

1 Tuesday, 8 October 2024

2 (10.00 am)

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

6 This morning we move to live evidence and I think in
7 relation to Balnacraig, is that correct, Ms Forbes?

8 MS FORBES: Yes, my Lady.

9 LADY SMITH: We have a witness here ready to give evidence,
10 yes?

11 MS FORBES: We do, my Lady.

12 The witness is David Cowling, and he is someone who
13 would require a warning.

14 LADY SMITH: Thank you.

15 Mr David Cowling (affirmed)

16 LADY SMITH: Do sit down and make yourself comfortable.

17 A. Thank you.

18 LADY SMITH: The first question I have for you is, is it all
19 right if I use your first name, David?

20 A. It is, yes, certainly.

21 LADY SMITH: Thank you.

22 Secondly, David, you will see there is a red folder
23 on the desk --

24 A. Yes.

25 LADY SMITH: -- and that has your written statement in it.

1 Thank you for providing that in advance. It is really
2 helpful for me to have been able to study it before you
3 give your oral evidence. That means that, today, we
4 will just focus on some specific parts of it, because it
5 is already evidence before the Inquiry.

6 A. Right.

7 LADY SMITH: We will also bring bits of the statement up on
8 the screen in front of you. You might find that
9 helpful.

10 A. Yes.

11 LADY SMITH: Some people find the font there more
12 comfortable than the font on the paper copy.

13 If at any time, David, you have any questions or any
14 concerns, please don't hesitate to speak up.

15 A. Certainly.

16 LADY SMITH: If you want a break, that is fine. Just say
17 and that could be a break out of the room or just
18 pausing where you are. You must just tell me if there
19 is something I can do to make the whole process of
20 giving evidence more comfortable than it will otherwise
21 be.

22 A. Thank you.

23 LADY SMITH: I say that knowing that what we are asking you
24 to do probably doesn't feel very comfortable at all.

25 A. No -- quite right -- it is okay.

1 LADY SMITH: We have brought you into a public place to
2 answer questions about things that happened a long time
3 ago and some of it may be quite stressful for you. I do
4 appreciate that.

5 A. Yes. Well, thank you.

6 LADY SMITH: I hope that you understand that the reason we
7 are doing this is because of the overall purposes of
8 this Inquiry.

9 A. I do indeed, yes.

10 LADY SMITH: Something else I want you to be absolutely
11 clear about, David, is that although this is not
12 a courtroom, it is not the same as a court and its
13 purpose is not the same as a court, but you have all the
14 protections that you would have if you were in court.

15 A. Right.

16 LADY SMITH: That means that if you are asked any question,
17 the answer to which could incriminate you, you don't
18 have to answer it, it is your choice.

19 A. Yes.

20 LADY SMITH: But of course, if you do answer it, I do expect
21 you to do so fully.

22 A. Yeah.

23 LADY SMITH: Sometimes people are not sure whether they are
24 being asked that type of question or not and if you are
25 not sure, just say and we will tell you so that you are

1 absolutely clear whether it is one of those questions
2 that you have that choice about. Does that all make
3 sense?

4 A. Yes, it does, yes.

5 LADY SMITH: Good.

6 If you are ready I will hand over to Ms Forbes and
7 she will take it from there.

8 A. Thank you.

9 LADY SMITH: Thank you.

10 MS FORBES: Thank you, my Lady.

11 Questions by Ms Forbes

12 MS FORBES: Good morning, David.

13 A. Good morning.

14 Q. Hi.

15 You have your statement in front of you, as
16 her Ladyship has said. If I could just read out the
17 reference for that, for our purposes, it is not
18 something you need to worry about, but just for our
19 records, we give it a number and the number is
20 WIT-1-000001332.

21 A. Yep.

22 Q. If I could ask you, David, just to go to the very last
23 page of that statement, it will come up on the screen as
24 well, this is where you have given a signature and there
25 is a date and in the last paragraph there, of page 20,

1 which is paragraph 76, says:

2 'I have no objection to my witness statement being

3 published as part of the evidence to the Inquiry.

4 I believe the facts stated in this witness statement are

5 true.'

6 Then, although the signature is redacted on the

7 screen, there is a signature on the copy I can see?

8 A. Yep.

9 Q. And it is dated 10 October 2023.

10 Is that right, is that the position, David?

11 A. That is correct, yes.

12 Q. Okay, so you can go back to the beginning or put it to

13 one side, it is up to you.

14 David, I am just going to start by asking you, or

15 going through, some background that you have given us

16 about your work history and how you ended up working in

17 Balnacraig.

18 I think you tell us, David, you were born in 1939,

19 is that right?

20 A. Yeah.

21 Q. You tell us originally from Ipswich in England?

22 A. Yeah.

23 Q. You tell us a little bit about your schooling down in

24 England --

25 A. Yeah.

1 Q. -- and you say your father was the head of an approved
2 school?
3 A. Yeah.
4 Q. Before he became a school teacher.
5 A. Yeah.
6 Q. I think you tell us you went to university for a short
7 period of time?
8 A. Yeah.
9 Q. But that didn't work out and then you went to work in
10 a remand home in Surrey; is that right?
11 A. Yeah.
12 Q. That was from 1962 until about 1964/1965?
13 A. Yeah.
14 Q. That remand home, was that in relation to boys?
15 A. Yes.
16 Q. Now, at that stage you hadn't qualified yet as
17 a residential social worker, so what were you working as
18 in the remand home in Surrey?
19 A. I don't know what the title was, just a general
20 assistant or something. Supervising boys anyway.
21 Q. It was involved in their care?
22 A. Yeah, it was caring for boys. Yes. In a remand
23 situation --
24 Q. Thank you.
25 I think you tell us then -- oh sorry, David?

1 A. In a remand situation, yes.

2 Q. I think you tell us then that you qualified as
3 a residential social worker following a year-long
4 Home Office course?

5 A. Yes.

6 Q. Is that something you had to do full time or did you do
7 that whilst --

8 A. Oh, no, that was full time, it was -- actually, I -- my
9 employer wouldn't pay me to go on it for a year, er, so
10 I was on a grant but some of my colleagues on the course
11 were seconded by the schools that they worked in.

12 Q. Okay. You say that was in 1965?

13 A. Yeah.

14 Q. And you got the diploma that --

15 A. Yeah.

16 Q. I think you say that after that, you then went to work
17 at Kingswood School in Bristol, which was an approved
18 school?

19 A. Yes.

20 Q. Again, was that boys?

21 A. That was boys only, yes.

22 Q. You say that there was a secure unit there that you
23 worked in from around September 1965?

24 A. That's right. It was a -- the secure unit was part of
25 the campus of three schools.

1 Q. So there were three schools on the one campus I think
2 you tell us --
3 A. Yeah.
4 Q. -- a training school for boys, a classifying school --
5 A. Yes.
6 Q. -- and a new secure unit.
7 What is a classifying school?
8 A. Well, it -- it's supposed to, erm, er, classify boys to
9 send them to the correct approved school that they
10 were -- that would suit them. So, because I have my
11 doubts that one school wasn't that much different from
12 another, but that was supposed to be, supposed to be the
13 case. Er, I don't know what the criteria were for
14 classifying somebody as learning difficulties or
15 whatever, I don't know. Because I never worked in that
16 bit and ...
17 Q. There was a part of the school where boys would go for
18 a period of time to sort of be assessed --
19 A. That's right.
20 Q. -- to decide where they might go?
21 A. Yeah, yeah.
22 Q. I think you tell us that where you worked at that
23 school, that it was something that was supposed to be
24 run on progressive lines and I think you explained,
25 David, that if you couldn't keep a boy from running

1 away, you couldn't treat him?

2 A. That was the idea of the secure unit and --

3 Q. So you had to lock them up?

4 A. -- the first head of the secure unit was determined to

5 run it on progressive lines of not being a punishment,

6 being somewhere where children could be worked with and,

7 erm, that didn't work out either.

8 Q. I think you say that the theory was that you could keep

9 them there and do some sort of therapeutic work on them?

10 A. Yeah, yeah, yeah.

11 Q. What kind of therapeutic work do you remember being

12 carried out?

13 A. Erm, not very much. Very little work -- some group work

14 with a psychologist and psychiatric individual

15 appointments, er, and apart from that just group

16 activities and, er, individual relationships with staff.

17 Each boy had his own room, cell, and, erm, it could --

18 it could have been a useful sort of place if -- it

19 needed much more planning and much more organisation

20 than what -- and there were absconsions, which is the

21 very, well -- and no wonder my first -- it's because ...

22 because of a lack of being security minded, really.

23 Q. I think you go on to tell us, David, that because of the

24 number of absconsions at that school, the person who was

25 in charge of you at the secure unit was asked to

1 leave --

2 A. Yeah.

3 Q. -- and it was at that time you decided that because

4 there would be a change of regime, you were going to

5 look for something else?

6 A. Yes.

7 Q. I think you talk about the fact that you were made aware

8 of an opportunity in Scotland?

9 A. Yep.

10 Q. At Loaningdale, is that right?

11 A. Yep.

12 Q. You describe that as being a new experimental school in

13 a therapeutic community?

14 A. Yes.

15 Q. You say that you were told they were looking for four

16 housemasters, one of whom would be the third in charge,

17 and you then applied along with, I think you say, it was

18 a neighbour of yours?

19 A. Yes, my -- who worked in a part of the training school

20 at Kingswood. The training school had a small house

21 that was supposed to be run on therapeutic lines, that

22 was the word at the time, you know.

23 Q. I think, ultimately, the outcome of that was that he got

24 the job of third in charge and you got the job as

25 a residential social worker; is that right?

1 A. Yes.

2 Q. You go on then, David, to tell us about Loaningdale and
3 you say you started there in February 1967 and from what
4 you say, you had a really good experience there?

5 A. Yes. It was a fine -- a fine experience there and, erm
6 ... yeah.

7 LADY SMITH: You were quite young still when you went there,
8 about 28, would that be right, David?

9 A. Yes. Yes, 28 when I went there.

10 LADY SMITH: Yes.

11 MS FORBES: Again, David, was Loaningdale for boys at that
12 time?

13 A. Yes, yes, boys only, and, erm, John Wilson was the head
14 and the pioneer, along with Max Paterson.

15 Q. I think, David, you tell us -- we have heard about this
16 in evidence in the Inquiry -- that you were there during
17 a time when there was a conviction of a pupil for the
18 murder of a local girl --

19 A. Yes.

20 Q. -- but the school continued on after that and I think we
21 have heard that perhaps relations with the local
22 community were strained after that time?

23 A. Well, yeah, I read that too. But there were some people
24 in the local community that were very much for us and
25 I was friends with -- I was friends with a local shop

1 keeper and the local blacksmith, because we were in the
2 Beekeepers' Association, so I mixed with a lot of people
3 as soon as I got there. Er, and they -- this was not
4 the council or the bigwigs of Biggar, this was the
5 ordinary people.

6 And they were quite for the place and the same
7 applied to the cook, the handyman, all the local people
8 who were employed. There was -- erm, let's say the town
9 was split. It wasn't totally -- it wasn't a total war
10 against Loaningdale. But, I mean, there was some
11 changes made anyway with that -- yeah.

12 Q. I think we have heard evidence about that as well,
13 changes as to how the boys were able to go about the
14 local community?

15 A. That's right, yeah.

16 Q. And there was a time I think you tell us, David, that
17 the friend who had started there with you left and you
18 became third in charge?

19 A. Yeah.

20 Q. You tell us a little bit about the fact that John Wilson
21 was the headmaster there and Max Paterson was the head
22 of a group of four Home Office psychologists who worked
23 in approved schools in Scotland at that time and he was
24 the visiting psychologist, so he was another person that
25 would come to the school on occasion, is that right?

1 A. Erm, possibly every week.

2 Q. I think it's through him that you found out about
3 perhaps a job available at a girls' school near Perth?

4 A. Yeah.

5 Q. That was Balnacraig?

6 A. Yes.

7 Q. I think you tell us that you went up to have a look at
8 this school and you spent a day, I think, with
9 Miss GXJ, who was SNR ?

10 A. That's right.

11 Q. I think you say that, at the time, you weren't aware of
12 there really being any other applicants, just yourself?

13 A. That's right.

14 Q. But you were interviewed by a committee, I think you
15 say, which you found to be a strange experience because
16 they didn't seem to be particularly knowledgeable about
17 schools which dealt with girls of that age?

18 A. Yeah, the committee was a -- there was a political
19 element to it for some reason to do with the linkage
20 with the town council. And, erm, so it changed ... and
21 so when an election came along. Also, because of this,
22 the Home Office said, 'We don't want, at least we don't
23 want the ...' -- it wasn't the Home Office, the
24 Scottish Office then, wasn't it, it was the -- but it
25 wasn't the Scottish Government -- I keep calling it the

1 Home Office, but --

2 LADY SMITH: It was before devolution and so --

3 A. Before devolution, but there was a Scottish Office.

4 LADY SMITH: Oh yes, based in Edinburgh.

5 A. Yes. They said that they wanted a permanent chairman of

6 the board. They didn't insist on them -- the rest of

7 the board changing about a bit, but they wanted

8 a permanent chairman so that's what happened.

9 And, erm, but still it wasn't a -- well, there were

10 some good people on it, but it was -- I suppose it

11 worked reasonably well.

12 MS FORBES: Is the point you are making about that, David,

13 that the people who were on this committee, or board of

14 governors, I think, are you talking about?

15 A. That's what they called themselves, yeah.

16 Q. They weren't necessarily people who had experience in

17 dealing with --

18 A. No.

19 Q. -- children in residential care?

20 A. None at all.

21 Q. I think you mentioned that the permanent chairman ended

22 up being the Provost, who was the chairman at the time

23 that this decision was made, is that right?

24 A. Yeah.

25 Q. I think you tell us, David, when you got the job, there

1 was a house, I think -- sorry, there was accommodation
2 at the school but it wasn't accommodation that could
3 suit a family, is that right?

4 A. That's correct. It was [REDACTED] SNR [REDACTED], who
5 [REDACTED] ...

6 Q. I think you tell us that once you began there, that you
7 lived somewhere else whilst a house was being built for
8 you in the grounds?

9 A. That's right, yeah, that's right.

10 Q. This then, David, from what you are telling us in your
11 statement, is the first time you are in a position as
12 a headmaster at a school, is that right?

13 A. Yeah.

14 Q. This is the first girls' school that you were working
15 in, is that right?

16 A. Yeah.

17 Q. I think you tell us you began as head at Balnacraig in
18 1971, and I am now going to go on and talk about your
19 time at Balnacraig, and you talk about that from
20 paragraph 9 of your statement.

21 From a record we have, I think we have your dates at
22 Balnacraig as being between May 1971 and September 1973.
23 Does that seem to accord with your recollection?

24 A. That's correct, yes.

25 Q. So you are in the post for two years. You tell us

1 a little bit about the house and we have heard about the
2 layout and it being a big old house. I think you
3 comment, David, that it wasn't entirely suitable for
4 a school because of the way it was laid out inside, is
5 that right?

6 A. Yeah, but it was -- there were some good things about
7 it.

8 Q. I think you mentioned that the bedrooms, being of
9 different sizes --

10 A. Yeah, you could -- which is a useful thing to have,
11 actually. Because some girls like a bedroom with just
12 one other person and some prefer bigger groups and that
13 sort of thing.

14 Q. So there was a choice then, with the layout inside?

15 A. Yeah, yeah.

16 Q. I think you say that you had to provide references from
17 Loaningdale, and you think Balnacraig probably did take
18 up your references, but you don't know what happened
19 really in relation to that?

20 A. Well, sorry to interrupt.

21 Q. That's okay, no.

22 A. Nobody here will probably remember that there was
23 a postal strike at the time, the postmen were on strike.
24 Er, so a whole lot of things were done over the
25 telephone for nine weeks, I think. And that was over

1 the period of, er, me applying for the job and getting
2 the job and so I was certainly offered the job on the
3 phone and all sorts of things and had long conversations
4 with people on the phone.

5 So I think it -- I don't know.

6 Q. I think you say that at this stage you were, if we go
7 over the page to page 4, you tell us you were 32 at that
8 time, so you were still quite young?

9 A. Yeah.

10 Q. I think if we move to page 4.

11 A. Yeah, I think I was --

12 Q. You say you were just about the youngest head in
13 Scotland?

14 A. I think so. The guy at Thornly Park was very young too.
15 Erm, I can't remember his name.

16 Q. I think you say that, as headmaster, you had
17 responsibilities for just about everything at the
18 school?

19 A. Yep.

20 Q. You comment that you were a man going into a girls'
21 school and that about that time, there were male heads
22 appointed to about three or four girls' schools --

23 A. Yeah, yep.

24 Q. -- but you don't know what the reason for that was?

25 A. A bit of a fashion, I think. And a bit of a -- erm,

1 I don't know, three or four happened all at the same
2 time anyway.

3 Q. Just talking a little bit more about your role, David,
4 you say you were really responsible to the board of
5 governors. You had to provide them with monthly reports
6 and attend their monthly meeting and then there was also
7 a correspondent to the Home Office on the board of
8 governors and he was the connection between the school
9 and the Home Office?

10 A. Yeah, I mean the Scottish Office.

11 Q. The Scottish Office?

12 A. Yeah, yeah.

13 Q. You saw him as sort of being your line manager?

14 A. Yeah, yeah.

15 Q. You say that he was a local solicitor in the area, is
16 that right?

17 A. Yeah.

18 Q. He was someone who was supportive and an active member
19 of the board of governors?

20 A. Yes, yeah.

21 Q. You also mention another man called Gillespie from the
22 Scottish Office who came occasionally, but that seemed
23 to be more about funding and financing?

24 A. That's right, yeah.

25 Q. You mention, David, visiting psychologists, and firstly

1 you say it was Sandy Paterson, and then he was replaced
2 by Janet Hassan --
3 A. Yep.
4 Q. -- and she's someone you knew before you went to
5 Balnacraig, was that from Loaningdale?
6 A. Yeah. Yeah, from Loaningdale and beyond -- various
7 things I'd seen, I knew Janet quite well.
8 Q. She would come once a fortnight and would see the girls
9 and would discuss matters about the girls with you
10 afterwards?
11 A. Yeah.
12 Q. I think you go on to tell us what your first impressions
13 were of Balnacraig, this is from paragraph 13, you say
14 that it was quite an antiquated regime --
15 A. Mm-hmm.
16 Q. -- and that you make the comment that you felt that [REDACTED]
17 [REDACTED], Miss GXJ [REDACTED], had tried to change the girls
18 into something they weren't?
19 A. Yeah.
20 Q. What do you mean by that?
21 A. I mean that, erm ... she wanted to totally change their
22 personalities, even to the extent of changing their name
23 and cutting off, I think -- I think I can say this --
24 cutting off children from their families and to
25 an extent that really wasn't necessary and wasn't right.

1 That was -- that's the impression I got. Yeah.

2 Q. I think you say, David, that she would actually call

3 them by a different first name?

4 A. Yes, definitely. Yeah, yeah, yeah.

5 Q. Did she explain to you anything as to why she did that?

6 A. No.

7 Q. From what you are saying, David, that is not something

8 that continued after you took up your position?

9 A. No, certainly not, no. And the activities too was a --

10 Q. I think, David, you tell us about that, that there

11 didn't seem to be a lot of activities for the girls --

12 A. Yeah, yeah.

13 Q. -- and you talk about the fact -- I think later on you

14 say you got a record player in and that was something

15 that the girls liked and I think you tell us later on in

16 your statement that in fact you moved that into a bigger

17 room and moved the television into the smaller room to

18 allow the girls to --

19 A. Yeah, because it was more popular and more -- if you've

20 got other things to do, television becomes less popular,

21 doesn't it?

22 Q. I think you say when you got there, you felt there was

23 a lot of scope for changing things and one of the things

24 you noticed was the type of clothes the girls wore at

25 the time and that was something that you made changes

1 to?

2 A. Yeah.

3 Q. You say that you got the girls wearing more fashionable
4 clothes and you wanted to run the place as a more
5 child-centred place, where people could talk to each
6 other?

7 A. Yep.

8 Q. Is that right?

9 A. Yes.

10 Q. You go on to tell us you started a daily meeting of the
11 girls and staff at 4.00 pm, when they would come back
12 from school, and that was a place where they could bring
13 up anything and make complaints or bullying accusations
14 even, is that right?

15 A. Yep, that's correct.

16 Q. You also tell us that you stopped the use of corporal
17 punishment in the classroom when you arrived and you say
18 you don't think it had been used outside of the
19 classroom before you arrived --

20 A. I'm not certain about that at all. I never --
21 I started -- it was something that wasn't discussed,
22 I didn't want anything to do with it, and, er -- but it
23 certainly was used in the classroom before I came.

24 And it was used at Perth High School at the time as
25 well, of course, and half the girls used to go out to

1 Perth High School. We couldn't stop that.

2 Q. You took the decision not to use it?

3 A. Yes.

4 Q. I think you tell us about an occasion when a child had

5 been behaving particularly badly and a member of staff

6 suggested the reintroduction of the tawse and you said

7 it was not up for discussion?

8 A. That's right, yeah. Yeah.

9 Q. I think you go on to tell us, this is at paragraph 20 on

10 the next page, David, that your first job really was to

11 appoint a deputy head and in your opinion that had to be

12 a woman?

13 A. Yeah.

14 Q. Is that because you were coming there as a man, as

15 headmaster?

16 A. Yes, I don't think we should -- I think it was a useful

17 thing to have -- a man in a girls' school, nothing wrong

18 with that, erm, but I think to have both the head and

19 the deputy head as male is the wrong way round, I think,

20 to do things. I think it should be at least

21 a well-trained woman in a senior position, let's put it

22 that way. At least one. And it doesn't have to be --

23 she could be the head and a male deputy or whatever,

24 I think there should be, certainly, a senior female

25 figure.

1 Q. I think you say that before you arrived, there hadn't
2 been a deputy head at the school?
3 A. No.
4 Q. So that change is something that you brought in and you
5 tell us who you employed and you say that she was in her
6 late 20s, she was younger than you --
7 A. Yeah.
8 Q. -- but she had a degree and she had some contact with
9 List D schools previously and she seemed to be a good
10 thing for the school, is what you tell us?
11 A. Yes.
12 Q. You also go on, David, to tell us about three
13 housemothers that you employed?
14 A. Yeah.
15 Q. You say two of them were recruited through the local
16 press and then interviewed by the board; is that the
17 board of governors and yourself?
18 A. Yeah.
19 Q. Then the third had been a cleaner in the school and was
20 recommended --
21 A. Yeah, by me.
22 Q. -- to the board by you?
23 A. Yeah.
24 Q. At the time these housemothers were unqualified --
25 A. Unqualified.

1 Q. -- in the sense that they didn't have qualifications in
2 relation to child care?

3 A. That's right.

4 Q. I think you go on to tell us a little bit about how that
5 worked and you say that that seemed to be a good thing
6 and worked out well. You talk about the fact that the
7 deputy head though had to leave because she fell
8 pregnant and then you ended up with a male deputy after
9 that?

10 A. Yeah.

11 Q. Was that your choice or --

12 A. No, it wasn't my choice, it was --

13 Q. The choice of the governors?

14 A. The board of governors, yeah.

15 Q. The board of governors.

16 I think you say the new deputy was nice enough, but
17 he had no particular skills in relation to --

18 A. No.

19 Q. Is that in relation to child care?

20 A. That's right.

21 Q. Whilst you were there, you persuaded the governors to
22 appoint night staff?

23 A. Yes, they hadn't had night staff until then.

24 Q. I think you explain that that's because the young
25 housemother who was there didn't want to be there all

1 the time and so you ended up with night staff after
2 that?

3 A. Yes, but also I could have added that, to have the only
4 adults in the building at night being asleep isn't right
5 either, there should be somebody awake on night duty,
6 never mind just -- goodness knows what could happen.

7 Q. So I think from what you are saying, David, is when the
8 housemothers were the ones who were responsible, they
9 were not staying up at night to look out for the girls,
10 they were asleep?

11 A. No, no, no.

12 Q. You go on, David, to tell us that you didn't receive any
13 particular training for your role but you did do
14 a week's course in personality development, but it was
15 not specifically for heads?

16 A. That was with Max Paterson.

17 Q. Okay, that was with the psychologist that you have told
18 us about?

19 A. Yeah, yeah.

20 Q. I think you say at that time there wasn't really any
21 training of staff going on when you were at the school,
22 but you would have liked to have done training?

23 A. Yes. But, I don't know, totally, absolutely.

24 Q. In relation to the lack of training, was that because
25 there wasn't training available or was that because

1 there wasn't the budget for training?

2 A. I don't really know. I hadn't got round to that really.

3 Er, erm, it was -- there was a whole lot of things that

4 weren't done.

5 Q. I think you say that children came to be in Balnacraig

6 by children's hearings, which were just beginning around

7 that time?

8 A. Yes, they were just starting at -- in '71, yes.

9 LADY SMITH: It was very much early days, that's on the back

10 of the 1968 Act, the Social Work (Scotland) Act.

11 A. Oh yes, that's right, yeah.

12 MS FORBES: You make the point at paragraph 28, David, you

13 say:

14 'It wasn't really a proper school, it was part

15 school and part children's home.'

16 A. Yeah.

17 Q. You tell us that whilst the children stayed at

18 Balnacraig, some of them who were suitable went out to

19 the local high school to be educated and you describe

20 that being about half of them going out to the local

21 school?

22 A. Yeah, yeah, yeah.

23 Q. But the ones who remained, you think the schooling for

24 them was pretty basic?

25 A. Pretty basic. Er, and, well, eight girls of extremely

1 varied abilities and the hope was to probably -- well,
2 not probably, the hope was to get them out to the high
3 school when we felt that they were up to it and able to
4 do it and, erm, that was -- I don't think we ever had
5 anybody sent to the high school and then rejected and
6 come back because of bad behaviour or anything, I don't
7 think -- I think it always, you know, it was always
8 a thing that worked quite well.

9 Q. Yes.

10 You make the point, David, that the teacher at that
11 time had eight or nine girls of different ages and
12 different abilities?

13 A. Yeah.

14 Q. So it was a very difficult job?

15 A. Yeah.

16 Q. Was it just the one teacher then for the girls?

17 A. Yeah, yeah, yeah.

18 Q. They were in a classroom together, being taught at the
19 same time?

20 A. Yeah, yeah.

21 Q. You mentioned that the teacher left shortly before you
22 did and you had to recruit another teacher?

23 A. Yeah.

24 Q. But again it was just the one?

25 A. Yeah.

1 Q. You tell us that the age range of the girls was quite
2 varied and at one point you had girls from 11 up to 16?
3 A. Yeah.
4 Q. So and the staff ratio was about one to six?
5 A. Hmm.
6 Q. So not a lot of staff?
7 A. No.
8 Q. You go on to tell us that, in relation to the length of
9 time that girls stayed at Balnacraig, that most girls
10 were there for about a year but it did depend, and you
11 mentioned there were at least two girls who were in
12 care, and you comment, if they didn't stay there, where
13 would they go, because they didn't have -- is that
14 because they didn't have a home to go to?
15 A. Yeah, that's right. This happened -- the girls were
16 then -- it didn't happen often, but they would, erm --
17 there was nowhere else for them to go without disrupting
18 their education, for a start. If their education was
19 any good and doing well at Perth High School, you
20 wouldn't want to change -- if they were happy with it,
21 I mean all the time, girls would be asked about things
22 like this, I wouldn't -- we didn't make decisions just
23 like that.
24 Q. Yes. Would that mean, David, that sometimes a girl
25 would stay at Balnacraig after she turned 16 so she

1 could finish her school year and do her exams?

2 A. Yeah, yeah.

3 Q. I think you comment that local authority social workers

4 were still involved with the girls whilst they were at

5 Balnacraig?

6 A. Yeah, some more than others.

7 Q. Okay. You say that you were linking up with girls'

8 families to try and help them move on?

9 A. Yeah, and I encouraged girls' families to visit and

10 I visited most of their homes at some time, particularly

11 when hearings started, an annual review hearing, I would

12 maybe visit their home then or if I hadn't before, but

13 there was often the excuse to take someone home for some

14 illness, all sorts of things, and, erm, I can't remember

15 them. I can't remember them. But I can remember being

16 in quite a lot of places. Yeah.

17 Q. Would you go to a girl's home before she went home for

18 home leave, for example, the first time?

19 A. Not necessarily. Because I would try and get them off

20 on home leave, a weekend -- once they were settled in,

21 of five or six weeks to -- and I doubt that I would have

22 time to visit everybody at home before that, but I would

23 inform the social worker, of course, and, erm, have some

24 sort of conversation with the social worker.

25 Q. Yes. If there was a children's hearing, I think you say

1 that there were these annual reviews. If you were
2 recommending that a girl go home, would you go for
3 a home visit at that stage?

4 A. Yes, almost certainly, and by this time I would know the
5 parents anyway, I would have made sure somehow, if it
6 was -- if it had been a whole year. And, of course, I'd
7 meet them at the hearing as well, yeah.

8 Q. Okay. You go on, David, to talk about the living
9 arrangements and I think you say, in relation to food,
10 for example, that two members of the board of governors
11 would come up once a week for lunch --

12 A. Yeah.

13 Q. -- and take it in turns and they would sit at tables
14 with the children but that when you first got to the
15 school, you comment at paragraph 33, that they had
16 chicken for lunch on a Sunday and they had the one
17 chicken for the whole school?

18 A. I know, and it came from Marks & Spencers too.

19 Q. You've said about 18 girls perhaps at the school?

20 A. Yeah, well --

21 Q. Plus staff?

22 A. -- it might be half of that, because half might have
23 been on ...

24 Q. But still a significant number to one chicken, yes.

25 A. Yeah.

1 Q. But you say you changed that and you tell us you changed
2 the menus as well, hopefully to things that the girls
3 would like?

4 A. Yes, I think it's a good thing to have some feedback
5 from children, where -- what they like, what they want
6 and make a -- and also, erm, for them to maybe go and
7 help in the kitchen when, in their own free time if they
8 wanted, you know, go and see the cook, 'Can I do
9 anything for you?'. That's a thing I liked to happen.

10 Q. I think you say a former pupil was given a job at one
11 stage of doing the cooking, was that at the weekend?

12 A. Yeah.

13 Q. So that girl came back and worked in the kitchen?

14 A. That's right, yep.

15 Q. When it came to sleeping arrangements, David, you say
16 that you copied something that happened at Loaningdale,
17 and you gave the girls a choice, and every three months
18 or so, they were given a piece of paper and they wrote
19 down who they wanted to share a bedroom with?

20 A. Yeah.

21 Q. Whilst that might not have the results all the time that
22 you would want, you say it actually worked out quite
23 well?

24 A. Yeah, yeah.

25 Q. And that, in relation to these different bedroom

1 variations, I think you say that that then worked well
2 together?

3 A. Yeah.

4 Q. You talk about the fact that the washing and bathing
5 facilities were upstairs and that wasn't something that
6 you would usually visit and you could hardly remember
7 going there. The girls, you say, didn't need
8 supervision in the baths, from what you recall --

9 A. Well, I really don't -- I really don't know too much
10 about that.

11 Q. Okay.

12 A. The bathrooms were sort of cubicle things, I seem to
13 remember. Erm, I never heard any complaints about it.
14 Erm, and they all had -- I don't know, I really don't
15 know very much. Or can't remember, one of the two.

16 Q. But from your point of view, you thought that they had
17 privacy in the way that the bathing facilities were?

18 A. Well, I thought so anyway. I didn't know ...

19 Q. You comment they were bathrooms, not showers?

20 A. Yeah.

21 Q. You say that the girls had to do some cleaning and that
22 was in relation to the bedrooms, cleaning the dining
23 room after breakfast perhaps, but there was a cleaner,
24 so they weren't expected to do all the cleaning?

25 A. No, no, no, no.

1 Q. You go on then, David, to tell us about the fact that
2 you had to live in the town for the first nine months or
3 so whilst this house was being built for you and your
4 family on the grounds. At some point, when that was
5 completed, you moved into that property, is that right,
6 with your family?

7 A. Yep.

8 Q. That was in the grounds of Balnacraig?

9 A. Yep. It was behind -- yeah, in the grounds.

10 Q. You tell us, again, that by a certain point there was
11 two members of staff who stayed in the school overnight.
12 You talk about the younger housemother and there being
13 an older housemother, but would sometimes go away at
14 weekends and didn't live there. I think you've
15 mentioned that there were nighttime staff also, we have
16 talked about?

17 A. Yeah, there was nighttime, yeah.

18 Q. Was there maybe a period of time when there was just the
19 housemother, the younger and older, then later on, when
20 you employed night staff, there then were nighttime
21 staff who would be awake?

22 A. Yeah, that's right. But there might -- I might be on
23 duty downstairs until around 9.00 at night or something.
24 Er, you know, I'd still be in the building, or my deputy
25 or some -- erm, there wouldn't be one person. The only

1 time there was only one person -- adult in the building,
2 was at night.

3 Q. I think you tell us, David, you had access to the
4 bedrooms but you had no cause to go there at nighttime
5 because night staff were there?

6 A. No.

7 Q. Is that right?

8 A. That's right, yeah.

9 Q. In relation to other places we have heard that sometimes
10 senior staff had to be on duty at nighttime but that's
11 not something that you had to do as headmaster?

12 A. Yeah, that's right. Yeah.

13 Q. You then go on, David, to tell us about home leave, and
14 you say that you started that after the girls had been
15 at the school for about six weeks, they could go home
16 every fortnight, so it wasn't every weekend?

17 A. No, not every weekend, unless there was some particular
18 reason.

19 Q. When you say that one thing you started was home leave,
20 does that mean that before you came, the girls were not
21 getting home leave?

22 A. Er, I think they had three periods of a week.
23 Christmas, Easter and summer, I think.

24 Q. So three periods a year?

25 A. They certainly didn't go at the weekend.

1 Q. Okay. So during summer holiday periods they might go
2 home?

3 A. I think they did, yeah. I don't know whether much
4 effort was -- you see -- there wasn't much effort --
5 sorry. I don't know if they made as much effort to find
6 family, er, for instance if, you know, maybe not to
7 parents, maybe to grandparents or big sister or
8 something.

9 Q. That would be this home leave then, every fortnight,
10 would be from Friday night to Sunday night?

11 A. Yep.

12 Q. You tell us a little bit about what that would mean for
13 the weeknight days then and being able to take the girls
14 out to various places -- I think you talk about maybe in
15 a minibus you could take 12 girls at a time, there was
16 a sports centre you would go to, swimming baths, and you
17 mention also other activities like flower arranging and,
18 again, this record player being introduced and the girls
19 being able to buy records and play them?

20 A. Yep.

21 Q. You also talk, David about a trip to Cumberland, is that
22 right?

23 A. Yeah, it says I started a trip -- we only did it once,
24 because I wasn't there ...

25 But it was a -- I think I probably would have

1 continued that, it was a -- erm, because it was such
2 a suitable place to stay. It was a big house with, you
3 know, where all could live together and, well, I don't
4 mean the whole school, half and half. I didn't take
5 them all together.

6 Q. I think you say, David, that your deputy took half the
7 children one week --

8 A. That's right.

9 Q. -- and you took half the children another week with
10 a housemother each?

11 A. Yeah, that's right.

12 Q. Did that happen once while you were at Balnacraig?

13 A. Only once, yes.

14 Q. You go on to say, David, informally children were also
15 taken out by staff and you say children would come to
16 your house -- is that your house on the grounds?

17 A. Yes.

18 Q. And also on Saturday afternoons, girls who had behaved
19 themselves were allowed to go down the town and
20 sometimes housemothers would go with the girls to buy
21 clothes for them. That's something you started as well?

22 A. Yes. And choosing their own clothes, as far as budgets
23 would allow.

24 Q. When children came to your house, David, what was the
25 purpose of that for?

1 A. Er, for, erm, any reason, really. I don't know quite
2 why I've got that in.

3 Q. Do you mean they would be able to come without an invite
4 or was this something that would have to be arranged
5 with you?

6 A. Oh no, no, no.

7 Q. Okay. (Pause)

8 A. I can't remember that, you know. I remember children
9 coming to the house, but I don't say -- the sentence:
10 'Children would come to my house', it would have been
11 for some reason, but I can't think of many reasons,
12 actually.

13 That girl, [REDACTED] who became the cook, she
14 spent a night overnight with me because the school was
15 full and she had a crisis at home, that was after she'd
16 left. But they certainly didn't come uninvited. And it
17 was for some -- it would be for some reason or other.

18 Q. I think we might come to something later, David, that
19 there is a reference to perhaps a girl babysitting at
20 your house. Was that something that happened?

21 A. Well, yes. That did happen. Erm, not very often.

22 Q. How old were your children at that time?

23 A. I tell you when -- it happened for about -- the last few
24 months I was there. This is a long story.

25 We had a new art room/pottery built, sort of

1 a garage conversion, and it was all fitted out and
2 nobody qualified to run it, do anything in it. Er, and
3 so my wife started -- she could do, she was art trained
4 and she could do it. So that's when we did have
5 a babysitter then for one night a week for -- because
6 I was on duty in the main building and my wife was in
7 the -- this pottery.

8 It was a good idea, a pottery/art room, brilliant,
9 but where's the staff to do it? Well, I don't know what
10 happened to it after that.

11 Q. You say that that was one of the reasons why someone
12 might come to babysit, to allow your wife to do that?

13 A. That's right, that was only for the -- it wasn't built
14 'til -- I can't remember the dates. I really can't
15 remember the dates but it was pretty -- pretty late on.

16 Q. Just looking at the family contact and visits, I think
17 you say that this was something you encouraged, family
18 to come and visit the girls at Balnacraig, and they
19 could take the girls out. There were not set days but
20 it was usually at the weekend. I think this is where
21 you mentioned the fact that you would sometimes visit
22 girls' homes as well?

23 A. Yeah.

24 Q. That might have been to check suitability before home
25 leave was arranged but we have discussed that.

1 A. It might have been, but I don't think it was -- I don't
2 think there was much time for that. Really -- it might
3 have been.

4 Q. In relation to social workers visiting, I think you say
5 that they very rarely came to visit. So that was not
6 something -- this is local social workers didn't come to
7 visit at Balnacraig very often; is that your
8 recollection?

9 A. No, no.

10 Q. But the girls could speak to them on the phone if they
11 wanted?

12 A. Yes.

13 Q. And you allowed them to do that. But from your
14 recollection, they hardly ever wanted to, is that right?

15 A. That's -- very rarely they wanted to. Memory is
16 a difficult thing here.

17 Q. Yes.

18 LADY SMITH: David, I do understand that, this is long time
19 ago.

20 A. You see -- er -- I don't know, really.

21 LADY SMITH: Please don't worry about it. We are asking you
22 about things that happened over half a century ago.

23 A. I know.

24 MS FORBES: Are you okay to carry on, David?

25 A. Yeah, yeah, sure.

1 Q. I am just going to go to the next part of your
2 statement, David, where you talk about reviews of the
3 girls at the school, and the fact that you would do
4 a monthly report to the board of governors and you would
5 provide a summary of what you were going to say in
6 hearings, recommendations that you planned to make, and
7 give a review of the girls' progress. You talk about
8 the process that would take place when a girl was to
9 leave the school.

10 A. Yeah.

11 Q. You say that that would involve a discussion with the
12 girl first, and then you would be involved in asking to
13 call for a hearing?

14 A. Yeah.

15 Q. Would that be because it wouldn't necessarily fall at
16 the time when there was to be an annual hearing?

17 A. That's right, that's right.

18 Q. And perhaps that girl was ready to move on?

19 A. That's right.

20 Q. You tell us about that and we can read that there, so
21 I am not going to go through that in detail, but it is
22 useful to have.

23 You do say, David, at paragraph 45 that there wasn't
24 any formal preparation for girls entering adult life
25 after the school. There was some sewing that took

1 place, they could help in the kitchen, but you say that
2 nobody who was leaving the school was going to live on
3 their own and you don't recall at Balnacraig ever having
4 a situation where a girl left and was going to live
5 entirely on her own?

6 A. No, I had it at Loaningdale, it was absolutely horrific.
7 I endeavour -- I don't know that that was done then,
8 I don't know, but it was absolutely appalling.

9 Q. I think this is in relation to your recollection that
10 you had to take one boy from Loaningdale to a flat in
11 Glasgow with his suitcase to live on his own?

12 A. Absolutely dreadful.

13 Q. That was not a good experience, David, is that fair?

14 In relation to follow up, you say any follow up
15 really after a girl left usually came from the girls and
16 then you talk about the girl who phoned you up --

17 A. Yeah.

18 Q. -- this is the pupil who came back to work --

19 A. That's right, yeah.

20 Q. -- in the kitchen and she was the girl who ended up
21 staying at your house for a night or two, is that right?

22 A. Yeah, one night, I think, or two. Because she decided
23 -- she changed her mind again, and, well, why not?
24 I mean, she'd had a problem at home and she had a look
25 round with me and decided it would be even worse here,

1 so, you know, worse -- and it was ... er, so she went
2 home again.

3 Q. I think you say later on she did come back to work in
4 the kitchen?

5 A. On weekends, yes. But we could arrange -- that was
6 planned. We could arrange a sort of space in the school
7 for her then. That was easy. It was just this
8 emergency that ...

9 Q. Just moving on, David to discipline and punishment, from
10 paragraph 47, you tell us there was no formal policy on
11 discipline or code of conduct but there was no physical
12 or corporal punishment when you were there as head and
13 you go on to say that the big thing, which was never
14 used, was withdrawal of home visits at the weekend?

15 A. That's right. Well, I don't think you really needed to
16 do that to say -- if somebody was absconding, I wouldn't
17 send them on home visits, erm, because you'd likely not
18 see 'em again for a while, erm, but I don't think --
19 well, it says all this. Er, it, erm -- and there was no
20 such thing as a punishment book or anything like that.

21 Q. So that is not something you recall. If there had been
22 a girl running away or misbehaving, was there a book
23 that that would be written into, a daybook or something
24 like that?

25 A. No, but it would be reported to the board of governors

1 that so and so had run away at such and such a time.

2 LADY SMITH: How would that be done, David? Would that be

3 done orally or in writing?

4 A. In writing.

5 LADY SMITH: In a letter?

6 A. Erm, it would be done at the monthly report.

7 LADY SMITH: Right. So you did a monthly report for the

8 board regularly?

9 A. Yeah.

10 LADY SMITH: Thank you.

11 A. Every month there would be -- and any absconders would

12 be all recorded in that.

13 LADY SMITH: Thank you.

14 A. I remember doing that.

15 MS FORBES: So that would be where you would find any detail

16 in relation to girls absconding or any punishments that

17 had resulted in relation to that?

18 A. Yeah. Yeah, but there wouldn't be any punishments. The

19 number of absconding would be recorded to the board,

20 yes.

21 Q. I think you do say, David, that if someone had been

22 running away, then perhaps their home leave would be

23 removed?

24 A. Well, they wouldn't -- that's right. Running away was

25 usually confined to one or two individuals. Er, and

1 quite clearly, that particular individual needed some
2 work on, you know, trying to get at why they were doing
3 it and what was happening and then it would eventually
4 start trying home visits again or ... it's unlikely that
5 somebody who had been at the school very long would
6 start, suddenly start, running away. Most absconders
7 would be doing it early on in their career and you'd be
8 trying to do something about it and why they were doing
9 it and ... And some are very, very difficult, because
10 they don't hardly know why themselves. It's that sort,
11 but I don't think we had many of them at Balnacraig,
12 really. I can't remember, quite honestly.

13 Q. I think you say it wouldn't be withdrawn if they were
14 being unruly --

15 A. No.

16 Q. -- generally, that wasn't a thing that happened?

17 A. The girls weren't really unruly. They were unruly to
18 each other and they were unruly to maybe some members of
19 staff, but they weren't particularly unruly to me. In
20 fact, never -- or I remember a temper tantrum, but
21 nothing -- nothing that required anything drastic or
22 anything.

23 Q. I think just going on with that, David, you say that if
24 a child was cheeky to a member of staff, she would be
25 sent to her room or something like that, and things like

1 smoking would result in you confiscating cigarettes or
2 something?

3 A. Can I just -- I looked at this over the last few days,
4 'cheeky', I don't really mean cheeky, I mean ... there's
5 nothing wrong with being a bit cheeky. Er, let's say
6 rude or aggressive to a member of staff rather than
7 cheeky.

8 Q. Something more than cheeky, would result --

9 A. Rude or aggressive, or ... yes.

10 Q. Okay, and smoking, I take it at that time at Balnacraig,
11 were girls allowed to smoke?

12 A. No.

13 Q. No. So there was a rule, no smoking?

14 A. No. They were nearly all under 16 anyway. And well,
15 they were -- some schools allowed smoking, as you know,
16 at that time. But, well, better not to have it, but not
17 to make too much of a fuss when they did smoke,
18 particularly when half -- half the school's population
19 was going out every day.

20 Q. I think we have heard evidence from other places
21 whereby, by the time a child would get to somewhere like
22 Balnacraig, they might already be addicted to smoking?

23 A. Well, that's true.

24 Q. It might be a difficult thing for them to stop.

25 A. Well ...

1 Q. You say, David, that if girl was smoking, that would
2 result in confiscation of the cigarettes and you
3 discarding them, but you didn't take any further action?

4 A. Very often they didn't have anything to confiscate
5 anyway, there was an end they picked up from somewhere
6 or something ... I mean, I think I probably -- been
7 an occasion where I had smelt tobacco on a girl and
8 pretended I hadn't smelt anything, to be quite honest.
9 But that's allowing it. But it, you know, if somebody
10 comes in from outside or something, I don't know,
11 I wouldn't --

12 Q. From what you are saying, David, you didn't take a hard
13 line in relation to smoking?

14 A. Well, I didn't -- I felt it should be discouraged. And
15 yeah, what I said.

16 Q. I think you say the girls were going out to school every
17 day and --

18 A. Yeah, yeah, of course they could. Out at school, high
19 school, you can buy a fag surely in the bus queue, or
20 wherever.

21 Q. Going on to talk about restraint, David, you say you
22 can't remember girls being restrained by staff when you
23 were at Balnacraig and they certainly weren't restrained
24 by you?

25 A. That's right.

1 Q. There was no written policy about it. You talk about
2 the fact that staff might have to break up fights
3 between girls; is that right?

4 A. Yeah. Yeah, but, I mean, usually if there was a fight
5 between two girls and a member of staff came up, they'd
6 just split up anyway, wouldn't they? It is a norm -- I
7 mean, I tried to make an ethos of the school that it was
8 non-violent, and non-violence -- didn't make -- if
9 somebody did get into a fight, it wasn't common,
10 I don't -- and I don't think, erm, you had to physically
11 break them up or restraint ... I certainly never had to.
12 I don't think my staff had to either, really.

13 Q. I think you tell us that is not something you recall
14 seeing or doing yourself, splitting up two girls from --

15 A. No, I can't -- no. No. That's absolutely ... so I have
16 written it, yeah, and it is -- I don't ... yeah, yes,
17 I've been repeating myself, haven't I?

18 Q. Just going on to the next page, David, at paragraph 50,
19 this is where you talk about bullying and you say that
20 you are not going to say there wasn't any bullying at
21 Balnacraig, and it was something that you had to watch
22 for, you hoped the meetings that you had, these daily
23 meetings with the girls after school at 4.00 pm, were
24 a sort of outlet for people to say they had been bullied
25 and if that had happened, and you did take action if you

1 discovered bullying. You say that one of things was you
2 might threaten to stop home leave, but I think, from
3 what you told us before, that is not something you
4 really did?

5 A. No, and the discussion of bullying is quite important at
6 meetings like this, who -- and allowing people to say
7 things and having -- trying to have children not
8 frightened to say things.

9 Q. I think you say that, if bullying came to your
10 attention, you would speak to the bully about it and
11 make sure they weren't in a position to do it again, and
12 you comment you might increase supervision or change the
13 bedrooms around, and --

14 A. I'm just saying that, because that's what I would do
15 if -- I can't remember instances. But that's -- that
16 seems to me -- it is very, very difficult, this memory
17 stuff, you know.

18 Q. Don't worry.

19 A. It is.

20 Q. I'm grateful for your recollection in relation to that.
21 I think you probably accept, I think you say in that
22 paragraph, you couldn't say there wasn't any bullying at
23 Balnacraig because --

24 A. No, how can you? No, how can you?

25 Q. -- you were not there all the time to see --

1 A. I mean, nobody can -- I -- I think I heard something
2 once -- I can't remember, I heard about somebody, erm,
3 was frightened of somebody, and I thought, 'What?
4 I never knew that', or something like that. I can't --
5 no, I can't remember it.

6 Q. We have your recollection, David, about girls on one
7 occasion being restrained by the police, and you tell us
8 about that, we have that --

9 A. Yeah.

10 Q. -- at paragraph 51. So I'm not going to go through
11 that. I think, going forward, you talk about any
12 reporting of complaints or concerns and say that, if
13 a child wanted to make a complaint, it would come
14 through the staff or they could speak to you, there
15 wasn't a written process and you mention the fact that
16 you introduced the local minister to the daily meeting
17 once a week --

18 A. Yeah, yeah.

19 Q. -- and you thought that was a good thing and he was
20 somebody else the children could have contact?

21 A. Well, he was a good guy, erm, and he made it his
22 business to -- I don't know whether he was ex officio on
23 the board of governors or whether he'd been asked to,
24 I don't know, but I think he was ex officio the local
25 min -- he was new at the same time as I was. So he

1 didn't know the school, er, and he was on the board, so
2 I think he must have been ex officio, something or other
3 like that. And he made it his business to find out
4 about the school and help and that was a really good
5 thing, that.

6 Q. Okay. Just moving forward then, David, you say, this is
7 at paragraph 57, over to page 15, that whilst you were
8 head, there were no inspections at Balnacraig, this
9 Scottish Office individual would come sometimes, but
10 that was really for budgetary reasons and there was
11 obviously the psychologist as well who would attend, but
12 apart from that, or local social workers, there wasn't
13 really anyone else coming in?

14 A. No.

15 Q. In relation to record keeping, you tell us that files
16 were kept on each girl and there was this monthly report
17 to the board of governors, absconsions were recorded on
18 a girl's file, together with reports from their social
19 workers and copies of reports that you would make to the
20 children's hearings?

21 A. Yeah.

22 Q. You tell us at that time who you understood the home to
23 be operated by, and that was, you say,
24 Perth Homes Trust, you think?

25 A. Yes.

1 Q. You mention a solicitor who -- was he somebody who was
2 on the board of governors?

3 A. Yes. He was the correspondent with the Scottish Office.

4 Q. He was the person we talked about earlier, who you had
5 quite a lot of contact with --

6 A. Yeah, yeah.

7 Q. -- and you saw as your sort of line manager?

8 A. He was a friend of mine, even after I was sacked,
9 actually. Er, and he was -- I think he's disappeared.
10 I think he's a bit older than me. I think he's gone.
11 I don't think he lives in Perth anymore.

12 Q. You tell us, David, that whilst you were there, this is
13 at paragraph 60, you didn't see any behaviour that you
14 considered to be abuse taking place at this school, and
15 no child ever reported abuse to you. Is that the
16 position, that's your recollection?

17 A. That's the position. Absolutely. Yes, I was ...
18 I don't think -- I think -- bad as my memory is, if
19 there had have been anything like that, I think I would
20 have remembered it, I think I would have remembered.
21 I think that's one thing I can be pretty certain about.

22 Q. At paragraph 64 then, David, this is in relation to
23 convicted abusers, and we will go on to talk about
24 convictions shortly, but you say, other than yourself,
25 you are not aware of anyone who worked at Balnacraig

1 being convicted of abuse of a child there?

2 A. That's right.

3 Q. I am just coming then, David, to a part of your
4 statement where an allegation of abuse was made against
5 you. This is the point that I would just remind you of
6 Lady Smith's warning that you don't have to answer any
7 question that may incriminate you, but this is something
8 that you have been made aware of and have answered in
9 your statement, and you talk about this from
10 paragraph 65 of your statement, and you were provided
11 with the statement of an applicant to the Inquiry, and
12 you were given, I think, her name but we are using for
13 our purposes a pseudonym, which is 'Ce Ce', and the
14 particular paragraph of her statement was put to you,
15 but I think it's probably best if we just go to that
16 part of her statement. The reference for that is
17 WIT.001.001.1250, page 15.

18 If we could make that a bit bigger on the screen, it
19 is from paragraph 72, further down the page. This is
20 where she's talking about Balnacraig, and I think she
21 starts by saying that she was in Balnacraig for about
22 six to nine months, she thinks, it was a girls-only
23 school and she remembers being the youngest.

24 Then she says at paragraph 74, she says:

25 'It was run by a man called Mr Cowling. He was

1 really big with black hair. He was a horrible man, he
2 assaulted me twice, he kicked me down the stairs, ripped
3 my hair out and punched me. I can't remember the reason
4 why.'

5 Now, we're not given any other context in relation
6 to whether this was a single occasion or what surrounds
7 this, that's the allegation we have. I think you have
8 answered that in your statement and you tell us
9 initially it was difficult for to you remember who this
10 girl was, but you do remember her, is that right?

11 A. Yes, I do remember her.

12 Q. You do recall an incident in relation to her and you say
13 at paragraph 66:

14 'There was an incident when I think a fight was
15 split up by housemothers. I can remember sitting down on
16 a bed upstairs and she was at the other end of the bed,
17 she was sobbing her heart out.'

18 You go on to tell us a little bit more about that,
19 but that is the only incident that you can remember
20 involving her?

21 A. Yes.

22 Q. I think in relation to the allegation that you assaulted
23 her, David, what is your position?

24 A. Well, I -- obviously I can't remember it, but I wouldn't
25 have done. I just would not -- I didn't punch anybody,

1 and I -- I would say I had hardly shoved anybody, and
2 certainly not down stairs, I don't think I -- and I
3 certainly didn't -- I didn't really manhandle anybody
4 and certainly I didn't do that.

5 Q. I think you say at paragraph 67:

6 'I have never, ever, pushed anybody down the stairs,
7 I have never ever punched anybody in the stomach, I have
8 never ever pulled anybody's hair.'

9 You say, I think in relation to 'Ce Ce':

10 'I knew she was difficult but I can't remember being
11 involved and even touching her in any way at all. I'm
12 pretty certain I would remember if there had been
13 anything. It's something I never did anyway.'

14 A. Yes, that's -- that's it.

15 Q. I think you go on to tell us that you recall that she
16 was somebody who turned out to be quite difficult, and
17 you tell us about that?

18 A. Yeah.

19 Q. I think you say that she went on to Balgay after
20 Balnacraig --

21 A. Yeah.

22 Q. -- but you comment that you have never used violence
23 against anybody?

24 A. That's right.

25 Q. Okay. Just going back to her statement, and this is

1 paragraph 76 of her statement, going forward, now, this
2 is in relation to something we will come on to talk
3 about, David, but this again is something that's been
4 said in 'Ce Ce's' statement, so in fairness to you, I am
5 going to put this to you to get your position:

6 'Cowling used to take a girl called [she says the
7 name, and you know, I think, who this girl is] who was
8 from Edinburgh into the wooded area at the back of the
9 home and fornicate with her. She was 15 and we all knew
10 about it. We used to wait in the dormitory at night and
11 watch them sneak out. I can't remember any of the other
12 kids' names.'

13 I just want to ask you, David, what's your position
14 in relation to what is being said by 'Ce Ce' here?

15 A. Well, she never saw me creeping about with [REDACTED]
16 outside the building at all, never mind what she says
17 about fornication, I would never be outside -- I don't
18 remember ever being outside at night with anybody, erm
19 ...

20 Q. Okay.

21 A. This 'used to wait at the dormitory at night and watch
22 them sneak out', I don't know where that comes from,
23 I just -- I just have no idea because, erm, unless --
24 I think, come to think of it, BCY [REDACTED] was there -- no,
25 when did she leave? I can't remember. No, I don't know

1 what she saw. I don't know what she saw.

2 Q. I think from what you are saying, David, you deny that

3 occurring, is that right?

4 A. I deny it all, yes. Absolutely.

5 Q. And just --

6 A. I don't know what -- I have no idea what she's talking

7 about really.

8 Q. I just want to go on, David, just another couple of

9 paragraphs I want to ask you about in this statement

10 before we leave it. She goes on to say:

11 'There was a lot of bullying and pressure from the

12 other children. The place just didn't seem to be run

13 properly at all. I don't know if the staff were aware

14 of it but they should have been. They must at least

15 have seen how Cowling behaved.'

16 In this paragraph, she's obviously making --

17 A. She had a different impression of the school than I had,

18 that's for sure.

19 Q. We have talked about this earlier and your position is

20 that you can't say that there wasn't bullying --

21 A. That's right.

22 Q. -- but you can't remember specific instances?

23 A. I mean, I don't think -- I don't know what she's saying,

24 I don't know.

25 Q. Then I just want to ask you --

1 A. I don't think -- I mean, I just don't get it at all.

2 Q. Okay. I just want to ask you then, David, about the
3 next paragraph, just to get your position on it. That
4 is where she says:

5 'One day I was in the library with [she mentions the
6 girl she's mentioned earlier] with that girl and one
7 other girl. They decided to set a feather cushion on
8 fire and I stamped it out.'

9 Then she mentions the same girl that we have talked
10 about:

11 'Then said to me "Do that again, hen, and I'll punch
12 your face in". I was really small and was frightened of
13 her. She was a good bit older than me and she seemed to
14 be the big shot in the home. They then set another fire
15 and there was nothing I could do. The place got burnt
16 down. They sat on top of the hill watching and
17 laughing. I really didn't think it was funny but I was
18 frightened. We got dealt for it and I got sent to
19 Balgay Approved School?

20 A. How -- there was a fire set. The damage was pretty
21 minimal. We are talking about the redacted word, can
22 I say it? The person?

23 LADY SMITH: No, I'd rather you didn't, David. We know
24 what's under the redactions --

25 A. Okay, yes.

1 LADY SMITH: -- and we know who it relates to.

2 A. Because it is not the same as the other -- yes.

3 LADY SMITH: We understand that.

4 A. Obviously the place didn't -- didn't burn down. Nobody

5 was sitting at the top of the hill watching and

6 laughing. There were very few people in the building.

7 It was a Saturday afternoon, er, which I was -- I wasn't

8 on duty. It was a Saturday afternoon, most people would

9 have been out, and I don't -- when I saw this 'sitting

10 on the hill watching and laughing', I thought they might

11 have been laughing -- watching the fire brigade and

12 that, but it could have been very few people because it

13 was a Saturday afternoon and it was very -- put out very

14 quickly.

15 And I don't know -- I don't know how on earth she

16 got -- it wasn't -- that was not the reason she was sent

17 to Balgay, she was sent to Balgay because we couldn't

18 cope with her quite honestly. I didn't have enough

19 staff and I didn't have enough -- she was going to be

20 a danger to herself and to everybody else and she was.

21 She did damage all sorts of ... she damaged something in

22 the school. I can't remember. Er, but she was ...

23 MS FORBES: David, from what you are saying then, there was

24 a fire, you do remember an occasion at Balnacraig where

25 there was a fire.

1 A. There was, yes.

2 Q. This was set by a girl or girls?

3 A. One girl, yes.

4 Q. You recall one girl. Do you recall it being 'Ce Ce',
5 the person we are mentioning as 'Ce Ce'? The person
6 that you have been given the statement of, was that the
7 person who you recall being involved in setting the
8 fire?

9 A. The other person?

10 Q. It is my fault, David, not yours. I am not explaining
11 myself properly.

12 The statement that I have taken you to is the
13 statement of 'Ce Ce' and while we are using that name
14 'Ce Ce', you have been told her full name?

15 A. Yes.

16 Q. She is the one who says that, after the fire, she was
17 sent to Balgay Approved School --

18 A. Yeah, yeah.

19 Q. -- and she's the one who made the accusation about you
20 assaulting her?

21 A. Yeah.

22 Q. So in relation to her, is she the person you recall
23 being involved in the setting of this fire?

24 A. No, I don't actually.

25 LADY SMITH: She's not saying she was.

1 A. No.

2 LADY SMITH: She's talking about two other girls being
3 responsible for it.

4 A. That's right, yes, she is, yeah.

5 MS FORBES: She mentions --

6 A. She wasn't -- yes. That's right, she didn't say she
7 actually ...

8 LADY SMITH: I think, David, the point she has tried to make
9 is she wasn't responsible for the setting of either of
10 these fires.

11 A. Either of the fires was she, yes.

12 LADY SMITH: But the outcome, as she saw it, was she was
13 sent to Balgay Approved School, that's what she felt at
14 the time.

15 A. Yes. But it wasn't. She was going anyway.

16 LADY SMITH: You say it was for other reasons that you made
17 arrangements for the transfer?

18 A. Yeah.

19 MS FORBES: From your recollection --

20 A. She wasn't blamed for the fire anyway. I mean,
21 definitely not.

22 MS FORBES: This is an incident you recall but you have
23 explained that the place didn't get burned down, it was
24 something that was contained?

25 A. It was absolutely nothing, yes.

1 LADY SMITH: What damage was done?
2 A. Some of the woodwork and the curtains. That's all.
3 LADY SMITH: Was there smoke damage?
4 A. Er, no, I don't think -- it was in the big recreation
5 room. I don't think so, no. It was repaired pretty
6 quickly, anyway.
7 LADY SMITH: Thank you.
8 A. Didn't have very long without it, it didn't have to be
9 completely refurbished or anything like that. Is that
10 what you mean by smoke damage?
11 LADY SMITH: No, I was just wondering what did have to be
12 done, but maybe you don't remember it clearly.
13 A. I don't remember it clearly, but, erm, we weren't out --
14 I'm pretty certain we weren't without the room for very
15 long.
16 LADY SMITH: Okay, thank you.
17 MS FORBES: My Lady, I am about to move on to something
18 else, I don't have too much longer, with David, but
19 perhaps --
20 LADY SMITH: I would normally take a break at this point in
21 the morning, David, would that be helpful to you if we
22 did?
23 A. If you want, I'm okay.
24 LADY SMITH: I think perhaps we should take a break and then
25 start again at 11.45 am, all right?

1 A. Right, okay.

2 LADY SMITH: Thank you.

3 (11.31 am)

4 (A short break)

5 (11.48 am)

6 LADY SMITH: David, is it okay if we carry on with your
7 evidence?

8 A. Yes, thank you.

9 LADY SMITH: Thank you.

10 Ms Forbes, when you are ready.

11 MS FORBES: David, just going back to your statement now,
12 there is a section, starts at paragraph 71, that says
13 'Convictions'. We touched on this before, but this is
14 where you say:

15 'In November 2015, I was convicted of sexual assault
16 against two girls at the Balnacraig when I was the head.
17 I don't know the dates of the offences but I presume
18 they were in 1973.'

19 Then you go on to say:

20 'And I totally deny the offence involving ...'

21 We can just call her girl A, but you are aware of
22 the name and you say:

23 'I totally deny having a sexual relationship with
24 girl B before she left Balnacraig. I was convicted at
25 Perth Sheriff Court and sentenced to two years'

1 imprisonment.'

2 I think you go on then to say, David:

3 'I didn't commit the offences so I cannot give
4 an explanation as to how I was able to do so
5 undetected.'

6 That is in relation to a question, I think, that was
7 posed. You say:

8 'Others at the school were suspicious that I had too
9 close a relationship with girl B and that ultimately led
10 to me being sacked.'

11 David, just before we have a look at those two
12 convictions, I just want to be clear about what your
13 position is in relation to girl B, so this is at
14 paragraph 71 where you say:

15 'I totally deny having a sexual relationship with
16 girl B before she left Balnacraig.'

17 Does that mean that you admit a relationship with
18 her after she left Balnacraig?

19 A. Yes.

20 Q. You do, okay. We will maybe come to that a little bit
21 in a minute as well, David. If I can just go then to
22 the convictions and we can see the extract and the
23 detail, this is at -- the reference for this document
24 I am going to take you to, David, is JUS-000000251.

25 Page 1 of that is an extract conviction and we can

1 see that your name is on it and it is from
2 Perth Sheriff Court and if we go halfway down we can see
3 date of conviction: 15 October 2015, so I think that is
4 when the end of the trial was and the verdict was
5 returned.

6 Then there was a period of time before you were
7 sentenced because reports would have had to have been
8 obtained and that was 20 November 2015.

9 Then we have the description underneath of the two
10 charges, the Criminal Law Amendment Act 1922,
11 section 4(1), and at the dash is 'Child, sexual', and
12 then charge 3, Criminal Law Amendment Act 1922
13 section 4(1).

14 Then underneath we can see that there was a disposal
15 and that was imprisonment of two years and I think we
16 know from the minutes that that was a sentence that was
17 in cumulo, so two charges together received in total
18 together the two years' imprisonment. That's what you
19 recall, is that right?

20 A. Correct, yes.

21 Q. If we just go to page 3, now this just shows us the
22 details of the charges and again, the girls' names are
23 redacted out, but we are only concerned with charge 2
24 and charge 3 on this indictment, and if you go down the
25 page slightly to charge 2; a trial took place, witnesses

1 gave evidence in front of a jury, you gave evidence in
2 front of a jury, and then there was verdicts returned.
3 Is that right, David?

4 A. Yeah.

5 Q. On charge 2 it says:

6 'On one occasion, between 23 July 1971 and
7 23 July 1973, both dates inclusive, at Balnacraig
8 School, Perth, you, David Gordon Cowling, did use lewd
9 indecent and libidinous practices and behaviour towards
10 girl A, born ... [then there's amendment to the date of
11 birth, which says [REDACTED] 1957], a girl then of or above
12 the age of 12 years and under the age of 16 years, and
13 did enter her bedroom, lie on the bed behind her, place
14 your hand on her hip and masturbate against her back to
15 the emission of semen.'

16 That's contrary to the section and Act that
17 I already read out.

18 It seems to be in relation to that charge, David,
19 that that is one occasion between the dates that have
20 been libelled and I think, looking at the date of
21 girl A, she would have been aged between 14 and 15 years
22 at that time.

23 If we go to charge 3, that says:

24 'Between 10 February 1971 and 6 April 1974, both
25 dates inclusive at Balnacraig School, Perth, and

1 elsewhere in Scotland, you, David Gordon Cowling, did
2 use lewd, indecent and libidinous practices and
3 behaviour towards girl B, born [and the date is
4 [REDACTED] 1958], a girl then of or above the age of
5 12 years and under the age of 16 years and did engage in
6 unlawful sexual contact by embracing her and kissing her
7 in an inappropriate manner, inserting your fingers into
8 her vagina and fondling her vagina.'

9 From the dates that we have there, that date range,
10 we can see that the girl, girl B, would have been aged
11 between 12 and 15 years. The charge stops [REDACTED] before
12 her 16th birthday.

13 That is, again, in contravention of section 4(1) of
14 the Act that I mentioned before.

15 Those were the two charges that you were convicted
16 of and we have already gone over your position in
17 relation to that.

18 Your position in relation to charge 2, which is
19 girl A, is that you deny that that took place, is that
20 correct?

21 A. That is correct, yeah.

22 Q. In relation to girl B, you deny that what is said took
23 place between the dates that have been libelled, because
24 your position is that there was no relationship of
25 a sexual kind with this girl during those dates, is that

1 right?

2 A. That's correct, yes.

3 Q. Whilst she was under 16.

4 I think there was a notice, we can see towards the
5 bottom of this indictment, that the Crown were not
6 seeking to try to convict you of this, but they had to
7 give you notice that evidence might be led that, between
8 10 February 1971 and 6 April 1974, at Balnacraig School,
9 Perth, Glasgow, (Inaudible) elsewhere in Scotland, you
10 had unlawful sexual intercourse with girl B and again,
11 during the dates that she would be under 16 but above
12 the age of 13.

13 But there was no conviction sought in relation to
14 that, but you were given notice that evidence would be
15 led in relation to that.

16 Is that what you recall, David?

17 A. Yeah.

18 Q. Yes. David, this trial and conviction took place well
19 after you had left Balnacraig. If we can just go back
20 to your statement for a minute at paragraph 73, I think
21 you explain here:

22 'I left the school because I was sacked. I was
23 sacked because I had an inappropriate relationship with
24 one of the girls. It was alleged to be sexual but it
25 wasn't at that time.'

1 You say the governors of the school approached you
2 in March 1973 and they warned you that you had
3 an inappropriate relationship with girl B and as
4 a result of that, you discussed with the girl what her
5 future would be. She wanted to stay on at the school
6 and you said ...
7 A. No. 'At school', not 'the school'.
8 Q. Sorry.
9 A. She didn't want to --
10 Q. I do apologise.
11 LADY SMITH: She didn't want to leave school at that point?
12 A. That's right.
13 LADY SMITH: How old was she then?
14 A. She was 14, I think. 15, no, was it 15? '73 we're
15 talking about, aren't we? 15.
16 MS FORBES: I think given her birth date, she was born in
17 [REDACTED] 1958, so in 1973, she would have been 14 going
18 into 15 in [REDACTED].
19 A. Yeah.
20 Q. Is that right?
21 A. The issue of 'at school' was that the school leaving age
22 was changing around about that time and, erm, she was
23 giving -- she wanted to continue her education anyway
24 after the summer.
25 Q. So --

1 A. She was coming up to 15, she wanted to continue it.
2 I think -- I can't remember when the actual date
3 changed, but I think she would have stayed on at school
4 anyway. I'm not certain, I can't remember. That's what
5 she wanted.

6 Q. Yes. I think when we had been talking earlier, you said
7 there might be girls who would stay at Balnacraig longer
8 because they wanted to complete their education at the
9 school?

10 A. That's right. This is one.

11 Q. I think you are explaining that, before this became
12 an issue that was raised, you had been thinking perhaps
13 of keeping her on at Balnacraig so she could finish high
14 school?

15 A. Yes, that's right.

16 Q. But the decision was made to change that and you go on
17 to say that your deputy and yourself went to social work
18 in Edinburgh and asked if they could find a place for
19 her, somewhere to live and to go to school in Edinburgh,
20 and that happened.

21 Then you say that happened, I think -- we will go to
22 a document that tells us when she left, and you can
23 comment on that, but you say that happened but then,
24 even though she left, the governors, you say, took it
25 upon themselves in August of that year to allege that

1 you had a sexual relationship with her. Arrangements
2 had already been made for her to leave anyway, but you
3 were sacked.

4 A. Yep. Do you want a comment from me?

5 Q. You can comment just now, David, if you want, yes?

6 A. After the warning in March, and discussion with her,
7 we -- I wanted her out of the -- of Balnacraig. And
8 I wanted her to stay on at school and she wanted both,
9 the same. And that's what we tried to organise. And
10 that's why we were running about in the summer term of
11 the, erm, of the school year trying to find a place for
12 her to go to in Edinburgh, to be away from Balnacraig,
13 and to stay on at -- be able to stay on at school,
14 because a lot of the places didn't have school children,
15 er, of that age staying at them, but we found one. And
16 I involved my deputy head as well for obvious reasons.

17 LADY SMITH: At what stage did you involve the deputy head?

18 A. Er, well, after March anyway -- when --

19 LADY SMITH: Was it after you had discussed it with the
20 girl?

21 A. Yeah.

22 LADY SMITH: Thank you.

23 A. Yeah.

24 MS FORBES: I think you tell us, David, that you were then
25 given a letter to say that the governors had lost

1 confidence in you. Is that what you recall?

2 A. Yes.

3 Q. There was no reason given for that in the letter. You

4 say:

5 'I don't think they had any evidence to go to the

6 police at the time.'

7 You go on to say:

8 'I nearly went to an industrial tribunal but

9 I couldn't face the publicity. I was in a very bad

10 place at the time. I was overworked and depressed.'

11 A. Yes.

12 Q. So I know you use the word 'sacked', but was the actual

13 position that you resigned but were told that you should

14 resign?

15 A. Yeah. I was told, erm -- yeah. I think, yeah.

16 Q. We will look at the date when girl B left, but I think

17 you have admitted earlier that this was a girl you kept

18 in touch with after she left Balnacraig?

19 A. Well, not for a while.

20 Q. Okay.

21 A. Not straight away.

22 Q. So there was a period of time when you didn't see her?

23 A. Yeah, yeah. It was more like, er, summer of '74.

24 No. Yes. Yeah, yeah, that's right, summer. Summer

25 of '74, yeah, that's right.

1 Q. I think your position, David, and correct me if I am
2 wrong, is that after girl B left Balnacraig, there was
3 a period of time when you weren't in contact with her?
4 A. That's right.
5 Q. However you then became in contact with her after that?
6 A. Yes. I -- my wife and I split up, and I went to live in
7 Dundee, and she started coming to stay with me at
8 weekends. And she wanted to give up school and stay
9 with me and I said, 'No, you ain't doing that, you're
10 staying in Edinburgh'. And then it later all broke up.
11 So ...
12 Q. You say that that wasn't until the summer of 1974?
13 A. Yeah, and autumn and Christmas.
14 Q. How long did that relationship continue for?
15 A. Until just about -- just after Christmas.
16 Q. So just after Christmas in 1974?
17 A. No, 5.
18 Q. 1975, okay.
19 A. Yes.
20 Q. So is it a period of about 18 months or so?
21 A. No. It didn't start until the summer of '74.
22 LADY SMITH: Yes.
23 A. So six or seven months -- seven or eight months.
24 MS FORBES: So when you say after Christmas, you mean
25 Christmas 1974?

1 A. Yes, Christmas '74, yes. Yeah.

2 Q. But I think your position, David, seems to be that,
3 despite the fact that there was this sexual relationship
4 with girl B, after she turned 16, and starting in the
5 summer of 1974, that wasn't something that existed while
6 she was at Balnacraig?

7 A. No, absolutely not.

8 Q. Okay. But she had been a girl that had been in your
9 care as headmaster?

10 A. Yes, yes. And can I say, please, I wasn't grooming her
11 for sex. I was over affectionate with her, and I was
12 too attached to her, and I encouraged affection from
13 her, but I was not at that time thinking in any sexual
14 way and this word 'grooming' came up somewhere and
15 I really bridled at that, because it wasn't like that.

16 Q. You say you were overly affectionate with her, David.
17 Was that when she was a pupil at Balnacraig?

18 A. Probably, yes. But not touching.

19 Q. I am just interested what you mean by that phrase. How
20 were you towards her, when you say 'overly
21 affectionate', what do you mean by that?

22 A. I very much wanted to help her, er, and, er, I felt
23 a strong relationship within her, trying to help her,
24 and it came through -- it was affection as well, it was
25 definitely, er, but I don't know why it happened. Well,

1 I don't know. I -- it shouldn't have happened, of
2 course it shouldn't have happened, but --
3 LADY SMITH: What shouldn't have happened, David?
4 A. An over affectionate relationship with her.
5 LADY SMITH: When you say 'over affectionate', what was
6 happening?
7 A. I think it was the way I spoke to her. I think it was
8 the way I just dealt with her. 'Come with me and we
9 will do this, that and the other', you know ...
10 LADY SMITH: Did you hug her?
11 A. Sorry?
12 LADY SMITH: Did you hug her?
13 A. Er, no. Not until -- that would have been when she
14 left, or just before she left.
15 LADY SMITH: Thank you.
16 A. But not ongoing -- yeah, sorry. My memory's whizzing.
17 MS FORBES: But certainly in relation to what was in the
18 charge that we looked at, David, which related to
19 embracing her, kissing her in an inappropriate manner
20 and sexual contact, that's not something you say
21 happened?
22 A. No. No, it didn't. It didn't -- some, I think some
23 student said I kissed her or something, and I didn't.
24 Q. David, I just want to take you to a couple of parts of a
25 document that I have let you know about before, and the

1 reference for it is BLC.001.001.0116.

2 This is a response from representatives on behalf of
3 Balnacraig School in relation to questions asked of them
4 by this Inquiry.

5 LADY SMITH: If I can just confirm to David, it's normal
6 practice, David, for us in advance to send to
7 an organisation, such as Balnacraig, quite a long list
8 of questions that we require them to answer to help us
9 with evidence beforehand and that's what this is.

10 It is not something that was just done in your case,
11 it is done with every establishment, if they are still
12 in existence, and we can find them.

13 A. Thank you.

14 LADY SMITH: Okay.

15 Ms Forbes.

16 MS FORBES: I'm grateful, my Lady.

17 If we can go just first of all briefly to page 107
18 of this document, and if we go just slightly down the
19 page a little bit, we can see that there are, let's see,
20 just above where it says '11 months', there is
21 a sentence which starts -- and that relates to girl A
22 and it gives her name and then it gives her date of
23 birth and it says when she was admitted, and we know she
24 was admitted in [REDACTED] 1970, when she was 12 years and
25 eight months and she left in [REDACTED] 1972, when she was

1 14 years and 11 months.

2 Then underneath that, there's a reference to girl B,
3 and it gives her name, her date of birth as being in
4 [REDACTED] 1958, and she was admitted to Balnacraig in
5 [REDACTED] 1970, when she was 12 years and six months and
6 she left in [REDACTED] 1973, when she was 15 years and four
7 months.

8 A. Hmm.

9 Q. So she left Balnacraig before she turned 16 and we have
10 obviously discussed the circumstances, and you have
11 explained how that came to be.

12 If we can go two pages before, so we can see the
13 question, page 105, this part, if we go to the top of
14 the page, is in relation to questions that are asked of
15 the establishment about abuse of children during
16 a certain period of time. They ask what the assessment
17 is of the extent and scale of such abuse during that
18 period of time, and that is between 1930 and 2014.
19 I think in relation to this, there are two different
20 time periods that have been set down, 1930 to 1971 and
21 1971 to 2014.

22 If we go to page 106, the next page, this is where
23 there is a heading with your name and they talk about
24 dates between 1971 and 1973. I am just going to read
25 this out, David, and ask for your comment. It says:

1 'There have been some more serious concerns during
2 this period, not least of which is the successful
3 prosecution in 2015 of David Cowling, a previous
4 headteacher at Balnacraig, for offences committed
5 between 1971 and 1973 whilst he was headmaster at
6 Balnacraig. The records on David Cowling are discussed
7 below. Press reports indicate that the matter came to
8 notice when a second woman decided to report him. The
9 press report goes on to note his relationship was so
10 blatant, he was forced to resign, despite which it was
11 not reported or investigated at the time. David Cowling
12 was accused and found guilty of having sexual
13 relationships and of assault with two girls resident at
14 the time he was headmaster.'

15 Then it has a little snippet of the press report and
16 it says:

17 'The press report notes Cowling is accused of
18 assaulting a teenage girl, girl A, at a Perth School by
19 grabbing her throat ...'

20 And it sets out an assault charge but that was
21 something that you were acquitted of.

22 I think, if we go to the next paragraph, it says:

23 'It is further alleged that on two occasions in that
24 decade [it has your age at the time of this report] used
25 lewd and libidinous practices towards the same girl by

1 entering her bedroom, lying on her bed, placing a hand
2 on her hip and carrying out a sex act.'

3 We know that you were only convicted in relation to
4 one occasion.

5 Then it sets out the details of the third charge and
6 I won't read that out, David, because we have already
7 been through the details of that and this is obviously
8 a press report about it.

9 It then goes on to say:

10 'A record in the punishment book shows that girl A,
11 one of his accusers, then aged 14, lost three days of
12 home leave as a result of persistent and uncontrolled
13 behaviour.'

14 Then it says three other girls were also punished in
15 the same manner.

16 I think, David, from what you said earlier, there
17 wasn't a punishment book, is that correct?

18 A. There was no such thing as a punishment book.

19 Q. I think if we can go down this page to the bottom where
20 we can see where this is, it should be page 106, so this
21 is the page before?

22 LADY SMITH: Yes, page 106 at the bottom.

23 MS FORBES: Yes, sorry.

24 LADY SMITH: That's 105.

25 MS FORBES: Yes, there is no punishment book but I think you

1 have said that anything to do with withdrawal of home
2 leave and the like would be perhaps in the report to the
3 governors --

4 A. It certainly would be.

5 Q. -- in the monthly report, but a punishment book is not
6 something that you recognise as having existed when you
7 were there, is that right?

8 A. That's correct. There was no -- there wasn't ...

9 Q. Then, if we go over to the next page then, we can see at
10 the second paragraph, it says:

11 'Records show that he took a special interest and
12 had a special relationship with girl B, which continued
13 after he had been warned it was inappropriate. The
14 relationship continued after she was moved to another
15 establishment. Girl B was the second girl who gave
16 evidence against David Cowling at his trial in 2015.'

17 I just want to ask you about that, David. You spoke
18 earlier about the fact that the issue in relation to
19 girl B had been raised with you by the governors in,
20 I think, March 1973, is that right?

21 A. Yes.

22 Q. But then we know that girl B left in [REDACTED] 1973, is
23 that right?

24 A. Yeah, that's right.

25 Q. The reference here seems to be that you took a special

1 interest and had a special relationship with her but
2 that continued after you had been warned it was
3 inappropriate. What's your position in relation to
4 that?

5 A. Well, one of the reasons it was getting -- er, of her
6 moving, was to stop my relationship with her. We -- and
7 she agreed with that, that it was, erm, you know, she
8 would move to Edinburgh and carry on school. That -- at
9 the time. So it didn't -- the relationship didn't
10 continue, there was a break in the relationship.

11 Q. So just dealing with the first part, I think there was
12 a period of time, after the issue was raised with you by
13 the governors, the board of governors, in March?

14 A. Yeah.

15 Q. Before girl B left in [REDACTED]; is that right?

16 A. Yes.

17 Q. So there was a period of some months when she was still
18 at the school?

19 A. Yeah.

20 Q. It seems to be suggested here that your relationship --
21 the special relationship or special interest with her
22 continued after that initial warning in March 1973.
23 What is your position in relation to that, David?

24 A. Well, it didn't -- it carried on being friendly and so
25 on and -- but we were discussing her leaving anyway.

1 I mean, that was the end goal of the proceedings.
2 That's what we both wanted. She wanted to leave and,
3 erm, I wanted her to leave too.
4 Because remember, she was one of these girls that
5 didn't have a family. Er, I -- she was -- had some
6 contact with her father, but -- in fact I took her to
7 see her father ... her father came to school too, came
8 to Balnacraig a couple of times. I took her to see her
9 father at his house, er, with a view of going there on
10 home leave, but that really wasn't appropriate at all.
11 He lived in, erm, what was it called, the old -- the
12 hotel for the homeless in Grassmarket, Great Eastern?
13 Great Eastern?
14 LADY SMITH: I am not sure then which hotel it would have
15 been.
16 A. It was along the south side of Grassmarket. It was
17 a massive place and he was a -- he was one step up from
18 being an inmate in the homeless bit. He had a flat
19 upstairs.
20 LADY SMITH: So David, you are telling me you yourself took
21 the girl there?
22 A. Yes.
23 LADY SMITH: Did you take such steps in relation to any
24 other pupils, and by that I mean --
25 A. Oh yeah.

1 LADY SMITH: -- take an individual child to their home to
2 see if it would be suitable for home leave?
3 A. Er, no, because there would usually -- she hadn't been
4 in contact with her father for years.
5 LADY SMITH: I am not asking about her, I am asking about
6 whether you did anything like that for other children,
7 and like that, I mean take them individually back to
8 their home to see if it would be suitable for home
9 leave?
10 A. Yeah. Erm, there was a girl, in Glasgow, in the Gorbals
11 when -- it was questionable whether, I can't remember,
12 her mother didn't want her or didn't -- her mother said
13 she did want her or --
14 LADY SMITH: Okay, don't worry about the details --
15 A. I remember the visit. Better than the reasons. But
16 I remember a saucepan that size with about six chips in
17 it and oil boiling away and [REDACTED], her name was, I can't
18 remember --
19 LADY SMITH: David, at these times, you were the head of the
20 school?
21 A. [REDACTED]?
22 LADY SMITH: You were the head of the school?
23 A. Yeah.
24 LADY SMITH: Did you think it was right that you were doing
25 these trips on a one-to-one basis with individual pupils

1 yourself rather than have somebody else?

2 A. I didn't have anybody else, did I?

3 LADY SMITH: Well, you had a deputy.

4 A. Yeah, he did come. And there was hearings to attend to.

5 Erm, he did -- I didn't do all the hearings either. Er,

6 well, things were -- I wasn't there very long, remember.

7 It was changing -- trying to change things and get

8 somebody ...

9 But, erm, I took, er -- took that girl -- I took

10 a girl home in an emergency when her grandmother died,

11 er, and that was also going to be a decision of where

12 to -- she used to go home to her grandmother, and that

13 was also a place to -- that was down in Ayrshire.

14 LADY SMITH: David, let me ask you a different question.

15 Did anybody ever give you guidance on training on how to

16 maintain appropriate boundaries between yourself as head

17 and the children in the school?

18 A. No, I am afraid not.

19 LADY SMITH: Thank you.

20 Ms Forbes.

21 MS FORBES: My Lady, I think, David, the phrase there is

22 'a special interest' in this girl. We have your

23 position in relation to whether or not this was sexual,

24 but do you concede that you did seem to take a special

25 interest in the wellbeing of this girl.

1 A. Yeah, yeah.

2 Q. Did that perhaps form the basis of why you took it upon
3 yourself to go with her to see her father?

4 A. Yeah.

5 Q. Okay. Again, you have explained as well that you took
6 the steps to try and find her somewhere else by going to
7 the council and arranging somewhere for her to live and
8 a school for her to go to after this became an issue at
9 Balnacraig?

10 A. Yeah.

11 Q. Yes. Just before we leave that part there, David, the
12 second part of that paragraph relates to the
13 relationship continuing after she was moved to another
14 establishment. I think, from what you have told us,
15 your position is that the relationship only continued at
16 a later date, and that was summer 1974?

17 A. Yeah.

18 Q. Was she still in another establishment at that time?

19 A. She was still in the same one, yeah.

20 Q. Okay.

21 A. It was at -- I can't remember its name.

22 Q. This was in Edinburgh, is that right?

23 A. Yes, it was in Musselburgh actually, yeah.

24 LADY SMITH: Did she keep in touch with you?

25 A. Er, not at first, but then she started ringing me and

1 I started ringing her.

2 LADY SMITH: When did that begin?

3 A. Summer '74, I suppose.

4 LADY SMITH: Thank you.

5 A. When -- I was on the way of leaving my wife.

6 MS FORBES: Yes.

7 I was about to ask you about that, I think you

8 mentioned earlier that you had relationship troubles at

9 that time, is that right?

10 A. Sorry?

11 Q. You had problems in your relationship at that time?

12 A. I did. I did, yes. I was leaving (Inaudible).

13 Q. If I can take you now to page 199 of this document, and

14 if we could go down to near the bottom of the page, and

15 this is in relation to complaints being made to the

16 establishment at the time and the question is asked who

17 made the complaint. It says:

18 '1973 staff against David Cowling'.

19 And it says:

20 'In May 1973 ...'

21 Apologies, I think earlier I said March, and that is

22 my mistake, so it is May 1973:

23 And again in September 1973:

24 '... concerns were raised by various staff about the

25 inappropriate nature of the relationship between

1 David Cowling and girl B.'

2 It says here:

3 '... who he had been seen kissing and regularly had

4 babysitting.'

5 This seems to be, David, a report raised by various

6 staff. It's not clear as to whether the reference to

7 kissing and regularly babysitting is in relation to

8 May 1973 or September 1973, however, that seems to be

9 the report that has been made.

10 I think you said earlier in your evidence that you

11 did have girls babysitting; is that right?

12 A. Yeah, with this -- when the pottery started, yeah.

13 Q. Was girl B one of the girls who would babysit for you?

14 A. Yeah.

15 Q. In relation to that issue, babysitting, they were

16 correct about that, is that right?

17 A. Yep.

18 Q. But there is obviously this reference to kissing --

19 A. No kissing.

20 Q. Yes. So your position in relation to that is that

21 didn't happen?

22 A. Yes.

23 Q. If we can go to page 202 of this document. Just at the

24 top, there again, it has your name and it says, this is

25 in relation to what was the establishment's process and

1 approach in dealing with the complaint, and in relation
2 to you, it says:

3 'As indicated, the complaints were made to the
4 governors by other staff. The governors took statements
5 from various staff. In the first instance, they
6 believed David Cowling's statement that, whilst he spent
7 time with girl B and used her for babysitting, there was
8 nothing inappropriate in the relationship. They agreed
9 that he should spend less time with her. When further
10 complaints were made, these also resulted in statements
11 being taken from other staff and on this occasion, the
12 governors asked for his resignation.'

13 Whilst it is not clear from this, David, as to
14 whether this reference to kissing was made on the first
15 occasion, there is a reference to babysitting in the
16 first instance. However, there seems to then be this
17 later stage in September when further complaints were
18 made and more statements were taken and, whilst it is
19 not clear, it may be that this is the occasion where the
20 allegation of kissing is coming from.

21 What's your understanding of that?

22 A. I don't really know.

23 Q. Okay.

24 In any event, there were these two periods and we
25 talked about that earlier and that it was only at this

1 second occasion of reports being made or complaints
2 being made that the governors asked for your
3 resignation; is that right?

4 A. Mm-hmm.

5 Q. If we can just go to page 112, and halfway down that
6 page, again, this is in relation to acknowledgment of
7 failures by the organisation or establishment and they
8 talk about yourself, halfway down the page.

9 The first paragraph under your name, halfway down it
10 there's a bit that starts:

11 'In addition, it appears that his departure was
12 based on recognition of his inappropriate behaviour, but
13 it is unclear whether this information was passed on to
14 any future employer. The governors, having had concerns
15 brought to their attention in respect of girl B in
16 May 1973, failed to take appropriate action. There was
17 no independent investigation and no police involvement.
18 Instead, despite clear evidence of an inappropriate
19 relationship, they allowed David Cowling to continue in
20 post and accepted his promise to spend less time with
21 girl B.'

22 Then there is a comment made about the governors,
23 the person authoring this report says:

24 'It is evident that either the governors failed to
25 understand the significance of David Cowling's

1 behaviour, or that he was a clear risk to the individual
2 concerned. When further allegations emerged a few
3 months later, including that his relationship with the
4 young person had continued, they demanded his
5 resignation but still failed to refer the matter to the
6 police. Despite the level of concern, it would appear
7 that David Cowling did not leave his post until the end
8 of September 1973, minutes of the September governors'
9 meeting note that despite the request for
10 David Cowling's resignation, this had not been received.
11 During the meeting [going over to the next page] contact
12 was made with David Cowling's solicitor, who confirmed
13 he would resign. The meeting agreed he would not be
14 asked to work his notice but that he would be allowed to
15 attend a course on management responsibilities between
16 15 and 21 September in Glasgow. They also appear to
17 have agreed that his resignation would not hinder any
18 future employment with children.'

19 If I stop there, David, do you have any comment to
20 make about what I have read out there?

21 A. This bit, the first bit about continued to
22 September 1973, [REDACTED] left Balnacraig long before that,
23 she left in [REDACTED] did she not?

24 Q. I think we saw from the dates earlier that it
25 was [REDACTED] --

1 A. I was on holiday all of [REDACTED] anyway.

2 LADY SMITH: [REDACTED]?

3 A. Yes, but --

4 LADY SMITH: Okay.

5 A. So how could the relationship -- it couldn't continue
6 between when she left and when -- she left -- well,
7 I can't -- well, how any relationship -- I didn't have
8 any contact with her at all --

9 LADY SMITH: David, you may be getting mixed up. All the
10 note says is that you didn't leave your post until the
11 end of September 1973 --

12 A. Oh right.

13 LADY SMITH: -- and I suspect the records show that you were
14 on the books until the end of September and that would
15 be in line with them saying you could go to a course
16 in September and no doubt you would still be receiving
17 your pay during that period.

18 A. I don't remember that. Yeah, I don't remember that at
19 all. This course, I don't remember that at all.

20 LADY SMITH: A management course.

21 MS FORBES: I think, David, there's part of the first bit
22 that I read out, it was quite a long paragraph and set
23 of text, so apologies for that, but I think there was
24 some reference to the fact that further allegations
25 emerged a few months later, including that 'his

1 relationship with the young person had continued' and
2 I think they are saying as in it continued
3 beyond May 1973, albeit girl B left on [REDACTED] 1973,
4 and we know that you were on a course. But I think
5 there are still some months there after May in which the
6 allegation is that this relationship continued.

7 But we have your position in relation to that. Your
8 position is that you didn't have an inappropriate
9 relationship with her, as you saw it, and your position
10 is it wasn't sexual, is that right?

11 A. That's right. But --

12 Q. Did you change your approach in relation to -- we spoke
13 about this special interest in girl B. Did you change
14 your approach in relation to her after May?

15 A. Yeah, I did a bit. I tried to.

16 Q. Did that mean that you --

17 A. I didn't feel right with, you know, fobbing her off all
18 the time, but we just -- well, we just waited for her to
19 be -- to leave, really.

20 Q. So there is a period of time after May when girl B is
21 still at the school, you are still in your position as
22 head, this warning has been given to you and you have
23 explained you were trying to find her a position
24 somewhere else?

25 A. Yeah.

1 Q. But there was still contact obviously between you and
2 girl B during that period; is that right? In the sense
3 of you were still the head of the school and she was
4 still at --
5 A. Yeah, yeah, of course, yes.
6 Q. You say you changed your approach though in relation to
7 her after that?
8 A. Yeah, I did, yeah. But -- because we were organising
9 her move to -- and that was the focus and it was
10 a different sort of relationship, we're not thinking
11 about what we are doing here now, we're thinking about
12 going away to Edinburgh, yeah.
13 LADY SMITH: David, you say to me that you didn't feel right
14 with fobbing her off at that time?
15 A. No, I didn't. No, I didn't.
16 LADY SMITH: So you carried on being nice to her, did you?
17 A. Yeah, of course I did. Yeah, I mean, sorry -- no, I
18 didn't mean, you know --
19 LADY SMITH: That didn't change?
20 A. -- it was natural, yeah, I didn't mean it in a
21 (Inaudible) it was just being me.
22 LADY SMITH: Okay.
23 MS FORBES: I think we are still on page 113, is that right?
24 A. I am on 111.
25 Q. Going over to page 113 at the top. Yes, I think we had

1 reached the point about the resignation?

2 A. Yes.

3 Q. We spoke about this earlier, David, that essentially you

4 were asked to resign?

5 A. This course, I never went on this course, you know?

6 Q. You don't recall a course --

7 A. No, I never did. No, that's absolute nonsense.

8 I didn't -- I don't remember it being mentioned.

9 I certainly -- I might have forgotten that, but --

10 LADY SMITH: David, what that says is that at the meeting,

11 this would be the governors, it was agreed you would be

12 allowed to attend this course --

13 A. Yeah, but I don't even remember --

14 LADY SMITH: -- and it was going to be between 15 and

15 21 September. Of course that doesn't say as a matter of

16 fact you did attend it, but it does say that they would

17 be content with you attending it and no doubt were going

18 to fund it, if you attended.

19 Do you get my point, David, do you understand what

20 I am saying?

21 A. Yes, I do, I suppose. But I would surely remember being

22 spoken to about it.

23 LADY SMITH: Maybe they said you could go but you didn't go.

24 A. I would surely remember that.

25 LADY SMITH: It's a long time ago.

1 A. If it was said -- well, yeah, okay, they say that but
2 I don't remember it. I don't remember anything about
3 that at all.

4 LADY SMITH: Thank you.

5 MS FORBES: David, just to continue on this page, now the
6 next paragraph I am going to read out has within it
7 perhaps some interpretations that have been made by the
8 author of the report.

9 If you bear with me, I will read it out and then
10 I will let you make any comments about that or ask you
11 some questions about it. It says:

12 'The concern over David Cowling's behaviour seems to
13 have resulted in significant consequences for all the
14 other children and staff. The other girls and staff
15 had, for a number of months, been aware of the
16 favouritism shown to girl B, which included spending
17 a significant amount of time with her and allowing her
18 to babysit. Records show a significant level of
19 disruption in the school, including abscondings,
20 aggressive behaviour, and some girls, including girl B,
21 taking overdoses. The scandal that resulted from
22 David Cowling's departure continued to disrupt the life
23 of the school, with the breakdown of trust that it
24 created. It appears to have resulted in the school
25 closing in January 1974, due to a combination of the

1 difficult behaviour from the girls and staff shortages
2 brought about, in particular, by a shortage of suitably
3 qualified and experienced staff. The closure meant that
4 the remaining girls were moved to other establishments
5 or allowed home, which will have contributed to
6 an already difficult life experience for the girls in
7 question.'

8 Now, there is quite a lot in that, David?

9 A. There is a lot.

10 Q. First of all, in relation to disruption at the school,
11 including abscondings, aggressive behaviour, and this
12 reference to girl B taking an overdose, do you have
13 anything to say about that? Any comment to make?

14 A. No, I don't. It's the first I've heard of it.

15 Q. In relation to girl B, whilst you were involved with her
16 care, were you aware of her taking any overdoses?

17 A. I remember some -- I wasn't on duty for the weekends,
18 but it was some girls took [REDACTED]. I don't
19 think that girl B was involved. In fact I'm certain she
20 wasn't -- well, no, how can I be certain about it. She
21 said she wasn't.

22 Erm, but they did take some -- they attended -- he
23 took them to hospital, my deputy took or got them taken
24 to hospital, because they'd said they'd [REDACTED]

25 [REDACTED] and they were discharged, erm,

1 without staying overnight. I don't think they had
2 taken -- I can't remember. I wasn't on duty anyway, but
3 I knew about it when I got back but I was away for the
4 weekend.

5 Erm, I don't think -- this scandal that resulted
6 from my -- the scandal that resulted from my departure
7 continued ...

8 How did that -- I don't get that at all? My
9 departure should have been a good thing, should it not,
10 for them?

11 Q. Just first of all then, David --

12 A. I don't know what it's saying here.

13 Q. There is no time period given in relation to this
14 reference to abscondings, aggressive behaviour, and some
15 girls taking overdoses. The paragraph seems to suggest
16 that it might be after the time period in 1973 when you
17 left or it became known that there was --

18 A. I don't know.

19 Q. -- this favouritism, but it's not something you say you
20 are aware of in relation to girl B?

21 A. No, it's certainly not anything I was aware of. You see
22 this -- they might not be referring to this -- this
23 overdose, it was about three or four of them got hold of

24 [REDACTED]. Erm, I don't know the details too
25 much, but it was dealt with, er, erm, and they realised

1 how stupid they'd been but they didn't take
2 life-threatening quantities and that -- I don't know,
3 are they saying that that's part of the scandal that
4 resulted from my departure? No.

5 Q. It was useful to kind of read that part out, David, just
6 to see what your position was in relation to it and it
7 is not clear as to when this is suggested to have
8 occurred --

9 A. I don't get this.

10 Q. -- but in relation to what you have said, David, about
11 you being aware of some girls, not girl B but some
12 girls, taking overdoses, did that happen the year you
13 left in 1973 or was that earlier?

14 A. Oh, it did happen when I was there. Or an incident like
15 that happened. Incidents or scares like that weren't
16 that uncommon. I mean, not taking big overdoses but
17 self-harming and this sort of thing, erm, were not
18 particularly uncommon, and you had to deal with it.

19 But, erm, I don't know what they're saying here,
20 'The scandal that resulted from my departure ...'
21 'Breakdown of trust', I don't get this. This is --

22 Q. As I said before I read it out, David, I think there are
23 some inferences being drawn from things in this
24 paragraph and it is clearly an opinion that has been
25 given by the author of this report, but what it seems to

1 be suggesting is that, after you resigned, that this led
2 to a breakdown of trust. It's not clear with who, but
3 it says then that this seems to have resulted in the
4 school closing in January 1974 --
5 A. I didn't know this, you know. I didn't know this until
6 now. I didn't even know this --
7 LADY SMITH: Did you know the school closed?
8 A. No.
9 LADY SMITH: I see. Thank you.
10 A. I didn't even know, you know, after our last -- when
11 I made the statement, this is the first I have ...
12 LADY SMITH: Did you move away from Perth?
13 A. No, but I moved out of the house.
14 LADY SMITH: And you were not aware of --
15 A. It wasn't in the Perth --
16 LADY SMITH: You were not aware of what was happening at the
17 school?
18 A. And I don't -- I would have done if it was in the local
19 news or something but, the school closed down? Wait
20 a minute -- the general election was February '74, yeah?
21 No, '75. No, '74.
22 LADY SMITH: 1974.
23 A. '74. The general election was '74.
24 LADY SMITH: Yes.
25 A. I was helped by one of the election agents, and I helped

1 in the general election, and he knew about Balnacraig.
2 He never knew, so I -- what I'm saying is I was in
3 touch -- I'm thinking aloud -- I was in touch with
4 people on the Perth scene, nobody ever mentioned that
5 Balnacraig had closed. Because this chap that I made
6 friends with me, was -- spoke about Balnacraig, he said,
7 'When I met you I knew who you were', and he would have
8 said something about Balnacraig being closed.
9 LADY SMITH: David, don't worry about not knowing at the
10 time. This is information that has come from people
11 responsible for the school and we have been told it shut
12 in January 1974.
13 It doesn't mean that they are saying you knew,
14 I just wondered if you did know.
15 A. Yeah.
16 LADY SMITH: Okay?
17 A. But I'm trying -- sorry, I beg your pardon.
18 LADY SMITH: Don't worry about it.
19 A. I'm trying to get my own head around ...
20 MS FORBES: David, I think we have your position in relation
21 to that, you weren't aware that it closed in
22 January 1974 and whatever the commentary might be here
23 as to the reasons why it closed, that's not really
24 something that you can comment on.
25 I think there's a number of things mentioned there,

1 in that paragraph, about a shortage of staff and
2 difficult behaviour from the girls.

3 If I could just take you to one last part, David, it
4 starts at page 114 and it goes over to page 115, the
5 paragraph, but the bit, if we go to paragraph 115, it
6 really relates to -- sorry, page 115, I keep saying
7 'paragraph', that is my fault.

8 At the top there, there is a continuation of that
9 last paragraph, but essentially it is just indicating
10 that at the time, in respect of girl A, there was
11 nothing available on the records to indicate that staff
12 or governors were aware, should have been aware, about
13 those allegations in relation to girl A. There was no
14 report of abuse by her at the time, and that is your
15 recollection, is that right?

16 A. Mm-hmm.

17 Q. In relation to girl B, who we have been talking about,
18 again, the only allegations of something inappropriate
19 at the time came from staff, it didn't come from girl B
20 herself, is that right?

21 A. Mm-hmm.

22 Q. It was only later in 2014, when there was a police
23 investigation, whereby girls A and B spoke to the
24 police. Is that your understanding?

25 A. Yes, I think so, yeah.

1 Q. David, we have gone through quite a number of things
2 today and I appreciate that it has not been easy to go
3 over these matters again. Thank you very much for
4 answering my questions, that is all I have to ask you
5 today.

6 Is there anything else that you want to say that you
7 feel like you haven't had a chance to say?

8 A. No, thank you. That's ...

9 Q. Okay.

10 A. Thank you.

11 MS FORBES: Thank you.

12 A. Thank you very much.

13 LADY SMITH: David, can I add my thanks.

14 I said at the outset that I knew what we were asking
15 of you was difficult and I can see it has been
16 difficult. But thank you for bearing with us and for
17 the patience that you have shown.

18 A. Well, thank you for all you are doing anyway. You've
19 got some job on, so ... you have.

20 LADY SMITH: I am grateful to you for recognising that.

21 A. So I am sorry I haven't been -- I can't be more clear
22 unfortunately.

23 LADY SMITH: David, it's very difficult as one gets older to
24 think back more than half a century and try to recall
25 detail.

1 Please, feel free to go now, have a safe journey
2 home --
3 A. Thank you very much.
4 LADY SMITH: -- and turn your mind to other things for the
5 rest of the day.
6 A. I think I have got plenty to do.
7 LADY SMITH: Good, thank you.
8 A. Thank you very much.
9 (The witness withdrew)
10 LADY SMITH: Ms Forbes, should we rise now for the lunch
11 break --
12 MS FORBES: There is another witness at 2.00 pm, my Lady,
13 yes.
14 LADY SMITH: I think we should do that.
15 Before I rise though, it may have been noticed that
16 there were two girls' names that were mentioned by the
17 witness, one was [BCY], the other was [REDACTED]. These
18 are women who are not to be identified outside this
19 room. They are protected by my General Restriction
20 Order and it must not be disclosed that they were
21 referred to in our evidence.
22 Thank you.
23 (12.49 pm)
24 (The Luncheon Adjournment)
25 (2.00 pm)

1 LADY SMITH: Good afternoon.

2 Mr Peoples.

3 MR PEOPLES: My Lady, the next witness is joining us via

4 Webex link and has the pseudonym 'James' and this is

5 a witness who, I think, should receive a warning.

6 LADY SMITH: Thank you very much.

7 'James' (called)

8 (Via videolink)

9 LADY SMITH: 'James', good afternoon.

10 A. Good afternoon.

11 LADY SMITH: Can you see me and hear me all right?

12 A. Yes, thank you.

13 LADY SMITH: Good. I am Lady Smith, I chair the Scottish

14 Child Abuse Inquiry here in Edinburgh. Thank you for

15 joining us over the link this afternoon, so that we can

16 take oral evidence from you, which, of course, will be

17 in addition to the written statement that I already

18 have -- that's the statement you so helpfully provided

19 recently to us, thank you for that as well. It's

20 already evidence before the Inquiry. But this

21 afternoon, we would like to explore some particular

22 aspects of it with you.

23 Now, if at any time you have any queries, please

24 don't hesitate to speak up. It is important that I do

25 whatever I can, albeit at a distance, to make the

1 process of giving evidence as comfortable as possible,
2 and I say that appreciating that it is not
3 a particularly comfortable thing to do, in that we are
4 going to be asking you questions about things that
5 happened decades ago.

6 Let me say at the outset, I understand that that is
7 tough from the point of view of accessing your memory
8 and I don't expect you to remember it all as if it was
9 yesterday, so don't be embarrassed if you have to tell
10 me you are not sure or you get muddled over something,
11 it's perfectly normal.

12 Other than that, it's really important that you
13 appreciate although this is not a court, it is a public
14 inquiry, you have all the rights and protections that
15 you would have if it was a court setting. That means
16 that if you are asked any questions, the answers to
17 which could incriminate you, then you are entitled to
18 refrain from answering them. You don't have to answer
19 them at all. But if you do answer them, of course
20 I expect you to do so fully.

21 If at any time you are not sure whether we are
22 asking you such a question, do check. There is no
23 problem with us confirming one way or the other if it is
24 that sort of question, or, indeed, if at any other time
25 you have a query or we are not making sense, that's our

1 fault, not yours. Indeed, if you want a break at any
2 time, just say, that's quite all right.

3 Does that all make sense?

4 A. Yes, indeed.

5 LADY SMITH: Good. If you are ready, I will hand over to
6 Mr Peoples and he will take it from there.

7 A. Thank you.

8 LADY SMITH: Thank you.

9 Questions by Mr Peoples

10 MR PEOPLES: Good afternoon, 'James'.

11 A. Good afternoon.

12 Q. Today, I will be asking you some questions on behalf of
13 the Inquiry and I would be using the signed statement
14 you produced and we will pick up some matters in it, but
15 not necessarily everything you say, but as Lady Smith
16 said, it's all evidence that you have given to the
17 Inquiry, so I will just pick out some things today with
18 you.

19 Can I also begin by giving the reference that we
20 give to your statement. You don't need to worry about
21 this, but I will do it for the purposes of our
22 transcript. Your statement has the reference
23 WIT-1-000001494.

24 'James', you have a copy of that statement on the
25 table in front of you I think?

1 A. I do, yes.

2 Q. Can I ask you to open the folder at this stage and turn
3 to the final page of your statement.

4 A. Have done.

5 Q. Can you confirm for me that you have signed your
6 statement and dated it?

7 A. I did indeed.

8 Q. Thank you. Can you also confirm that you have no
9 objection to your statement being published as part of
10 the evidence to this Inquiry, and that you believe the
11 facts stated in your witness statement are true?

12 A. Yes, indeed.

13 Q. Now, can I ask you to turn to the front of the
14 statement, at the beginning, and I will take you through
15 some parts of your statement now. Can I start by
16 getting some information about your background, 'James'.
17 You tell us a bit about your background before you
18 became employed at Balnacraig?

19 A. That's true, yes.

20 Q. You tell us in paragraph 2 that you left school at the
21 age of 15; is that right?

22 A. It is.

23 Q. When you were 22 years of age, for a period of nine
24 years, you were a policeman?

25 A. I was.

1 Q. Yes. You worked in various departments with the local
2 police; is that right?

3 A. Yes.

4 Q. Then I think that was really taking you through most of
5 the 1960s, I think, if I can do my arithmetic correct?

6 A. That's correct, yes.

7 Q. Then I think you had what might be seen as quite
8 a significant change of direction and that you went to
9 Moray House, where you did a diploma in youth and
10 community work?

11 A. I did.

12 Q. As part of the diploma, you did a six-week non-assessed
13 placement at Tynepark School in Haddington, is that
14 right?

15 A. Yes. Correct.

16 Q. It may have been an approved school, I think List D was
17 the name that was given to the schools after 1971, so
18 I think it might have been still called an approved
19 school, is that right?

20 A. Erm, I think the List D had just come in around about
21 that time.

22 Q. That's fine. It doesn't really matter because the
23 school very much continued as before.

24 A. And people still called them approved schools.

25 Q. Yes. You say at the end of your placement during your

1 diploma, you were offered a full-time post at Tynepark
2 as a care worker?

3 A. I was.

4 Q. And that after a year at Tynepark, you were promoted to
5 the position of senior assistant?

6 A. I was.

7 Excuse me.

8 Q. You worked at Tynepark for around about 18 months
9 I think; is that right?

10 A. I did, yes.

11 Q. Then there came a time when, I think, the headmaster of
12 the day recommended that you should apply for the post
13 of SNR [REDACTED] at Balnacraig.

14 A. He did, yes.

15 LADY SMITH: 'James', can I just check one thing with you.
16 I really should have done this earlier on, forgive me
17 for not having.

18 I understand you are prepared to take an affirmation
19 that you tell the truth in your evidence. Could we just
20 do that now?

21 A. I am. Of course.

22 LADY SMITH: Raise your right hand, please, and repeat after
23 me.

24 (The witness affirmed)

25 LADY SMITH: Thank you. I am so sorry to have had to

1 interrupt to do that.

2 Mr Peoples.

3 MR PEOPLES: Thank you, my Lady.

4 I will just confirm with you, 'James', I think that

5 what you have said already today is the whole truth and

6 nothing but the truth, as far as you are concerned?

7 A. Yes.

8 Q. Now, if I can just move on to Balnacraig, you did apply

9 for the post of SNR and you got that position

10 in, I think, you tell us 1975?

11 A. Yes.

12 Q. That's on paragraph 4, 'James', on page 1 of your

13 statement. Then I think you tell us that after about

14 a year and a half at Balnacraig, you were given paid

15 leave to complete a postgraduate diploma in social work

16 at Dundee University?

17 A. Yes, that was in the days when there was more money

18 available.

19 Q. Yes, I think there was a time when, if you had a social

20 work qualification, it certainly was better paid than

21 being a residential care worker?

22 A. This is true.

23 Q. You tell us, 'James', that you continued to work at

24 Balnacraig as SNR until 31 December 1999?

25 A. Yes.

1 Q. After that, you became a [REDACTED] to the
2 Children's Panel?

3 A. Well, when I told a hearing in Arbroath that this was my
4 last appearance, because I was retiring, it was the
5 chairman of the panel who actually told me to apply to
6 be a [REDACTED], which I thought was a compliment.

7 Q. If I can go back then, 'James', to your time as
8 Balnacraig, if I can move on in your statement to
9 paragraph 7 on page 2, you tell us that when you started
10 SNR [REDACTED] of the school was a person called
11 [REDACTED]?

12 A. That's true.

13 Q. That in 1976, shortly after you became SNR [REDACTED], she
14 was [REDACTED] a SNR [REDACTED], SGQ [REDACTED], is that
15 right?

16 A. That's true, yes.

17 Q. Moving on, can I just ask you about your first
18 impressions of Balnacraig. I will just read a sentence
19 that you have in your statement which reads:
20 'My first impression of the culture at Balnacraig
21 was that it was strained.'

22 Can you help us, 'James', with what you are
23 conveying or trying to convey with your use of the word
24 'strained', what was it that made you feel that the
25 culture was strained and what did you mean by that?

1 A. Erm, with all due respect to Mrs [REDACTED], I think that
2 she was struggling with, erm, what was or had become a
3 -- a group of rebels, shall we say, who were not
4 prepared to do what they were told. Erm, and apparently
5 before I arrived there, apparently on one occasion the
6 police had to be called to restore control in the
7 school.

8 Part of the problem was, as I've said, that, erm,
9 the school was, in my opinion, grossly understaffed.
10 Erm, and with all due respect to the previous lady who
11 had [REDACTED] school before, erm, what I was hearing was
12 that it was bit Dickensian.

13 Q. In the way it [REDACTED]?

14 A. Yes. For example, one of my fellow students, as
15 I discovered later -- erm -- I met her at a friend's
16 wedding and when she discovered that I was at
17 Balnacraig, she told me one or two of the things that
18 had happened and one of the things that happened which
19 shocked me, was that at bed time, the girls had to line
20 up, the revered Miss [REDACTED] would sit in at the door of
21 her room with a tube of toothpaste and the girls held
22 out their toothbrush and they got ...

23 Which I thought was --

24 LADY SMITH: You are demonstrating that she squeezed out
25 a little bit of toothpaste on each person's toothbrush?

1 A. Yes.

2 LADY SMITH: They weren't allowed to do it for themselves?

3 A. This is true.

4 LADY SMITH: I see. Thank you.

5 MR PEOPLES: They had to do it in a somewhat militaristic

6 way?

7 A. Yes. And that there was also the room that I referred

8 to in my statement as the 'reccy', there was a bay

9 window in which was quite a big television set and that

10 was what happened in the evening, the girls were all

11 sitting watching television and if anybody did anything

12 to upset things, the television was switched off and the

13 girls were sent to bed.

14 Q. Now, you tell us that when you started there, you give

15 us in your statement some examples of the good

16 relationship you say you had with most of the girls and

17 can I just ask you briefly about that. You give as

18 an example that there was a girl -- I am not going to

19 name her, 'James' -- but you say there was a girl from

20 Dundee who you tell us did not have in her life a father

21 figure and that, when she came to Balnacraig, she

22 decided that you would fill that role, is that right?

23 Is that what you are saying?

24 A. Yes.

25 Q. Indeed, if there was any problems with the girl, other

1 staff would call upon you to come and see her to try and
2 deal with the situation?

3 A. Yes.

4 Q. Now, the girl from Dundee that we have been speaking
5 about, and if I go to paragraph 9 of your statement,
6 'James', was one of a number of girls who were moved on
7 when SGQ [REDACTED] SNR [REDACTED] of the school?

8 A. Yes.

9 Q. What you tell us, 'James', is that SGQ [REDACTED] decided
10 that some of the girls, including the girl from Dundee,
11 should be moved on because he wanted 'their culture' out
12 of the building. Can you just explain what his problem
13 with 'their culture' was?

14 A. Well, part of the problem was there was another girl --
15 strangely enough also from Dundee -- who was definitely
16 the Queen Bee among the girls who were in the school
17 and, basically, she told the rest of the girls what to
18 do and led the rebellion, shall we say, against being
19 told what to do.

20 I mean, there had been various problems before
21 SGQ [REDACTED] arrived, before I arrived, which involved the
22 police. So I think that SGQ [REDACTED] attitude was: 'We're
23 starting off with my culture, not that girl's culture'.

24 Q. Can I just put it this way, was his view that 'we will
25 just get rid of' girls that he considered were

1 ringleaders and troublemakers? His view?

2 A. His view, yes.

3 Q. I think you say that was against a background, before he
4 arrived, of some disturbances, and we have heard some
5 evidence about some disturbances in perhaps late 1973,
6 early 1974, before you and Mr SGQ arrived, and is
7 that perhaps what you are referring to as the prior
8 problems?

9 A. Yes.

10 Q. We have also heard some evidence that at one point,
11 perhaps in around January 1974, that the school in fact
12 closed for a temporary period because of problems? Were
13 you aware of that?

14 A. If I was at the time, I've forgotten.

15 Q. It is perfectly understandable, it was a long time ago
16 and you weren't actually there, so don't worry, but
17 I just wanted to know if it was something you recall
18 being told about? You might have been?

19 A. I may well have been, but I don't remember -- I just
20 knew that there had been problems and the relationship
21 between [REDACTED], as SNR [REDACTED], and SNR [REDACTED]
22 SNR [REDACTED], when she arrived, was not good.

23 And again I am relying on hearsay, that the reason
24 that he had been moved on, basically, was because he was
25 undermining SNR [REDACTED] [REDACTED].

1 Q. Right.

2 A. I think -- not with the kids but with the staff.

3 LADY SMITH: 'James', there is just something I want to
4 check with Mr Peoples.

5 Mr Peoples, do we have a date for when the school
6 reopened after the 1974 closure or not?

7 MR PEOPLES: I can't give you one off the top of my head.
8 We can obviously check to see if there is a record of it
9 but it certainly -- it was certainly open, the school,
10 'James', when you started, I take it?

11 A. Yes, I mean, it was certainly only half full when
12 I arrived.

13 Q. It was only half full?

14 A. Yeah.

15 Q. Yes, because I think what we heard was that if the
16 school closed, they would have had to put the girls
17 somewhere else during the period of closure?

18 A. Well, it must have been reopened.

19 (Audio interference)

20 A. I honestly can't remember the numbers.

21 Q. No, don't worry, 'James'.

22 A. I certainly remember that there was quite a few girls in
23 the school, including the girl I referred to from
24 Dundee.

25 LADY SMITH: Okay.

1 MR PEOPLES: Yes.

2 A. And (inaudible).

3 LADY SMITH: There was SNR in place, 'James', you
4 have told us about her --

5 A. Yes.

6 LADY SMITH: -- is that right? Or there had been? Were
7 there other staff?

8 A. There was -- from memory, there was only three or four
9 care staff that were supposed to be looking after
10 a school for 25 girls, and there was two teachers when
11 I arrived.

12 LADY SMITH: Right, thank you.

13 A. But one of the strange things was that -- I can't
14 remember the number, but there was a group of girls who
15 were trusted enough to be taken to Perth High School
16 instead of being -- the fact that they were in
17 a residential school, they were then minibussed out to
18 Perth High School, because I thought it was strange, new
19 girls coming in, because this was still happening when
20 I arrived.

21 LADY SMITH: Right. Yes, I have heard about that taking
22 place before your arrival in 1975.

23 A. Yes.

24 LADY SMITH: Not all of the girls at Balnacraig were going
25 to Perth High, but quite a number of them were.

1 A. Yes. I just found it very strange --

2 LADY SMITH: Okay, thank you.

3 A. -- that new girls were coming in for a pre-visit before

4 we said yes or no to their admission and they came into

5 my office and I would point to the hill away in the

6 distance and say, 'That's the school you're going to',

7 and the girls said, 'But I am here because I wasnae

8 going to school'.

9 LADY SMITH: Yes.

10 MR PEOPLES: Well, I think although it was called

11 Balnacraig School, historically, at least before your

12 time, it didn't have education on the premises and

13 I think girls did go to a local school. And I think by

14 the time that you arrived, it was a mixture, there were

15 some girls getting education at the school and some

16 girls were going to the local primary -- well, the local

17 high school.

18 A. That's true, yes.

19 Q. Okay. Just going back to the girl from Dundee who was

20 transferred, you tell us at paragraph 9, 'James', in

21 your statement, page 3, that that girl years later as

22 an adult did come back to see you and told you that she

23 had qualified as a nurse and wanted to tell you about

24 how she had got on, is that right?

25 A. That's true, yes.

1 Q. Indeed, she expressed -- she said she liked you being
2 there at the school when she was there and being around
3 when she had to go to bed, for example, was that right?
4 A. Yes. At a later visit, erm, I asked her what was the
5 story about why she had climbed onto the roof and it
6 was, 'Because I like to see you at bedtime'.
7 Q. So she used that as a reason to try and get you to come
8 and see her?
9 A. Yeah.
10 Q. Okay. Moving on, I will just stop briefly at
11 paragraph 15, 'James', and just take this from you. You
12 have already, I think, told us that you had a certain
13 view about Mrs [REDACTED] SNR [REDACTED], and I think you put it
14 fairly bluntly in paragraph 15 that, after you arrived,
15 you realised that she was out of her depth, she was
16 a psychologist and had never done that type of work
17 before. She wasn't qualified to do the job that she was
18 asked to do and you say that, in comparing her with the
19 person you describe as 'the revered Miss GXJ [REDACTED]', who
20 I think was a person who had been there for many a long
21 year, and someone you had never heard a bad word about,
22 you feel that Mrs [REDACTED] didn't really manage to
23 achieve the same success as Miss GXJ [REDACTED]?
24 A. That's true.
25 Q. Yes.

1 A. I mean, I actually don't know whether Mrs [REDACTED] had
2 a teaching qualification. I know that she was
3 a psychologist and she'd been working in America, erm,
4 and I don't know whether she came back to this country
5 because of the Balnacraig job or whether she was back in
6 this country when she got the job.

7 Q. At any rate, you feel that she didn't make a success of
8 it. She wasn't able to control the girls, or some of
9 them, and there were problems, and that was still
10 evident when you arrived?

11 A. Yes. I mean, I realise that when you put it down in
12 black and white, it seems very, erm, condemning of the
13 woman. She was doing her best, unfortunately.

14 Q. We just want your assessment and you were there, so
15 you've told us what you think --

16 A. Yes.

17 Q. -- and we have that from you.

18 If I move on to [REDACTED], at paragraph 17 on
19 page 5, 'James', you tell us that SGQ [REDACTED], SNR [REDACTED]
20 SNR [REDACTED], turned things around at the school for the
21 better, is that --

22 A. He did, yes.

23 Q. You tell us that throughout your time there, when he was
24 SNR [REDACTED], you enjoyed a good relationship?

25 A. I did. We became quite close friends.

1 Q. Yes. So it wasn't just a professional relationship, you
2 had a good social relationship too?

3 A. Yes.

4 Q. Okay. Just to try and complete the picture of your
5 career at Balnacraig in general terms, you tell us that
6 you were SNR [REDACTED] until Balnacraig went
7 co-educational around about 1990?

8 A. Yes. I'm now hopeless with dates, but it probably was
9 around about that time.

10 Q. I think you are pretty well accurate, I think it was
11 around that time.

12 A. Right.

13 Q. The List D status had disappeared and I think
14 Balnacraig, like some other schools, became independent
15 and were not funded centrally by central government and
16 some of them decided to go co-educational, whereas
17 previously they had been single-sex schools because that
18 was the way that List D and approved schools operated.

19 A. Well, when the Scottish Education Department, or
20 Social Work Services Group, when they pulled out,
21 I think that that was at the time of local government
22 re-organisation and we came under the Tayside
23 Social Work Department. I think that there was pressure
24 put on from the Director of Social Work that if they
25 were going to continue to underwrite us, as he saw it,

1 then we had to do what we were told and certainly boys
2 as well.

3 Q. You are not really telling us anything that we haven't
4 heard, that once regional councils came into being,
5 there were a number of directors of social work who had
6 strong views about the List D system and the approved
7 school system and they wanted some changes to be made if
8 they were going to support them further and use them as
9 a resource. I think we know about that from other
10 evidence we have heard, so you can take it we have
11 an idea about that.

12 A. Yes.

13 Q. To some extent, because of their ability to be
14 responsible for some funding aspects, they had a certain
15 measure of control over what did or didn't happen at
16 particular schools?

17 A. Yes, there was somebody from the social work department
18 who would attend the governors' meetings.

19 Q. If we go back to when it became co-educational, you tell
20 us there was this creation of a SNR [REDACTED] post and
21 I think from 1990, or thereabouts, onwards, your role
22 was described as 'SNR [REDACTED], Social Work', and there
23 was another SNR [REDACTED] head of education, and that was
24 a Mr [REDACTED]?

25 A. That's true, yes.

1 Q. You say that when Mr SGQ [REDACTED] in March 1992,
2 that [REDACTED] was [REDACTED] to SNR [REDACTED] role?
3 A. Yes.
4 Q. And I think he was still SNR [REDACTED] when you retired
5 in 1996?
6 A. 1999.
7 Q. Sorry, 1999, my apologies.
8 Just going back to SGQ [REDACTED], you tell us that
9 with SGQ [REDACTED] -- this is at paragraph 19:
10 'I was always aware that he SNR [REDACTED], but we had
11 a friendship as well as a working relationship.'
12 Did he ever leave it in any doubt to you or other
13 staff who SNR [REDACTED]?
14 A. He didn't have to. His personality told you that he
15 was.
16 Q. Yes. So what SGQ [REDACTED] said went, even if you disagreed?
17 A. Erm, well, it's strange you should say that. If
18 a member of staff had an idea that was maybe slightly
19 off the wall about an activity that they wanted to
20 introduce or an outing that they wanted to do, the
21 answer that they got was, 'Talk to 'James''. And then
22 the staff would come to me and sometimes, to SGQ [REDACTED]
23 great surprise, I said yes. But he never said no.
24 Q. He never said no, but I suppose if he didn't like
25 something, even if you wanted to make a change, he would

1 be the ultimate decision maker?

2 A. He never disagreed with me. It just wasn't his fault if
3 it went wrong.

4 Q. I see, okay. So if anything went wrong, it was your
5 idea and he wasn't to blame?

6 A. It was my fault for allowing the staff to do what they'd
7 asked to do.

8 Q. I think we get the picture in a way of how he operated
9 in that way.

10 We will maybe come to this later, but there were
11 certain things about the school, certain activities that
12 you tell us about, that you had a certain view about and
13 he had a very different view. I will come to that.
14 I am not going to look at it in detail yet but a game
15 called 'murder ball' for example?

16 A. 'Murder ball' and --

17 Q. Boxing?

18 A. Boxing. **SGQ** produced a pair of boxing gloves, erm,
19 which I thoroughly disapproved of but he was **SNR**.

20 Q. So boxing and 'murder ball' continued in his time?

21 A. Yes. But boxing -- boxing and 'murder ball' were
22 introduced in his time, but the boxing didn't last very
23 long at all.

24 Q. Okay. So in fact he was the one that introduced
25 'murder ball'?

1 A. He got the message that there was staff disapproval.

2 Q. Right.

3 A. I mean, the idea that some girl would go home with

4 a smashed-up nose 'because Mr SGQ made us box each

5 other', and I pointed out to him that that might not go

6 down well with the powers that be.

7 Q. You tell us, 'James', about recruitment of staff at

8 Balnacraig. At paragraph 22, you say there was no

9 written policy in relation to recruitment:

10 'Initially [you say] we probably depended on people

11 who knew the applicants and accepted the references that

12 they gave for such applicants. There were no police

13 checks done but this changed after a member of staff was

14 dismissed.'

15 Is that the position?

16 A. Yes, the ... (Pause)

17 Q. Can I help you, 'James', by saying that you tell us that

18 you can only recall one member of staff being dismissed,

19 and you don't remember the person's name, but you say

20 that he had made arrangements at the weekend to meet

21 a girl who was on home leave from Balnacraig and he

22 lived in Perth and she lived in Dundee. The girl's

23 mother found out and you think the girl's father warned

24 the member of staff to keep away from his daughter and

25 that the upshot was that the member of staff was

1 dismissed by SGQ and the board of governors, is
2 that right?

3 A. Well, the board had to take the final decision that it
4 was -- it was a given that they would do so, when they
5 heard the reasons.

6 Q. Would you say though that, in terms of just more
7 generally, although SGQ would have to
8 the board in a sort of kind of capacity,
9 was he SNR, even with the board, in that
10 if he said he wanted something to happen, almost
11 invariably, it would happen?

12 A. Yes, because none of the board members, erm, were
13 qualified, although we -- there was one high school
14 teacher who joined the board, I can't remember the
15 circumstances, probably at the insistence of the
16 Director of Social Work, that there should be
17 a qualified independent teacher on the board.

18 Q. But, generally speaking, the board were not persons with
19 any experience or expertise in residential child care
20 for vulnerable children?

21 A. They weren't, no.

22 Q. No.

23 A. There was councillors, er, which was very useful because
24 when I came to Balnacraig, erm, having town councillors
25 on the board meant that, even although I wasn't

1 a teacher, I was given a council house because there was
2 a policy with Perth Council to have housing reserved for
3 teachers coming into the -- and because we had somebody
4 from the Education, a councillor who was on the
5 Education Department, that I basically walked into
6 a council flat.

7 Q. So it could have its benefits but I suppose, you would
8 be, I suppose, intelligent enough to work out that
9 having councillors on the board of an independent school
10 did at least have the potential for conflict, because
11 the interests of the council might not always coincide
12 with the interests of the school?

13 A. I don't remember any -- there might have been decisions
14 taken that SGQ went along with, because it wasn't
15 worth falling out with them, rather than that he was
16 suggesting that this might be a good idea.

17 Q. They might make decisions, having regard to their
18 general responsibilities as councillors, as well as
19 their function as members of the school?

20 A. True.

21 Q. Just lastly on the question of this dismissal, 'James',
22 are you able -- not to be precise, but are you able to
23 give some idea of when, during your period of
24 employment, this dismissal took place? Was it early on
25 in your time or was it towards the end of your time or

1 was it somewhere in between?

2 A. Erm, I would say that it obviously happened -- SGQ

3 [REDACTED] in '92, so it was some time probably late

4 '80s/early '90s, after we became co-educational.

5 Q. If it was a girl, it would have to be after you became

6 co-educational and if SGQ [REDACTED] was the person

7 dismissing, it would have to have been before [REDACTED]

8 in 1992?

9 A. Yes.

10 Q. Yes, okay.

11 Moving on, 'James', to a section headed 'Training
12 and policies', if I may, it is on page 7 of your signed
13 statement. You tell us at paragraph 25 that, when you
14 first started at Balnacraig, there was an assumption
15 that you were qualified for the role that you were
16 undertaking and didn't need training and that you didn't
17 get any form of induction training and it was just
18 really thrown in at the deep end. Is that the way it
19 was then?

20 A. Yes, I think that, because Mrs [REDACTED] used my
21 headmaster at Tynepark as her benchmark, shall we say,
22 and because -- and I say this in all modesty -- because
23 I was highly recommended by my headmaster for the job,
24 then my -- my youth and community qualification was
25 called an intermediate qualification and, apart from the

1 fact that this project came in where people, staff in
2 the List D schools, erm, wanted to prove their
3 qualifications, which I did, because I wanted to be
4 a social worker at the start, erm -- sorry, my --
5 Q. Don't worry, 'James'. I think you tell us that you
6 certainly didn't get any induction training, but
7 obviously they felt that you had the qualifications or
8 experience to do the job you had been asked to do?
9 A. Yes, 18 months in another --
10 Q. Yes.
11 A. -- was -- that, and my recommendation from my then
12 headmaster was enough.
13 Q. You obviously say you were well regarded and received
14 a good reference, essentially, from the headmaster at
15 Tynepark, but I suppose it might be said that it was
16 a pretty [REDACTED] to SNR [REDACTED] position
17 in a school. Would you agree?
18 A. Yes, I mean, the headmaster at Tynepark actually came to
19 me and said, 'How do you fancy being SNR [REDACTED]?'
20 Because there's a job going in Perth'.
21 Q. Yes. Now --
22 A. Basically my attitude was: bring it on.
23 Q. I suppose at least it can be said of you that you went
24 from a girls' residential school, Tynepark, to another
25 girls' residential school, so you had prior experience

1 of caring for girls in a residential setting?

2 A. Yes.

3 Q. Yes. Now, just on the subject though of qualifications,
4 not of yours but of the rest of the staff, I think at
5 paragraph 28 you tell us that when you arrived, the
6 staff didn't need any specific qualifications but that
7 the requirement for some qualifications did come in
8 during your period of employment, is that right?

9 A. Yes, it did.

10 Q. But you tell us that this requirement came in close to
11 when you were about to retire, so that was the late
12 1990s?

13 A. Yes. There was new qualifications -- I don't remember
14 the whole set up because by that time I had agreed with
15 SNR that instead of me supervising
16 students -- because we always had students there from
17 colleges that would come for a period ... and in fact at
18 that time, we always appointed a student into a paid
19 role for the summer holidays, to cover for staff,
20 because we were open 52 weeks in the year.

21 So a colleague of mine who had been deputy head at
22 another girls' school, and who I was friendly with, and
23 he was far more experienced than I was in supervising
24 students, so we employed him to do the supervision of
25 social work students at the school.

1 Q. Was that Jim Adam? Jim Adam? No?

2 A. No.

3 Q. No? That was someone else?

4 The general point I am making, 'James', is that for

5 most of your time at Balnacraig, what I might call the

6 frontline care staff were, generally speaking,

7 unqualified?

8 A. Erm, yes, because these qualifications didn't come in

9 until later. Erm, and I think I have actually --

10 somewhere I mentioned what they were called --

11 Q. Don't worry about the qualifications, I just wanted to

12 get the general point that for most of your time at

13 Balnacraig, there were quite a lot of staff, in what

14 might be thought to be a demanding job, who didn't have

15 child care qualifications or training?

16 A. This is true, yes.

17 Q. Sorry, I gave you a name -- I may have given you the

18 wrong name because I am reading on and I think the name

19 I gave you -- was Ron Adam the person?

20 A. Ron Adam.

21 Q. Sorry, that's my apologies, I kind of misled you there.

22 A. He had been deputy head at a girls' school in Dundee.

23 Q. I see.

24 Okay, can I move on, 'James', then to another

25 section of your statement, which is headed 'Discipline

1 and punishment', it starts on page 8 of your signed
2 statement if you want to have that in front of you.

3 A. Yes.

4 Q. I'm not going to go through it all, we can read it for
5 ourselves, but I just want to pick up one or two points
6 just to understand the approach to discipline. I think
7 you say that in the case of children who absconded, one
8 form of sanction, if I can put it that way, could be the
9 loss of weekend leave, is that right?

10 A. This is true, yes.

11 Q. Another thing that might be done for girls who were
12 absconding, was that they would be -- you tell us -- be
13 put into pale blue nylon sleeved overalls as a deterrent
14 to running away, is that right?

15 A. That was what the situation was when I arrived at the
16 school. Erm, it was probably dropped when SGQ
17 came.

18 Q. Okay.

19 A. There's mention of wearing blue over -- blue tracksuits.
20 I don't remember that at all. It may simply be my
21 memory.

22 Q. Yes, because I think some of the people who have spoken
23 to us have said that if they were in -- particularly if
24 they were in a form of detention or the craft room,
25 a form of confinement, that they might be asked to wear

1 tracksuits and they wouldn't have their normal shoes to
2 wear, does that ring a bell?

3 A. That's the word I couldn't remember, the craft room.
4 Yes.

5 Q. Yes, no, it's a long time ago and I appreciate that you
6 will not remember everything but we have had some
7 evidence and, if it helps you, that is all to the good.

8 A. Yes.

9 Q. Now, sorry --

10 A. We had a visiting craft woman who came in and she always
11 saw them in the craft room and if she wasn't around, it
12 might be used as somewhere -- then a member of staff
13 would sit with them in the craft room, which was
14 an improvement, because the craft room was very useful
15 and when I arrived at the school to begin with, it had
16 actually been the girls' toilets.

17 Q. When you did arrive, there was another place, was there,
18 that you tell us about in paragraph 32, that there was
19 what you might describe as a detention room, in
20 Mrs [REDACTED] time, where girls would be locked for
21 a period of time. Is that something that you recall in
22 your early days at Balnacraig, that there was such
23 a room?

24 A. Yes.

25 Q. Yes.

1 A. And it was -- from memory, it was still in use, very
2 infrequently, because, again ... I mean, my memory is
3 vague, but the windows kept getting panes of glass
4 broken from girls who were frustrated because they were
5 in a room where they weren't being supervised, the
6 person who was looking after them, if that's the right
7 expression, was sitting outside the door, because we
8 stopped this practice of actually locking them in.

9 Q. There was this separate craft room though that was --

10 A. Separate craft room was on the ground floor, yes.

11 Q. There would be staff supervising the girls in the craft
12 room?

13 A. Yes.

14 Q. So far as who decided whether a girl went to the craft
15 room or not, that was, I think you tell us, a decision
16 for SGQ [REDACTED], it wasn't your decision? I think you
17 tell us that at the top of page 9, 'James'?

18 A. Yeah. The staff -- if SGQ [REDACTED] hadn't already made the
19 decision, the staff had to go to SGQ [REDACTED] and ask for
20 permission to put them in the craft room.

21 Q. Can you recall what happened when SGQ [REDACTED] came
22 along to the craft room, because we have heard some
23 evidence about he would come from time to time and
24 certain things would happen. Have you a memory of what
25 happened if he came on the scene?

1 A. I mean, I know that he did visit the craft room and he
2 might have, erm, given them, shall we say, a verbal
3 dressing down, if they were misbehaving in the craft
4 room. I don't remember any complaints, either from
5 girls or staff in the craft room, about anything that
6 I would have deemed unacceptable.

7 Q. The reason I ask is that it seems from the evidence we
8 have heard, from more than one person who was at the
9 school, that he did a bit more than give a verbal
10 dressing down, he would sometimes first of all ask them
11 to tell him what a particular word was from a book that
12 they were being asked to read from and, if they got it
13 wrong, he would remove the girl in question and then,
14 outside of the room, he would basically physically
15 assault them, to put it in a nutshell, that would happen
16 sometimes. That is evidence we have heard.

17 Do you know anything about that? No?

18 A. To my knowledge, erm -- I'm not in a position to say it
19 didn't happen --

20 Q. Right.

21 A. -- all that I'm saying is that if I had known that this
22 was happening, I would certainly have had words with
23 SGQ.

24 Q. I follow that, and I think you tell us in your
25 statement. Basically your position is you didn't see it

1 happen. You obviously can't say whether it did or
2 didn't happen, is that right?

3 A. This is -- yes.

4 Q. Okay. Now --

5 A. I mean, I never at any time saw SGQ physically assault
6 a pupil.

7 Q. You didn't, but I suppose that you weren't with him all
8 the time and he might have had the opportunity to do
9 that when you weren't around?

10 A. Oh yes, I mean -- during the school day, I would either
11 be meeting with staff or I'd be in my office doing
12 paperwork or whatever, so at that point, I would have no
13 idea whether SGQ was in the study or whether he was
14 somewhere else in the building.

15 Q. Just be clear, 'James', as well for my benefit, that
16 SGQ had his own study?

17 A. Yes.

18 Q. It had a fire in it?

19 A. It did.

20 Q. It was lit quite often?

21 A. It was?

22 Q. Was it lit, the fire?

23 A. Oh yes, in the winter time it was.

24 Q. In winter time especially. Did you have a separate
25 office of your own, that you worked from?

1 A. I had my own office, yes.

2 Q. Yes. You say that something you would see from time to
3 time -- at paragraph 35, 'James' -- was you saw girls
4 who were sometimes physically struggling with staff, as
5 you put it, and being physically restrained by staff.
6 This is at paragraph 35. Do you see that?

7 A. Yes.

8 Q. I just want to ask you this: what did you actually see
9 on these occasions, and how were they restraining these
10 girls?

11 A. Just with their arms round the girl. Holding them.

12 Q. Did you ever see them do anything else, like put their
13 arms up their back or something of that type, if they
14 needed to bring them under control?

15 A. No.

16 Q. Did you ever see them use pressure points to cause some
17 sort of pain to try and quell whatever acting out was
18 going on?

19 A. No. That would have been something I would have
20 interfered with.

21 Q. I suppose it's like the craft room situation though, if
22 you weren't around, you don't know whether some of the
23 staff did these things at times, is that --

24 A. Yes.

25 Q. I follow.

1 You say that's not something you would do?

2 A. No. I mean, because I had been in the police, I knew --

3 and I don't remember -- I knew certain safe locks, on

4 somebody who was needing restrained. Don't ask me to

5 tell you what they were, because I cannot remember, it's

6 a long time since I was in the force.

7 Q. You have probably answered the question, I was going to

8 ask you what you remember, but what you are telling us

9 is that, in your nine years in the police, you have

10 a recollection that there was some form of what I call

11 restraint training, to put it broadly?

12 A. Yes.

13 Q. But you don't remember just exactly what sort of

14 training you received?

15 A. No, and that's a very long time ago.

16 Q. No, yes, but it might be, of course, that if the police

17 were, generally speaking, being trained to restrain

18 grown adults, that the training that the police gave

19 might not necessarily be suitable for restraining young

20 people under 16, particularly ones as young as 11,

21 12 years of age, would you agree?

22 A. Yes, almost all our girls, and later on when we went

23 co-educational, I could only remember one girl who was

24 11 when she came, erm, and all of our kids were

25 secondary age, so they'd be at least 12 plus.

1 MR PEOPLES: I was going to move on. It may be just a time
2 to have a short break.
3 LADY SMITH: I think so.
4 MR PEOPLES: 'James', we normally have a short break at this
5 time of day.
6 LADY SMITH: I propose we take a short break, not much more
7 than five minutes at this point, 'James'. Is that all
8 right with you?
9 A. Yes, fine.
10 LADY SMITH: Very well, I will do that.
11 (3.01 pm)
12 (A short break)
13 (3.07 pm)
14 LADY SMITH: 'James', is it all right if we carry on now?
15 A. Yes, thanks.
16 LADY SMITH: Thank you very much.
17 Mr Peoples.
18 MR PEOPLES: 'James', can I just be clear about one thing
19 about the way that the school operated. Was there
20 a school assembly each morning which was conducted by
21 SNR, generally speaking, before classes?
22 A. Yes. Yes.
23 Q. Yes. I think you tell us in your statement, I don't
24 want to go into the detail at this stage, but at
25 paragraph 37, is that there was also an evening sort of

1 assembly towards the end of the week where children and
2 staff would be together in the -- I think it's the reccy
3 room, is that right, and that girls would have to stand
4 up and make a case for getting home leave that weekend
5 and that Mr SGQ would be conducting that?

6 A. Erm, I think that I have maybe overemphasised -- I think
7 that, probably, all that they had to do was stand up and
8 say, 'Please can I go home this weekend?' And SGQ
9 would ask the teachers how they had been all week and
10 the care staff how they'd been all week.

11 Q. I think the evidence we've heard is that Mr SGQ --
12 you've already said he might indulge in a ... you were
13 aware that he might indulge in a certain amount of
14 verbal comment, for example, for girls in the craft
15 room.

16 Now, we have heard evidence that at these
17 assemblies, he might well engage in a degree of what
18 might be termed ridicule of young girls in front of the
19 whole school, an experience that at least some now say
20 they didn't enjoy and felt embarrassed and humiliated
21 by. Do you remember occasions when things like that
22 would happen?

23 A. I don't, to be honest. I mean I'm not saying that SGQ
24 wouldn't have made a sarcastic comment --

25 Q. I mean, it might be sarcastic to him, but may be the

1 recipient might not see it in quite the same light?

2 A. Yes, I think that there were probably staff members who

3 would, erm, make a habit of disapproving of what he had

4 said.

5 Q. Yes.

6 LADY SMITH: 'James', you said that each member of staff

7 would give their view as to how the girl had been. No

8 doubt you mean whether or not she merited home leave or

9 not, and that would be done in front of all the other

10 girls?

11 A. Yes.

12 LADY SMITH: I see.

13 A. I think that the reality is that the girls knew before

14 they stood up whether or not they were going home at the

15 weekend.

16 MR PEOPLES: Well, what was the point in asking them to

17 stand up to hear the inevitable in front of the rest of

18 the school? It wouldn't have been a very pleasant

19 experience, particularly if girls were looking forward

20 to going home. I mean, the only person that might have

21 got some enjoyment out of that, arguably, might be

22 thought to be SNR [REDACTED] ?

23 A. I don't -- I mean, I think that, let's put it the other

24 way round, if a girl knew that her chances of going home

25 for the weekend were zero, she wouldn't stand up.

1 Q. The impression we got was that she didn't have much
2 choice in the matter. She might have to stand up and
3 make her case, even if she knew what the result was
4 going to be. Is that not what you recall?

5 A. That's not the way I remember it, no.

6 Q. Okay, but at any rate, some girls did have to stand up
7 and were the subject of comment by SNR, some
8 of it wouldn't necessarily be very complimentary?

9 A. I honestly can't say yes or no to that, because it's not
10 something that sticks in my memory as being
11 unacceptable.

12 Q. Okay. Well, not to you maybe, but maybe to the
13 recipient of the comments it might be a very different
14 story, do you accept? You weren't the one that was
15 being criticised or commented upon sarcastically, it was
16 a young girl in her adolescent years, that may well have
17 been difficult to take?

18 A. Well, as I say, I don't remember that kind of verbal
19 bullying, for want of a better expression.

20 Q. Okay, well, can I give you one example that you might
21 remember. We have heard evidence from one young
22 person -- I am not going to give her name, we call her
23 'Lisa', but you might recognise some things I say.

24 'Lisa' was someone who, during her time at
25 Balnacraig, ran away to London and 'Lisa' said that,

1 while she was in London, she was raped and badly beaten
2 by three strangers.

3 Is that something you can recall, that there was
4 a young girl presenting with that background?

5 A. No.

6 Q. You don't remember. Because she said, when she was in
7 London --

8 A. I don't remember any of our absconders making it to
9 London.

10 Q. Well, 'Lisa' told us she did, and she said that when she
11 went to the police in London, she was examined there,
12 and she was then taken back to Scotland to the school
13 and she said that the only person she told at the school
14 was a girl she shared a room with what had happened in
15 London. But she says that the staff knew what had
16 happened and that in the reccy, in front of other girls,
17 Mr SGQ told her to stand up and said, and he used her
18 surname:

19 'Get on your fucking pins, you're going to the
20 doctor, I'm not having you spreading VD or AIDS around
21 my school.'

22 She says she sat down and was embarrassed and she
23 says that Mr SGQ failed to mention that she had been
24 raped and that following this comment by Mr SGQ, some
25 girls called her a slut and other names because of what

1 he said about her.

2 Now, do you have any memory of that occasion?

3 A. None whatsoever.

4 Q. No. I take it then you can't -- you are not suggesting

5 it didn't happen at all, is that -- you can't say --

6 A. I'm suggesting that if it happened, it was at a time

7 that I was away from the school on school business.

8 Q. Okay, okay.

9 A. That's all I can think of, because I don't remember --

10 I mean, I certainly don't remember ever **SGQ** using the

11 word 'fucking' in front of any of the kids.

12 Q. Okay. If I can move on, 'James', to some allegations

13 that former pupils have made about you. Can I turn to

14 that now, if I may, so that we can get your response.

15 You have already responded, I think, to these things in

16 your written statement, but can I just ask you about

17 them today?

18 A. Certainly.

19 Q. It really starts towards the foot of page 13, at

20 paragraph 53, 'James'.

21 Do you have that in front of you?

22 A. Not quite.

23 Q. Take your time.

24 A. Right.

25 Q. The first person is a person that we are calling for the

1 moment, today, called 'Emma'. Now, you know her real
2 name and you say you remember this particular girl that
3 we are calling 'Emma'?
4 A. Is that at 53?
5 Q. Yes?
6 A. Right.
7 Q. You say you remember the girl in question?
8 A. Yes.
9 Q. If I go on to the next page at paragraph 54, 'James',
10 you say at no time did you ever sanction or punish the
11 girl 'Emma', as far as you can remember, she was one of
12 the good girls and that you definitely never abused her
13 in any way. Do you see that?
14 A. I do, yes.
15 Q. Now, part of the statement that 'Emma' has given to the
16 Inquiry is referred to in your statement at
17 paragraph 55, and, I can take this short, 'James', that
18 she tells us that one game that was played was
19 'murder ball' and I don't think you dispute the fact
20 that 'murder ball' was a game that was played at the
21 school?
22 A. Yes.
23 Q. What 'Emma' says is that SNR , Mr SGQ , and
24 you, 'James', both liked this game.
25 I think your response -- I think you have already

1 kind of indicated this -- is you say you hated the game?

2 A. I did, I thought it was totally inappropriate.

3 Q. Although you don't necessarily see it as abusive?

4 A. Erm, no. I mean, going back to my out-of-date views of

5 the sexes, I just thought it was totally inappropriate.

6 Q. Maybe I can just pick up just why you think that. You

7 say first of all it wasn't a game for girls, in your

8 view?

9 A. Yes.

10 Q. Although you do say that whatever 'Emma' may say about

11 what happened, during the game, you wouldn't have said

12 from your observations, that the girls, to put it as

13 'Emma' does, that the girls beat the crap out of each

14 other, but you say it was a very unladylike experience,

15 and you don't remember girls using it as an excuse to

16 settle differences between them. Is that your position?

17 A. That's my position. And my -- with hindsight, my memory

18 is we went to a special school's gymnasium once a week

19 in Scone, erm, and that's the only time I remember

20 'murder ball' being played.

21 Q. This is The Glebe School?

22 A. Yes.

23 Q. Yes. I take it though there would be occasions when the

24 game was being played where you wouldn't necessarily be

25 present, it might just be Mr SGQ or vice versa?

1 A. I would never be there at The Glebe without Mr SGQ ,
2 because he was the PE specialist.
3 Q. Would there be occasions when Mr SGQ might be there
4 without you?
5 A. That's possible, yes.
6 Q. Again, I suppose it is a case of, unless you were
7 following very closely the whole action in a game
8 without rules, you wouldn't necessarily have a clear
9 picture of all that went on. I mean, it's a bit like
10 the good old days of rugby where the dark arts in the
11 scrum weren't always picked up?
12 A. Yeah, that's possible. I mean, as I say, I thoroughly
13 disproved of it, and I made no secret of my disapproval
14 to SGQ .
15 LADY SMITH: Would the girls have known that, 'James'?
16 Would the girls have known you didn't approve of
17 'murder ball'?
18 A. Not necessarily, no.
19 MR PEOPLES: No.
20 LADY SMITH: Thank you.
21 MR PEOPLES: I think you do say on reflection, at 57, you
22 suppose it could now be classed as abusive, is that
23 right?
24 A. Yes.
25 Q. I mean, it wouldn't have been an option to say, 'I'm not

1 playing the game, Mr SGQ, I don't like to play
2 'murder ball'', that wouldn't have been something that
3 Mr SGQ would have tolerated, would it?

4 A. No, and at the same time, my disapproval wouldn't have
5 been tolerated either, if SGQ thought it was a good
6 idea.

7 Q. Just another example of SGQ was ?

8 A. Yes.

9 Q. Yes. Now, there is also another matter which 'Emma'
10 tells us about at paragraph 58, and I want to ask you
11 about this because I think this is something that
12 a number of former pupils have commented upon, is the
13 way that Mr SGQ and you, as they put it, interacted
14 with some of the girls at the school.

15 What 'Emma' says at paragraph 58, 'James', if you
16 have that in front of you, is that it says that there
17 was one girl who used to sit on -- I think this is
18 Mr SGQ knee and was all over him:

19 'He would sometimes try and encourage me [this is
20 'Emma'] to sit on his knee or on the arm of the chair
21 beside him. I refused. Other girls did the same to Mr
22 GHG -- I'm sorry -- 'James'. This was inappropriate
23 and it was wrong. There was another girl and she used
24 to sit on 'James's' knee.'

25 Do you see that is what 'Emma's' recollection is?

1 A. Again, I -- the girls frequently sat ... I mean, my
2 chair had wooden arms and the girls would sit there.
3 I don't remember them sitting on my knee, to be honest.
4 Q. You say that, 'James', but if I can just read to you
5 what you say at paragraph 59 of your statement:
6 'I can understand how it looked, but this was
7 something that happened. My recollection is that if
8 a girl came to sit on my knee, she would be the one to
9 make that choice and not me. There would be other girls
10 in the room. I was never alone with a girl sitting on
11 my knee. Whether it was right or wrong is for other
12 people's interpretation.'
13 That was what you have told us in your statement; is
14 that the position?
15 A. Yes. I'm not in a position to say it never happened,
16 I'm just saying I have no recollection -- I mean, I do
17 remember the girl sitting on the arm of my chair, and
18 I would have my arm round her waist. Erm, and I can't
19 definitely say that it never happened that any girl sat
20 on my knee.
21 Q. We have heard some evidence about what might happen when
22 girls sat on Mr SGQ knee or lap, and one person
23 recalls that his hands were in the wrong position, he
24 would talk about girls' breasts and bums, and while
25 a girl was on his knee, he would be looking at other

1 girls and telling them to pull their skirts up a bit
2 more, and he would position his hands at times as
3 'consenting adults might do', as she put it. I think
4 what that is a reference to is that she was likening his
5 actions to what would be called foreplay.

6 Now, that is what she has told us was Mr SGQ
7 approach, and it was far from anything that might be
8 described as a fatherly cuddle. Are you in a position
9 to dispute what she is saying about Mr SGQ ?

10 A. No, but the reality is that -- I mean, Mr SGQ wife
11 was a teacher in the school and at break times, when the
12 girls were out of class, she would -- if we take the
13 screen is where the fire was, fireplace, SGQ would be
14 sitting on his chair there and she'd be sitting on the
15 other side of the fire, so his wife was seeing
16 everything that was going on.

17 Q. You are not suggesting his wife was always in the study
18 when he had a group of girls in the study, are you?

19 A. Most of the time, yeah.

20 Q. Did he have other people who were not teachers in his
21 study, because we have heard some evidence that there
22 were males, perhaps of his age or perhaps slightly
23 younger, who would spend time in the room and, indeed,
24 one would be asking a girl to sit on his knee and
25 I think the name GYQ was mentioned. Does that ring

1 any bells for you?

2 A. The name?

3 Q. GYQ , GYQ , I think that's the first name.

4 No?

5 A. No, I mean, I can't say that didn't happen. I don't

6 remember, but SGQ did have ... occasionally friends

7 would come to visit him in the school.

8 Q. Would they spend time in his study?

9 A. Yeah, although I would have thought it was probably at

10 times that the girls weren't around but, as I say, I'm

11 not in a position to say that these things didn't

12 happen.

13 There were some of SGQ pals, shall we say,

14 because, I mean, I had met some of them when -- SGQ

15 and I used to go to the Isle of Skye Hotel and play pool

16 before we got a pool table in the school itself, and

17 I wouldn't say that some of them were of dubious

18 character but they were rough and ready guys.

19 I wouldn't have been friendly with them personally, and

20 I certainly would never have invited them to visit me at

21 the school.

22 Q. But he did? SGQ did?

23 A. Obviously, yeah.

24 Q. You would be disapproving of that. Did you ever tell

25 him that maybe it is not a great idea to bring these

1 friends to a school during the school day? Or at any
2 time, for that matter?

3 A. No, I didn't.

4 Q. I mean, looking back, and thinking of the interests of
5 the girls at the school at the time, do you now think it
6 might have been a good idea to have had a quiet word
7 with Mr SGQ about perhaps reconsidering this
8 practice?

9 A. I'll agree with the second part, in that, erm -- I could
10 say that -- I disapproved of some of them coming to the
11 school, but I don't think I ever told SGQ because, we
12 go back to the bit, who's SNR?

13 Q. Are you really saying in effect, 'James', that it
14 wouldn't have made any difference what you said, if
15 SGQ wanted it to continue, it would have continued?

16 A. Yes.

17 Q. Yes. Just on the question of what was appropriate, you
18 tell us at paragraph 60, 'James', that you can recall
19 a senior social worker once saying to you that he had
20 visited the school and had observed a girl sitting on
21 Mr SGQ knee and that the senior social worker told
22 you that this wasn't appropriate and you say:

23 'To an outsider this probably did seem
24 inappropriate, but to the children who were wanting
25 a place on the pecking order, it was better sitting on

1 my knee and it all felt normal. Nothing happened when
2 the girl was on my knee other than banter.'

3 Just despite being told by a senior social worker
4 that letting girls who are maybe the ages of 12, 13, 14,
5 sit on your knee was not an appropriate thing to do, it
6 appears you continued to do that. Is that right?

7 A. Erm, yes, I mean, I didn't see sitting on an adult
8 male's knee as being inappropriate, because I think, as
9 I have said somewhere, that --

10 Q. I think I can help you, 'James', I think you tell us:

11 'In relation to girls sitting on my knee [at
12 paragraph 61], I don't see this as any different to my
13 14-year old family relation wanting to sit on my knee.
14 I didn't see it as abuse.'

15 Is that what it comes to?

16 A. Yes, indeed.

17 Q. These girls, just looking at that position, these girls
18 were not related to you in any way?

19 A. No.

20 Q. If we are dealing with girls who are maybe 13 or
21 14 years of age, do you not consider they were a bit old
22 to be sitting on your knee, or any other man's knee,
23 certainly in the context of a school?

24 A. Erm, I think that you have to make a distinction between
25 the kind of residential school we were and a normal day

1 school.

2 Q. Why would a residential school in this context be any
3 different? Because, would you agree, that if
4 an adolescent teenager in a mainstream school had asked
5 a member of staff, a senior member, if she could sit on
6 the staff member's knee, do you seriously believe the
7 staff member would have said, 'Oh yes, go ahead'? Is
8 that what -- do you think that would have --

9 A. No, but --

10 Q. No?

11 A. I mean, all that I can say, and I can see why it was
12 disapproved of, but I don't know quite how to put it.
13 It was just these girls were -- and I may be cutting my
14 own throat here -- but these girls had had an upbringing
15 before they came to us that most of them had totally
16 lacked any kind of affection, shall we say --

17 Q. Are you saying you were doing something in the way of
18 providing a fatherly gesture?

19 A. I would have said so, yes, in the same way that the
20 14-year old family member --

21 Q. But you can't speak for Mr SGQ ?

22 A. No, I can't speak for Mr SGQ .

23 Q. Because the description we have of what Mr SGQ did is
24 certainly nowhere near a fatherly gesture or fatherly
25 cuddle, as I think you would agree, from what I have

1 told you?

2 A. Yes.

3 LADY SMITH: 'James', these weren't three-year-old toddlers,
4 they were pubescent teenagers, isn't that right?

5 A. Yes.

6 LADY SMITH: A bit of a difference?

7 A. Yes, there's a difference, of course there is.

8 LADY SMITH: Mr Peoples.

9 MR PEOPLES: Just going on to something else that 'Emma'
10 tells us. This is dealt with in your own statement at
11 paragraph 62 and following on page 15, 'James'. She
12 says that Mr SGQ and you, 'James', would call her
13 'BB' being short for 'boobs and bum'.

14 Now, is your position you don't recall calling this
15 girl 'BB' at any time?

16 A. I would never have used that expression --

17 Q. Because -- I'm sorry?

18 A. I'm not saying SGQ didn't, but I would never have --
19 the only nickname that I had for this particular girl
20 was the girl pop star that she was -- that she looked
21 like, and obviously used as an example of what she
22 should look like at that age.

23 Q. What was that?

24 A. I can't remember who the pop star was.

25 Q. You used a pop star name to call -- you called the girl

1 by the name of a pop star that she liked? Is that what
2 you recall?

3 A. No, I -- what I'm saying is that if I had been giving
4 her a nickname, that would have been comparing her to
5 the pop star but --

6 LADY SMITH: 'James', hang on. You just said that you did
7 have that nickname for her, and it was the girl pop star
8 that she looked like. Maybe you did use that name, did
9 you?

10 A. Since I can't even remember the pop star's name --

11 LADY SMITH: Do you remember something about using a pop
12 star's name for her?

13 A. In conversation with --

14 LADY SMITH: Yes.

15 A. -- other members of staff.

16 LADY SMITH: Okay.

17 Now, did that pop star have large breasts?

18 A. I wouldn't have thought so. I mean, we are talking
19 about a slim girl with blonde, shoulder-length hair
20 so --

21 LADY SMITH: Did she have shapely breasts?

22 A. Did she have?

23 LADY SMITH: Shapely breasts?

24 A. I can't even remember the pop star. All that I know is
25 that this girl -- that -- that this girl had obviously

1 modelled herself on this pop star, but I can't for the
2 life of me remember who the pop star was.

3 LADY SMITH: Okay. So you are going to tell me you don't
4 remember whether the pop star had a shapely bottom as
5 well?

6 A. I just remember that this girl looked like her, that's
7 all.

8 LADY SMITH: All right.

9 Can you picture either of them, the girl or the pop
10 star?

11 A. I can picture the girl.

12 LADY SMITH: Okay.

13 A. And --

14 LADY SMITH: Hang on, 'James', did the girl have shapely
15 breasts?

16 A. I've no idea. I remember an image, but basically I'm
17 thinking about her image from the shoulders up.

18 LADY SMITH: Okay, thank you, 'James'.

19 Mr Peoples.

20 MR PEOPLES: I am not going to ask you about your response
21 to boxing. I think you have made that clear, what your
22 position is, that what 'Emma' says that you and
23 Mr SGQ would make girls box.

24 Just one thing, you say you didn't make girls fight,
25 so if there was a question of boxing, did you give them

1 a choice, do you say?

2 A. I -- no. I mean, to my knowledge, the only time that

3 the boxing gloves were ever in my hand was when I took

4 them from SGQ and put them down on the table.

5 Q. Just going back to SGQ, he didn't give them a choice,

6 did he?

7 A. No, he didn't.

8 Q. He basically would say to them, 'This is what you have

9 got to do to sort out something that started as a fight.

10 Get into the ring with your gloves on'?

11 A. I mean it wasn't even -- as -- I mean, there was

12 nothing, it was a case of going, the pair of them, 'Sort

13 it out'.

14 Q. Okay, but they had to sort it out by putting boxing

15 gloves on?

16 A. Yes.

17 Q. That's what SGQ wanted them to do and that's what they

18 had to do?

19 A. They didn't put the boxing gloves on, SGQ put the

20 boxing gloves on them.

21 Q. I suppose you tell us that it wouldn't have mattered

22 what you said, even if you didn't like this practice,

23 because SGQ was SGQ unto himself, would that sum

24 SGQ up quite well?

25 A. Yes.

1 Q. Now, moving on to paragraph 69 and following, there is
2 another former pupil, you know her name. We are calling
3 her 'Terri' today?

4 A. Oh yes.

5 Q. You say that you don't really have any clear
6 recollection of this particular girl?

7 A. The only thing that I remember about this girl was that
8 she was from Angus, and it was the name. I can't
9 remember a thing about her at all.

10 Q. Okay. Can I just deal with -- there is a specific
11 allegation that she makes and we can just maybe turn to
12 that, 'James', it is at paragraph 72. What 'Terri' says
13 is that there was an occasion where she was taken back
14 to Balnacraig in a police van after running away, and
15 was assaulted by you, 'James', when she arrived back.
16 She says you grabbed her by the throat, pulled her out
17 of the van and pushed her into the main building. She
18 says that during this incident, she ended up lashing out
19 and kicking you.

20 Your response, I think we see from paragraph 73, and
21 I will just read it, and you can tell me if this is your
22 position:

23 'That was not the way I worked. If there was
24 difficulty getting this girl out of the van, I would
25 have asked the police for assistance. There is no way

1 any sane person would assault a child who is in the
2 presence of the police.'

3 You say from your memory:

4 'I have never grabbed a girl at any time by the
5 throat ...'

6 Therefore, as far as you are concerned, 'Terri' has
7 an incorrect memory, as you put it. Is that what it
8 comes to?

9 A. As an ex-policeman, there is absolutely no way that if
10 the police arrived with the girl who had run away, that
11 I would be the one to pull her out of the van. I would
12 ask -- I would have asked the police to bring her into
13 the school, into the building.

14 Q. Would you have tended to know the policemen that would
15 bring girls like 'Terri' back to Balnacraig? Would they
16 be on reasonably friendly terms with you?

17 A. It was very -- I would have said -- I mean, I don't
18 remember the police delivering an absconder to the
19 school. Usually, if that happened, that the girl was in
20 police custody, they would get in touch with us and say,
21 'Will you come and collect this child?'

22 Q. The question, I suppose, I was seeking an answer to was:
23 would you know the police that might have to have
24 occasion to bring girls back? I mean, you could know
25 some of them, would you not, from your dealings as

1 SNR of a residential school and perhaps also
2 because you had been a former policeman yourself?

3 A. I am assuming that this girl was brought back from Angus
4 by the police. I can't think why that would have
5 happened, erm, because usually, we would have got -- if
6 it was out of hours, out of office hours, the police
7 would have been in touch with the school. If it was
8 during office hours, the police would have got in touch
9 with the social worker and said, 'You are the social
10 worker for this girl, she has absconded, it's up to the
11 social work department to return her to the school'.
12 So I have no recollection of the police -- I'm
13 assuming, possibly wrongly, that she actually was picked
14 up by the police because she had run home to her home in
15 Angus.

16 Q. We have heard evidence generally in this Inquiry that
17 sometimes police dealing with runaways from care
18 settings weren't always overly sympathetic to their
19 plight, even when they explained why they were running
20 away from the institution, and, indeed, some policemen,
21 we have heard evidence, might themselves give a person
22 a slap, as if that was perfectly acceptable.
23 Now, you were an ex-policeman, and you presumably
24 know that they were not all angels at all times?

25 A. I would have said that the vast majority of the police,

1 if you had been collecting or picking up an absconder,
2 would have been totally and utterly unsympathetic,
3 because she must have done something wrong to be in
4 a school like that.

5 Q. Yes, that was the attitude, wasn't it?

6 A. Yes.

7 Q. Your response was in fact put to this girl, that we are
8 calling 'Terri', and I will just tell you what her
9 response to your response was.

10 She said:

11 'It's just the sort of thing an ex-copper would
12 say.'

13 She's adamant it did happen and I suppose she is
14 basically saying, and you will understand this, that
15 a policeman, however he reacts to a situation, is never
16 going to admit what he did if it appears to put him in
17 the wrong. I mean, that's her response to your
18 response.

19 A. Yes.

20 Q. Now, you are smiling a little bit, but does that come as
21 a surprise to you, that she thinks, well, don't treat
22 them as angels, don't assume that when they say they
23 didn't do it, that is the truth?

24 A. Having said that, I don't know that a girl would
25 necessarily know that I had ever been in the police.

1 Q. Well, she may have had some dealings during her
2 childhood with the police for one reason and another, so
3 she might have had at least more of, as it were, street
4 knowledge than some more sheltered children --

5 A. If she referred to me as an ex-policeman, then I don't
6 know how she knew that because it wasn't something
7 I publicised.

8 Q. But you see the point she is making?

9 A. Oh yeah, I can totally understand it. I mean --

10 Q. But your position is this just didn't happen? Is that
11 what it comes to or do you not recollect doing anything
12 of the sort?

13 A. What I'm saying is that whatever the circumstances were,
14 it didn't happen the way she says. I have no
15 recollection of either her or her being returned in
16 a police van, or my involvement, but if it happened at
17 all, then it didn't happen the way she describes it,
18 because I would never -- two police officers come along
19 and stand aside and let me pull a girl out of the back
20 of a van? I don't think so.

21 Q. What you do say, just on that matter at paragraph 74,
22 I will just read out what you say:

23 'If I had been trying to manhandle a girl, I would
24 have gone for the arm and put it up her back and would
25 never grab somebody by the throat because that would be

1 dangerous.'

2 I take it from what you are telling us there is that
3 you would certainly have been prepared to put a girl's
4 arm up her back as some form of restraint or
5 intervention -- you were prepared to do that. Was that
6 a legacy of your police training?

7 A. Erm, yes. But, I mean, I'm saying, and again, it's my
8 memory, I'm saying that this never happened but I can't
9 say that I never, ever restrained a girl by putting her
10 arm up her back.

11 Q. Would that have caused the person pain? It could have
12 done?

13 A. Not if I was doing it properly.

14 Q. Are you saying that putting their arm up their back, if
15 done properly, doesn't involve any form of pain to the
16 person being restrained?

17 A. Only if they struggle.

18 Q. Let's assume, because I think some of these girls did
19 struggle -- I think they tell us that, that it was fight
20 or flight, and in their case it was often fight. So if
21 they struggled, you say that it would potentially cause
22 pain, and you would know that?

23 A. Yes, but I would never get it to the stage where that
24 was going to happen.

25 Q. In an ideal world, maybe that might be so but we are

1 dealing with situations here where it might be fast
2 moving and if you are taking someone by the arm and they
3 are resisting, you might just apply a bit more force?
4 A. We are also dealing with a situation that I say never
5 happened.
6 Q. No, but I am just trying to see -- you did tell us what
7 you would do, and I don't think you are saying that this
8 is entirely hypothetical, that there weren't occasions
9 when you would have had to manhandle a struggling girl
10 and that would have involved putting the girl's arm up
11 her back?
12 A. I'm saying I can't say it never happened, but it
13 wouldn't have been something that I would normally do,
14 because I'm not physically built --
15 Q. Okay.
16 A. -- to overpower somebody.
17 Q. Okay, well, I will maybe move on to something else.
18 This is what another girl at paragraph 76 says, and we
19 are calling her 'Cindy', and she has a recollection of
20 an occasion when she jumped on a chair, put her foot to
21 a window, and the window closed in on her and she says
22 you, 'James', came up and started shouting at her and
23 pinned her against the wall by the throat. She
24 remembers your face being close to her face and 'he was
25 spitting in my face'.

1 I think your response is that just didn't happen?

2 A. No, I do remember the girl.

3 Q. Yes. Now, indeed you tell us that at 76. I get the
4 impression here that there could be occasions where you
5 might lose your temper with some girls; would that be
6 fair?

7 A. No.

8 Q. No? You never lost your temper in these situations?

9 A. I -- not as well as SGQ, but I could put on an act of
10 being really angry without actually being really angry.
11 SGQ was an absolute master at it.

12 Q. Yes.

13 A. Erm, cross, yes, unhappy about the way a child might
14 have been behaving, yes, but it was not in my interest
15 to lose my cool.

16 Q. Okay. This girl goes on at paragraph 83 to speak again
17 about girls sitting on knees and the arms of chairs and,
18 indeed, that you and Mr SGQ would have arms around
19 them and I think you accept that that could be the case.
20 Their arms, 'Cindy' says, would be around, as she calls
21 it, 'the favourite' under their bust and 'the favourite'
22 might put their hand round 'James's' or Mr SGQ
23 neck.

24 I think you have answered before what your position
25 is, that, yes, you might have placed an arm around

1 a girl when they are sitting on a knee, but it wasn't in
2 any sense in the wrong position, is that your position?
3 That you didn't place your arm or hand under or near
4 their bust, for example? Or close to their thigh?
5 A. I would never have put myself in the position of --
6 although obviously this happened -- of being accused of
7 fondling a girl inappropriately.

8 I am interested in the fact that in this, in
9 paragraph 83, it refers to me and another member of
10 staff.

11 Q. Mr SGQ .

12 A. Yeah, it is.

13 Q. Yes. That is the other person that 'Cindy' is talking
14 about?

15 A. Why in this statement does it not say that? Because she
16 obviously must have said 'Mr GHG ' and 'Mr SGQ '.

17 Q. She did, it's just that when you were given this -- at
18 that stage, that they didn't give the member of staff,
19 they were wanting you to answer for your actions, not
20 the other person's, so it's not something that simply
21 has come in since the statement, the statement mentioned
22 both you and Mr SGQ , to make that absolutely clear.

23 A. I just wondered when I read it why I am named and SGQ
24 isn't.

25 Q. Well, if SGQ was still here today and we had the

1 opportunity to speak to him, it would be the other way
2 round, he would be mentioned and you would be 'another
3 member of staff'. That's just the way we do things,
4 'James', just so you understand. It's not in any way
5 you being treated differently from others.

6 A. Okay, (Inaudible).

7 Q. I think you have dealt with that and set out your
8 position.

9 Then there is another person at paragraph 88, if
10 I could just deal with this person, and I think that
11 this is a person that we are calling 'Alison' and you
12 know who she is and you remember this particular
13 individual?

14 A. I do remember her, yes.

15 Q. Indeed, you say she was a very bonnie girl, in fact.

16 I think that 'Alison' is saying in her statement
17 that's reproduced at paragraph 89 of your statement on
18 page 21, that she recalls occasions when there was one
19 member of staff in an office with girls, but sometimes
20 you, 'James', would be there as well. She wasn't aware
21 at the time of anything indecent happening but more
22 recently. after joining a [REDACTED] group, she saw that
23 other girls had made comments about -- I think this is
24 about Mr SGQ [REDACTED] behaviour, and that one mentioned that
25 another girl had been moved from Balnacraig while

1 'Alison' was there, because she had made allegations of
2 sexual abuse against Mr SGQ . She doesn't know if
3 anything else happened but this girl also commented that
4 'James' was 'sleazy too'.

5 Indeed, she recalls an occasion when you behaved in
6 a way that she now sees or she now considers wasn't
7 right, in that you asked her to be your au pair and you
8 had a slow dance with her.

9 I will just break that into bits, if I may. I think
10 you have some commentary on , so you are not
11 a fan of , and I think we can see what your
12 position is, that you say, indeed, that Mr SGQ
13 alerted you to a group and told you that they
14 were saying things that were nasty about him and your
15 advice was, 'Well, stay clear of them', is that right?

16 A. Yes, although until I read this, I had no idea that she
17 was talking about I had no idea what a
18 chat room was, and SGQ simply said some group of
19 girls, ex-pupils, are talking to each other on the
20 internet or words to that effect.

21 So I didn't know, until I got some of these reports,
22 that there had been such a thing as a specific
23 Balnacraig page, or pages.

24 All I can think about, as far as 'Alison' is
25 concerned, is that this was obviously at the end of

1 term, I am assuming that she was a Christmas [REDACTED],
2 because the only time we ever had a dance would be after
3 the Christmas dinner, erm, and it would be everybody,
4 including the governors, would be there. And I quite
5 possibly said, jocularly, 'If you are looking for a job,
6 you know, you could be my au pair girl', I could quite
7 possibly have said that.

8 Q. Do you remember having a slow dance with either 'Alison'
9 or any other girl at these Christmas events?

10 A. I had a dance with one or two girls, but I couldnae tell
11 you who they were.

12 Q. Slow dances though?

13 A. Erm, well, it depends what was in vogue at the time.

14 Q. Okay.

15 A. It's not impossible, but it wouldn't have been a moon
16 dance, as -- I don't know if you know what a moon dance
17 is?

18 Q. Just explain what you consider to be such a dance?

19 A. Holding each other very tightly and moving slowly to the
20 music.

21 Q. Together?

22 A. Together.

23 Q. Yes. Tightly holding onto each other, that's the type
24 of dance that you are describing, you didn't have that
25 sort of dance, are you saying? Or might you?

1 A. I wouldn't have thought so, but --

2 Q. It was a long time ago.

3 A. It is a very long time ago. I mean, it's the first time

4 in decades that I have actually used the words 'moon

5 dance'.

6 Q. Okay. Just finishing off what 'Alison' says, there is

7 an occasion she recalls when she was sitting in the

8 recy room and that you, 'James', told her that

9 Mr SGQ wanted to see her in his office and she says

10 she went there, all the staff were sitting in

11 a semi-circle, and as soon as she walked in, Mr SGQ

12 punched her right in the face with his closed fist.

13 I think your response is you have no recollection of

14 any such incident and, indeed, you say you are

15 100 per cent certain that it didn't happen; is that what

16 it comes to?

17 A. Absolutely.

18 Q. You say that while SGQ had many faults, and I think

19 you have perhaps alluded to them this afternoon, to

20 punch one of the pupils in front of members of staff

21 would have been committing professional suicide, is

22 that --

23 A. Yes, because the reality is that if SGQ was having

24 a staff meeting in his study and he asked me to go and

25 get a girl, I was part of that staff meeting. He

1 wouldn't have sent out for me to go and get the girl.

2 So he obviously said to me --

3 Q. So this just doesn't make any great sense to you, what

4 she is describing there, and it is not the sort of thing

5 that SNR would take the risk of doing,

6 particularly if some of the staff weren't necessarily

7 his biggest fans, is that what it comes to?

8 A. Yeah, I mean, if that had happened, I mean, it would

9 have stuck in my memory, because I'd have been saying,

10 'For God's sake, SGQ ...'

11 Q. Okay.

12 A. So --

13 Q. So that's an incorrect memory, you would say?

14 A. That's a?

15 Q. An incorrect memory, is I think is how you described for

16 an earlier incident that you say didn't happen, or

17 wouldn't have happened in that way?

18 A. Apart from anything else, I have seen SGQ, as

19 I've mentioned earlier, faking having lost his temper

20 and the minute the girl walked out of the door, he would

21 turn with a big grin on his face and say, 'I think that

22 went okay', so the chances of him punching a girl in the

23 face in front of -- I'm assuming it was all care staff

24 -- and me as SNR, is not the kind of thing that

25 he would expect everybody to cover up.

1 Q. Okay. Could I lastly go on, just briefly, to the --
2 there's a further person who was at Balnacraig who has
3 provided a statement and we are calling her 'Mari-Anne',
4 but I think you know her identity -- you know who she
5 is, but you are not sure you can recollect the
6 particular person that we're talking about here.

7 What she does say at paragraph 97, and I think we
8 should bring this out, is that she mentioned you and
9 your position and says:

10 'He was harsh but I have no recollection of him
11 hitting me.'

12 That's 'Mari-Anne' saying that.

13 A. This is the girl from Aberdeen?

14 Q. Yes, I think you say she was from ... yes. She says she
15 has no recollection of you hitting her, but she has
16 recollection, she says, of the belt being used by
17 a particular individual, but you say it must have been
18 you that she means -- she's got the surname wrong, but
19 I think we can see why she might have called you
20 something slightly, well, different to your actual name?

21 A. Yes, she does.

22 Q. She says that she can't remember if she was hit with the
23 belt, but she remembers an occasion where you, according
24 to her, twisted her arm 'but not hitting me with the
25 belt'. Then she says she was scared of you and she goes

1 on to deal with what was said about girls sitting on
2 your knee.

3 Just on that, and I don't want to take it at too
4 much length, because you tell us that there was
5 a teacher at the school, at 99, who had a collection of
6 belts and that you were given a tawse and, as a joke,
7 you hung it on a picture hook beside your desk --

8 A. Yes.

9 Q. -- and that you never used that tawse to hit any child
10 at Balnacraig and it was purely ornamental, is that --

11 A. It was purely ornamental. It was special, because it
12 was a Lochgelly -- I don't know if you know anything
13 about those --

14 Q. Oh yes, we know quite a lot about them.

15 LADY SMITH: We know quite a lot about Lochgelly tawses,
16 'James'.

17 MR PEOPLES: Yes, you can take it we are familiar with the
18 name Lochgelly tawse.

19 A. Well, this teacher's father had been a truant officer,
20 or a skive man as he was known, and he had a collection
21 of tawse -- but this one, as I say, it was special,
22 but --

23 Q. But you didn't use it?

24 A. I never used -- I mean, as soon as the member of staff
25 gave it to me, I put it on a hook -- I mean, I'm sitting

1 on my desk here, it's on the wall there.

2 Q. 'James', in fairness, I think 'Mari-Anne' is not clear
3 that you did use it, but what she does say is she has
4 a memory of you twisting her arm and you say that' in
5 relation to that, that that is not something that you
6 would do, is that right?

7 A. I can't say I didn't. I mean, I wouldn't deliberately
8 twist somebody's arm, but I would take them by the arm,
9 if they were out of control.

10 Q. And if they were struggling, it's possible that an arm
11 might get twisted, is that what you are saying?

12 A. Yes.

13 Q. But you were not intending to inflict some injury?

14 A. I can't deny -- I mean, I can't even remember the girl.
15 Erm, I can't remember anything about her.

16 Q. Just going -- sorry, I think I interrupted you there but
17 was there something? I think you made it clear that you
18 don't remember and, indeed, you don't remember any
19 occasion when her father, at least, came to the school
20 with the intention of trying to batter you, I don't
21 think she necessarily knows whether he got anywhere near
22 your office, so I'm not wanting to take too long over
23 this, but you don't remember anything of that kind
24 happening, that someone was wanting to batter you?

25 It looks as if, from what she is saying, someone

1 managed to prevent that happening, but it is not
2 something you remember?

3 A. I don't, I mean, not only do I not remember the girl,
4 but I certainly don't remember her father.

5 Q. No. Okay. Just one last question, I should have asked
6 you it in the context of the Lochgelly tawse, would you
7 have said that this tawse was a light tawse?

8 A. Was a?

9 Q. Light tawse, would it be aptly described as a light
10 tawse?

11 A. I think so because it was allegedly -- the reason it was
12 so popular with some of the more uncaring, shall we say,
13 teachers, was that it was a strap that was very painful.

14 Q. I see. So whether it was light or not, it was painful?

15 A. It could, if -- you know, if you held your hand out,
16 a Lochgelly would have wrapped itself round your hand.

17 Q. I see.

18 A. So, yes, I had a Lochgelly hanging on my wall, but it
19 was a joke and, to my knowledge, it never came off that
20 hook until I retired.

21 MR PEOPLES: Okay.

22 'James', these are all the questions I have for you
23 today. I am conscious that we have taken up a lot of
24 your time this afternoon and you have been asked a lot
25 of questions, and I would just like to thank you for

1 attending and answering the questions and being very
2 patient with me over a fairly long afternoon.
3 Thank you very much.
4 LADY SMITH: 'James', let me add my thanks. I am really
5 grateful to you for engaging with us as you have done
6 and doing so so patiently, bearing with us when we are
7 asking difficult questions. As I said at the beginning,
8 I realised this would not be an easy task, but you have
9 been very good with us in tolerating it.
10 Thank you for that. I am sure you are pretty tired
11 after this afternoon's events and you will want to just
12 go and rest somewhere. I hope you are able to do that
13 now. Thank you.
14 A. Thank you. I never foresaw the day when I would be
15 sitting answering questions about Balnacraig, especially
16 this long after my retirement.
17 LADY SMITH: I know.
18 A. And because we are talking about, as has already been
19 said, or at least 40 years ago at times --
20 LADY SMITH: Easily.
21 A. Yeah.
22 LADY SMITH: Nearly 50. Yes. Thank you.
23 Thank you so much.
24 A. I hope ...
25 LADY SMITH: I think he had finished. Oh, we are back.

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