14 of staff but I think it has been aided by a document  
15 that you provided to the Inquiry, is it --

16 A. Yeah.

17 Q. -- about who the staff was, because you very  
18 impressively have listed quite a lot of staff and what  
19 they did.

20 A. Well, the difference between Thornly Park and Quarriers  
21 was Thornly Park was a very compact place, you knew  
22 everybody.

23 Q. So you would know these -- without the document I would  
24 like to just take you to briefly, you knew them anyway?

25 A. Yeah.

Q. And you would remember them?

1 A. I remember them, yeah.

2 Q. When you arrived in -- was it 1962 in [REDACTED]?

3 A. Yeah.

4 Q. The headmaster at that point, you tell us at

5 paragraph 118, was a Mr Lees --

6 A. Yeah.

7 Q. -- who retired shortly after you were admitted and he

8 [REDACTED] SNR [REDACTED] of the school,

9 Mr GTX [REDACTED]?

10 A. Yeah.

11 Q. I take it he has no relation to QBA/QBB [REDACTED] we were

12 talking about this morning?

13 A. No, no, none at all, no. Just a coincidence.

14 Q. Just to be absolutely clear, yes.

15 I am not going to run through all the names and what

16 they did, we can read that for ourselves, but just

17 because I think he comes up in something you say later

18 on, there was a person called Mr Fegan, who was

19 a welfare officer I think you say, in house, in the

20 school?

21 A. Yeah.

22 Q. Before I go on to ask you a little bit more -- well, no,

23 sorry, I will keep with the statement for the moment.

24 You say that you did speak to SNR [REDACTED],

25 GTX [REDACTED], on a number of occasions?

1 A. Oh yeah, yeah.

2 Q. Is that right?

3 A. Yes.

4 Q. These occasions are when he was wandering around the  
5 school with his corgi dog?

6 A. Yeah.

7 Q. You described him as approachable, someone who listened,  
8 never patronised, he occasionally taught boys and you  
9 respected him?

10 A. Yeah, I did, yeah.

11 Q. He wasn't there for that long but did you have many  
12 dealings with [REDACTED], Mr Lees?

13 A. Well, as I said, I only ever spoke to him once and that  
14 was after a football match when he come up and  
15 congratulated me on scoring four goals, er, but you  
16 rarely saw him.

17 Q. He wasn't the same type as Mr GTX --

18 A. No.

19 Q. -- he wasn't someone who wandered out of his office and  
20 around the school?

21 A. No, no, he was -- Mr Lees was more physical, Mr GTX  
22 was more academic.

23 Q. I mean, he was getting on in years by the time you  
24 arrived --

25 A. Yeah.

1 Q. -- and indeed he was about to retire?

2 A. Yeah, that's correct, yes.

3 Q. We will look at a document in a minute just to explain

4 why I am saying these things, but was he someone that,

5 as far as the boys were concerned, certainly the new

6 ones, was quite a distant figure?

7 A. Oh, yeah, and they were frightened of him.

8 Q. And the boys were frightened?

9 A. Oh, absolutely.

10 Q. Did you get that impression immediately?

11 A. Absolutely, yeah.

12 Q. Were you told that or was it just --

13 A. Oh, no, they always talked about the violence, it was

14 pretty gratuitous and he just slapped you --

15 Q. You heard about this once you got to the school from the

16 other boys?

17 A. Oh, yeah, and I seen it myself, I saw the violence.

18 Q. What sort of violence did he inflict?

19 A. Just slap -- there was one time one of the woodwork

20 teachers was slapping the boy in the queue, really

21 slapping him about, and, er, IVR as well, he was

22 good with his hands.

23 Q. Okay. But Mr Lees, did -- on the occasion you have said

24 about the woodwork teacher, was Mr Lees slapping boys?

25 A. No, no, I never saw him.

1 Q. You never saw that happen?

2 A. He would have given them the belt, taken them to his  
3 office and given them the belt.

4 Q. But you saw other staff --

5 A. Oh, yeah.

6 Q. -- who were there when Mr Lees was headmaster slapping  
7 boys --

8 A. Yeah, yeah, yeah.

9 Q. -- and you have given an example of the woodwork  
10 teacher.

11 A. Yeah, yeah.

12 Q. Was this done quite openly in front of other boys?

13 A. Oh, openly, yeah, yeah. They did it because they could  
14 get away with it. You know, nobody would censure them.

15 Q. Would you be able to say or did you find out whether  
16 Mr Lees would know that this was happening?

17 A. Er, I think he knew.

18 Q. Yes. You tell us at 120 that you have actually got hold  
19 of [REDACTED] 1963.  
20 I will maybe just take you to that briefly. It is  
21 WIT-3-000001095. Maybe we could go to page 2.

22 A. Oh, yeah.

23 Q. This is familiar to you?

24 A. Yeah, yeah.

25 Q. We can read it for ourselves, you have provided a copy,

1 but it is a [REDACTED] and I suppose, as [REDACTED]  
2 [REDACTED] go, it's not going to reveal too many  
3 things --  
4 A. No, no.  
5 Q. Do you know, was this a [REDACTED] that was prepared for  
6 a particular purpose, like was it given to the boys, or  
7 was it given to their parents, or was it given to  
8 benefactors or --  
9 A. Given to parents or whoever, but I think it was [REDACTED]  
10 [REDACTED]  
11 Q. Yes. I mean, it's not an [REDACTED] but it's like  
12 an [REDACTED]  
13 A. No, but all the boys could contribute to it.  
14 Q. I think, without going to them, there were a number of  
15 pieces by boys -- I will maybe pick a couple if I can,  
16 but it is a contribution by the boys --  
17 A. Yeah, yeah.  
18 Q. -- as well as pieces about staff members coming and  
19 going, things of that sort, the sort of thing you would  
20 see [REDACTED]?  
21 A. Yeah, yeah.  
22 Q. If we just go to the page -- maybe go to page 3, we see  
23 that this is headed, 'WK Wallace Lees OBE FEIS ACP', and  
24 it says:  
25 ' [REDACTED] 1963 was a momentous occasion in the annals

1 of Thornly Park School because it was the day that the  
2 board of management, staff and boys were present in the  
3 recreation room of the school to pay tribute to Mr Lees,  
4 who announced that he was to retire at the end of  
5 May 1963.'

6 It then records that he received certain gifts.  
7 Then it gives a little bit of Mr Lee's history and it  
8 tells us that he came to Thornly Park from  
9 Oakbank Approved School as long ago as 1925, just not  
10 long after the First World War --

11 A. No, no.

12 Q. -- as a teacher and that in 1928, he was promoted to  
13 being a headteacher, and then he became headmaster of  
14 the school in 1932.

15 Our copy is not very clear, but it does appear that  
16 what is being said is it looks to me like it is saying  
17 he was a strict disciplinarian?

18 A. He was, I think so, yeah.

19 Q. And immediately the school changed when he took up post?

20 A. Yeah.

21 Q. I am sure the two things are connected, and it may be  
22 that one can read between the lines in that statement,  
23 and it is not clear what the next sentence after  
24 'change', but something about conditions for staff and  
25 boys, but he put into certain practices which, according

1       to this, seems to have been suggested were ahead of  
2       their time. Not sure what they have in mind?

3   LADY SMITH: Years ahead of their time.

4   MR PEOPLES: We don't really know what lies behind those  
5       statements but, anyway, it is there, and we can see it  
6       and indeed he appears for his efforts --

7   A. I can't see -- I can't see how he was years ahead of his  
8       time.

9   Q. We don't get any clue as to what was meant.

10   A. No, no.

11   Q. We don't actually know who wrote this, it might have  
12       been Mr Lees, for all we know.

13   A. Mm-hmm.

14   Q. We see that in recognition of his many years, presumably  
15       in this area, he received an OBE in 1953, and it may be  
16       that His Royal Highness Prince Phillip visited the  
17       school. That may be what lies behind the bit we cannot  
18       read, but it seems to be one of his highlights?

19   A. Can I just say that if Prince Phillip had gone to the  
20       school, there would have been a plaque somewhere --

21   Q. Oh, right, okay.

22   A. -- and I cannot remember seeing anything, plaque or  
23       otherwise, commemorating a visit by Prince Phillip.

24   Q. No matter, I am just picking up --

25   A. No, no, of course, of course.



1 Q. I don't think anything turns on it, but it is just -- so  
2 Mr Lees is -- this is a piece about his retirement after  
3 a long innings as headmaster.

4 If we go on to the next page, page 4, we see that  
5 this is a piece about SNR --

6 A. That's GTX.

7 Q. -- Mr GTX, who you have told us about?

8 A. Yeah.

9 Q. It gives some information, background information, about  
10 his prior history. We do see there that he was SNR

11 SNR --

12 A. Yeah, yeah.

13 Q. -- but had joined the staff as SNR in  
14 1953, so he had been there a fair time --

15 A. Yeah, yeah.

16 Q. -- . It says he obviously tells -- he  
17 taught at, and I think you say, he taught at prestigious  
18 mainstream schools, and  
19 , before he took up this position.

20 He appears, according to this, to have had extensive  
21 experience in voluntary youth work and other matters.

22 It says that he brings understanding and sympathy to the  
23 task of an approved school for  
24 boys. I don't know whether the time that you were  
25 there, did that confirm what they are saying there?

1 A. I think so, yeah.

2 Q. As far as you are concerned, your dealings certainly  
3 support that that is a reasonable statement?

4 A. Yeah, yeah.

5 Q. I suppose in any school, experiences will vary and some  
6 people will get on well and they will have had a good  
7 experience and other people may, with the same person,  
8 feel that they were a very different character?

9 A. Yeah.

10 Q. You would have to ask individuals how they perceived  
11 a person and whether they were as described or --

12 A. Absolutely, yeah.

13 Q. -- or different.

14 Then there is a bit as we go on about other staff  
15 and some news, I am not going to go through all of that.  
16 But I will say I think you actually contributed  
17 an article to this --

18 A. I did, yeah.

19 Q. -- as well, so we know that that confirms you were  
20 there. There is a lot about activities during the year.

21 If I go to page 10, there is a page headed 'The new  
22 boy'. This seems to be a contribution from -- is it one  
23 or more persons? It's hard to say.

24 Maybe if I look -- well, it looks as if there are  
25 different contributions and, I mean, if we -- the first

1       one doesn't look too complimentary.

2    A.  No.

3    Q.  It says:

4           'As I walked in that open gate, not even I could  
5       guess what fate, was waiting for me there, through two  
6       open clear-glass doors, and I was on a glass-like floor.  
7       He said to me you have been sent here to serve three  
8       full and tortured years. He then told me of Saturday  
9       leave, and many things that made me grieve for home life  
10      once again.'

11       Then it goes on:

12       'This tale of woe I now must end, for they are just  
13      about to send, us poor souls to bed to dream of freedom  
14      in the dark and the end of our stay in Thornly Park.'

15       That particular contributor doesn't seem to have  
16      been too happy with life in Thornly Park.

17    A.  I've no idea who that was.

18    Q.  We don't know who it was and we don't know what the  
19      basis of that was, but there are other contributions,  
20      perhaps that are of a different nature.

21       That is just an example, there are some things and  
22      then there is pieces about various activities that went  
23      on at that time.

24       I am not going to go into, but we can read them for  
25      ourselves?

1 A. And SNR [REDACTED]'s Dug -- SNR [REDACTED]'s Dug. His corgi.  
2 Q. Yes, the corgi, you mentioned that, so someone has  
3 written about that and so forth.  
4 I think we can just carry on and I will maybe just  
5 leave it there and go back to your statement, if I may,  
6 at this stage.  
7 On admission, you tell us that you, for the first  
8 two days, at 122 on page 27, you were escorted  
9 everywhere by what you call a merit badge boy or  
10 trustee, or a trusted boy?  
11 A. Yeah, yeah.  
12 Q. They had a system like that, where certain boys would  
13 have this merit badge status, yes?  
14 A. Yeah, that's correct, yeah.  
15 Q. You say you had a medical, which I think is fairly  
16 standard in these places. You were interviewed by  
17 Mr Fegan, who we mentioned earlier --  
18 A. Yeah.  
19 Q. -- and he said, you recall, that you had been sent to  
20 Thornly Park, not for committing a crime, but because  
21 a court had decided you were in need of care and  
22 protection?  
23 A. Yeah.  
24 Q. He said he would be keeping in touch with the social  
25 services and would ask them to look in on your father

1 from time to time and keep him informed.

2 A. Yeah.

3 Q. You got much the same, I think, from Mr GTX, and

4 indeed Mr GTX said to you, if you wanted to run away,

5 all you had to do was walk out, that the place was not a

6 locked --

7 A. It wasn't locked.

8 Q. -- institution.

9 A. It wasn't locked.

10 Q. He asked some information about your family and so

11 forth.

12 Indeed, you recall him saying he hoped you wouldn't

13 be in Thornly Park for long and you were assigned

14 a number.

15 A. Yeah.

16 Q. Just to be clear, that number was used, I think, as --

17 it was your school roll number?

18 A. Yes, that's correct.

19 Q. It would be used to identify items of clothing or

20 footwear?

21 A. Yeah, yeah.

22 Q. What were you actually called --

23 A. Everybody's number was sewn onto all their clothes.

24 Q. What were you called by staff?

25 A. Your second name.

1 Q. Second name. What did you call staff, apart from  
2 nicknames?  
3 A. Well, to be honest, some of them were really good.  
4 Q. Would it be 'Mr Something' or 'Sir'?  
5 A. Er, it was 'Mr'.  
6 Q. 'Mr', yes.  
7 You tell us about the daily routine and that there  
8 was a dormitory arrangement. You would be in  
9 a particular dorm?  
10 A. Yeah, uh-huh.  
11 Q. Was it determined according to your position on the roll  
12 which dorm you were in?  
13 A. It was age ascending.  
14 Q. Sorry?  
15 A. Age ascending.  
16 Q. So was the idea --  
17 A. The younger boys were in dormitory 1, the older ones,  
18 a little bit older, 2, and 3, and the elder ones 5.  
19 Q. I see. So the idea was to try and get boys of roughly  
20 the same age in a dorm?  
21 A. Roughly the same age, yeah.  
22 Q. From junior to the older?  
23 A. Yeah, yeah.  
24 Q. Was that the situation when you were there --  
25 A. Oh, yeah.

1 Q. -- throughout?

2 A. Absolutely, yeah.

3 Q. I suppose even if boys are of the same age, they may be

4 of different weights, sizes and heights so there could

5 be a disparity --

6 A. Oh, yeah, yeah, and maturity as well, of course.

7 Q. I'm sorry?

8 A. And maturity.

9 Q. And maturity, yes. Because we have heard of some

10 schools where boys of different ages, sometimes

11 appreciable differences, would be in one dorm together,

12 but that was not what happened at Thornly Park in your

13 time?

14 A. No. No. No.

15 Q. Okay. You tell us about the routine, and I am not going

16 to go through that in detail, we can read that for

17 ourselves about the routine, it's a broadly standard

18 type routine for this type of school.

19 A. Yeah, yeah.

20 Q. You tell us at 126 that it was compulsory for boys to

21 learn to swim and there was a pool in the school; is

22 that right?

23 A. Yeah, yeah.

24 Q. There were life-saving courses and that some boys did

25 the Duke of Edinburgh Award.

1 A. Yeah.

2 Q. There were also summer trips and I think we saw some  
3 examples of the trips in [REDACTED], if we look at  
4 that, for 1963?

5 A. Yeah.

6 Q. As far as contact with family is concerned, you say that  
7 after a few months, you were allowed Saturday home leave  
8 and a couple of weekend leaves.

9 So after a time or a spell of settling in, you were  
10 allowed leave --

11 A. Yeah, yeah.

12 Q. -- but in your case, it wasn't a very enjoyable  
13 experience --

14 A. No.

15 Q. -- because of your father's condition. He was  
16 deteriorating --

17 A. Yeah, yeah.

18 Q. -- and he had these various moods and moments that you  
19 told us about this morning. You tell us that you did  
20 get -- your father's sister, at 129, did write to you on  
21 a regular basis --

22 A. Yes, she did, yeah.

23 Q. -- and would send you postal orders and would tell you  
24 a bit about your father --

25 A. Yeah.



1 Q. -- in these letters and also your grandmother, I think  
2 her health was deteriorating at that time?  
3 A. Mm.  
4 Q. 129, you say that the grandmother's heart condition was  
5 getting worse?  
6 A. Mm.  
7 Q. Yes?  
8 A. Yes, that's correct, yeah.  
9 Q. You say you also wrote back to your father's sister; is  
10 that right?  
11 A. Yeah. Yeah.  
12 Q. You tell us that you attended classes until you turned  
13 15 in 1964?  
14 A. Yeah.  
15 Q. But here is something where you contrast education here  
16 with the education you were receiving in Quarriers,  
17 because you tell us your education didn't progress one  
18 iota, you had the same lessons, you say, if you could  
19 call them that, day in day out, and at least the  
20 majority of the teachers were not qualified teachers?  
21 A. They weren't qualified, no.  
22 Q. Indeed, you say one was a former probation officer, one  
23 had been in the RAF and another one had been a former  
24 army officer?  
25 A. I would say about Mr Mills, he did win the Distinguished

1 Flying Cross during the war and he had brought it in to  
2 show us it.

3 Q. It appears that there was certainly a -- at that time,  
4 maybe a preference for people that had some sort of  
5 military background?

6 A. Yeah, I think so.

7 Q. Was it ever explained why that background was seen as --

8 A. Particularly in a school like that, they wanted people  
9 with a military background who knew how to give orders.

10 Q. And control people?

11 A. And control people, yeah.

12 Q. I don't suppose they would insist on them having prior  
13 child care experience?

14 A. I don't think they had any child care experience.

15 Q. Certainly not experience of looking after vulnerable  
16 children --

17 A. Perhaps their own children.

18 Q. Yes, but not the type --

19 A. No.

20 Q. -- of school that Balrossie was?

21 A. Thornly Park.

22 Q. Sorry, Thornly Park.

23 A. Thornly Park, the boys in it, they all mostly came from  
24 Glasgow, west of Scotland. Most of them had, to use  
25 a good Scottish word, plonked school, they weren't

1       educated, whereas I had had a very good education in  
2       Quarriers and I was actually given the job of teaching  
3       some of them to read and write, because some of them  
4       were really illiterate, they just couldn't function, it  
5       was unbelievable.

6   Q.   I suppose that the combination of teachers without  
7       qualifications who didn't even have teacher training and  
8       boys of the description you have given, it would make it  
9       very difficult to receive an education, even if you  
10      wanted to, is that fair?

11  A.   Yeah, that's valid that, yeah.

12  Q.   You tell us, obviously, and I will not repeat it, you  
13      have already made the point, that you have explained why  
14      the two educations were different at 131 and what you  
15      had been taught at Quarriers and the contrast with  
16      Thornly Park. I think that is something that you  
17      obviously, looking back, you feel that in some way that  
18      is something that was -- that you didn't really get the  
19      education you ought to have received?

20  A.   Yeah, yeah.

21  Q.   Because of this move to Thornly Park?

22  A.   No.

23  Q.   I think you put it quite bluntly at 132, and I will just  
24      read out what you say, [REDACTED] Lees -- you call him [REDACTED],  
25      is that what his first name was?

1 A. I think it was [REDACTED].

2 Q. It has 'Wallace Lees' in [REDACTED]?

3 A. Oh right, yeah.

4 Q. You mean the headmaster?

5 A. The headmaster.

6 Q. '... and GTX [REDACTED] [REDACTED] over a completely

7 inadequate education system and didn't attempt to make

8 it better. During my formative years, I was denied a

9 decent education and, as far as I am concerned, this

10 denial was a breach of my human rights.'

11 I think you will probably know, or if you don't,

12 while we did, I think -- we were signatories to

13 a Convention, it was not part of the domestic law, the

14 European Convention --

15 A. No, no, I know.

16 Q. -- until more recent times but you are making the point

17 that when you measure the education against human rights

18 standards, you weren't getting something that amounted

19 to a proper education?

20 A. Exactly, exactly.

21 Q. I get the point you are making.

22 Then you say that when you stopped attending school,

23 I think the school leaving age at that stage would be

24 15, you were employed firstly in a paint shop in the

25 school, is that right?

1 A. That's correct.

2 Q. And then in the gardens?

3 A. Yes.

4 Q. You enjoyed the latter, is that right?

5 A. Oh, yeah, I got on great with Mr Burgoyne.

6 Q. You have a section about preparation for leaving

7 Thornly Park --

8 A. Yeah.

9 Q. -- and you say that there was a preparation in the form

10 of sending you to outside employment. From what you

11 tell us, it appears that what they thought was

12 appropriate was to give you some work experience on

13 farms, was that it?

14 A. Yeah.

15 Q. Why did they think that work experience on a farm would

16 be the best preparation for you, because you were

17 someone that liked reading books, you were more

18 educated --

19 A. I think that's all they had. That's all they had.

20 I remember that place, it was plucking turkeys, killing

21 and plucking turkeys and I didn't really take to it very

22 well.

23 Q. You didn't enjoy it, I think?

24 A. No, I didn't enjoy it, no.

25 Q. Did they never try and take account of your reading

1 abilities, your interest in reading, and ask you what  
2 you might have benefited from when you left?

3 A. No, I mean -- they just weren't interested. It was --  
4 it was -- you know, SNR [REDACTED], GTX [REDACTED], I think  
5 he was a bit gobsmacked when he realised that -- when I  
6 asked him some questions about Vincent van Gogh, he  
7 said, 'How do you know about Vincent van Gogh?', and  
8 I said, 'I've read a couple of books on him when I was  
9 in Quarriers Homes', and he said 'Mm', that was it, just  
10 'mm'.

11 Q. This was coming from a man who was steeped in approved  
12 schools, because he had been at Thornly Park since 1953,  
13 so it is not as if it is someone who is newly to the  
14 system, he must have known what he was dealing with  
15 before then and he felt you were perhaps rather more  
16 educated than he was expecting?

17 A. But he was a brilliant mathematician, and I mean  
18 brilliant. He could have taught classes in mathematics.

19 Q. He didn't do teaching in your time --

20 A. No, no, he didn't.

21 Q. Or only very occasionally presumably?

22 A. I think it was very occasionally.

23 Q. As cover, if there was sickness or whatever?

24 A. Yeah.

25 Q. So in a way it was a bit of a wasted talent?

1 A. Absolutely. Yeah.

2 Q. Okay.

3 A. I couldn't understand it, later on I couldn't just --

4 I just couldn't get it.

5 Q. Okay.

6 You tell us at 138, and I don't need to probably go

7 back over this, but this is what you told us I think

8 earlier, that when you were first admitted you did get

9 information from others about mistreatment by staff, and

10 you say you did witness yourself and other boys being

11 gratuitously slapped --

12 A. Yes.

13 Q. -- by staff?

14 You say when Mr GTX [REDACTED] SNR [REDACTED], this

15 stopped and you don't recall hearing or seeing similar

16 acts of violence against pupils by staff?

17 A. No, it stopped instantly. Stopped instantly. After

18 that, I never saw one act of violence against any boy in

19 the school.

20 Q. Have you ever been able to work out, if Mr GTX [REDACTED] had

21 been there from 1953 and if this had been going on,

22 [REDACTED] SNR [REDACTED], why he didn't do something

23 [REDACTED] SNR [REDACTED] to change things?

24 A. Well, maybe there was a conflict between him and Lees.

25 That he wanted it stopped but Lees was quite happy to

1 allow it to continue, because it was -- to me it was --  
2 it's all about control. If things are running smoothly,  
3 they don't want to upset the status quo. And that's  
4 what Thornly Park was all about, running smoothly.

5 Q. Okay, and I don't know whether -- I suppose that, given  
6 the tenure of Mr Lees, he was a good deal older than  
7 Mr GTX ?

8 A. He was, yeah. Yeah.

9 Q. I certainly think in other schools, we have sometimes  
10 heard that the headmaster was very much the authority.  
11 Did you ever get any sense of what his relationship,  
12 Mr Lees, was between him and other members of staff?

13 A. Well, I say he was very friendly with Mr Smith, the PE  
14 teacher, because he was into physical education and  
15 I always attended Mr Smith's classes 'cos I was  
16 a fitness fanatic in those days, and, er -- but you just  
17 didn't see Mr Lees, he came round very occasionally.

18 You'd mostly see Mr GTX , although he SNR  
19 SNR , and that's the person you saw. He was the one  
20 that done the rounds, he was the one that held -- if you  
21 went on a report, which I never did, that was the one  
22 you went in front of.

23 Q. You tell us about occasions on which there were these  
24 gratuitous slaps, and you almost felt as if it was  
25 an unwritten rule of the place, that, as you put it,



1       that if a staff member feels like slapping a boy, they  
2       could just do it with impunity and openly without any  
3       risk that it would have consequences?

4   A.   Yeah.   Yes, absolutely.

5   Q.   You say that you were not actually hit by any staff  
6       member in your time at Thornly Park --

7   A.   No, no.

8   Q.   -- but I think you have got an explanation for that,  
9       because you say --

10  A.   Football.

11  Q.   -- you were exceptional at football at that time, you  
12       were put in the school team a few days after you were  
13       admitted so perhaps you were in a different position to  
14       some who were not as exceptional?

15  A.   I was quite protected, yes.

16  Q.   So you wouldn't be representative of the boys in  
17       general?

18  A.   No.   No.

19  Q.   You tell us at 140, that there was a morning shortly  
20       after Mr Lees retired that you were kept in the dining  
21       room after breakfast and you tell us that some men who  
22       were not from Thornly Park staff came in and the names  
23       of several older boys were called out, and you say these  
24       were known bullies?

25  A.   Yes.

1 Q. You say they were taken away and 'we never saw them  
2 again'?

3 A. Yes.

4 Q. You later heard that they had been transferred to the  
5 Kibble, a senior approved school in Paisley, although  
6 you say the bullying didn't stop, because others came  
7 along and took their place?

8 A. Yeah, it's like --

9 Q. You may not know this but was there any indication that,  
10 [REDACTED] Mr GTX [REDACTED] had taken steps to get rid  
11 of the troublemakers and bullies?

12 A. I think he thought he was doing that but, as I say,  
13 others moved into their place.

14 Q. Yes, people will get older in an institution where there  
15 are different ages and they may do the things that  
16 happened to them when they were younger?

17 A. Yeah, but these were the younger brothers who were  
18 members of Glasgow gangs, vicious Glasgow gangs, and  
19 they were in Thornly Park, they were in other places as  
20 well, but mostly in Thornly Park 'cos that was the main  
21 school.

22 Q. It was a big school?

23 A. Oh, massive, yeah, it was over -- I think over 120 boys  
24 in it, yeah.

25 Q. Its catchment area to a large extent was Glasgow?

1 A. Glasgow.

2 Q. And the greater Glasgow area?

3 A. Yeah, yeah.

4 Q. When it comes to abuse, you have a particular section,  
5 and I will just deal with that then, on the subject of  
6 bullying in general, you say it was endemic --

7 A. Yeah.

8 Q. -- and you say:  
9 'The school was run by cliques from Glasgow who  
10 acted like the mafia.'

11 So that was the way of things in those days?

12 A. Yeah, yeah.

13 Q. You say:  
14 'They forced boys to shoplift and bring back goods  
15 when they returned from Saturday and weekend leave ...'

16 And that these goods would be smuggled in or  
17 secreted in the school grounds, so that was the way it  
18 operated?

19 A. Yeah, yeah.

20 Q. You tell us the type of things that they brought back.  
21 I suppose we are in the days before drugs?

22 A. Yeah.

23 Q. This is early 1960s.

24 A. Oh, there was no drugs or anything like that, none at  
25 all.

1 Q. Then you say that you in fact when you did go to Paisley  
2 on a Saturday afternoon, you would shoplift and --  
3 A. Yeah.  
4 Q. -- you were sometimes given cash to buy cigarettes and  
5 smuggle them in. Who was asking you to do this? Other  
6 boys?  
7 A. Other boys, yeah. You did it because if you didn't, you  
8 just got a load of hassle.  
9 Q. Were these boys older than you?  
10 A. Oh, yeah.  
11 Q. So you didn't argue?  
12 A. No, you didn't argue.  
13 Q. You did what you were told?  
14 A. You did what you were told, yeah.  
15 Q. Indeed, you tell us that as far as cigarettes are  
16 concerned, which I suspect was quite an important  
17 currency in the school --  
18 A. Oh, yeah, but I mean, to buy cigarettes in those days,  
19 you just went to the shop and said, 'They're for my  
20 parents', and that was it.  
21 Q. Yes, that's what you tell us, that it wouldn't be  
22 difficult to get hold of cigarettes?  
23 A. Absolutely not.  
24 Q. You tell us about what would happen in dormitories after  
25 lights went out --

1 A. Yeah.

2 Q. -- and you say if you didn't do it, this is didn't do  
3 the smuggling and things that you were told by the older  
4 boys, you were beaten in the dormitories after lights  
5 out?

6 A. Yeah.

7 Q. Is that the way it was?

8 A. Yeah, part of life. As I say, part of life.

9 Q. What you tell us is that if a boy was to be beaten, some  
10 of these cliques would sneak to the victim's bed, cover  
11 his face with a pillow and punch him in the body through  
12 the blankets, but never on the face?

13 A. Never on the face, and it wasn't hard, it was just to  
14 show they were in control.

15 Q. You say it wasn't hard, but I mean --

16 A. Well, yeah.

17 Q. It must have caused some pain, at times?

18 A. Well, I suppose it did but not much. I think they  
19 probably realised that if they did it too hard, they  
20 could have serious problems.

21 Q. Yes. So it was just -- as you put it, it's the way the  
22 cliques asserted their control then?

23 A. Exactly.

24 Q. It was a control thing?

25 A. Yeah, absolutely, yeah.

1 Q. It was not necessarily to give you a beating to within  
2 an inch of your life?

3 A. No, no.

4 Q. You say you experienced these beatings, well, this type  
5 of beating they have described?

6 A. Yeah, yeah.

7 Q. You say it was just a normal and accepted part of life  
8 in Thornly Park in those days?

9 A. Absolutely, yeah.

10 Q. I think you finish your sentence, your paragraph 143, by  
11 this important reminder for us, the worst thing you  
12 could do was grass?

13 A. Exactly, yeah.

14 Q. That was just an absolute taboo?

15 A. Yeah, yeah.

16 Q. Were you told what would happen if you grassed or did  
17 you know what would happen?

18 A. You knew what would happen, yeah.

19 Q. I mean, just spell it out for us, what do you think  
20 would have happened?

21 A. I think you would probably have been beaten up pretty  
22 badly.

23 Q. That might have been a bad beating, if you had done  
24 something like that?

25 A. I did remember something actually. About a boy who --

1       he had problems and he was beaten up badly, but outside  
2       the school, and not by anybody in the school. But by  
3       the brother of an inmate in the school. That sort of  
4       came back to me much later on, after I had written my  
5       statement.

6   Q. Was that because of something that happened within the  
7       school?

8   A. Something that happened, yeah.

9   Q. What seems to have happened, if that's the situation --

10  A. I don't know --

11  Q. No, sorry --

12  A. -- but I know he came back on a Saturday night, if  
13       I remember correctly, and he was all bloodied.

14  Q. Sorry, I was going to say, you have described  
15       a situation, but it could have been a situation where  
16       something has happened in the school and the boy in the  
17       school has basically fingered the boy, the other boy,  
18       and he gets beaten when he's out in the community?

19  A. Yes, when he's outside, yeah. Or when -- I think it was  
20       when he was coming back into the school, somewhere in  
21       Paisley, and they followed him. Yeah.

22  Q. Because Paisley could be a violent place in those days?

23  A. Oh, yeah, yeah, very violent.

24  Q. You also tell us a bit about sexual abuse, and you say  
25       that happened after lights went out, and it was older

1 boys preying on younger boys?

2 A. Yeah, yeah. Yeah.

3 Q. You say there is no need to go into the details but did

4 you see things that amounted to --

5 A. No, no. It was always happening -- it always happened

6 in dorm 5.

7 Q. Dorm 5?

8 A. Yes, that was the very older boys.

9 Q. So it was happening in the older boys' dorm?

10 A. Yeah, they would take the younger ones in.

11 Q. I see, they would take the younger boys from the younger

12 boys' dorm, take them to the older boys' dorm and do

13 something to them?

14 A. And that was it, yeah.

15 Q. Did that ever happen to you?

16 A. No, never happened to me, no. I was -- I had sprouted

17 by then and I was extremely fit. I don't think they

18 wanted to try and take me on.

19 Q. Did you see boys leave your dorm?

20 A. Yeah, yeah -- not my dorm. That was in 4. And it was

21 the way the dorms were set out, you had 1 and 2 were

22 here, and 3 and 4 were here, and 5 was here. So they

23 would bypass you on the corridor. That was how it

24 was -- you know.

25 Q. Could you hear people moving from one dorm to another?



1 A. Oh, yeah, yeah.

2 Q. Did boys speak about these things happening?

3 A. Er, no. Very, very rarely.

4 Q. Did they ever speak just about even being taken from

5 a dorm to go somewhere?

6 A. No, no. I think Ms Morrison, who became deputy matron,

7 very suspicious of certain things.

8 Q. Are you in any doubt that there was abuse by older boys

9 on younger boys?

10 A. Oh, yeah, (Inaudible) it happened.

11 Q. I think you put it this way, you say if anyone thinks it

12 didn't happen in a school with over 100 boys from the

13 ages of 13 to 16, these people need their heads

14 examined?

15 A. Exactly. That is the least euphemistic way I could put

16 it.

17 LADY SMITH: Did you realise at the time, 'McIntosh', that

18 this was happening?

19 A. Yeah, I think so, yeah, yeah.

20 LADY SMITH: What made you think that?

21 A. It was just -- it wasn't spoken about -- well, you

22 sensed it, you can sense things were happening and as

23 I say Ms Morrison, who came from the Western Isles,

24 became deputy matron and I think she knew it was going

25 on.

1 LADY SMITH: Thank you.

2 MR PEOPLES: You didn't need to witness it to be aware --

3 A. You didn't have to witness it.

4 Q. Then you tell us a bit more about life at night in the

5 dorms and what would go on --

6 A. Yes.

7 Q. -- at 145, you said there was a night watchman, I think

8 he was known at Wee Bob?

9 A. Wee Bob McConachie, yeah.

10 Q. He would patrol dorms every hour after lights out until

11 morning?

12 A. He had a box, and on each dormitory there was a key, and

13 he had to put the key into the box and turn it, that was

14 proof that he had visited that dormitory.

15 Q. It was a bit like clocking in?

16 A. Like clocking in, yeah, it was a clock of some --

17 Q. So it would be a way of knowing if he had done the

18 check?

19 A. Yeah, yeah.

20 Q. But once he did the check, he went back to his office or

21 wherever he stayed?

22 A. Yeah, he had a -- he had a -- it was like a suite, and

23 a kitchen and a bedroom and he actually lived there and

24 he put on bets for the staff at the bookies up the road.

25 Q. He would go out to put bets on?

1 A. Sorry?

2 Q. No, he wouldn't be going out -- oh, he would do that  
3 during the day?

4 A. Yes, during the day.

5 Q. Oh, sorry, yes.

6 At night he had a suite, was he expected to stay  
7 awake between checks?

8 A. Yeah, I suppose so, yeah. He was, yeah.

9 Q. You say that when he went back to his room or his suite,  
10 the dorms came alive, particularly 4 and 5, which were  
11 the furthest from his office --

12 A. Yeah, yeah.

13 Q. -- and that's where the older boys were?

14 A. They always -- yeah, they always came alive, yeah.

15 Q. You say that the system was that one boy would be the  
16 lookout, it sounds like a bank robbery this, but --

17 A. It's called 'keeping cave' or 'tally' --

18 Q. You say that that actually wasn't that necessary,  
19 because Bob rarely left his room, other than to do the  
20 checks?

21 A. No, he was -- everybody liked him though, he was just --  
22 it was just a ridic -- everybody liked him.

23 Q. I suppose what you tell us is he had an alarm clock to  
24 wake him if he fell asleep, so I suppose --

25 A. You could hear it, you could hear it, yeah.

1 Q. You would hear it go off sometimes?

2 A. Sorry?

3 Q. You would hear the alarm go off?

4 A. Oh, yeah, you would hear the alarm go off, yeah.

5 Q. It probably means he did fall asleep then, if he didn't

6 wake up before it went off?

7 A. Yeah.

8 Q. You say that boys would leave the dorm at night because

9 there was a key --

10 A. Yeah.

11 Q. -- that enabled them to get out the kitchen door and

12 that was left unlocked, you say from 4.00 am to allow

13 delivery drivers to --

14 A. Delivery drivers, you had two -- a woman, a cook, and

15 her assistant who would come in each morning to do

16 breakfast. Then about 10 o'clock, after they finished,

17 the day chefs come in, but in the morning, the company

18 that brought the milk and the bread et cetera, would

19 actually deliver it and that was it. They'd bring it

20 into the kitchen and then leave it.

21 Q. They would bring it in the early hours?

22 A. In the early hours, at 4 o'clock, yeah.

23 Q. Of course, then there would be a door that could be

24 accessed by the boys?

25 A. That's correct, yeah.

1 Q. What you tell us is they would sneak out and I suppose  
2 they would do various things, collect shoplifted goods  
3 or anything secreted in the grounds, would they  
4 sometimes abscond?

5 A. And burgle houses, yeah.

6 Q. Burgle houses, okay.

7 Indeed you also say it was not just a one-way  
8 traffic system, because brothers of inmates would come  
9 to school and use that access to see their brother?

10 A. Come up, stay with the boy under the bed when Wee Bob  
11 was around checking the dorms. You know, we always  
12 thought he knew, but he just ignored it.

13 Q. Yes. Would it have been in his interests to make  
14 anything of it?

15 A. It wouldn't be, no.

16 Q. No. You tell about leaving Thornly Park, 'McIntosh',  
17 and you say that that happened in 1965 and I think your  
18 father was not in hospital at that stage but it was  
19 a pretty intolerable experience, as you put it?

20 A. Yeah.

21 Q. That you did do some work in a factory?

22 A. Yeah.

23 Q. And then a bakery?

24 A. Yeah.

25 Q. Then you tell us about an occasion when you were having

1 a night out in Dumbarton, broke a shop window, stole  
2 a jacket and was charged with theft, appeared in court  
3 and was remanded on bail. I think you were further  
4 remanded for reports and the hope of your solicitor,  
5 which turned out to be misplaced, was that you would get  
6 probation, but you say that unfortunately when you  
7 appeared for sentencing, it was a sheriff, a different  
8 sheriff that was dealing with the case --  
9 A. Yeah, yeah, yeah.  
10 Q. -- and you were sentenced to borstal training?  
11 A. Yeah.  
12 Q. It says that I think you learned from your solicitor,  
13 151, that the sheriff sent you to borstal because you  
14 believe -- you were told your father had said to the  
15 probation officer that you were out of control and that  
16 you wouldn't help him or do anything about the house?  
17 A. Yeah, yeah.  
18 Q. So you say you were 16 and eight months, and you say,  
19 quite frankly, you didn't know how to help a man who was  
20 turning 65 with serious mental health problems, probably  
21 including dementia. That was what you were faced with?  
22 A. Yeah.  
23 Q. But your father was saying you weren't helping him, and  
24 you were beyond control?  
25 A. Yeah.

1 Q. You also say that you have a recollection that the  
2 detective who was in charge of the investigation of your  
3 case did visit you after your sentence and he expressed  
4 surprise at the harshness of the sentence?

5 A. Well, Angus Macleod was the first officer there, he was  
6 there when my brother was killed, he was a uniformed  
7 officer, and he was the first on the scene when my  
8 brother was killed. And he told me that [REDACTED] probably  
9 had forgotten which side of the road he was on, you  
10 know, when he was driving, you know, in Germany you  
11 drive on a different side of the road, and, he -- yeah,  
12 he thought it was very harsh. But, you know, I hadn't  
13 done anything from '58 to then.

14 Q. I am going to stop there, 'McIntosh', because in  
15 relation to the further establishments that you spent  
16 time in, that evidence has already been read in during  
17 an earlier part of this case study.

18 A. Right, yeah.

19 Q. So we have it all there, so I am not going to repeat it  
20 today. You can be assured it was read out and we know  
21 what is said there and we obviously know what did happen  
22 in some of the places that you were sent to --

23 A. Yeah.

24 Q. -- at that stage.

25 You have some interesting things to say, and I think

1 I do remember them, about the petitions to the Secretary  
2 of State because of the concern about the new governor  
3 in Edinburgh, which is something that I think I have  
4 actually remembered because I think I read it out  
5 earlier in this case study.

6 LADY SMITH: Likewise I remember that, 'McIntosh'. It  
7 didn't work, did it?

8 A. Sorry?

9 LADY SMITH: It didn't work, the petition?

10 A. No, no.

11 LADY SMITH: But you had a good go?

12 A. Yeah, mm.

13 MR PEOPLES: You had a good go and I think it was 'HEO  
14 HEO' that you were seeking to protest against,  
15 I think that was his nickname or name --

16 A. 'HEO', yeah.

17 Q. In fact I think he featured recently in a  
18 about Barlinnie?

19 A. He was? He was?

20 Q. Mr HEO, yes.

21 A. I didn't know that.

22 Q. There was one on television?

23 A. I live in England, so that's probably why --

24 Q. If you do have the channels, you may be able to see it,  
25 it takes you back to life in an earlier time at



1       Barlinnie --

2   LADY SMITH:  You don't have to, it's all right, that wasn't

3       an instruction.  If you don't want to go there, you

4       don't have to.

5   MR PEOPLES:  It's if you were interested, that's all I'm

6       saying.

7   A.  Well, I will.

8   MR PEOPLES:  These are all the questions I have for you

9       today, and I would just like to thank you very much for

10       coming and making the effort to come and help us and

11       assist us beyond the evidence you have already provided.

12       I will just wish you a safe journey home and

13       a relaxing weekend.

14   A.  Okay, right, thank you.

15   LADY SMITH:  'McIntosh', can I just add my thanks before you

16       go.

17       As I said at the beginning, I expected it to be

18       really helpful to hear from you in person, and it has

19       been, in addition to your witness statement.

20   A.  Thank you, my Lady.

21   LADY SMITH:  I am really grateful to you for your patience,

22       the diligence that you have applied, and the good will

23       with which you have delivered to us all that you can

24       remember.  It's tremendous.

25   A.  Thank you, my Lady.

1 LADY SMITH: Safe journey back and I hope you have a good  
2 weekend when it comes.  
3 A. Thank you.  
4 LADY SMITH: We will tidy up, don't worry.  
5 A. Okay. Right. Oh, a bit stiff now. Thank you, my Lady.  
6 Thank you.  
7 (The witness withdrew)  
8 MR PEOPLES: We are now turning to read-ins, I wonder if  
9 I can just have a few minutes and -- I am moving on to  
10 a read-in just now, but I would just like a few minutes  
11 before --  
12 LADY SMITH: To get it sorted out.  
13 We will take five minutes or so just now,  
14 Mr Peoples.  
15 MR PEOPLES: Thank you.  
16 (2.39 pm)  
17 (A short break)  
18 (2.45 pm)  
19 'Mark' (read)  
20 MR PEOPLES: My Lady, the first read-in this afternoon is  
21 from someone who is an applicant that has the pseudonym  
22 'Mark'.  
23 LADY SMITH: Thank you.  
24 MR PEOPLES: His statement is WIT.001.003.0001.  
25 'Mark' was born in 1960, and he tells us about life

1 before care from paragraph 2 in his statement. He was  
2 the second youngest of 11 children. He tells us that  
3 life at home was good, he was brought up in Glasgow, and  
4 he went to primary and secondary school in the  
5 community. Then he says that, at the age of 11, he  
6 stole money on a bus, went to a children's panel, he is  
7 not sure what happened on that occasion, but says, when  
8 he was 12, he stole trousers from a shop, the police  
9 interviewed him in connection with that matter and told  
10 him that if he returned the trousers nothing would  
11 happen. He did so, and a few weeks later he appeared in  
12 front of a panel and was told that he would be going  
13 into residential care for a period of three weeks.

14 He was then taken by a social worker to Balrossie.  
15 He says he had never had a social worker before he went  
16 into care. This is at paragraph 5. He says he cried  
17 the whole way to Balrossie and, indeed, he says he had  
18 never stayed away from his own home before then.

19 From paragraph 6 onwards he tells us about  
20 Balrossie, which was then, I think, a List D school.

21 SNR [REDACTED] was Mr GKF [REDACTED], this is  
22 paragraph 7. He says, apart from one time when he ran  
23 away, he never really had any dealings with SNR [REDACTED]  
24 SNR [REDACTED]. The only other member of staff that he  
25 remembers, and this is apparent from what he tells us

1 later on, was a person called Mr GYW . He  
2 says the whole time that he was at Balrossie, he had to  
3 call Mr GYW 'sir'.

4 He describes the school -- I am not going to go  
5 through all of that -- and some of the boys he remembers  
6 being there in his time.

7 He talks about routine from paragraph 11 onwards, on  
8 page 3, and on his first day -- this is at  
9 paragraph 11 -- he says that he met, I think, SNR  
10 SNR and Mr GYW . He says Mr GYW took  
11 him into the dining room and, while the social worker  
12 that brought him and SNR were somewhere else,  
13 he was crying and he says that all of a sudden, he was  
14 punched on the side of his head by Mr GYW with his  
15 fist and told that there would be no crying here.

16 He said:

17 'I was shocked and scared but realised that I had to  
18 stop crying.'

19 He has another account at paragraph 36 which may be  
20 the same matter, but I will come to that when dealing  
21 with the section on abuse.

22 He has had a particular introduction on day 1,  
23 involving an assault.

24 He tells us about routine, and I am not going to  
25 read all of that today, it is there, but he tells us, at

1 paragraph 15, that a bell would sound in the morning, he  
2 would get up, get dressed, make his bed and fold his  
3 clothes and lay them out. He then says:

4 'We would have to stand by our beds and wait for  
5 Mr GYW to come in and inspect the room. He would  
6 check everywhere for dust and check our beds were made  
7 correctly.'

8 This has shades of a detention centre or a  
9 military-type regime.

10 LADY SMITH: Yes, bed block system.

11 MR PEOPLES: Moving on, on the issue of cigarettes, he tells  
12 us at paragraph 21 on page 5:

13 'We weren't allowed to smoke cigarettes. The staff  
14 didn't allow us. It didn't stop us. There was  
15 a disused outdoor swimming pool in the grounds where we  
16 used to go and smoke before our evening meal. If you  
17 were caught smoking, Mr GYW would punch and kick  
18 you.'

19 Then as far as birthdays are concerned at  
20 paragraph 27, he says, when it was his birthday he  
21 didn't get a cake or any presents.

22 As for visits and inspections and so forth, he says,  
23 paragraph 28:

24 'I never got any visits from any of my family when  
25 I was there. I never saw a social worker either.

1       No one came to visit me.'

2           He says:

3           'I was never encouraged to write any letters home to  
4       my family.'

5           He has a section on running away that starts at  
6       paragraph 31. He says there was one occasion when 20  
7       boys ran away and he was picked up and driven back to  
8       Balrossie by the police. But he says:

9           'They never asked why I ran away. When I got back  
10      I was caned.'

11          I mean, the number that ran away might suggest that  
12      there was something very significant happening that  
13      caused 20 boys on one occasion to run away, so it is  
14      a little bit different from running away in ones or  
15      twos, but it is there, that's an occasion he recalls.

16          If we go to the section on discipline, at  
17      paragraph 33, this echoes, I think, what happened in the  
18      morning:

19          'We had to sit down at the dining room table  
20      a certain way. We stood beside our seats until we were  
21      told to sit down. We then had to put the seats down  
22      together so they all clicked together at the same time.  
23      Like a performance at the military tattoo. At the  
24      dinner table we had to sit with our heels together,  
25      elbows off the table and no talking. When we were

1 sitting in the Transit van going anywhere, we had to  
2 have our arms folded and feet together.'

3 He said:

4 'We had a rule book and all these things that we  
5 were not allowed to do were listed in there.'

6 Then he has a section headed 'Abuse at Balrossie',  
7 that starts at paragraph 35:

8 'Mr GYW regularly hit me, usually if I had done  
9 something wrong. He would punch me to the head or body  
10 or wrap my head with his knuckles. Sometimes he would  
11 kick me in the shins. He would often do this when he  
12 was inspecting our bed spaces in the morning. If there  
13 was something out of place, he would kick me once on the  
14 shins and upset the bed and throw all of the stuff on  
15 the floor.'

16 He says, at paragraph 36:

17 'On the first morning after I arrived, I went into  
18 the dining room for my breakfast. There were cornflakes  
19 in a bowl at my place. I couldn't believe it. I had  
20 never had cornflakes before. This was going to be  
21 a treat. I forgot to pick the chair up. Mr GYW  
22 came over and punched me on the side of my head. I fell  
23 or probably flew off my chair and hit the ground.'

24 He says that is all he can remember of the incident,  
25 apart from the fact that he didn't get his cornflakes.

1           At paragraph 37, he says that each morning, he was  
2           given some form of medication to drink after breakfast.  
3           He says all the boys that were with him had to do the  
4           same, that Mr GYW would have a tray in front of him  
5           and would call tables out one by one and they would line  
6           up and would be given a small plastic cup with some  
7           liquid in it. He says it tasted bitter orange, but he  
8           was never told what it was or why he was taking it and  
9           he never asked.

10           He says he cannot remember if that medication had  
11           any immediate effect on him. He says:

12           'I don't remember a lot from my time at Balrossie,  
13           so I wonder if the medication had that effect on me.  
14           Some months later we started to get the same medication  
15           given to us when we were in the recreation room in the  
16           evening before going to bed. As far as I know, all the  
17           boys took this medication. I just seem to remember that  
18           I used to sleep a lot when I was there, far more than  
19           a boy of my age should have.'

20   LADY SMITH: It is very difficult to know what that was,  
21           Mr Peoples, in that era, there was also  
22           a vitamin-enriched orange that you could get, and  
23           I think it was government supply for children. It could  
24           have been something like that.

25   MR PEOPLES: Well, yes, it is there and he obviously --



1 I think one of the points is that he certainly wasn't  
2 given an explanation of what it was and that in itself  
3 is probably something they ought to have done if it was  
4 for perfectly legitimate reasons.

5 He does talk about something later on which maybe  
6 bears on this, but he tells us about that and he also  
7 says that in terms of the regime:

8 'We weren't allowed to talk at any time when we  
9 were in the building.'

10 Then he recalls an occasion at paragraph 40 where he  
11 said he hadn't been there that long when he got some  
12 black shoe polish on his hands. He said he couldn't get  
13 it off and he had to go to see Mr GYW to tell him.  
14 Mr GYW took him into the toilet where the shower  
15 was. Mr GYW stood behind 'Mark' and started  
16 scrubbing his hands with a small brush. He says, when  
17 he was doing this, he was grinding his groin into  
18 'Mark's' back. 'Mark' says:

19 'I don't know if he was aroused or not. I was  
20 scared because I knew what he was doing wasn't right.'

21 He says that the morning after he ran away with the  
22 other group of boys mentioned earlier, he was taken to  
23 Mr GKF office, SNR. Mr GYW was  
24 present:

25 'Mr GKF asked me why I had run away but I told him

1 I didn't know why. He asked if I thought if I should be  
2 punished and he went on, and on, until eventually  
3 I agreed that I should.'

4 He says:

5 'They [I think he means the staff] turned me round  
6 to face the desk and bent me over it and pulled my  
7 shorts down. Mr GYW went round the other side of  
8 the desk and held onto my wrists on top of the desk.  
9 Mr GKF then started caning me on my bare backside.  
10 I don't know how many times he hit me, because I passed  
11 out.'

12 There is reference to caning, it is difficult to  
13 know whether -- because we did hear from one person  
14 about another place where the person [REDACTED]  
15 [REDACTED] used a cane and Mr GKF, funnily enough, [REDACTED]  
16 [REDACTED]  
17 an [REDACTED] approved school.

18 LADY SMITH: Garden canes would have been readily available  
19 at Balrossie, because of the gardens in the grounds.

20 MR PEOPLES: It is just the expression he uses rather than  
21 belting, but that is his evidence on that matter.

22 Certainly, pulling the shorts down, whether it was  
23 cane or a belt, wasn't within the rules.

24 Then he says, at paragraph 42, that he remembers  
25 being in a room, which must have been a classroom, he

1        said he was looking about the room and then all of  
2        a sudden, Mr GYW grabbed the back of his head and  
3        smashed his face down into the desk and his nose was  
4        bleeding as a result. He can't remember if he received  
5        any medical attention for that.

6        Then at 43, he goes on that another time he was in  
7        the classroom and was made to pick up a weights  
8        dumbbell. It was fine picking it up, he says, and  
9        holding it:

10       '... but at some point I got some kind of electric  
11       shock. It must have been wired up. I can't remember  
12       who did this to me. I don't know if it happened to any  
13       of the other boys.'

14       We have heard things of that type in other  
15       situations.

16       He goes on, as far as showering is concerned:

17       'Mr GYW was always there when we were  
18       showering. We were never allowed to look at him at any  
19       time, not just when we were in the showers. I think  
20       this was so we didn't see what he was looking at when we  
21       were in the shower. He had a special towel which he  
22       rolled up in a certain way. He loved flicking and  
23       whipping us with it. He called it his "cat's tail". If  
24       you dared to look at him, he would whip you. He whipped  
25       me several times.'

1           He says also that Mr GYW would sneak up on  
2           'Mark' when he was on his knees scrubbing floors. He  
3           said.

4           'You wouldn't know he was there until he "toed" you  
5           in the backside. It wasn't a kick like kicking  
6           a football, it was more like a prod. He always wore  
7           Doc Marten boots, so it wasn't particularly pleasant.'

8           He then goes on to tell us that Mr GYW took  
9           boys canoeing to Lochwinnoch and would take three boys  
10          at a time:

11          'He would make one of us sit at the back of the bus,  
12          one in the middle and one in the front. He said we  
13          weren't allowed to look at each other. We had to sit in  
14          the minibus with our arms folded and had to look  
15          straight forward all the time. When we got there, we  
16          got changed at the minibus. He wouldn't let us close  
17          the minibus doors. He said he was taking photographs of  
18          the scenery, but I am sure he was taking photographs of  
19          us getting changed.'

20          Then he tells us what happened when Mr GYW was  
21          teaching boys canoeing, he says:

22          'Mr GYW taught us how to exit the canoe if it  
23          capsized. First of all we did it without the skirt  
24          which you wear and it clips round the cockpit.  
25          I flipped over and pushed myself out. The water was

1 freezing cold. That was fine. We did it again and  
2 again, but each time he was holding me under the water  
3 longer and wasn't letting me get out. We then did it  
4 with the skirt clipped on to the cockpit. It was  
5 getting worse, because he was stopping me from getting  
6 up. He even had his hand down my trunks and was  
7 touching me between the legs when I was under the water.  
8 This was all a horrible experience for me and I was sure  
9 I was going to drown. We went for a canoe and when we  
10 got back, I started to get out of the canoe and  
11 Mr GYW was helping me. That was when I realised  
12 that I had shit myself.'

13 He says:

14 'I remember when I came out of the water I was  
15 shaking all over, my teeth were chattering  
16 uncontrollably. When we got back to Balrossie, there  
17 was a Radox bath waiting for us. Mr GYW told the  
18 three of us to get stripped, get in the bath, put our  
19 heads under the water and then stand up. When we had  
20 done that, he put shampoo on our heads and told us that  
21 we weren't to open our eyes or the shampoo would blind  
22 us. We were all facing the same way, one behind  
23 another. I shut my eyes and he started washing my hair  
24 then washing my body. He was rubbing me between the  
25 legs and it was the first time in my life that I had

1 an erection. I didn't know what was going on. He then  
2 rinsed the soap off and told us to get out and get  
3 dried. I cannot remember who the other two boys were  
4 and I don't know why I can't. I didn't see him washing  
5 them.'

6 He then says there was another occasion when he went  
7 canoeing. He said he was told to go to the dining room.  
8 There were two other boys there.

9 'The van was sitting outside and we were told to get  
10 in the van...'

11 'Mark' was sitting in the front, someone else in the  
12 middle and a third boy at the back. He says:

13 'When we got in the van, there was a bottle of juice  
14 on our seats. It was a bottle of Solripe. Mr GYW  
15 was driving and he told us we could drink the juice.  
16 When we got to a junction, instead of turning left  
17 towards Lochwinnoch, he turned right. I drank my juice  
18 and before I knew what was happening, I had fallen  
19 asleep or had passed out. I woke up at one point and  
20 briefly saw a big red thing, then after a while was on  
21 a very narrow road and there was a body of water on the  
22 right-hand side. I fell asleep again and the next thing  
23 I remember was Mr GYW carrying me into a building.  
24 He put me on the bottom bunk of a set of bunk beds.  
25 I had no idea where I was.'

1           The then he goes on at paragraph 50:

2           'The next thing I remember was waking up and  
3       Mr GYW was performing oral sex on me. I fell  
4       asleep again. I woke some time later and I remember it  
5       was absolutely pitch black outside. There were no  
6       street lights and it was the darkest I have ever seen.  
7       I have no idea how long I was in this bed for. The next  
8       thing I remember was driving back to Kilmacolm from  
9       a different direction.'

10          He then says that there was a night when the fire  
11       service came to Balrossie. He thinks it may have been  
12       on his birthday. He says, 'We were all watching what  
13       was going on. When they were leaving [the firemen], Mr  
14       GYW who had been standing behind ['Mark'], picked  
15       ['Mark'] up and put his hand over ['Mark's] mouth and  
16       nose.' 'Mark' says he knew he couldn't kick out at him  
17       and before he knew it, it felt like he was sinking and  
18       drifting away and he says he passed out and that when he  
19       woke up he was in his pyjamas in his bed and doesn't  
20       know how he got there.

21          He says:

22          'We never got any water to drink at Balrossie,  
23       Mr GYW wouldn't let us drink it. I remember being  
24       so thirsty I once flushed the toilet and drunk that  
25       water.'

1 I am not sure whether is because 'Mark' may have  
2 been a bed wetter as well, because we did hear some  
3 evidence about --

4 LADY SMITH: Not being allowed to drink after 4.00 pm or  
5 something, yes.

6 MR PEOPLES: There was evidence to that effect, but that is  
7 his experience.

8 He says:

9 'Although there were all these other boys in there  
10 with me and I had friends, I still felt very isolated  
11 and alone.'

12 'Mark' says he didn't see Mr GYW or Mr GKF hit  
13 any of the other boys, but he says:

14 'I was only concerned about myself when I was  
15 there.'

16 He says, as regards reporting, that he never spoke  
17 to any of the boys who went on any of canoeing trips  
18 with him or who were with him when he was taken to the  
19 place where Mr GYW performed oral sex on him.

20 He says he never told his mother when he was home  
21 for weekend leave:

22 'I don't think I was aware at that time that I was  
23 being drugged.'

24 Then he says at 56:

25 'I believe I was at Balrossie for around a year.'



1           He says various activities were done at that stage  
2 before he left.

3           He says he was 13 when he got out and I think that  
4 would be either [REDACTED] 1973 or perhaps [REDACTED] 1974.

5           He then has a section on life after care. I am not  
6 going to read all of that today. There are quite a lot  
7 of ups and downs, more downs than ups I think, but one  
8 thing I will say on that section is at paragraph 63, he  
9 says that when he was in Barlinnie Prison, doing  
10 a sentence for theft, at one point someone shouted that  
11 SNR [REDACTED] was coming through and when that happened,  
12 he said, the inmates had to stand up. He says:

13           'I couldn't believe it when he went past, it was  
14 GYW [REDACTED]. After I saw him, my head was a mess  
15 and I didn't know what was wrong with me. I had  
16 a massive feeling of fear because of seeing GYW [REDACTED]  
17 again. It brought everything that happened to me at  
18 Balrossie back to me.'

19           He says at 64:

20           'After seeing GYW [REDACTED], I tried to commit suicide  
21 twice. I had been in front of Mr GYW [REDACTED] between these  
22 attempts.'

23           He says in that paragraph:

24           'There is no doubt in my mind that I had some sort  
25 of mental breakdown because of seeing Mr GYW [REDACTED] and

1 I was completely irrational.'

2 Then he has a section 'Impact', and again he

3 mentions Mr GYW at 67, under this section:

4 'It was because I saw GYW in Barlinnie that

5 made me want to end my life. Because of the times

6 I tried to end my life, I am paralysed from the neck

7 down and I am confined to a wheelchair ...'

8 He says:

9 'There isn't a day that goes by that I don't think

10 about my time at Balrossie and the abuse I suffered.'

11 He has had some help from a psychiatric nurse which

12 has helped to stop and control drinking and drugs, which

13 he tells us about.

14 He says at paragraph 70 that he has given

15 a statement in the past to the police about abuse at

16 Balrossie, but he hasn't heard anymore about the matter

17 since then.

18 On page 18, his final page, he has signed his

19 statement with the usual declaration, and it is dated

20 5 November 2019.

21 LADY SMITH: Thank you.

22 'Sean' (read)

23 MR PEOPLES: Can I now move to another applicant, who has

24 a pseudonym 'Sean', and his statement is

25 WIT-1-000000855.

1 LADY SMITH: Thank you.

2 MR PEOPLES: It is a long statement. I will take certain  
3 sections and the rest I think we can read in due course.  
4 Can I begin by just saying that 'Sean' was in  
5 a number of institutions between about 1989 and 1996.  
6 He had previously been in foster care at an earlier  
7 stage, but there isn't very much information on that.

8 LADY SMITH: Born in 1983, I see.

9 MR PEOPLES: He was born in 1983 and he was in three  
10 children's homes before he went to Balrossie in 1996 and  
11 stayed there until 1997. Secondary Institutions - to be published later  
12 Secondary Institutions - to be published later  
13 Secondary In That's the background to his time at Balrossie.  
14 It is not again an unfamiliar background.

15 If I can, with that introduction, just go to the  
16 statement. He tells us that he was born in 1983, and he  
17 has a section on life before care between paragraphs 2  
18 and 17. I will take this fairly short. He says he was  
19 born in Paisley, he has no idea if his dad was ever part  
20 of his life as a baby, but growing up he didn't know who  
21 he was. He gives us more information about his being  
22 brought up.

23 At paragraph 5 I think it is perhaps summarised by  
24 saying:  
25 'The scheme I stayed in, our home, the schools, and

1 the children's homes were all places of violence.'

2 He certainly gives a description at paragraph 5 of  
3 a scheme where there was low income families, poverty,  
4 houses with families who had problems with alcohol and  
5 he says that there were drugs but not maybe to the same  
6 extent as there may be now.

7 He says it was normal for families like his to be  
8 struggling for food and all of the children were small  
9 for their age and undernourished. He says getting  
10 battered and hurt came to mean nothing, so going through  
11 life, he said, he felt more confusion than fear.

12 As for his mother, at paragraph 6 'Sean' tells us  
13 that she was never there and drank a lot and that her  
14 children were used to being hit with belts, sticks and  
15 walking sticks. He says:

16 'There was never any food in the house and things  
17 like that. My mum would go out drinking at the weekend  
18 and she would be away all weekend.'

19 Then he says at paragraph 8 that he has seen records  
20 which do indicate that he was in foster care between  
21 [REDACTED] 1985 and [REDACTED] 1986, but I think he is relying  
22 on records for that.

23 LADY SMITH: Yes.

24 MR PEOPLES: He believes that he was put there because of  
25 injuries he may have suffered, I think, in the community

1 and his home.

2 He says that records show that he went back to live  
3 with his mum in [REDACTED] 1986 through to [REDACTED] 1989,  
4 so it was a period at home for almost three years, with  
5 social work involvement in that time.

6 It does appear that the picture didn't change very  
7 much, as far as his domestic situation was concerned.  
8 Indeed, he says at the top of page 4 that there was no  
9 affection, the children -- he and his siblings would be  
10 sleeping in school uniforms for two days in a row. They  
11 were dirty, he says, as far as affection was concerned:

12 'I wasn't brought up used to any adult touch, such  
13 as cuddles or hugs. We were starving as there was no  
14 food, so we would either go shoplifting or steal packed  
15 lunches belonging to other pupils.'

16 It appears that he and a brother became rather adept  
17 at shoplifting.

18 He says as far as he can remember that they always  
19 had social workers involved in the family. He has  
20 a further description at paragraph 13, which I will not  
21 read, about his mother, and how she was very disturbed  
22 and obviously had a drink issue.

23 As for school, at paragraph 16 he said he had a lot  
24 of problems at school and was excluded or suspended all  
25 of the time.

1           Then he says at paragraph 17, to round this section  
2       off:

3           'My files will say that because I suffered severe  
4       trauma at a very young age I was a very vulnerable and  
5       very disturbed little boy. These were comments that  
6       were repeated throughout my records. I started smoking  
7       before I was nine years old, but I was not inhaling.  
8       When I got to nine, that's when I started inhaling.'

9           Then he tells us in the next section from paragraphs  
10       18 to 31 about his time at a children's home in  
11       Renfrewshire. The records say he was there between  
12       [REDACTED] 1989 and [REDACTED] 1989, so it was a relatively  
13       short spell there.

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6 and he tells us he left and he went back to his  
7 mother and he says nothing ever changed any time he got  
8 out of care. He is basically saying the same picture at  
9 home when he was not in residential care.

10 He then was placed in a second children's home, and  
11 he tells us about that at paragraphs 32 through to 134.

12 His records say that in this second home, he was  
13 there from [REDACTED] 1991 to [REDACTED] 1993, that is a period of  
14 about two years, from the ages of seven to nine.

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13 Secondary Then he has a section on why he left.

14 He then tells us about a third children's home in  
15 the south-west of Scotland at 135 to 240, which he went  
16 to next. He has quite a lot of evidence about life  
17 there which, again, I am not going to read at length.

18 He tells us at 147 that his records showed that he  
19 arrived in [REDACTED] 1993 at this home and stayed until  
20 [REDACTED] 1996. So he was there a substantial period of  
21 time from the ages of nine to age 13. Secondary Institutions - to be publis

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19 He then moved to somewhere, I think that is part of  
20 the same set up, he tells us about that at 240 to 307.

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24 He doesn't remember the date when he moved  
25 there, but he thinks it was in [REDACTED] of 1995 and if

1       that is right, he would be about 12 then.

2           He says the reason that there is no record that he  
3       can find is that the place he moved to was treated as  
4       a continuation of his existing placement, albeit just  
5       a different location. I think that's what he is telling  
6       us, as far as one can tell.

7   LADY SMITH:   Yes.

8   MR PEOPLES:   Secondary Institutions - to be published later

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21 Then he comes to the section where he tells us about  
22 Balrossie, and he says at 306:

23 'I was aware of Balrossie and knew what it was like  
24 beforehand ...'

25 Because he says his brother was there and he went

1       for a visit before he was admitted.

2       He says at 307:

3       'Balrossie seemed all right on my visit. It had

4       a bad reputation since I was a wee boy ...'

5       And he knew all about it before he was in one of

6       these earlier homes.

7       He says, as far as contrasting it with the homes

8       that he had been in:

9       'Balrossie was seen as a more fearsome place, even

10      though it was still just a residential placement.'

11      He is saying it is not a borstal, but it is seen as

12      a step up, if you like, in terms of being a place to be

13      feared.

14      Then at Balrossie he has the heading 'Balrossie'

15      from 308, where he tells us about it, and he says:

16      'Balrossie lived up to some of the stories I had

17      heard. My brother had spent a few years there, so he

18      was quite well-known and that kind of helped me out.'

19      Again, if you have someone that has been there

20      before, it could be a benefit or a blessing.

21   LADY SMITH: Yes.

22   MR PEOPLES: Although he does say his brother had left

23      before 'Sean' arrived, and he said:

24      'I thought I would pick up the same problems that he

25      had with staff [so obviously his brother had issues] as

1       they have a tendency to do that. I thought once they  
2       realised whose wee brother I was, they would pick up  
3       where they left off with him but thankfully that didn't  
4       happen in my case.'

5           Although he does give an explanation why that might  
6       be the case, that they may not have picked up the fact  
7       because of the name that he was known by at that stage.

8           He tells us about life in Balrossie and he says at  
9       311 about the normal questions that new admissions get  
10      asked and he says that:

11          'Pretty much the first three questions when you go  
12      into a place like this is: "Where are you from, do you  
13      smoke, and do you have any fags?"'

14          Again, the importance of smoking is perhaps  
15      reflected in those questions and he says that it is mad  
16      that where you are from could decide how you get on with  
17      someone -- this is the geographical location you have  
18      come from. He says:

19          'I found that if you were a Glasgow boy, you were  
20      more or less on top, probably because there was more of  
21      them and they were likely to be doing a longer time in  
22      care. Then you have your Edinburgh boys, so you have  
23      your cliques, and with that brings certain politics.'

24          He goes on that for him, for 'Sean', he was accepted  
25      into the Glasgow boys, and he says that they had heard

1 of one of the places he had been in before, and he said  
2 he thinks the fact that he had no home leave also gave  
3 him a few bonus points and that also he had done more  
4 time than most of the guys that were already there and  
5 as he puts it:

6 'I was wiser and a lot more street smart.'

7 He likens Balrossie in terms of similarity more to  
8 Polmont Young Offenders, which he was in later, I think,  
9 than a previous place that he had been in.

10 Then he deals with staff at 314 and says:

11 'Most of the staff were all right. It was more  
12 teachers I had problems with at this place. When I say  
13 they were all right, I didn't spend a lot of time with  
14 them. I kept company with pupils more than I did staff.  
15 Balrossie was more like a young offenders so you  
16 couldn't be seen to be too friendly with staff and be  
17 talking to them.'

18 Perhaps that's the wisdom of being streetwise, that  
19 you are not quite as open as you might be if you were  
20 a first timer.

21 LADY SMITH: Yes.

22 MR PEOPLES: He tells us that he had problems with two  
23 teachers in particular, one was known as HFQ, and he  
24 gives his surname, he gives a description of him.

25 And there was another teacher who taught [REDACTED] who was

1 also SNR [REDACTED] called HGE [REDACTED], but went by the  
2 name of HGE [REDACTED] Secondary Institutions - to be published later  
3 [REDACTED]  
4 Secondary Institutions - to be published later [REDACTED] He was old school,  
5 having been there for years, and took no rubbish. He  
6 says:  
7 'HGE [REDACTED] wasn't a physically big guy, he was quite  
8 short but he was into rugby and things. He was burly  
9 and very strong and I would say he was just the type of  
10 guy you could imagine working in a place like Balrossie.  
11 He was well suited for role as he was mental.'  
12 Then he says that his records show that he arrived  
13 in Balrossie in [REDACTED] 1996 and stayed until [REDACTED] 1997,  
14 which would make him aged 13 on admission and nearly 14  
15 when he was discharged.  
16 He says he was nervous to be there because of the  
17 reputation of the place. He says it was a scary place  
18 and there was a lot more politics among the boys.  
19 Certain boys got the right to do certain things, that  
20 sort of thing. This is the hierarchies and cliques that  
21 we have heard about from other witnesses.  
22 At 320, he said he shared a dorm with three other  
23 boys. He thinks that they were a little bit older than  
24 him, that he was 13, they were maybe 14 or 15, although  
25 he says this:

1           'Although age-wise I was younger, the difference is  
2       that if you spend years in care, you become old in other  
3       ways.'

4           So it is not all about age. So he makes that point.  
5       Perhaps it is more about experience than age in these  
6       places. He was concerned about eating the food, and he  
7       explains that at 322, but we --

8   LADY SMITH: I don't think we need to go into the details of  
9       that, Mr Peoples, I have read it.

10   MR PEOPLES: I am not planning to.

11   LADY SMITH: Yes.

12   MR PEOPLES: I think it is something that obviously --

13       I don't know whether it was a something to -- as a sort  
14       of psychological thing or not, but he mentions it and it  
15       seemed to have put him off eating certain food.

16   LADY SMITH: Suffice it to say he was anxious about the  
17       possibility of being contaminated by the activities of  
18       other boys.

19   MR PEOPLES: Yes, I think on another occasion, in another  
20       case, it was the activities of staff.

21   LADY SMITH: Yes.

22   MR PEOPLES: We can pass on from that.

23       He tells us about various matters, washing,  
24       clothing, leisure time and I am not going to go through  
25       these trips and schooling and preparation for life after

1       care.

2           When it comes to bed wetting, he deals with that at  
3       paragraph 338 and says that he thinks he had stopped  
4       wetting the bed by then, but if anyone did wet the bed,  
5       they would be humiliated by the staff and the boys, it  
6       would just be insults.

7           As for culture, if I could just deal with that, he  
8       says at 339, page 97:

9           'The culture was the same as being in jail. If you  
10      talked to staff too much or stuck anyone in, there were  
11      consequences from the other guys if it was not seen as  
12      the right thing. It was a case of if you were getting  
13      a doing, take it. Chances were you have done something  
14      to get it.'

15      He goes on:

16      'Where you were from could dictate what type of time  
17      you would have in Balrossie, as well as who were the top  
18      boys. If they were from Glasgow and you were from  
19      Glasgow, that was better than, say, being from  
20      Edinburgh. You didn't have as much protection if you  
21      came from somewhere else. It was all very cliquey. It  
22      didn't mean that I wouldn't get battered but maybe it  
23      would only be one of them instead of three.'

24      He tells us that he got into quite a lot of fights.  
25      He says:

1           'Most I lost because they were much bigger to be  
2           honest. I got a glass Lucozade bottle across my head.  
3           If you smash these bottles the plastic wrapping would  
4           contain the glass when it broke and that is what I was  
5           hit over the back of the head with. I got stabbed in  
6           the back with a pencil when I was fighting. The staff  
7           didn't do anything about the conflict between the  
8           children. There was nothing really that they could do.  
9           If a boy was giving another a hard time then they would  
10          only know if you told them. That would just cause more  
11          trouble, because he would be seen as a grass. You  
12          couldn't be seen to be friendly or show too many  
13          feelings. You had to be cold. Every time I fought  
14          a guy or hurt somebody I felt terrible after it and in  
15          my bed I would be lying feeling crap. I felt like that  
16          not just for the guys but some staff as well. In this  
17          place you couldn't be seen to be weak. At the end of  
18          the day it was survival of the fittest.'

19          He goes on at 342 to make this point:

20          'The good thing about being in care [I think this  
21          means being in care before you go to Balrossie, from  
22          what he now says] is that if you were to go into  
23          Balrossie like just off the street and from a good  
24          family or something like that, you would be ripped  
25          apart. You would get a really hard time from the staff



1 and the boys. I don't know, but it was like we were  
2 conditioned for this over the years so it wasn't as  
3 difficult as it would have been for someone who had  
4 never had that experience of care. I think I had the  
5 early stages of being institutionalised but not really  
6 like my brother, because he spent most of his adult life  
7 in jail. He struggles a lot with his life after coming  
8 out of the homes.'

9 He says he was getting home leave, but that was hard  
10 because he had been away from home for a long period of  
11 time. Indeed, he makes the point that going back was  
12 something where the novelty wore off quite quickly and  
13 in some ways perhaps he was quite content to go back.  
14 But that is against a background of a home life that was  
15 obviously a troubled one at times.

16 He described what a typical home weekend would  
17 involve, that he might, because of his mother's  
18 situation, he could either stay at home or sit waiting  
19 for her at the pub.

20 When it was a certain time of day, if he was in the  
21 pub, he said the children were kicked out, this is at  
22 344, that he would be in the west end of Paisley, which  
23 he says is a dangerous place to have to walk alone and  
24 that is why he says he felt he would be better off  
25 staying in the house when he was on leave.

1           He makes the point at 345 that in those days, in  
2           Paisley, you had a lot of young teams, I think gangs  
3           could be another way of putting it, hanging about shops:  
4           'Now they are all on Facebook, but back then they  
5           hung about the streets tooled up.'  
6           He says he ran away a couple of times, but didn't  
7           get very far. He says when he got back, this is at 346:  
8           'They would usually start grabbing you and putting  
9           you to the ground before dragging me in. It was just  
10          for show to say to everyone else that they had got me.'  
11          He says at 350 on discipline:  
12          'A favourite punishment was being confined to the  
13          unit so that you couldn't go out. If you were known for  
14          running away, you would have your shoes or trainers  
15          taken off you so you couldn't really do anything.'  
16          He then has a specific section on abuse from 351.  
17          He says within his first month or so, he was in a class  
18          where there was an altercation involving another boy.  
19          It seems to have flared up again and at some point  
20          a member of staff, HGE, who was named earlier,  
21          ran in, he says, 'like He-Man' and started swinging the  
22          guy about. He names the boy that he did this to and he  
23          says that -- I think the other boy in fact did something  
24          that caused the teacher to suffer a head injury, he  
25          chucked --

1 LADY SMITH: He chucked a chair.

2 MR PEOPLES: Yes, and then he says Mr HGE came in and he  
3 says he obviously went for the boy but he also went for  
4 'Sean'.

5 He says he 'Sean' stood up and 'Sean' was grabbed by  
6 the hips, HGE picked him up and slammed him on the  
7 table, where he landed on his backside and hurt his  
8 back. He says that by the time 'Sean' had registered  
9 what was going on, HGE picked him up again and threw  
10 him on to the floor and says he was throwing him around  
11 like an empty tracksuit. He says he was choking him and  
12 asking him if he found it funny that one of his staff  
13 was hurt.

14 He says HGE then stood 'Sean' up with his hand  
15 around 'Sean's' neck and shouted at him asking what he  
16 had to say for himself and 'Sean' replied 'fuck you' and  
17 he said that just made the situation worse and was back  
18 on the ground and more of the same.

19 He does say to some extent he perhaps brought that  
20 one on himself by the response he made, but nonetheless  
21 he describes the incident generally and said that they  
22 never saw the other boy who threw the chair at the  
23 teacher again after this incident.

24 He goes on at 352 to say that the same HGE  
25 restrained 'Sean' a few times and essentially it was

1 more of the same. But he felt that he had to, in that  
2 environment, stand up against HGE, just perhaps as  
3 a form of -- to avoid loss of face.

4 LADY SMITH: Yes.

5 MR PEOPLES: Then, in 352, he says:

6 'I don't think anyone would ever go as far as making  
7 a full complaint about HGE, because he would have  
8 got a grip of you and all of a sudden any complaint  
9 would be dropped.'

10 He says HGE didn't just do this to him, he used  
11 the same as he describes it, 'heavy-handed techniques'  
12 he had used on 'Sean'.

13 He also says there was another teacher who he names,  
14 HFQ, who punched him a few times and says that HFQ  
15 took an incident dislike to 'Sean'. He describes  
16 occasions when this happened, that there was -- it  
17 appears that both of the assaults that he describes  
18 occurred in the broad context of what was a restraint  
19 situation. He deals with that at 354 and 355.

20 He does say, at the bottom of 355, having described  
21 these incidents:

22 'I know there is no easy way to restrain a guy who  
23 is kicking off but they would just go too far.'

24 I think he obviously makes the point that these  
25 things would often happen because of the reaction of the

1 boy, if the boy would fight and struggle.

2 At 356 he says he didn't have any sense that they

3 had any form of training to restrain and they just did

4 whatever they thought they needed to do to get the young

5 person --

6 LADY SMITH: That is interesting when you remember this is

7 1996.

8 MR PEOPLES: Yes, it is not that long.

9 LADY SMITH: If you accept his description of some of that

10 restraint incident, it was because of what he was

11 saying, rather than what he was doing.

12 MR PEOPLES: Yes, it is almost as if well, he is answering

13 back or he is shouting or responding in a way that he

14 should just calm down or not respond, but if he didn't

15 do that, it wasn't that they needed to do something more

16 to calm him down --

17 LADY SMITH: He was put on the ground to try and silence

18 what was coming out of his mouth.

19 MR PEOPLES: Yes, and it would stop him responding in that

20 way.

21 LADY SMITH: Yes.

22 MR PEOPLES: He talks about reporting, he does say again he

23 made complaints about the person HFQ and he says there

24 were investigations carried out. He says:

25 'He got off with every investigation after

1       complaints I made.'

2           And he says he thinks on one occasion when he went  
3       home he told his mum, and she phoned the social worker,  
4       and it appears that there was an interview and another  
5       teacher provided a statement or gave evidence and said  
6       that 'Sean' was restrained in a perfectly proper manner,  
7       although it appears he had a mark on his face above his  
8       eye. So I think this is his point, that, well, when the  
9       investigation was made, the staff perhaps supported each  
10      other, as he saw it.

11          He develops that at 358, by saying:

12          'What I would say is we were used to getting  
13      restrained and used to all this rough handling. If  
14      anyone did make a complaint, I would say it fell on deaf  
15      ears and in a month or so afterwards, staff would come  
16      back to you about the same complaint. By that time, you  
17      have probably made up with the person you had complained  
18      about and I would think you should just forget it.  
19      I think the longer I was in care, the less likely I was  
20      to make a complaint because nothing ever happened.'

21          Then he tells us that he left Balrossie after  
22      an altercation with HFQ and he says he tried to talk to  
23      the headmaster about HFQ, but, as he puts it the  
24      headmaster 'blew me off' and he ended up scratching the  
25      headmaster's motor, as he says, and that that, I think

1       for the headmaster, rather than for 'Sean', was the  
2       final straw and he was expelled and he didn't go back  
3       and he was aged 14 when that happened.

4       I plan to pause there and stop, because he has  
5       a very long section that follows under 'Life after  
6       care', from 361 through to the end. All I would say is  
7       that there is a lot of interesting comments he makes, so  
8       I am not doing it out of any disrespect, but I think it  
9       is better just to read the whole thing and take it into  
10      consideration, because he makes a lot of points about  
11      how he thinks things could have been different and the  
12      sort of things that from his perspective --

13   LADY SMITH: Yes, he offers some very thoughtful  
14      reflections.

15   MR PEOPLES: I am not doing this out of disservice in any  
16      way, because there are a lot of interesting reflections  
17      which he is doing clearly to assist the Inquiry, but  
18      I think they are probably better -- rather than read  
19      them out at length, it is better to read them and  
20      reflect on them ourselves.

21   LADY SMITH: We can certainly do that.

22   MR PEOPLES: So that is the end of my stint.

23   LADY SMITH: Well --

24   MR PEOPLES: I am getting the signal that we probably can't  
25      fit anything else in today.

1 LADY SMITH: It has been a long day for the stenographers,  
2 quite apart from everybody else, and I really think we  
3 should stop at that point.

4 That means the plan will be what, Mr Peoples?

5 MR PEOPLES: I think it has been suggested that if we didn't  
6 manage to get in all the read-ins we had hoped to do,  
7 that we might be able to do the remaining read-ins, we  
8 have done quite a lot, but we could do the remaining  
9 ones around the time that there was closing submissions.

10 LADY SMITH: At the moment, they are scheduled to take place  
11 on Wednesday, 23 October.

12 MR PEOPLES: Wednesday, 23 October.

13 LADY SMITH: We can look at how much has to be done, how  
14 many closing submissions there are likely to be, and see  
15 whether what we could do is, as we have done before, is  
16 the remaining statements in the morning and the  
17 submissions in the afternoon, or whether we would want  
18 to do them the day before that.

19 We will put a definite plan up on the website once  
20 we have confirmed that, I think.

21 MR PEOPLES: That makes sense and I think that we have --  
22 Ms Forbes suggests that they might take a maximum of one  
23 hour, maybe we should allow a little bit more time just  
24 in case, but obviously we are not talking about  
25 something that is going to take a full day or anything



1       like that.

2   LADY SMITH:  Yes, hopefully we could accommodate that all on  
3       the 23rd.

4   MR PEOPLES:  It may make sense to do it that way, if that is  
5       the sort of time involved.

6   LADY SMITH:  Very well, well, thank you both very much for  
7       everything we have managed to achieve in the last few  
8       weeks.  A lot of work has gone into this and I am very  
9       grateful to you both.  Indeed to the stenographers, who  
10      have borne with us through thick and thin, and to  
11      everybody else who has supported these hearings.

12         I hope you all have a good weekend and see you again  
13      on 23 October.

14         Before I rise, the last names; Mr GTX ,  
15      IVR , HGE , HFQ , also known  
16      as HFQ , are people all of whom have been mentioned and  
17      all of whose identities are protected by my General  
18      Restriction Order and they are not to be identified  
19      outside this room.

20         Have I missed somebody?

21   MR PEOPLES:  I think in the course of the evidence of the  
22       witness, the second witness, our applicant, his  
23       brother's name was mentioned.

24   LADY SMITH:  Okay, I will not repeat it.

25   MR PEOPLES:  No, don't repeat it but we should make it clear

1       that the witness's brother name, if mentioned, should  
2       not be published or disclosed.

3   LADY SMITH: That's right, because any family member of  
4       somebody that is in care automatically has their  
5       identity protected.

6   MR PEOPLES: For the avoidance of doubt, that is 'McIntosh'  
7       who gave evidence and a name was mentioned as part of  
8       his evidence.

9   LADY SMITH: You may be right about that.

10       Very well, thank you.

11   (3.58 pm)

12       (The Inquiry adjourned until a date to be confirmed)

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