

Wednesday, 9 July 2025

(10.00 am)

LADY SMITH: Good morning, and welcome back to our evidential hearings in relation to the case study which is looking into the provision of residential care for children in healthcare additional support needs and disability provision institutions.

Ms McMillan, I think we've got a witness ready. There's one thing I just need to deal with.

Sorry, it's just a mix up with some paperwork.

Yes, if you'd like to introduce the next witness, thank you.

MS MCMILLAN: Yes, thank you, my Lady. The next witness is 'Toby'. 'Toby' was a house parent, SNR SNR, and a member of the care staff at Linwood Hall School. He was employed there between 1975 and 1995.

LADY SMITH: Thank you.

Good morning, 'Toby'. Could we begin with you raising your right hand, please, and repeat after me.

'Toby' (sworn)

LADY SMITH: 'Toby', do sit down and make yourself comfortable.

A. Thank you.

LADY SMITH: 'Toby', thank you for coming along this morning

1 to help us with your evidence in relation to the section
2 that we're examining here at the Inquiry today, and
3 you'll know that's in relation to the provision of
4 residential care for a certain category of children,
5 amongst whom Linwood Hall made provision for when they
6 were in operation.

7 A. Yes.

8 LADY SMITH: I've got your written statement, and it's been
9 really helpful to be able to study that in advance.
10 That, of course, is your evidence, your written
11 evidence, and it's already before me. It's in the red
12 folder, which you should have there.

13 A. Yes.

14 LADY SMITH: So it will be available to you if you want to
15 refer to it and we'll also bring it up on screen as we
16 go to the specific parts that we'd like to discuss with
17 you.

18 I do appreciate that it's difficult going back many
19 years, and your time at Linwood dates back to when you
20 were rather younger than you are now.

21 A. Yes.

22 LADY SMITH: Some things may not be clear in your memory and
23 others may be. Don't worry about that, I do appreciate
24 it's not that straightforward.

25 It's really important that you understand that,

1 although this is a setting that you might think feels
2 a bit like a courtroom, we're not a court, it is
3 a public Inquiry. But the thing we do have in common
4 with the courts is your rights not to incriminate
5 yourself are exactly the same here as they would be if
6 you were in a court setting, and that means that you do
7 not have to answer any question, the answer to which
8 could incriminate you. It's entirely a matter of choice
9 for you, but of course if you do answer, I do expect you
10 to do so fully.

11 If you are in any doubt at any time whether what
12 we're asking you falls into that category, please just
13 ask. Don't feel you have to guess and then worry if
14 you've made a mistake later. The same goes for anything
15 that you want to ask about. Speak up. It's important
16 that we know if anything is troubling you or you think
17 we are missing something or you don't know why we are
18 asking you something.

19 I'll have a break anyway at about 11.30 this
20 morning, but if you need a break at any time, please
21 just say, it's not a problem.

22 A. Will do.

23 LADY SMITH: If it works for you, it'll work for me. That
24 really is the key because I want to do what I can to
25 make the essentially uncomfortable business of giving

1 evidence in public as comfortable as possible. Is that
2 all right?

3 A. Okay.

4 LADY SMITH: Now I'll hand over to Ms McMillan and she'll
5 take it from there.

6 Thank you.

7 Questions by Ms McMillan

8 MS MCMILLAN: Good morning, 'Toby'. Firstly, just before we
9 get into your evidence in detail, can I ask you to look
10 at your witness statement and page 45 of that, the final
11 page. And the reference for your statement is
12 WIT-1-000001604.

13 Hopefully you can see there that there's a paragraph
14 that says:

15 'I have no objection to my witness statement being
16 published as part of the evidence to the Inquiry.
17 I believe the facts stated in this witness statement are
18 true.'

19 Do you see that there?

20 A. Yes.

21 Q. And it's redacted on the screen, but did you sign and --
22 that witness statement on 19 May this year?

23 A. Yeah.

24 Q. Thank you.

25 Now, just turning back then to the very first page

1 of your statement. I'll allow you a moment to pop your
2 glasses on there.

3 Now, going to the first page of your statement,
4 I think you tell us that you were born in 1954?

5 A. Yes.

6 Q. And you indicate at paragraph 2 that when you left
7 school, you became an apprentice engineer and qualified
8 and got your certificates to work as a mechanical
9 engineer and technician.

10 And then you say that when you were doing your
11 apprenticeship, you got involved through a college youth
12 club with a group called Young Leaders, your involvement
13 with this group, was that as a volunteer helping out or
14 as a participant?

15 A. It was as a volunteer initially.

16 Q. And you say that they organised discos and had weekends
17 away to outdoor activity centres?

18 A. Yep.

19 Q. The Young Leaders group that you were involved in, do
20 you remember what ages the participants would have been?

21 A. At that time, roughly the same age as myself; 18, 19,
22 20.

23 Q. And then you go on to say that you were working at
24 Buckhaven Youth Club at the time and that you did night
25 classes at Kirkcaldy College through Fife Training

1 Committee run by Fife Council?

2 A. Yes.

3 Q. What were the night classes for?

4 A. It was to let you understand and learn a bit about young
5 people, how to work with them, how to best get them to
6 motivate them into different things.

7 Q. Was this something that you started to -- working with
8 young people, is that something that you started to take
9 an interest in at this point?

10 A. It was something that I started to take an interest in,
11 yes.

12 Q. Now, you say at the end of that course at Kirkcaldy
13 College, that you can't remember if you got an actual
14 certificate, but you were told you were able to work as
15 a temporary youth leader. Was there some form of
16 qualification then that came from your time at Kirkcaldy
17 College?

18 A. I can't recall that.

19 Q. I think you say you might have been around 20 years old
20 at this time?

21 A. Yes.

22 Q. Moving on to paragraph 4 of your statement, you tell us
23 that you got involved in a couple of overnight camps to
24 Cameron House outside Largo. Your involvement with
25 these camps, was that through any particular

1 organisation?

2 A. Buckhaven Youth Club. That was a community centre.

3 Q. I think you tell us at this point that there was a sort

4 of 'It's a knockout' type event on, and you were

5 struggling for some equipment for that.

6 A. Yes.

7 Q. You go on to say that the organiser had a contact in

8 Linwood Hall Children's Home in Leven and they said they

9 could help out, you could borrow any equipment from

10 there.

11 So did you go to Linwood Hall then to borrow

12 equipment?

13 A. Yes.

14 Q. Can you tell us about your first impression, then, of

15 Linwood Hall when you went to borrow that equipment?

16 A. I don't know how many people are old enough to remember

17 what I'm going to say, but there used to be an advert

18 for -- I think it was -- it was one of the razor

19 companies and there was a guy called Victor Kiam and he

20 said, 'If I had known about this before, I would have

21 bought the company', and that was how I felt about

22 Linwood Hall. It was a wonderful place, wonderful

23 setting, and there was so much potential there for young

24 folk.

25 Q. And you say it was a wonderful place with a wonderful

1 setting. How did you form that opinion?

2 A. 13-and-a-half acres, walled garden, there was a wall all
3 round the actual boundary, there was a -- quite a long
4 drive, gardener's cottage was at the bottom of that,
5 there was all these tree'd areas and there were great
6 stuff for kids going running about, just running amok in
7 general, but with care being taken.

8 Q. Now, you say that -- at paragraph 5, that when you went
9 to borrow the equipment, so that's on page 2 of your
10 statement, that you were impressed with the set-up and
11 you thought it was a wonderful resource.

12 A. Yes.

13 Q. What was it about the set-up that impressed you?

14 A. It was an eye-opener for me. I didn't know that the
15 place existed. When I was first told it was
16 a children's home, I thought, oh, right, it's a place
17 that kids go to stay because they've not got a home
18 elsewhere. When I saw the interactions between the
19 pupils and the staff, it was really very, very
20 impressive. LUT , SNR , spoke to us for
21 a few minutes. He was the person who had the contact
22 with Stuart Plummer(?), who was my boss in the community
23 centre, a very forthright speaker, very open and that,
24 and he spoke vaguely about the building and the premises
25 and how they tried to use it.

1 Q. And you mention there about the interactions that you
2 had seen between the staff and the young people. What
3 was it about those interactions that impressed you?

4 A. There was no animosity or anger, it was quite good, it
5 was quite jokey, it was what I would have said was
6 normal adult-child behaviour, you know; a bit joking
7 here and there and a bit, 'We'll take the mickey out of
8 you', and that.

9 Q. Now, you tell us at paragraph 6 of your statement that
10 you soon after learned that there was a temporary
11 vacancy at Linwood Hall for a houseparent.

12 A. Yes.

13 Q. Was this something that then interested you?

14 A. Yes.

15 Q. And I understand that you applied for the position. So
16 if we move to paragraph 12 of your statement, I think
17 you tell us about how you applied for the position. So
18 was there an application form?

19 A. Yes, there was an advert in the local press and
20 I applied through that advert.

21 Q. And do you remember what sort of qualifications, if any,
22 you needed for the role?

23 A. There was no qualifications asked for it. There had to
24 be an interest or a liking towards working with young
25 people.

1 Q. And can you tell us a bit about the interview process?

2 A. It was LUT [REDACTED] and Magnus More, who was the senior --

3 or the Assistant Deputy. He was very, very high up.

4 Q. I think at paragraph 12, you say that he was a Senior

5 Assistant Director of Education?

6 A. That was later we dealt with Jim McGregor, who was the

7 senior assistant. I think that was once Magnus More had

8 moved on.

9 Q. So you were interviewed by LUT [REDACTED], SNR [REDACTED] at

10 the time, and Magnus More?

11 A. Yes.

12 Q. And you were offered the post after that interview?

13 A. Yes.

14 Q. You say that you provided references from your

15 engineering post. Were you aware if your references

16 were ever contacted?

17 A. No.

18 Q. So at this point, you had been employed as a temporary

19 houseparent?

20 A. Yes.

21 Q. And do you remember when you started that role?

22 A. No.

23 Q. Do you remember what year? Was it -- you say 1974/1975?

24 A. Yes, it would be around that.

25 Q. When you started that, the role then as a houseparent,

1 were you aware of what your responsibilities were or
2 what you were to do in that position?

3 A. No, I mean you were more -- or I was more or less told
4 as I was going on what I should be doing, where I should
5 be, what time I should be there, how I should be
6 responding to the children and that.

7 Q. And who told you about what you were to do, or your
8 role?

9 A. Initially, it was -- the senior that I had at that time
10 was Mr Brian Adams. Sorry.

11 Q. That's okay. Did you get any particular information
12 from him?

13 A. Can I say this? The man was an idiot.

14 Q. Why do you say he was an idiot?

15 A. Initially, he was very nice towards me and very open,
16 but then it became very obvious that he had a problem
17 with SNR [REDACTED]. He pointed out to me that
18 an advert that was placed on the notice board within the
19 staffroom and it was three pages or something out of The
20 Times, Educational Times, and it was somebody had taken
21 the picture and put it up and they'd put bubbles with
22 words in the bubbles, and this was him inferring that
23 this was really LUT [REDACTED] and it did not look good for
24 LUT [REDACTED], what was being said in that.

25 Q. So you, obviously from that, tell us that there appeared

1 to be some sort of dislike by Brian Adams towards LUT

2 LUT ?

3 A. It was open animosity.

4 Q. Open animosity?

5 A. Yes.

6 Q. And what -- did he ever say the reason why?

7 A. Just that he felt the man was an idiot, like I said

8 about him. It was rather strange because SNR

9 SNR was -- she was actually engaged, I believe, to

10 Brian Adams and there was obviously discussion going on

11 between them and there was also a teacher from Kirkland

12 who was a red commie, he used to put stuff in between

13 pages in the books in the library that was very much

14 communist type things, and I believe he was, at one

15 time, pulled up about that by the head at Kirkland. But

16 this was all the talk between them was about, you know,

17 'We'll get LUT, we'll get rid of him somehow or

18 other'.

19 Q. So when you talk about the talk between them, was that

20 between this teacher who was putting inserts into the

21 library and Brian Adams or others?

22 A. It was the teacher, Brian Adams, SNR. There

23 was also an ex-policeman who worked in the school who

24 was very friendly with him. I don't know if he agreed

25 with his views, but they were all, sort of, a group that

1 went together.

2 Q. So did you get the impression when you started out that

3 there was a sort of cohort of staff that didn't

4 particularly like LUT ?

5 A. No, that developed over months. I mean, initially I was

6 just so pleased to be in this job and here's a man, he's

7 experienced, he's going to tell me what happens, how to

8 do it and all the rest of it.

9 Q. And you talk about the training that you got at

10 paragraph 16 of your statement and you describe it as

11 there being no training for new starts, and when you

12 joined, you were effectively going on a wing and

13 a prayer?

14 A. Yes.

15 Q. Without training or having had some input from Brian

16 Adams, did you feel you were properly equipped to handle

17 the role as a houseparent when you started?

18 A. I thought it was very much learning.

19 Q. Was it a steep learning curve for you?

20 A. Yes.

21 Q. Now, you go on to say at paragraph 16 that, as you've

22 told us this morning, you didn't really have a clue what

23 you were supposed to be doing apart from picking up

24 things from the other staff in general. You say that

25 most of the time, Brian Adams would tell you to look

1 after a bunch of kids when they were outside.

2 Was that your role to begin with, looking after
3 children when they were outside?

4 A. It was keeping an eye on the kids in that group, the
5 ones that are playing, say, football out on the football
6 pitch or just on the open grounds, or I'd go there and
7 have a look and see what that bunch are doing in the
8 trees down there.

9 Q. I understand, from the first day that you started your
10 employment at Linwood Hall, you were residential?

11 A. Yes.

12 Could I just add something? LUT was very
13 good. He meet -- he met me and then explained about
14 where the different bits were, like the kitchen and
15 that, where I would get something to eat, where my room
16 was, and, 'Here's the key', and the golden key for the
17 front door. That was nice, it was nice that somebody
18 was there to say, 'Well, here you are'. I mean, it was
19 a Sunday afternoon, I think.

20 Q. So just picking up on that, then, you mention LUT
21 gave you your key, presumably for your room?

22 A. Yes.

23 Q. And then you mention a golden key for the front door?

24 A. It was -- yes.

25 Q. Were all staff in possession of a golden key, as far as

1 you were aware?

2 A. The residential staff all had a gold key. Some of the

3 more senior staff had a gold key in case they needed to

4 come in and get something, or that.

5 Q. As for your -- you mention there LUT [REDACTED] had given

6 you an introduction. Who was your line manager when you

7 started?

8 A. It was Brian Adams.

9 Q. And what role was he in?

10 A. He was a Senior Team Leader.

11 Q. Now, you mention, just going back there to paragraph 16,

12 that you also helped another member of staff with some

13 animals because there were two Shetland ponies and

14 I think the site was also a sea bird rescue centre

15 organised through the SSPCA.

16 A. Yes.

17 Q. Was there any particular reason why Linwood Hall had

18 a number of animals or the rescue centre there?

19 A. I'm not sure if the connection was through Brian Adams

20 or if it was through KZP [REDACTED], who was another

21 colleague at that time. Because I helped

22 KZP [REDACTED] for caring after the animals at the

23 weekends and that.

24 Q. You go on at paragraph 18 on page 5 to say that you saw

25 your role at Linwood Hall as being to help the children

1 to expand themselves.

2 What do you mean about that?

3 A. A lot of the children that I met during the time in
4 Linwood Hall, they were all -- some were either very
5 upfront and full of bravado and really in your face and
6 you tried to calm them down a bit and say, 'Look, don't
7 act like that, try and calm down a bit, you know, folk
8 will just keep looking at you if you're like that', and
9 other kids it was a case of, 'Come on, join the club,
10 join in what's happening', just encouraging them like
11 that.

12 Because, I don't know -- well, I knew the history of
13 all the children after reading through their notes and
14 that, but you couldn't really say, 'Oh, they're not
15 this', or, 'They're not that'. You had to try and
16 determine that with other staff and see what might be
17 the best way to go forward with them.

18 Q. So you mention there that you would -- it was when you
19 sort of read through their notes. Were you given any
20 information about the children that you would be looking
21 after during your time, any sort of -- about their
22 backgrounds or about any sort of difficulties that they
23 had?

24 A. Yep. Initial information we got would be from SNR
25 SNR and that would usually be a team meeting when

1 they would say, 'Right, we've got a new boy', or, 'a new
2 girl coming in on such and such a date', and that would
3 be in the new intake and he would say to the staff,
4 'Where would you want these ones to go within the set
5 up?'. So that would determine bedroom numbers and
6 things like that.

7 Q. I'll pick back up on that later in your statement, but
8 you've sort of given an example of trying to, sort of,
9 calm down, I guess, what is more boisterous children and
10 try and bring out of their shell some of the quieter
11 children.

12 A. Sometimes it would be as easy as joking with somebody
13 and getting them to smile. Erm, asking them what
14 they're doing, what's the game that they're playing,
15 'Could you show me how to do that?', you know, and just
16 get them to feel, well, 'Aye, I'll pass that on to him'.

17 Q. You also said that you -- at paragraph 18 -- went to
18 make sure that they were safe when they were doing all
19 the different outdoor activities.

20 Was doing the outdoor activities something that you
21 took a particular interest in doing with the children?

22 A. Yes.

23 Q. You mention here that you took them effectively to a --
24 it was a walk. It was a thing called 'Nightline'. Can
25 you tell us a bit about that?

1 A. Nightline was a thing that we learned how to do at
2 Ardroy Outdoor Centre at Lochgoilhead. Basically, what
3 they had at the outdoor centre was the road down towards
4 the boat house was quite steep and bumpy in places we'll
5 say. What they used to do when the kids were a wee bit
6 bored for time at night or something like that, they
7 would set up a rope down through a course on this bumpy
8 bit of road and -- well, bumpy, it wasn't really a road,
9 it was just a terrain around the bottom of the house,
10 and they got a safety line to clip on to and that and
11 they would get a torch and then it would be giggles all
12 the way.

13 They just -- it was a really good experience. The
14 kids knew that they had to be safe, they had to pay
15 attention, they had to keep themselves linked onto the
16 nightline and that. So we repeated that -- we used
17 Keil's Den on Lundin Links.

18 Q. And this sort of activity, you sort of indicate at that
19 paragraph that you made sure it was safe?

20 A. Yes.

21 Q. How did you go about doing that?

22 A. Well I used to go and put the line in and make sure
23 there were stops on frequent bits and then there were
24 bits that they could get their line clipped into it.
25 Make sure it wasn't too steep. Didn't get to bits where

1 it was too rocky or anything like that.

2 Q. Other than you that was helping out, was there other

3 staff members there?

4 A. Yep, usually KZP [REDACTED], he and I did all the

5 different camping stuff, you know, long walks, the

6 nightlines. We had one or two lady staff who would get

7 involved as well. We had one lady who came from Ardroy

8 Centre, she was actually an outdoor instructor at

9 Ardroy, and then she moved to Linwood to work with the

10 kids in Linwood.

11 There was another lady who came to us as a volunteer

12 initially, and she enjoyed the likes of the camping and

13 that, so she got involved with that as well.

14 Q. And you do mention there, that you say that:

15 'KZP [REDACTED] and I were instrumental in getting the kids

16 involved in this and the kids thrived doing it.'

17 Before you arrived, were you aware of any sort of

18 programmes like this that the children could be involved

19 in?

20 A. Not that awful long after I started, KZP [REDACTED] did

21 a walk along part of what's now the coast walk in Fife,

22 but it was only from, I think, Leven to -- not even as

23 far as Crail. I'm trying to think of the different

24 places in between, Elie and Earlsferry, that was the

25 other place.

1 And they just -- they went camping along and used
2 the common ground areas and they seemed to have a really
3 good time there.

4 Q. You say at paragraph 19 that:

5 'Linwood wasn't always a harmonious place but it was
6 relatively peaceful.'

7 Can you expand upon that at all?

8 A. I think whenever you get a group of children together,
9 there can be animosity amongst the children themselves,
10 or it might be an adult who demands that they do as
11 they're asked at the time and they might not agree with
12 that, so they might flare up. And that was where things
13 could be not harmonious.

14 Q. I'll come back to perhaps the dynamic between staff and
15 some of the pupils later on in your evidence today.

16 A. Yes.

17 Q. Just moving to the training again, and you had mentioned
18 that you were residential and your room was next to
19 where the older boys would sleep.

20 A. Yes.

21 Q. Was that the group of boys that then you would be asked
22 to look after?

23 A. Yes.

24 Q. And you say in your statement at paragraph 20 that Brian
25 Adams told you that you were to introduce yourself to

1 them, make sure you got on and then you were to 'keep an
2 ear out for them at night and nip it in the bud if they
3 were getting up to any high jinks'.

4 Can you explain what sort of things the boys would
5 get up to as 'high jinks' and what you were to do?

6 A. Usually there would be -- somebody would be a bully
7 within the group, and it was to try and make sure you
8 could keep an eye on what they were doing to the other
9 kids. I mean, sometimes it was just good humour, but
10 ultimately it became a thing that was bullying.

11 Q. What -- when you say that someone was being a bully and
12 it was bullying, what sort of things were they doing?

13 A. I think the least thing would be pillows getting thrown
14 at one of the boys in the room, and everybody just
15 piling in with that as well. And they wouldn't listen
16 to the protests that that person was making, but that
17 would be when I would hear it. Well, it wouldn't be me
18 directly, but you would hear the shouting starting and
19 you'd think, 'Oh'. Sometimes it was more colourful
20 words than just shouting, it was swearing and you'd
21 think, 'What the hang is going on', and you'd go
22 through, 'What's going on here?', and they would be
23 sitting there, 'Oh, nothing'.

24 But you knew that something had happened and you
25 would try and say to them, 'Look, come on, you're meant

1 to live peacefully in this place', just like that.

2 Q. So by the time -- if you heard shouts or swearing, by

3 the time you got to the room, would things be calm or

4 would they -- sort of, incidents be ongoing?

5 A. Often it would be calm. Because one bully I can think

6 of in particular, he was just -- he was driving for the

7 nonsense out of it, and he would pick on somebody that

8 he knew he would get a rise out of. So by the time he

9 heard my door swinging open, he would think, 'Oh, time

10 to be quiet'.

11 Q. And if you'd seen that behaviour or noticed someone that

12 was perhaps playing up at night, what sort of thing

13 would you do other than speak to them?

14 A. There's not really a lot you can do. I mean, you can

15 only talk to them and say to them, 'Come on, this is bed

16 time, you're way past your bed time, you should be

17 getting your head down and getting to sleep. Why are

18 you annoying this guy?' Just trying to get to the

19 bottom of it; what's happening.

20 That one particular one I am thinking of, you would

21 see the devilment in his eyes, he would start smiling

22 and that and you'd think, 'You're at the games'.

23 Q. When you had sort of spoken to them, would that stop the

24 behaviour or did you ever have to escalate?

25 A. In most instances that was enough.

1 Q. If it wasn't enough, what would you do?

2 A. Ooh, report it to a senior.

3 Q. Now, you -- moving on then, you talk that around --

4 well, around 1987, you trained and got your Certificate

5 in Social Services?

6 A. Yes.

7 Q. And was this something that the school put you through?

8 A. Yes, it was.

9 Q. And at this point, I think, if my maths is correct, you

10 had roughly been in the job for about 10 or 11 years?

11 A. Mm-hmm.

12 Q. Did you feel better qualified after having completed

13 that course?

14 A. Much, much so. Yes. Very much.

15 Q. Why was that?

16 A. It was like the gel that brought everything together,

17 about things that -- spoken about before, but then there

18 was the training and seeing it actually being done in

19 practice or within a learning setting, understanding,

20 talking to other people, talking things right through.

21 Like, I got really involved in like group

22 development where there was a lot of talking and

23 sometimes it was very difficult talking for young folk.

24 Sometimes they would get very angry and other times they

25 would perhaps burst into tears or that, but the main

1 thing was that you could see they were thinking, they
2 were beginning -- and they were beginning to say what
3 was really bothering them.

4 Sometimes it was nothing at all to do with what was
5 in the school, it was something else outwith, so, I
6 mean, they were able to bring things like that into it.

7 Without the training, I would never have been able
8 to do that.

9 Q. Now, you go on to talk about other types of training
10 that you got during your time at Linwood Hall and at
11 paragraph 23, you talk about restraint training that was
12 held at Melville House?

13 A. Yes.

14 Q. Can you tell us a bit about that training?

15 A. I was looking forward to it and I thought, 'Oh, this
16 will be good', but then when I went in and listened to
17 it and I saw what was meant to happen and I thought, I'm
18 not happy with that. The reason I wasn't happy with it
19 was I thought a child can become injured badly with
20 this, the way it's being done. Nothing to do with the
21 trainers or that, I mean, they were doing a great job,
22 but I just -- to me it was putting children at risk.

23 I spoke to PUA, SNR [REDACTED] at Melville House, who
24 was a well-known [REDACTED] champion in his younger years and
25 he agreed with me and we spoke about it and said, 'No,

1 this is not right'.

2 Basically, it was based on a restraint method that
3 was devised in the prison sentence -- in the prison
4 service for dealing with adults. You know, you can't
5 change that over and use it with kids. Either that or
6 you're going to have to adopt it to a different manner.

7 Q. So before you went to Melville House for this specific
8 restraint training, did you have other training about
9 restraint --

10 A. No.

11 Q. -- while at Linwood Hall?

12 A. The nearest we'd get to that would be just holding onto
13 a kid whilst they were having a really angry session or
14 that, you know, or they were in tears, just holding onto
15 them, just to make sure that they knew somebody else was
16 there for them.

17 Q. And you say, as you've told us, in your evidence there,
18 that you didn't feel it was safe, the training you were
19 being provided at Melville House.

20 What was it you were being asked to do that you felt
21 wasn't safe?

22 A. Well, I'll say you've got a young person in front of you
23 and they are getting ready to have a go at any adult or
24 any child that's around you, you would walk to one side
25 and the other member of staff would walk to the other

1 side and you would get round so that you were one on
2 either side and then you would take them by the arm, not
3 grab them, but just take a hold of them by the arm, one
4 on either side, and then the process was that you would
5 simply then talk to them. If they weren't going to
6 stop, then you would -- you could step forward and then
7 you would go down on one knee and you would take the
8 child down with you at the same time. And that to me
9 was the danger point because if an adult -- say somebody
10 my size was to go off balance at that, you could end up
11 breaking a child's arm, or there was a potential for
12 that.

13 Q. When you went back to Linwood Hall after having received
14 this training, I think, from your statement, you tell us
15 that you expressed some concerns to SNR [REDACTED]?

16 A. Yes.

17 Q. What was the outcome of that?

18 A. I'm really not sure. I think it was accepted that there
19 was concerns. I think SNR [REDACTED], more than likely,
20 spoke to SNR [REDACTED] at Melville House to discuss
21 that again.

22 Q. And you talk in paragraph 23, you say that you
23 considered it to be more of an assault than a restraint?

24 A. Yeah.

25 Q. Is that how you still would reflect on that process?

1 A. Yep.

2 Q. And you go on to say that you never used that method in
3 all the years that you worked in care?

4 A. No.

5 Q. Did you ever see anyone at Linwood Hall using that
6 method?

7 A. I can't really say. I can't recall.

8 Q. You end that paragraph by saying that:
9 'No one working in a children's residential care
10 setting has the right to treat a child like this.'
11 Did you feel that that method of restraint was
12 detriment to the child?

13 A. I think they were treating them as adults, and children
14 aren't adults. Children need a different set of mores
15 and all the rest of it. Because they don't understand
16 the adult life.

17 Q. This training course at Melville House, was that
18 something that all staff working at Linwood Hall were
19 expected to go on?

20 A. Everybody was expected to go through the training.
21 I don't know if -- I can't remember if it was everybody
22 went on the same day, or if it was groups.

23 Q. Now, moving on then in your statement, you start to talk
24 about the structure and recruitment of staff. So you
25 say that when you started, LUT [REDACTED] was

1 SNR . What was the -- from what you can
2 remember, the management structure then when you
3 started?

4 A. Okay, SNR , then there was SNR
5 that I spoke about earlier on, and then there was the
6 teaching group and then the senior care group.

7 Now, there was a senior care officer in charge who
8 my understanding was meant to make sure that the senior
9 team leaders had their directions for what was being
10 done that day and how it should be done and that,
11 children that were going out with different groups for
12 swimming and things.

13 There was also -- that would then be passed on to
14 the care staff like myself at the time.

15 Teachers, they were slightly different in that
16 I don't think they actually had a senior teacher other
17 than the SNR , the SNR . I know some of
18 the team meetings, because it was all team -- the
19 meeting -- sorry, all staff at the meetings -- there was
20 quite a lot of tension some days where the teachers
21 didn't want to agree with SNR and it wouldn't
22 be outright, but there would be subtle things and you
23 would think, 'Oh, oh, here we go again'. But that's
24 life. I mean, we can't all get on with what everybody
25 says, we should be doing like that.

1 Q. So when there was tensions at these staff meetings with
2 SNR, did the staff ever feel -- or did they
3 raise any issues with SNR at these meetings?

4 A. I think there was a one point where the teachers had
5 a meeting with -- I am -- I may be wrong, but I think it
6 was with their union rep. I think. Or their
7 association rep, I'm not sure what their full structure
8 was.

9 Part of that was about lady staff should wear skirts
10 and not trousers. It's always a hot topic and quite
11 rightly so --

12 LADY SMITH: It took many years before it was accepted that
13 women could properly wear trousers in the workplace.

14 A. And they'd often make a better job of it, sorry.

15 LADY SMITH: Keeps them warmer.

16 MS MCMILLAN: You go on and you say that, at paragraph 29,
17 when you're talking about the staff, you say that:
18 'All of the staff were sharing, [and] caring
19 people.'

20 What did you mean by that?

21 A. Just I -- working with such a wide range of adults,
22 different skills and all the rest of it, they were all
23 very caring and sharing towards the children. There was
24 nobody that said, 'That little so and so, he's going to
25 get a doing' or whatever. You know, that wouldnae be a

1 way that we did things at Linwood Hall. But sometimes
2 kids would lose out because something they'd said or
3 done had offended somebody.

4 'No, no, no, you're not getting to do that'.

5 Q. You go on and you talk about volunteers who came into
6 the school. Were you aware of how they were recruited?

7 A. Usually, on the care staff side, it was through
8 friendships, amongst their private lives, whether it be
9 at a community event or if they were at, let's say,
10 a pub or something like that and they got talking and
11 they expressed their interest, the person would be
12 listening and think, 'Mm, okay', and they would maybe
13 mention that then to LUT [REDACTED], or the senior
14 houseparent in charge.

15 And from that point, there might come an offer to
16 get a chance to do some temporary work. But only as
17 a volunteer.

18 Q. And what sort of roles or work would the volunteers
19 carry out?

20 A. Basically just joining in with another member of care
21 staff. On the other side, the teaching side, we did
22 have temporary teaching staff that came in, but I think
23 they were appointed through different means.

24 Q. And do you know, again, if there was any sort of
25 background checks or anything done on the volunteers

1 that would come in?

2 A. Yes, they were all -- as far as I'm aware, they were all

3 background checked.

4 LADY SMITH: Did they receive any training?

5 A. Sorry?

6 LADY SMITH: Did they receive any training?

7 A. Not --

8 LADY SMITH: You said they basically joined in, but were

9 they trained?

10 A. Not until later years.

11 LADY SMITH: Thank you.

12 MS MCMILLAN: Now, you go on at paragraph 30 to -- to talk

13 about LUT [REDACTED] and you say that he was SNR [REDACTED] and

14 he made it known that he was SNR [REDACTED].

15 How -- how did you form that opinion?

16 A. The man was a very straight talker. If he didn't agree

17 with you, he would tell you and he would tell you why he

18 didn't agree with you. If he had staff who, in his face

19 or in his feeling, was going against him, he would tell

20 them. I don't think they had private meetings or that,

21 but I think he would make a point of having a chance to

22 say to them -- it's just, 'I'm SNR [REDACTED]'.

23 Q. Was he receptive to any ideas or changes put forward by

24 staff?

25 A. He would always listen. At the end of it, he might say,

1 'Mm, no, I don't think that's for us', or he might say,
2 'We'll give that a try, we'll see how it will work out'.
3 Q. You said that, you know, you would have these staff
4 meetings, again, I think you've been talking about this
5 morning -- that were held once a week, but most of the
6 time, it would be him doing all of the talking?
7 A. Yes.
8 Q. So was there input from staff at the meeting other than
9 him?
10 A. There was. There was always opportunity, but I don't
11 know if everybody wanted to use that.
12 Q. Any particular reason that you could think of why the
13 staff wouldn't use that opportunity?
14 A. I tried at one point.
15 Q. And?
16 A. And I got looks from -- it was a senior care parent more
17 than anything that gave me the looks. But, I mean,
18 LUT at least spoke about it. He gave it the room
19 to be heard.
20 Q. Do you think that staff were, sort of, fearful of him?
21 A. Maybe when I first started, I was a bit fearful, but
22 that was more about -- he's SNR, he's way up
23 above me, I've got the opportunity to work here. Maybe
24 not the best way to start, but I was extremely shy at
25 that time. Changed days, but we grow up and we live and

1 we get better.

2 Q. And you said that you, well, went to speak up at
3 a meeting and received looks by another senior member of
4 staff. What was it -- can you tell us a bit more about
5 that, if you remember?

6 A. It was more to do with -- I mean, as I said, LUT
7 gave it the room for it, but later on, I was pinned in
8 a room by the senior care officer and told, 'You, don't
9 ever you do that again to me. I should have known all
10 about this', and blah, blah, blah, blah. All I did was
11 I suggested that we gave the children not too much food,
12 but too fancy foods at the time. I mean, the kids at
13 Linwood all grew up, they all put on weight, there was
14 no child left Linwood without putting weight on and, I
15 mean, they developed muscle right, left and centre.

16 It was very much a growing and good development for
17 them. But because I suggested, well, you know, we don't
18 need to have roast beef every day or whatever it is, we
19 could have something like pasta and something.

20 I was trying to think, and think, well, you know,
21 we'll get the money down, it will save some costs and
22 that. The kids will no be so stuffed full of food. I
23 mean, it was a -- fantastic food that you got in Linwood
24 Hall.

25 Q. I think you do, I think, touch on that in your

1 statements, we may come back to the food.

2 You say at paragraph 31 that all children returned
3 to the school on Mondays. Did children go home every
4 weekend?

5 A. Yes. Well, every weekend, every other weekend, yes.

6 There were some children who unfortunately didn't have
7 a home to go to. They would maybe go to foster carers
8 or something like that, but the majority of the
9 children, yes, they went home every other weekend.

10 Q. And every other weekend when the children went home,
11 would the school close, was there anyone left in the
12 school?

13 A. It would close. Yeah, it was just the residential
14 staff, myself and that. We used to bus all the kids
15 home in the minibus. That was sometimes a great laugh.
16 Sometimes not so great.

17 But this is daft, I know it is, but we actually had
18 a kid who was sitting in the back of the bus and all the
19 kids starting saying, 'How can you do that?', and he was
20 able to put his full fist right in his mouth and it was
21 just one of these daft things that kids do and
22 I thought, 'How on earth can he manage to do that?'.

23 Q. Was this a sort of thing that might have happened on the
24 bus journeys?

25 A. Well, during the bus journey. He would be getting bored

1 or something like that, you know, he would ...

2 Q. When you used to bus the kids home, as you've said,
3 how -- would there be more -- how many staff members
4 would be on the bus?

5 A. Two. One driving and one in the side seat as
6 a supporter.

7 Q. You go on, on the next page of your statement at page 8
8 to say that:

9 'When Jack Tollan became the headmaster in 1989, he
10 had a different approach to how we were to deal with the
11 children.'

12 What can you tell us that differed with Jack
13 Tollan's approach?

14 A. For me, and certainly for KZP [REDACTED], we had both
15 been through the same training, and Jack Tollan was
16 talking about the kind of things that we were learning
17 during our training, and it was very much up to the
18 minute, all up to date, and it was the movement that we
19 felt would be best for going forward with children.

20 Like a breath of fresh air in many respects. I
21 mean, I didn't have any great issues with LUT [REDACTED]
22 other than he was SNR [REDACTED]. Whereas Jack Tollan, it was
23 more there was -- it was a much, a much more considered
24 way of dealing with each of the kids. Paperwork had to
25 be kept up to date as best as possible, not any less.

1 If you had your report done by the next week, you were
2 in trouble, you would be spoken to. You'd know that he
3 was angry at the fact that you hadn't got your paperwork
4 done. And that was good practice to get that done.

5 Q. And with things like paperwork or reports, from what you
6 are saying, did LUT [REDACTED] take a -- perhaps a more
7 casual approach to that?

8 A. No, I think for the likes of LUT [REDACTED], it was more
9 that he did the paperwork himself. I mean, the man was
10 a human dynamo, he really was.

11 Q. From working with LUT [REDACTED] to Jack Tollan, did you
12 prefer the way that Jack Tollan worked and operated?

13 A. I did, yes.

14 Sorry, but I missed a point to put in. We had
15 another headmaster for a short period of time as well in
16 between LUT [REDACTED] and Jack Tollan. It was only later
17 that I thought about it.

18 Q. And what about that headmaster? Who was that?

19 A. His name was Nigel somebody, a very laid back person.
20 I never saw him getting annoyed or upset. Very good at
21 talking children down. He was very good, yes. But he
22 was only temporary.

23 LADY SMITH: That was after LUT [REDACTED] and before Tollan
24 began?

25 A. Yes.

1 MS MCMILLAN: You said it was Nigel somebody?

2 A. Yes, Nigel. I can't recall his second name.

3 Q. Do you know how long he was there for; what you

4 remember?

5 A. I would say a year at least.

6 Q. Moving on in your statement then, some of these issues

7 we have covered this morning about the issues between

8 the staff and you mention at paragraph 33 the issues

9 between Brian and LUT .

10 But you go on at paragraph 34 to say that you just

11 felt that Brian was 'a bit of a creep'.

12 A. A bit of a?

13 Q. A creep. You say that at paragraph 34.

14 What did you mean by that? Can you explain why?

15 A. There was one night I was in my bed and the fire alarm

16 went off. Now, there was myself, there was another

17 teacher who, I think, was sleeping in the school that

18 night in one of the female care staffrooms and I run up

19 the stairs to try and get anybody that was in out.

20 I managed to get the female teacher out and told her

21 where to go and I said, 'I'm just going to try and get

22 Brian out, because as far as I'm aware, he's in the

23 building'.

24 So I went through and I was banging on his door and

25 all the rest of it, battering it, shouting, warning him.

1 No answer and I thought he has to be out.

2 What I did eventually was his room had a metal fire
3 escape ladder, you know, one of these old -- just the
4 two rows -- two lines of metal up and then the rungs on
5 them. I went up that and looked in the window, but no,
6 there was no sign of anybody there.

7 But I spoke to him after that. His attitude just
8 seemed to be, 'Well, so what?'. I thought I'm running
9 around trying to get you out of a building that is
10 potentially on fire and you didn't even service or give
11 us the service to say, 'I won't be in tonight'. I mean,
12 most of us usually said, 'We will not be in', or, 'We
13 will be in'.

14 Q. And when you -- you talk about that incident and then
15 you go on and you talk about another incident about
16 porridge oats that seemed to spark a bit of chaos.

17 A. Aye. Brian had been involved, I think. I think the
18 name of the group was a charity called Five Circles.

19 Now, I can't swear to say that that is the right
20 name, but I'm sure that's what it was and it was
21 a charitable group and they had a place where their
22 members could all meet up somewhere on the east coast,
23 towards Inverness, perhaps, and one of the things that
24 he did was to contribute towards the group was he
25 provided them with a full size bag of porridge oats.

1 You know, this is an animal feed bag on your shoulder
2 thing.

3 Now, my understanding was that he had ordered that
4 through the school provisions. We used to get animal
5 feeds delivered to us and one of the things he got was
6 a bag of porridge oats.

7 Now, there was a discussion then between him and
8 KZP [REDACTED] about who had the right to keep them.
9 Brian Adams was wanting to take them away and KZP [REDACTED] was
10 saying, 'Well, you'll have to pay for them', and it got
11 to the stage that -- it got almost to the stage of
12 fisticuffs. Now, that happened within the actual
13 stables building itself. As you walked in, there was
14 a tack room and there was a ladder on your left that
15 I was going up when the two of them started arguing and
16 then the next thing was, 'Oh', I looked round and here's
17 Brian having a shot at KZP [REDACTED].

18 I jumped in and I said, 'Woah, stop'. But as
19 a result of that, Brian was charged. I think, was it
20 LUT [REDACTED] and RCE [REDACTED] appeared, and we said to them
21 what had happened and they said, 'Whoa', and LUT [REDACTED]
22 says to RCE [REDACTED], 'Would you go and report that to the
23 police then', he says, 'I've had enough of this',
24 because there were lots of silly things happened at
25 weekends and that and you thought how are these

1 happening. And this was the creepy part, I think, about
2 Brian Adams.

3 If I am speaking out wrongly about the man, then
4 I apologise to him, but that was how I saw it. As
5 a young person, all my faculties were around about me
6 and that, I could see what was happening and I thought,
7 'That's not right'.

8 Q. I think ultimately you tell us that Brian Adams left and
9 then KZP [REDACTED] was made SNR [REDACTED] at
10 that time?

11 A. Yes. As far as I remember.

12 Q. You go on in your statement at paragraph 40 to talk
13 about the staff training and again, we've touched on
14 some of this this morning. But you say that when you
15 became SNR [REDACTED], yourself, KZP [REDACTED],
16 through Jack Tollan, organised training for new care
17 staff coming in and that this training was to help the
18 staff realise their choices and actions could be
19 improved.

20 So what sort of training did you do for the staff
21 coming in?

22 A. One of the ones that we led was a workshop on how to
23 deal with kids who's flaring up and wanting to run out
24 of the room. And it was a -- so we set up a scenario
25 where we role played it and we spoke to them about,

1 'Right, what are your options?', and that. Kind of just
2 broke it down into what could have been done and what
3 was being done. How did the different methods that were
4 done to try and stop them running out of the room make
5 it better or easier for the member of staff who had just
6 started.

7 Q. And this training, as you went on in your time at
8 Linwood Hall, did you update it or change it?

9 A. We did but not as often, perhaps, as we would have liked
10 to.

11 Q. Was there any reason for that?

12 A. I think we had the job of looking after these children,
13 who were more in need of us than the staff, perhaps.

14 Q. You go on then to talk about supervision and appraisals
15 and evaluation. And you had indicated that, at
16 paragraph 41, which continues on to page 10, that you
17 said that if, for example, a non-residential houseparent
18 wanted to arrange something for the children and you
19 disagreed with it, you would have the final say, but you
20 would explain your reasons and that there was
21 a half-hour meeting every day within the unit when these
22 things were discussed.

23 So taking that then, what sort of thing would
24 a non-residential houseparent want to arrange that you
25 would maybe say they weren't able to do?

1 A. Well, if perhaps their confidence was far forward than
2 what their actual abilities or capabilities was, they
3 may would come out with an idea that, 'I'd like to take
4 the kids for a walk along ...', and you'd say, 'And who
5 would you take with you?', 'Just on my own', they'd say.
6 'No, I don't think that's perhaps a good idea because
7 you don't really know these children. You've not worked
8 long enough, and you would have to understand that we
9 couldn't take the risk for you and for the children'.
10 Q. So at these meetings, was that something that you were
11 acutely aware of, was the risk to the children?
12 A. Well, I mean, it was one of the things that was always
13 a point for talking anyway. I mean, even a normal daily
14 talk about the children was often about the danger and
15 the risk that some children were in.
16 Q. These half-hour meetings every day within the unit, what
17 would be discussed at the meetings?
18 A. What would be the?
19 Q. What would be discussed at the meetings?
20 A. Oh right, just the general day-to-day things, how things
21 are going, any routines that we had to introduce, like
22 say there was a change in, I don't know, laundry being
23 done on different days, or something like that. That
24 would be discussed then and we'd discuss why it was
25 being done or why it needed to be done.

1 It was just a half-hour meeting for the team to get
2 together and say how things were going, anybody being
3 a real problem for them, anybody had a really good time
4 with some of us or that.

5 Q. So were concerns about pupils discussed at that point as
6 well?

7 A. Oh yes.

8 Q. I think you go on to say that even staff who were
9 working under you at that point, that you didn't really
10 have any involvement in evaluation of their performance?

11 A. No. The only thing I ever -- well, that's perhaps not
12 quite strictly true. Because you would always ask, 'How
13 is so and so getting on?' And you would have your --
14 once a month we had a sheet that we had to fill in, but
15 staff usually avoided it.

16 Q. So the sheet that you had to fill in, was that about
17 staff?

18 A. Yes, it was just, 'How's things going? Anything you'd
19 like to change, anything you want to move', or whatever.
20 The diary for the different meals each week.

21 When we moved to Jack Tollan as our headmaster,
22 he -- what we did was the girls moved away from the main
23 building to what was the old headmaster's house. It was
24 a double cottage that had been knocked into one long
25 building, and that was all for the girls and we used to

1 go across there on, say, a Friday or a Saturday, if they
2 were in, and we would cook the meals in there. Try and
3 get the kids involved in the actual cooking, but often
4 it would be a case that we'd maybe come up with a menu
5 and then say to the kids, 'Right, is this okay? You
6 want to have this for next weekend?', or whatever. Just
7 that kind of stuff.

8 Q. Now, again, just moving on in your statement, at
9 paragraph 45, you talk about that you yourself didn't
10 really have any responsibility in relation to policies
11 but Jack Tollan wrote a lot of policy documents and you
12 all worked to these policies or helped fine-tune them?

13 A. Yes.

14 Q. Were you aware of any, sort of, policies or documents
15 when LUT [REDACTED] was SNR [REDACTED]?

16 A. I'm sure there were, but I think it was more oral than
17 written.

18 I think the policy's like things about keeping the
19 files up to date for the teachers, making sure that
20 testing went on with the different children in the
21 different classrooms, checking things like their
22 standard education at their age and that.

23 I think that was the only really clear policy I can
24 think of.

25 Q. Was there more emphasis placed on policies and policy

1 documents, as such, when Jack Tollan took over?

2 A. Yes, I think there was a clearer picture.

3 Q. You indicated there that you would work on the policies

4 or help fine-tune them.

5 Would that be if there was feedback from staff about

6 certain things not maybe working in the policies, that

7 they would be adapted?

8 A. Yep.

9 Q. Now, moving on to page 11 of your statement, you begin

10 to talk about some of the children that were at Linwood

11 Hall. Do you know or were you ever involved in how

12 children came to be placed at Linwood Hall?

13 A. No.

14 Q. And I think you indicate that they were usually or

15 generally placed there by the Social Work Department?

16 A. The Social Work Department or Education Department.

17 Because there were social workers who worked in the

18 Education Psychology Department as well.

19 Q. You say in total that Linwood held a maximum of 21 boys

20 and there were 6 girls.

21 A. Mm-hmm.

22 Q. The youngest were between 11 or 12 in the bottom bedroom

23 and the youngest girl was round about 12 or 13.

24 And I think you go on to say that you had

25 responsibility for those who were aged about 14 or 15?

1 A. Yeah.

2 Q. Was that throughout your time at Linwood Hall --

3 A. Yeah.

4 Q. -- you dealt with the, sort of, 14 or 15-year-olds?

5 A. You start -- well, I started off with the boys that were

6 in the room next to me and then later on the next door

7 as well because these kids were coming up anyway to come

8 into the next bedroom.

9 Q. So the boys that were next to you then in location-wise

10 or where you were sleeping next to, were they the older

11 boys?

12 A. Yes.

13 Q. Now, you go on to say that some of the children were

14 perhaps only there for a couple of days but some were

15 there longer. And that you had a -- generally a good

16 relationship with the local police.

17 You mention at paragraph 51 that at other times:

18 '... we would call the police if a child had run

19 away or if there had been an incident.'

20 What sort of incidents would result in you calling

21 the police?

22 A. Ooh, it was usually when it was almost a mass

23 disobedience. It would be -- very seldom be one. That

24 was quite a thought-out thing, I think, for a child to

25 run away on their own.

1 But quite often you would get, say, half a dozen
2 kids that would decide, 'Let's hoof it', and they would
3 go running, but they would only run down the drive and
4 then we couldn't find them, we couldn't hear them or
5 anything like that, and we thought, 'Right, there's no
6 sign of them in there', and you would go out in the
7 minibus and you'd have a tour around and see if you
8 could see anybody. No. 'Okay, we need to phone the
9 police and alert them'. You would also alert LUT
10 at that time and, latterly, Jack Tollan.

11 I mean, that was -- I mean, I think once we had
12 a group who had been down at the local disco in the
13 community centre and they came back and they hid up the
14 drive and refused to come in, and then they just ignored
15 us. We can't even know where they are, but we phoned
16 the police again on that one.

17 Q. So the incidents that you would have reached out to the
18 police, did they tend to be for children who were
19 running away or was there any other category of incident
20 that you would call the police for?

21 A. I'm trying to think now. (Pause)

22 Q. I think you mention at one point that it was fairly
23 unusual to call the police if a child was disruptive, so
24 that was perhaps something that would be dealt with
25 internally by the school?

1 A. Yeah. The only difference there was the one occasion we
2 found that some boys had been sneaking out of the
3 bedroom windows at nighttime, and they'd been going to
4 a local guy's down at Scoonie who sold bikes. They also
5 sold all these stickers that were the craze at that time
6 and it was the next day or the day after I found all
7 these stickers and, you know, 'Where are they coming
8 from?', I've identified the room that had them and
9 checked the bedside cabinets and here were packs of
10 these stickers. And we spoke to the boys concerned and
11 they eventually said that, 'We've been going out at
12 night and we've been going out on these bikes from ...'
13 It was Lambert's Garage at that time. And then we said,
14 'Well you know, we'll have to report this to the
15 headmaster and that will be reported to the police', and
16 it was reported, as far as I recall.

17 Q. You go on on the next page at paragraph 53 to talk about
18 in the evening the staff complement, there were six care
19 staff and usually two teachers. The teachers would work
20 with the children into the evening.

21 A. Yes.

22 Q. What sort of work would the teachers be doing at that
23 point?

24 A. I think the evening work, it was a chance for the
25 teachers to relax and just become more involved in the

1 fun and games that the kids were having.

2 One guy that I recall, he used to quite enjoy going
3 with me, if we went up to the woods above Kennoway and
4 we'd get big torches out and one child would get a torch
5 and one of the staff would get a torch and we would play
6 a game we called 'Torchy', and it was just hide and seek
7 in amongst the trees.

8 Other ones, one of the guys was very much a PE
9 teacher and he liked going out and getting the guys
10 involved in football games and that, and staff versus
11 kids football games -- never again. Were just, they
12 were good fun, aye. Some of the lady teachers, they
13 were quite happy to sit and do needlework things or
14 sewing, or what do you call it, is it cross stitch where
15 they go through in and out --

16 LADY SMITH: Tapestry?

17 A. Aye, I mean, we catered for everything.

18 MS MCMILLAN: And so some of the teachers would stay and do
19 that sort of work with the pupils?

20 A. Yep, the teacher would work on the shift that they had
21 each week, they would work 'til 9 o'clock and then they
22 would go.

23 They would often look for an earlier leave, but they
24 would come down and go in and see the kids at bedtime
25 and that. You ken, they would just go into their rooms,

1 'How are you getting on? Right, we'll see you tomorrow,
2 we'll get that game done tomorrow', or whatever, erm ...
3 Q. When you say that the teachers would wander in perhaps
4 at bed time, would the children be in bed at this point
5 or -- getting ready for bed?
6 A. No, they would just usually be sitting playing a game
7 around the table in the room and that. It was just
8 a coffee table thing.
9 Q. It was almost like when the children were in a room
10 before they went to bed?
11 A. Aye.
12 Q. And you say that overnight, there were three members of
13 staff, there would always be two males and one female?
14 A. Mm-hmm.
15 Q. So did the staff work on a rotation for overnight?
16 A. Well, it depended if you were on call or not. I think
17 it was every second night you were on duty, and you were
18 actually on call. For me, I was on call all the time
19 because I slept in the building and I was always the
20 room that was there, the kids knew I was there, they
21 could come and knock on the door any time.
22 Q. Other than you who was -- well, you say, you were always
23 on call because you slept in the building, were you
24 aware of any other staff members that were also
25 residential?

1 A. Erm, there was one lad who was still residential there.
2 He was the guy that I replaced. Originally.
3 He was still residential for two or three years and
4 then -- I'm not really sure where he went. I don't know
5 if he left.

6 Q. If staff weren't residential, then would they be called
7 to come in when they were on call?

8 A. I've seen it on days when I was on call, if there was
9 an issue in the bedrooms, I would phone the headmaster.
10 He was just across the -- well, it was, like, a path to
11 his area. But, I mean, normally you would look to try
12 and get the senior houseparent that was in charge, but
13 if they weren't actually on call that night, you would
14 go possibly to the female houseparent, just to let them
15 know there was a bit of carry-on happening.

16 Q. Now, you go on and you talk about food in your statement
17 and again I think we've covered some of that this
18 morning, I think you indicated that the children
19 generally got fed very well at Linwood.

20 You say at paragraph 55 that there was never
21 anything like force feeding the children. So what would
22 happen if a child didn't like the food that was -- that
23 they were being provided with?

24 A. I don't think there was ever, in any case, have been
25 a need to force feed any child. I mean, I remember

1 force feeding from films and things like that and,
2 I think, terrible thing to be done.

3 To try and -- I think that if you tried to do that
4 to children, you would just get your arm bitten off
5 because they would be too busy eating, but no, I mean,
6 there was never any need for force feeding. If a child
7 didn't want to eat, we would talk to him and try to find
8 out what the problem is. For some of the girls, it was
9 the start of things like anorexia and that, so, I mean,
10 we would go further, we would get a doctor or the health
11 visitor to come in and have a talk with them and that.

12 Sometimes it would be just for the girls in general
13 because sometimes you would get one girl not wanting to
14 eat and then the other girls would start falling into
15 that and think this is a good excuse to get attention or
16 whatever, but very sad for these kids. It really is.

17 But no, I mean we would never, ever force feed. We
18 would try and tempt them with something a bit nicer,
19 we'd tell them what the options were.

20 Q. Did they have a choice at every meal?

21 A. Yes. They could either take the main course or they
22 could have a starter -- well, not a starter, but
23 whatever was available for use before then or later on.

24 The cooks always had something up their sleeve if
25 there was a problem for a child.

1 Q. And if a child vocalised that they didn't like the food
2 that was put down to them, would they get that
3 alternative or would they get a choice for something
4 else?

5 A. They would be offered something else. I mean, they
6 wouldn't be starving and they certainly wouldn't be
7 force fed.

8 Q. You mentioned the girls there about possibly being the
9 start of anorexia for them. So were you actively
10 monitoring or watching what they were eating too?

11 A. Oh yes, the housemothers were really very good. I mean,
12 they were very aware of the girls and what was happening
13 and the sort of moods and the fluctuations between the
14 different things that they were doing.

15 They were excellent. They would say to us -- they
16 would pass it onto the senior houseparent initially and
17 then they would say to us as well, as a, sort of,
18 colleague, 'So and so has not been eating', and that,
19 you know?

20 Q. So any concerns around meal times or intake of food were
21 discussed amongst the staff?

22 A. There were some children who, to put it nicely, they
23 were greedy, and almost on the point of gluttony.
24 It's -- and they would take away stuff before the other
25 kids got a chance to have some, and you'd have to go and

1 get more for the other kids.

2 I don't know whether it was just a result of where

3 the children had come from, their own home or

4 background.

5 Q. You go on to talk about the sort of washing and bathing

6 routine and you say that in the bathroom, there were

7 rows of sinks and a row of toilet cubicles and four

8 baths. The baths; was there any privacy element to

9 these baths?

10 A. Oh aye, there was a door on the bathroom, a wee slider

11 catch.

12 Q. So was the baths that were in the bathroom, were they

13 private? Or were they, kind of, in an open space?

14 A. No, they were -- they were private.

15 Q. And then you indicate, I think, that showers were then

16 put in in 1978, roughly?

17 A. I think it was about 1978, yes.

18 LADY SMITH: So that was just a couple of years or so after

19 you'd started working there, was it? A few years?

20 A. A few years, yes, because there had been a bath routine

21 up to that point and then we got the news that we were

22 going to get the showers in and they converted one of

23 the bathroom's areas -- the bath areas and they put,

24 I think it was, three, possibly four, cubicles with

25 a curtain across the front of them for showering.

1 LADY SMITH: Do you remember when it was you actually began
2 working at Linwood?
3 A. 1975?
4 LADY SMITH: 1975? So you would be about 21 at that time?
5 A. Yes, it would be later then. 21? That was when I
6 passed my driving test.
7 I'm trying to think of it in relation to when -- it
8 was maybe even later than that for the showers.
9 LADY SMITH: For the showers. Sorry, I was trying to
10 confirm what year you began working at Linwood.
11 A. Oh, sorry. 1975.
12 LADY SMITH: So 1975, the year in which at some point you
13 were 21, yes? Have I got that right?
14 A. Yes.
15 LADY SMITH: Thank you.
16 MS MCMILLAN: You mentioned there about the routine before
17 the showers were put in. What was the routine, from
18 what you remember?
19 A. The routine was at supper time, the senior houseparent
20 used to take the youngest ones, who were fed first with
21 their supper, and he would take them down and he would
22 get them all, sort of, ready to go, either have a wash,
23 have a bath or whatever, he'd run their baths for them.
24 That would be 9.00 till 9.30, and then 9.30 the older
25 children would come down, and by that time we hoped that

1 the younger children would be in their rooms.

2 I mean, the very young children, they were five at
3 the most in the bottom room and four in the next room.
4 So there would be nine maximum, so there was a potential
5 for each of them to get a bath in a half hour and be
6 back out again. Because they weren't encouraged to lie
7 around in the bath for a while.

8 At that time, I was mainly with the housemother at
9 that time watching the older children getting their
10 supper, as I say, from 9.00 -- sorry, from 9.00 to 9.30
11 was the younger ones, and 9.30 to 10 o'clock was the
12 older ones, and if they were really lucky, they would
13 get to watch a bit of TV as well. Just to cause a gap
14 between them and the younger ones.

15 The routine at bedtime was bath time, toileting,
16 they would get a story sometimes. Some of them were
17 able to tell a story. Erm, what else?

18 The house -- sorry, the teaching staff,
19 occasionally, they would be able to tell a story in that
20 bedtime. If the kids had deserved it, in their opinion.
21 I mean, for me I was quite happy to read the kids
22 stories any time.

23 So come 9.30, 10 o'clock, that would be the start,
24 as I say, of the older ones coming down and going to
25 their room. There was three rooms of four for the older

1 boys, sort of the 14, 15, 16. That was it --

2 occasionally they would get a chance to see some

3 television, maybe at the very latest 10 o'clock, 10.30.

4 Q. And just before I move off completely from the nighttime

5 routine, when the older boys, the group or the cohort of

6 pupils that you were in charge of, went for their

7 shower, bathtime, that part of the routine, were they

8 supervised?

9 A. As in staff would be in the hallway, yes.

10 Q. What about when they were having their baths or latterly

11 showers, were they supervised at that point?

12 A. Showers was very much a case of in and out as quick as

13 you could get them to move. It was too much activity

14 going on, you know.

15 I mean, the hallway where the bedrooms was was about

16 10 metres long, I would say. That's not a very long

17 distance. And you've got to remember that on the one

18 hand, you've got four bedrooms with four kids in each of

19 them and then you've got a bottom bedroom with five in

20 the end one. The reason there was five in the end one

21 was because it jutted out and covered the fire exit and

22 there was room to put another bed in there.

23 So we gave them the chance to listen to some music

24 at bedtime, it wasn't always what they wanted, we

25 preferred classical stuff that calmed them down. But,

1 I mean, a senior houseparent was usually in with the
2 youngest children in the room next to that and then
3 myself, I would be covering the middle room, the next
4 room and the other room, there was -- a senior
5 houseparent occasionally would be in until 10 o'clock,
6 10.30 maybe.

7 And as I say, the teachers, if they were in reading
8 a story, that would be 'til 9.30, 10 o'clock, the older
9 ones didn't really get very many stories.

10 Q. Just very last, just before we perhaps break, at this
11 point, just so that I am clear -- and it is my fault
12 because it will be my clumsy questioning -- but when
13 you'd done the -- when the shower routine and the bath
14 routine was done, was there a staff member in the
15 bathroom or in the area where the pupils were
16 supervising?

17 A. In the area. I mean, you had to try and keep a monitor
18 in the toilet and in the bath area because they would
19 get up to nonsense.

20 Q. And you indicated that when the showers were put in,
21 there was a shower curtain that had privacy then for the
22 pupil?

23 A. Yes.

24 Q. What about the baths? Was there privacy for the pupil
25 when they were taking a bath?

1 A. The door could be shut and then just a wee knock every
2 now and again, check, 'Are you okay? Right, it's about
3 time you were coming out, come on'.
4 Q. So each bath, I think you mentioned there's maybe three
5 or four baths, they were in an individual cubicle?
6 A. Yes, you turned off the main hallway, turned right and
7 on your left was a bathroom, a bathroom, a bathroom,
8 a bathroom, then you were into the main toilet with the
9 sinks either side.
10 MS MCMILLAN: That's very helpful 'Toby'.
11 LADY SMITH: Yes, I think we've got the picture.
12 MS MCMILLAN: My Lady, I wonder if this is an appropriate
13 point.
14 LADY SMITH: 'Toby', I think that is a good point for us to
15 have a break. We will rise now for about a quarter of
16 an hour or so and then we will carry on with your
17 evidence after that.
18 (11.33 am)
19 (A short break)
20 (11.46 am)
21 LADY SMITH: Do sit down, 'Toby'.
22 Welcome back. Are you ready for us to carry on?
23 A. Yes.
24 LADY SMITH: Thank you very much.
25 Ms McMillan.

1 MS MCMILLAN: Thank you, my Lady.

2 Now, just before the break there, I had been asking
3 you about some specific things in Linwood Hall, and
4 I want to just focus our attention on discipline and
5 punishment at the school. So I think you start talking
6 about this at paragraph 80 of your statement, which is
7 on page 18.

8 You say that, firstly, the discipline and punishment
9 were the remit of SNR [REDACTED], LUT [REDACTED], and he
10 would decide who should be disciplined and what the
11 punishment should be.

12 Can you tell us a bit more about that?

13 A. There was no physical punishment for any of the children
14 at Linwood Hall. There was no use of the belt or
15 anything like that.

16 LUT [REDACTED] did at times say that he was going to
17 give somebody the belt. I've witnessed that happening,
18 but what I witnessed was him belting the table and
19 giving the child a fright by hitting the desk with his
20 belt. There was no -- never any time that I saw a child
21 getting belted or that as a punishment.

22 Q. You say that, if a child was being punished by
23 LUT [REDACTED], that he would pull them back and forward,
24 holding the fabric of the shirt enough to unbalance them
25 and that this would last for no more than a minute?

1 A. Yes.

2 Q. So would he be effectively physically shaking the child
3 with their shirt?

4 A. Aye.

5 Q. And you say at the same time, he would be explaining to
6 them the error of their ways.

7 So what sort of thing would result in him doing
8 that?

9 A. If he was extremely discourteous towards a lady teacher,
10 foul mouthing them or whatever, he would make the point
11 that, 'You know, that is no way for you to talk to
12 a lady, that's no way for you to talk to a teacher'.

13 He would emphasise the fact that, 'You know, you
14 shouldn't be talking to anyone really like that'.

15 Q. And you say that sometimes he might just shout and brawl
16 at the child, but sometimes he also did that to a member
17 of staff who was involved?

18 A. Oh aye.

19 Q. When you say that he would also do that to a member of
20 staff who was involved, what did you mean about that?

21 A. I think if a member of staff was way out of line, he
22 would speak strongly to them. Say, 'You've no business
23 doing that', or, 'You shouldn't have done that, that was
24 a silly thing to do, a really stupid thing to do'. But
25 that would be about the extent of it.

1 Q. And when he was speaking to staff like that, was this
2 staff on their own or in front of the child?

3 A. I think it would be more on their own.

4 Q. And you go on in your statement, at this point,
5 paragraph 81, to say that -- you talk about the belt but
6 you say that you think he had a code within himself that
7 he would never use the belt on a child.

8 So did you ever see him use the belt on a child?

9 A. No. As I said, the only time I ever saw him use the
10 belt was on a desk, to make a point to the child.

11 Q. And you talk about:

12 'At the end [of that routine], he would make light of
13 the situation with the child, have a laugh, then take
14 the child to see Margaret, the cook, for a bun or
15 biscuit.'

16 So was this after he had given a child into trouble?

17 A. Sorry, say that again.

18 Q. So, would he take the child -- well, have a laugh with
19 the child, then take the child to see the cook for a bun
20 or a biscuit after he had given a child into trouble?

21 A. Yes, he would. But I mean he would give the opportunity
22 for the child to go themselves and say, 'Mr LUT says
23 I have to get ...'

24 LADY SMITH: Sorry, so you'd have this routine, and he would
25 get his tawse out and he would be hitting his desk with

1 it?

2 A. Yes. He wouldn't belt the child.

3 LADY SMITH: No, I've got that point. So he was hitting his

4 desk with it.

5 A. He would belt the desk.

6 LADY SMITH: And you have said that could go on for

7 a minute?

8 A. And then he would --

9 LADY SMITH: Right, a minute; have I got that right? That

10 he'd carry on doing this for a minute in front of the

11 child?

12 A. No, it wouldn't be as long as a minute, I don't think.

13 I mean, it would be bang, bang, bang, on the desk and

14 you could see the child would, 'Oh', you would think,

15 'He's getting a lesson here', and then he would say now

16 that's what --

17 LADY SMITH: Just a minute, can I just get this right,

18 'Toby'?

19 So you've got this demonstration, by SNR [REDACTED], of

20 him being cross and angry with the child --

21 A. Mm-hmm.

22 LADY SMITH: -- and the child having a frightening

23 experience with this belt being strapped on the desk.

24 Making quite a loud noise, no doubt?

25 A. Yes.

1 LADY SMITH: Yes.

2 And then, what SNR does is either he goes with

3 the child to get a biscuit for the child, or he sends

4 the child to get a biscuit?

5 A. Yes, I mean -- he would make light of it, he would

6 talk --

7 LADY SMITH: Okay, sorry, to keep interrupting you, so

8 that's his next step. Isn't that confusing to the

9 child? 'Am I in trouble or am I not in trouble?'.

10 A. I understand what you're saying. I do.

11 Right, he would -- I think initially it was a shock

12 effect to the child to say, 'You've stepped over the

13 line. Now, this is how I could step over the line if

14 I wanted to, but I'm not going to give you the belt'.

15 Then he would say, 'I saw the fright in your face

16 there', or something similar, 'Do you understand that's

17 what I could have been doing, giving you the belt?'

18 From that, there would be a bit of an opportunity to

19 then say -- there would be a jokey sentence or something

20 said and then it would move towards the, 'Okay, you've

21 learned your lesson from that', and the child would more

22 than likely say, 'Yes', then it would be a case of,

23 'Right, okay then, you've learned your lesson, go and

24 get a chocolate biscuit or a bun from Margaret'.

25 LADY SMITH: Which the child otherwise wouldn't have been

1 getting at that time of the day?

2 A. That's right.

3 LADY SMITH: I'm still having difficulty and not seeing that

4 as giving --

5 A. I understand what you're saying, yes.

6 LADY SMITH: Could I just ask you something? 'Toby', if you

7 speak at the same time as either Ms McMillan or me, it

8 makes life impossible for these people who are trying to

9 create an accurate transcript of everything that's being

10 said.

11 A. Understood.

12 LADY SMITH: But I've got that right, this mixed message

13 would be going to the child?

14 A. Mm-hmm.

15 LADY SMITH: Thank you.

16 Ms McMillan.

17 MS MCMILLAN: Thank you, my Lady.

18 Moving on from the belt, you talk at paragraph 82 of

19 an incident where you see LUT tapping the

20 underside of a boy's chin with his knuckles. Can you

21 tell us a bit about that incident, please?

22 A. I can't remember the actual incident that caused it, but

23 he was -- he pulled the young lad up against the wall

24 between the staffroom and the sitting room and he was

25 saying to him, 'Why are you doing this?', or whatever it

1 is, and he was using his knuckle like this, under the
2 chin, to get the boy's attention.

3 To be honest, the young boy was trying his best to
4 come back at him by effing and blinding and all the rest
5 of it, saying, 'You effing old so and so' and that, and
6 that was just making LUT a bit angrier, you know,
7 'How dare you speak to somebody of my age and that stage
8 in life', and all the rest of it. And this lad was not
9 for having that told to him.

10 Q. And do you -- you say that LUT was doing with his
11 knuckles under the chin to get the boy's attention?

12 Do you think that maybe by having the boy against
13 the wall and talking to him, he already had his
14 attention enough that he didn't need to do the tapping
15 of the knuckle under his chin?

16 A. That wasn't my decision.

17 Q. Now, you go on and, again, you talk about bedtime and
18 we've already talked about the routine there. But you
19 mention that it was quite a tense time and you mention
20 at paragraph 84 that if there was a certain group who
21 were making a noise, and if they didn't heed a warning,
22 they would be made to stand in the corridor facing the
23 wall. Can you tell us a bit more about that process,
24 please?

25 A. Just as it says there. I mean, if the young people

1 weren't willing to heed the warnings to calm down and
2 quieten down, that it was actually bedtime and not time
3 for nonsense and carry-on, we'd say, 'Right, okay, stand
4 out in the corridor, face the wall and just no talking',
5 and that was it. They weren't allowed to move either
6 way unless it was for the toilet or something like that.
7 But they were more or less face to face with the wall
8 and no talking, as I said. And you would only give that
9 for five minutes, maximum, I would say, and, by that
10 time, they were usually quite keen to get back to their
11 bed.

12 Q. And how often do you think that the boys were made to do
13 that?

14 A. Not a lot to be honest.

15 Q. Was it -- just trying to quantify time, was it a weekly
16 thing, a daily thing, a monthly thing?

17 A. Oh, no, no, just once in a blue moon thing.

18 Q. Do you know where this method of punishment came from?
19 Who developed that?

20 A. No.

21 Q. And you say that you would never do it to an individual
22 child, there were usually three or four at the same
23 time. So there was normally more than one child
24 standing against the wall?

25 A. In the hallway? There would -- it would be the group

1 who were in that room you would bring out.

2 Q. So they were asked to come out of their bed and go and
3 stand in the corridor?

4 A. They were usually out of their beds, running around in
5 the bedroom having nonsense.

6 Q. And how -- looking back on that, how do you think the
7 children responded to that method of punishment?

8 A. To be fair, I think, in most instances, they accepted
9 that, 'We were out of order, we need to get in, get away
10 in our beds'. Sometimes someone would say, 'Can we go
11 back to our beds again?', 'Yep, on you go'.

12 And -- it wasn't a case of punishing them, it was
13 trying to get them to stop, think, 'Right, get back to
14 your beds now or there could be more'.

15 Q. And if -- were there ever situations where you were
16 forced to do anything more than that because of the
17 behaviour of the boys?

18 A. No.

19 Q. Now, moving on, I think, to page 20 of your statement,
20 you say that children who had misbehaved were never
21 segregated from the other children. This is at
22 paragraph 86.

23 A. That's right.

24 Q. And their weekend leave was never stopped:

25 'I don't remember their pocket money being reduced

1 or withheld for bad behaviour but it may have been used
2 as a threat.'

3 Do you remember any other forms of discipline that
4 the school or any of the teachers, care staff, would
5 have used?

6 A. It would be withdrawal of inclusion in an activity or
7 something, perhaps. Like when we did the big walk,
8 camps, there was always a lot of young people wanted to
9 go and you had to, sort of, balance it out, would they
10 be a good mix and that, do you think they would manage
11 it and then you would explain to them why you didn't
12 think it was a good idea for them to come on that walk
13 or trip.

14 LADY SMITH: 'Toby', you mentioned pocket money a minute
15 ago. Who gave them the pocket money?

16 A. It was the senior care manager, the senior -- team
17 leader, the senior team leader, there's that many
18 different names.

19 LADY SMITH: So that was a particular time each week they
20 got it, was it, or what?

21 A. Well, each day there was usually a time for pocket money
22 being doled out and that, so they could go to the shop
23 for sweets and things like that.

24 LADY SMITH: What shop was that?

25 A. The local shops to the school.

1 LADY SMITH: Okay.

2 Who funded the pocket money? Where did the money

3 for the pocket money come from?

4 A. Social work, usually.

5 LADY SMITH: Thank you.

6 Ms McMillan.

7 MS MCMILLAN: So just picking back up then, you would

8 exclude them from activities if -- what was the reason

9 for exclusion from activities?

10 A. Well, if they hadn't been showing that they were really

11 that interested in something, that, 'You may be a wee

12 bit new to the school, you're not ready to be trusted on

13 something as big as, say, going on the West Island Way'.

14 Q. You go on at paragraph 87 to say that you never

15 disciplined any child and it wasn't your place to

16 discipline a child.

17 If a child behaved badly towards you, what would you

18 do?

19 A. Senior houseparent or to LUT .

20 Q. And when you became SNR , did your role

21 in discipline change? Would you do anything at that

22 point?

23 A. By that time, I think, I was giving a more thoughtful

24 reaction towards whatever they were getting up to.

25 Q. What do you mean by 'a more thoughtful reaction'?

1 A. Before I knew any better, it might have been a case of,
2 'Right, come out here and stand in the corridor, face
3 against the wall, couple of minutes', I wouldn't have
4 done that later in the practice, no.

5 Q. What sort of things would you have done later?

6 A. Well, I would have looked at an alternative.

7 Q. What sort of alternative?

8 A. I really don't know. I mean, that's something you are
9 going back to years ago when I was in practice, thinking
10 about what would I have done then.

11 Q. You go on to talk about that LUT [REDACTED] was quite proud
12 of having an empty book where he would record the
13 punishment, because he never used the belt?

14 A. He'd never used it, yes.

15 LADY SMITH: If he didn't use it, why didn't he get rid of
16 it?

17 If he didn't use the belt, why didn't he get rid of
18 it?

19 A. I think there were many teachers who, long after they
20 stopped using the belt or even before it was banned,
21 that staff still had their belt in their cupboard and
22 that. I think it was -- for LUT [REDACTED], who was much
23 older than I was, he perhaps came from the kind of
24 training where they did use a belt. I don't know, keep
25 in mind that LUT [REDACTED] taught in schools across places

1 like Saudi Arabia and that. He created the Miners'
2 Children's School, set that up and ran it.

3 LADY SMITH: Okay, thank you.

4 Ms McMillan.

5 MS MCMILLAN: Now, moving on, I think we've already talked
6 about restraint this morning, and you had mentioned the
7 training, we've discussed the training at Melville
8 House.

9 But prior to that training, or even after, did you
10 ever see staff members restraining children?

11 A. Well, I've seen -- one staff member in particular I can
12 remember, the child came out of his classroom, this was
13 in what was the old bedrooms in the sleeping dormitory,
14 it was now classrooms.

15 And this member of staff was in the middle room and
16 he had some problem with one of the children who'd run
17 out and he had came out of the back of him and he'd
18 grabbed him and said, 'Where are you going? You can't
19 just run away'. And there was a wee bit of struggle.
20 The child wanted to be let go, he wanted to do what he
21 wanted.

22 Q. Other than that incident, did you see staff restrain
23 children regularly?

24 A. Not regularly. I saw another incident, I think I wrote
25 about it in this. There was one of the camps when we'd

1 got up to the area where we were camping, the kids were
2 all getting out and I was helping them with put up their
3 tents, and I can hear there was a boy arguing with the
4 senior houseparent at the time and he was being a wee
5 bit silly in what he was asking and -- or what he was
6 saying -- and eventually, the boy said to him, 'Out you
7 come', and then I looked up and I saw him grab the kid
8 and lift him out and I ran across and the member of
9 staff said later on, he says, 'The first thing
10 I heard -- I was so angry with that lad', he said, 'But
11 the first thing I heard was your big boots thudding
12 across the camp site'.

13 And it stopped. I mean, that was it.

14 Q. So do you think if you hadn't interfered, that situation
15 could have escalated?

16 A. That would be total conjecture.

17 Q. Now --

18 A. I know I didn't want anything further to happen.

19 Q. Now, you go on and you talk about children running away.
20 Again, this is something that you have been speaking
21 about this morning, but you say that if -- at
22 paragraph 90, if some of the children ran away, you
23 would give them chase in the minibus.

24 And you then talk about using their hand or grabbing
25 the cuff of their clothing.

1 So if a child has absconded and you found them,
2 would you -- how would you get them back to the school?
3 A. Keep in mind that that was very early years working in
4 Linwood that they used to go, if kids went on the run,
5 they would take the minibus out to try and keep up with
6 them and try and get them, to get them back.
7 LADY SMITH: So if you got them, how would you get them back
8 to the school?
9 A. Place them in the minibus again and drive back.
10 LADY SMITH: Okay.
11 MS MCMILLAN: So when you say, 'Place them in the minibus',
12 did you physically take hold of them to put them in the
13 minibus?
14 A. Yeah, I mean, you would catch them by the sleeve or
15 whatever, get them into the bus.
16 Q. You say that, at paragraph 90:
17 'Restraint was seldom used at Linwood Hall and
18 instead we blocked the children's direction which often
19 ended in laughter.'
20 So, who was laughing at that point?
21 A. The child and the member of staff. You know, it was one
22 of these sort of, 'Dodge me, dodge me'.
23 Q. You go on to talk about, at paragraph 92, an incident
24 that you witnessed in LUT [REDACTED]'s office, where there
25 were, I think, a few boys and a few members of staff.

1 Can you tell us a bit more about that incident?

2 A. I don't understand what it was actually about. I was
3 asked to come in, there was LUT [REDACTED], the senior care
4 worker, and the -- at that time SNR [REDACTED].

5 And, I mean, there was words getting bandied back
6 and forward, I thought, 'I'm not catching up with what's
7 happening here'.

8 Then I'm sure it was the lad started swearing and
9 there were swearing directed at LUT [REDACTED]. He got
10 angry and he said to them, 'No, no, no', and then the
11 next thing was the three of them just went separate ways
12 but the staff grabbed him and one member of staff that
13 I was near, he had the child on -- it was a bay window
14 in SNR [REDACTED]'s office and he had him on the
15 cushion, on that and said, 'No, you're not, you're not
16 going to move anywhere'.

17 SNR [REDACTED] had someone else and LUT [REDACTED] was
18 stopping the other boy from moving as well.

19 Q. So there was three members of -- well, four members, of
20 staff there, so you're -- you don't have any interaction
21 with a child at that point?

22 A. No.

23 Q. And you can see one member of staff who is effectively
24 restraining a child on the cushion of the window seat?

25 A. Yes.

1 Q. The bay window.

2 And then LUT [REDACTED], you mentioned, had hold of

3 another child?

4 A. Yes.

5 Q. And how was he holding him; do you remember?

6 A. No.

7 Q. And then there was another member of staff who also had

8 hold of a child?

9 A. SNR [REDACTED], yes, he was keeping the child

10 from going anywhere. He wasn't actually holding him, he

11 was arms out.

12 Q. And from you watching on, what -- well, what did you do

13 at that point?

14 A. My mind was going round and round and round but it very

15 quickly calmed down.

16 Q. And what did you think of the boy that was being

17 restrained on the bay window seat?

18 A. It looked a bit over the top for me.

19 Q. And reflecting on the actions of all of the staff

20 members there, do you consider that the reaction was

21 appropriate?

22 A. I really can't answer that because I don't know what

23 kicked it all off.

24 Q. And I appreciate that you don't know the background to

25 it, but seeing how the staff were dealing with the

1 children, did you think that that was an appropriate
2 response?

3 A. No.

4 Q. You then go on and talk about an incident at
5 paragraph 93 when you were made aware of a disturbance
6 in Jack Tollan's office and you went in and that
7 Jack Tollan was sitting on the floor with his arms
8 around a boy.

9 Can you tell us a bit more about that incident?

10 A. As I say, I don't know what the build-up was to it, but
11 I was walking through towards the dining room, Jack
12 Tollan's office was on the right-hand side. The door
13 was wide open and I could hear all the noise and
14 I thought, 'What the hang's going on here?', and I
15 looked in and Jack was sitting in the same bay window
16 area, but he was on the ground and he had his arms
17 around the boy who was arms, legs trying to go
18 everywhere and Jack just sat and kept him. It didn't
19 stop the swearing.

20 Q. I think you say at one point there that Jack's legs were
21 over the boy's legs to stop him kicking.

22 A. Yep. And as I had -- by then, that Jack was absolutely
23 sweating just holding onto the lad.

24 Q. Now, moving on to paragraph 103 of your statement at
25 page 23 --

1 A. Yes.

2 Q. -- you talk about abuse and you say:

3 'At Linwood Hall [that you] don't recall ever seeing any

4 written definition of the term 'abuse'. [And that you]

5 don't think [that] any one of us, as [staff members],

6 suspected any of the other members of staff could

7 possibly be abusing a child.'

8 You go on to say that:

9 'We were, however, always alert to what children

10 were saying and would try and pick up on anything that

11 was untoward or wrong.'

12 What do you mean by 'untoward' or 'wrong'?

13 A. There are times when you're working with children and

14 adults when you get the impression that this

15 relationship isn't quite right. It may be that

16 affectionate terms were being used towards the child by

17 the member of staff, or it could be in some instances

18 where the child is being overly familiar towards the

19 staff, bodily contact, and nothing is being done to

20 prevent it. And you know that the member of staff is

21 highly capable of stopping that kind of physical

22 interaction.

23 Q. So did you have some form of training to look out for

24 these sort of things, or was this something that came

25 with experience?

1 A. Well, I had the experience up to the time when I got my
2 training and that, and I mean, I -- towards the end of
3 the actual two years of training, we did a training
4 session that was by a company, the Steam Boat Packet
5 Company, I think it's called, and it was all about abuse
6 and how to recognise the kind of abuse that happens to
7 children, the kind of marks, like getting by your arm
8 and leaving thumb prints and fingerprints and that.
9 I was horrified when I saw these pictures. And I
10 thought -- I mean, that was happening towards babies,
11 infants, and you think how the hang can folk do that to
12 people, but it made me awake and alert to what kind of
13 things can happen.

14 And that can go on right through adulthood.

15 Q. You go on in your statement to talk about there being
16 one boy who you say was of colour and he got quite a lot
17 of verbal abuse from his peers. He subsequently took
18 matters into his own hands and hit back physically at
19 the boys that were doing this.

20 What did you do about that incident?

21 A. You would usually intervene verbally and say 'That's
22 enough, stop it'. I have met the lad in later years and
23 he drives a JCB somewhere here in Edinburgh and, oh,
24 he's Mr Muscles. They wouldn't dare do that to him
25 nowadays, but that didn't help him at the time.

1 Q. So you say that is an incident of, I guess, children
2 picking on other children. Were there other incidents
3 that you might have seen like that between the children?

4 A. Yes. Some was done out of a warped kind of good nature.
5 Like some of the nicknames the children got, I mean,
6 they can be so cruel at times and you have to say to
7 them, 'No, that has to stop'. Some of the verbal
8 taunting and that, it's ridiculous.

9 But that's how we live through our livelihood, and,
10 you know, an adult can help a lot in instances like that
11 by saying, 'Whoa, you can't do this, you shouldn't do
12 this', or, 'This is why you can't do that'.

13 Q. So if you heard, sort of, verbal taunting or use of
14 inappropriate nicknames, would that be something that
15 you would try and stop?

16 A. In most instances, I would say, yes. I have to admit
17 there was instances more than likely where I never
18 noticed it or never saw it or heard it. And it would be
19 later I would hear.

20 Q. Now, you go on to say that -- at paragraph 109 -- that
21 if you had heard that someone had been abused, you would
22 automatically report it to your seniors and there was no
23 discretion in this matter.

24 So was there policies that you were aware of where,
25 if there was a disclosure of abuse, you had to report?

1 A. Yes.

2 Q. And I think you do go on in your statement to talk about
3 a boy who disclosed something to you which then you
4 escalated to senior staff.

5 You say at paragraph 110, which carries on to
6 page 25, that you would:

7 '... the best way to reduce the likelihood of abuse,
8 ill-treatment or inappropriate conduct by staff, or
9 other adults towards children ... would be to use good
10 practice.'

11 You say that:

12 'This would involve being alert at all times and
13 never being afraid to ask questions.'

14 A. Yes.

15 Q. What did you mean by that?

16 A. I think for some of the people who get involved in
17 working with children, it becomes too uncomfortable for
18 them to say and ask a question of what's going on
19 between the child and another person.

20 And they shouldn't be.

21 Q. So that is what you mean by -- so asking almost
22 difficult questions?

23 A. Mm-hmm.

24 Q. Now, moving on to page 26 of your statement, and moving
25 specifically now to allegations of abuse. Now, you say

1 that you were never the subject of an allegation of
2 abuse or ill-treatment of a child or children who
3 resided in Linwood when you were there; is that right?
4 A. None at all.
5 Q. Now, you subsequently became the subject of
6 an allegation of abuse and I think you tell us that that
7 was around 2001. If it assists ...
8 LADY SMITH: I think if you go forward to paragraph 154.
9 MS MCMILLAN: Thank you.
10 LADY SMITH: You deal with it there, 'Toby', if you just go
11 ahead a little bit. On page 33.
12 That's the section that addresses this. Just at the
13 bottom of the page, headed 'Leaving Linwood'.
14 A. Got it.
15 LADY SMITH: Okay.
16 MS MCMILLAN: I think that allegation was in 2001, so if you
17 look to paragraph 154, but it starts on page 34:
18 'In 2001, my whole world collapsed....'
19 A. Sorry, which paragraph?
20 Q. So paragraph 154, so it starts on page 34 and you'll see
21 the first line of that, we have the word 'registration',
22 and then it says:
23 'In 2001, my whole world collapsed as a result of
24 an allegation...'
25 A. Yes.

1 Q. As -- when you've been engaging with the Inquiry,
2 I understand that you have seen some documents relating
3 to that particular allegation.

4 A. Yes.

5 Q. That allegation is discussed at paragraph 156, but it's
6 an allegation of lewd, indecent and libidinous practices
7 towards a boy and I think you've read the Inquiry papers
8 on that. The allegation involved masturbating the boy's
9 penis.

10 Did you know who the boy was that was the subject of
11 that, who made the allegation?

12 A. No.

13 Q. And you say that he wasn't a resident when you were at
14 Linwood and you can't picture him.

15 I think there was a full investigation into that
16 allegation.

17 A. Yes.

18 Q. You say at 160, paragraph 160, so it's turning on to
19 page 35, that there is no way that you abused this boy.
20 You don't know who he is. 'It's all a fabrication'.

21 Is that still your position?

22 A. Yes. Absolutely.

23 Q. Did you abuse this boy?

24 A. No.

25 Q. Did you sexually abuse any boys at Linwood?

1 A. No. Nor any other child.

2 Q. Now, he talks about part of that abuse happening in the
3 shower area.

4 Is this something that you can recollect?

5 A. I can recollect the shower area. And if I can describe
6 it, again we're back in the sleeping dormitories, it's
7 a 10-metre-long hallway, there are four bedrooms on the
8 left-hand side, there's a bedroom at the far end. On
9 the right-hand side, halfway down this hallway, there is
10 the entrance into the toilets. Now, as you go into that
11 entrance, there's a bathroom there, a bathroom there,
12 a bathroom there, a bathroom there, wash handbasins and
13 then toilets. But if you go back to this first
14 bathroom, this was the one that was converted into
15 showers.

16 Now, as I said, at the initial allegation, there
17 wasn't even enough room to swing a cat -- I mean,
18 I would have been soaking wet with sweat. One of the
19 other staff would have said, 'What have you been
20 doing?', and -- you know, I mean - if what I was
21 supposedly doing in the hallway was happening, one of
22 the other staff would have said, 'Oi', or one of the
23 other children would have said, 'KNH', what are you
24 doing?', or something similar.

25 You know, so, no, I totally deny that allegation.

1 I think it is a fabrication.

2 Q. Now, there are some other allegations that I want to
3 talk to you about. The Inquiry has already heard some
4 evidence from someone called 'Peter'. Now 'Peter' has
5 given a statement to the Inquiry, and you will see this
6 at paragraph -- page 36 of your statement, at
7 paragraph 163.

8 A. What page number was that?

9 Q. 36. And it's paragraph 163.

10 A. Okay.

11 Q. Now, there is a paragraph that starts:
12 'When I went back to Linwood Hall on Sunday, I was
13 hauled out of my bed at some godforsaken hour by KNH
14 KNH. I was dragged and banged through three
15 swing doors and into the [staffroom].'

16 So it's an allegation that you dragged a boy called
17 'Peter' out of his bed; was this something that you did?

18 A. No.

19 Q. Did you ever drag pupils out of their bed?

20 A. No.

21 Q. Did you ever drag pupils out of their bed and take them
22 into the staffroom?

23 A. No.

24 Q. He says, or 'Peter' says, that it's because he disobeyed
25 an order from his foster family and they complained to

1 the school.

2 Would you ever discipline a child for not following
3 some sort of order from a foster family?

4 A. No, there would have to be an investigation as to what
5 had actually happened as to, 'What had you disobeyed?
6 Why?', and if what was included in the real allegation,
7 I don't think that that happened.

8 Q. Now, he describes you in that paragraph as having long
9 dark hair, big glasses, and 'was a big guy, about 6 foot
10 and 6 inches with a really big build'.

11 Do you think that that was an accurate description
12 of you?

13 A. No. 6 foot 2 at the maximum. Long dark hair? Long
14 gone.

15 Q. Did you have long dark hair at one point?

16 A. When I was an apprentice. Everybody had long hair at
17 that time.

18 Q. Did you have long hair when you were working at Linwood
19 Hall School?

20 Could it be a description of another member of staff
21 or is it a description of anyone you recognise?

22 A. No, I was about -- apart from Brian Adams, I was one of
23 the taller staff and he left and I was still there. One
24 of the teachers, **KNG**, he came, he was very
25 tall. There's no one else I could think of that was

1 about or above the height of me.

2 Q. I think you go on to say that you don't remember who

3 'Peter' was.

4 A. I thought I did when the allegation first came out but,

5 no, that wasn't who I was thinking of. I was thinking

6 of someone far different.

7 LADY SMITH: Did you wear glasses, 'Toby'?

8 A. Sorry?

9 LADY SMITH: Did you wear glasses?

10 A. Yes. Usually these metal framed ones.

11 LADY SMITH: Thank you.

12 MS MCMILLAN: You go on to say at page 37 at paragraph 166

13 that, 'what he has described is absolute lies'.

14 A. Can I say about some of the things that he spoke about?

15 Q. Of course. I will go through other things, but if

16 you've got a particular comment about that.

17 A. As far as me supposedly touching him in his bedroom, in

18 the face of three other boys in his room, three very

19 noisy and very inquisitive boys, as were all the

20 children in Linwood Hall, who wouldn't stand by to let

21 something like that happen without saying something or

22 spreading it around the rest of the school at least by

23 the next morning. So I think it's absolute nonsense.

24 Well, I know it's absolute nonsense, and there's nothing

25 within me which would ever want to, dream of or even try

1 to do anything like that towards a child, towards
2 anybody.

3 Q. Now, 'Peter' goes on to make a further allegation of
4 this sort of conduct at paragraph 168. So he says
5 that -- he mentions a second time that he was dragged
6 out of bed by you. He says that this was after he had
7 went to a children's home in St Andrew's called St
8 David's Children's Home:

9 'I had the feeling that I was going to get dragged
10 out of my bed in the middle of the night again.'

11 And then he said he was almost expecting it and he
12 said that the same thing happened, he was dragged out of
13 bed and into the staffroom by you.

14 Is this something that you did?

15 A. No.

16 Q. Is there a reason why you would or anyone would take
17 a boy into the staffroom at night?

18 A. No.

19 Q. As far as you were aware, did that happen?

20 A. No.

21 Q. I think you say, at paragraph 169, that you would have
22 been in bed 'at this ungodly hour'.

23 Now, 'Peter' then goes on at paragraph 170 to talk
24 about a trip that involved taking two minibuses with two
25 members of staff in each, that they were driven to

1 a beach with cars and vans. They went to a wooded area
2 nearby which had six or seven caravans and that staff
3 offered him beer and that he drank about three cans of
4 beer and after that, he doesn't remember what happens,
5 but thinks he was drugged and raped.

6 Do you have any comments to make about that?

7 A. Without bursting out laughing -- and that's no
8 disrespect to the man who's made this allegation --
9 there is something seriously wrong with his thinking,
10 but no, that is not -- that's nothing that I have ever
11 thought about doing or anything. I can recognise the
12 area that he's talking about. He's talking about the
13 promenade at Leven, along towards the caravan park and
14 it's built up with beach stones, and then the actual
15 ground was all built up with earth after that and then
16 they put a new gym stuff, well, gym equipment and that
17 in.

18 Now, the caravan site itself was always open in
19 summer, closed in winter. He was saying that it went
20 across towards this forestry bit.

21 Now, I can picture this in my mind. Where he seems
22 to be talking about is he's walking from Leven Beach
23 promenade, walking across the Thistle Golf Course area
24 and then moving towards the -- oh, crikey, I've
25 forgotten the name of it -- the Silverburn Park area,

1 which is a large wooded area. It has within it two
2 houses. One was turned into a big gym at one point and
3 another one was the main central house up the top which
4 was a meeting room area for other people.

5 There were no caravans whatsoever in the woods
6 there. There was a big garden, it's a beautiful garden.
7 They have since actually put in a deer hide which is up
8 on telegraph poles so you can get a good chance to look
9 down at the deer who come into graze. I think that's
10 actually part of where the gardening group is working
11 with the chap that's on -- Beechgrove Garden. There's
12 a guy from Leven, I think that's where he has one of the
13 plots, but no, this laddie, he's saying that he was
14 given beer and he actually says that he thinks he drank
15 three and a half tins of beer. That's not bad for a kid
16 that age. You know, I mean, somebody has forced it down
17 his neck obviously, but then he says that he thinks it
18 was drugged and then this is where it just gets really,
19 really -- oh, it's ...

20 Sorry, considering this boy's background, where he
21 was before he came to Linwood Hall, the way that he used
22 to enter and egress the doctor's room via the window and
23 that, there is something intelligent-wise up the top not
24 quite right. But this, as far as I am concerned, and
25 any of the staff that are mentioned in that part of the

1 report, it's absolute fabrication.

2 Now, there is one point here that I would draw to
3 your attention and you can check it easily. Linwood
4 Hall never had two minibuses, except where there was
5 a bus going away on a big camp and they would get
6 another one provided by the Fife Transport Service. So
7 that the school wasn't left without a bus. I don't know
8 where we managed to magic up this other minibus.

9 I'm sorry, but I've said this before, this guy has
10 got you guys by the short and curly hairs on the back of
11 your neck, he is twirling you around his head.

12 Q. In fairness to you, 'Toby', we put this to you to allow
13 you to comment on it. So just breaking it down a wee
14 bit further there --

15 A. Yes.

16 Q. -- you say at paragraph 172 that:

17 'He is saying that he went with two SNR
18 SNR, a houseparent and a teacher.'

19 And you say that David Murphy and KZP
20 wouldn't have both been on duty at the same time and so
21 these are people that he says was there at the time, at
22 the caravans.

23 Is it possible that David Murphy, KZP
24 and you could have all been together at the same time on
25 such a trip?

1 A. Well, I reckon, by my thinking, which isn't always
2 great, but I would reckon that at that time I was
3 working with David Murphy as my senior houseparent.
4 KZP and the other chap that's mentioned
5 also in that same part of the report was a teacher.
6 Q. By the name KZR.
7 A. Why would he be in one of these two buses going out with
8 kids and going down to some nefarious place in the
9 woods?
10 Q. So just so that I am clear, you're saying it is not
11 possible that all of you, David Murphy, KZP
12 and KZR, I think as he names him, would have been
13 together on two separate minibuses at this particular
14 area?
15 A. Absolutely not.
16 Can I ask you a question? I know I am not supposed
17 to --
18 LADY SMITH: 'Toby', it would just be really helpful if we
19 can keep with what Ms McMillan is exploring at the
20 moment.
21 A. Sorry?
22 LADY SMITH: It would be really helpful if we can keep with
23 what Ms McMillan's exploring at the moment before we
24 lose track.
25 A. It's with this story.

1 LADY SMITH: Hang on, just bear with us and listen to what
2 you are going to be asked next.

3 A. Okay, thank you.

4 LADY SMITH: Ms McMillan.

5 MS MCMILLAN: Thank you. Now, you say you recognised the
6 area as Leven Beach. So is there somewhere that you
7 would go with the pupils in the school as part of
8 a trip?

9 A. In the latter years that I worked there, I used to take
10 some of the kids at lunchtime, boys and girls, and we
11 used to go along to the golf course which sits above the
12 Thistle Golf Course and isn't as far along as Silverburn
13 House.

14 What you used to do was take the kids out, I mean,
15 they were often really barbed up with food, and I would
16 say, 'Come along, we will go along', and get some what I
17 call blood and guts training. It was basically we had
18 this slope and we used to say to them, 'Right, okay, see
19 who can get up there the quickest and back down', and we
20 would time them and they would go back and forward up
21 and down it, pink in the face but having a great time.

22 Q. To get to Leven Beach, would you have taken transport,
23 would you have used the school minibus?

24 A. You would have had to, yeah.

25 Q. You say that at Leven Beach instead, you've done a sort

1 of activity with them where they run up and down a --
2 A. No, no, no. Sorry, we're getting a wee bit mixed up
3 now.
4 Leven -- the golf course I'm talking about we did
5 the blood and guts training, that is above the Thistle
6 Golf Course. Leven Beach is down on -- there's the
7 promenade at Leven and then you're onto the beach.
8 LADY SMITH: Where was the slope that you referred to?
9 A. As you go into Scoonie Golf Course, that's the one I'm
10 talking about, you follow the path, you go right along
11 and then on the left-hand side you can see trees on the
12 right, but on your left-hand side there's a slope goes
13 up and that's where we used to use that as blood and
14 guts training.
15 LADY SMITH: Okay, so it was a slope above the golf course?
16 A. On Scoonie Golf Course.
17 LADY SMITH: Thank you.
18 A. The golf course that I think he's saying that he walked
19 across towards the wooded area was Leven Thistle Golf
20 Course.
21 MS MCMILLAN: Now, he goes on and says that there's a forest
22 and caravans and I think it's fair to say that that's
23 not a description that you recognise.
24 A. No. There never has been, as far as I can recall, any
25 caravans at the site of -- at the Silverburn House.

1 Q. And he goes on, again as you mention, to say that he was
2 provided with alcohol. Did you ever give children any
3 alcohol?

4 A. No. I can't afford to give myself alcohol.

5 Q. Do you think any other staff members, as far as you were
6 aware, gave children alcohol?

7 A. It's not even something that would have been discussed.

8 Q. Then just moving on, he thinks that at that time, that
9 he may have been raped by several people. Is this
10 anything that you recall or recall seeing?

11 A. I mean, if I had witnessed something like that
12 happening, I would have been phoning the police.

13 Q. Now, at paragraph 180, you say that you can't understand
14 why he said all these things. The things he described
15 never happened and would never have happened and you
16 have no idea why he would say these things.

17 Is that still your position today?

18 A. Yes.

19 Q. Now, at one part of 'Peter's' statement, he says that he
20 was made to fight by Mr LUT .

21 A. Mm-hmm.

22 Q. You say that LUT did not make the boys fight, the
23 boys had a choice of fighting or not.

24 Can you tell us a bit more about that?

25 A. It was usually you would see the stage where there was

1 a couple of the kids who were arguing with each other
2 and there would be a bit of nastiness with it and a bit
3 of background, but you would not necessarily know what
4 the background was, but there would be fighting all the
5 time, and LUT used to say, 'Enough of this, this
6 has to stop. You cannot behave this way. Here's
7 an opportunity for you', and he would say, 'You can have
8 two minutes, one shoving at each other, no biting, no
9 kicking, no slapping', and all of the rest of it.

10 He would say if you want it, there you are, have
11 a go and he will referee it. And he did referee it.

12 Q. Did he referee every single fight?

13 A. Yes.

14 Q. How many fights do you think there were?

15 A. I don't know. Half a dozen, maybe, more or less.

16 Q. And just sort of putting that into a timeframe; do you
17 think there were fights, organised fights, by LUT
18 on a sort of monthly, weekly basis?

19 A. No. When you use the term 'organised fights', it sounds
20 more like prize fighting, but no, it was nothing like
21 that. It was just a couple of young kids trying to get
22 something sorted out and they couldn't sort it out
23 themselves and there was an opportunity for them to have
24 a wee thump at each other.

25 Q. So when these fights happened, were they daily, weekly,

1 monthly --

2 A. No, no.

3 Q. Can you put a timeframe on it?

4 A. We are back to that once in a blue moon thing.

5 Q. Looking back on that practice now, what are your

6 thoughts about that?

7 A. I suppose the best persons to ask that would be the

8 persons that were on the losing side of the competition

9 against each other. As an adult, I would never say to

10 a couple of kids, 'Go and have a fight'.

11 I mean, the way it's been reported, it sounds like,

12 you know, this is blood and tears and spit and

13 everything all over the place, teeth lying on the floor

14 and that, it wasn't like that. I mean, usually it was

15 a bat for each other and that, you know.

16 Q. Did you think that that was an okay way for children to

17 resolve their disagreements?

18 A. At that time, and age, and stage in my life, I thought

19 it was a reasonable thing to have done. It was more

20 than likely wrong.

21 Q. What about now?

22 A. Definitely wrong.

23 Q. Did the practice continue when Jack Tollan came into

24 play --

25 A. No.

1 Q. Now, moving on to paragraph 182 of your statement, the
2 Inquiry has also heard some evidence by the name of
3 someone called 'Gary', and 'Gary' talks about a time
4 in -- or in 1991, when he went on a trip to
5 Falkland Hill and he says that things went really
6 downhill for him that night. On the way back, they
7 stopped at the shops and I think you, as the team
8 leader, you were driving the minibus, you drove away and
9 left him on his own at the shop.

10 Is this something that happened?

11 A. I hold my hands up for the fact that I made a bad
12 mistake. We were actually going to Falkland Hill to
13 have a game of Torchy on the hill itself.

14 I drove from Leven, went up to Falkland, stopped at
15 the small shop just as you turn into Falkland and the
16 kids all got the chance to go in and get their sweets
17 and all the rest of it, and then I said to them at some
18 point, 'Come on then, it's time you were getting in',
19 and I did a bit of a headcount and, 'Where is 'Gary'?',
20 and then the kids were all saying, 'Oh, he's here, he's
21 down, just down behind the back seat here, he's hiding'.
22 And that in itself was a common thing that the kids did.
23 I don't know whether it was a case of it was a nice,
24 wee, secure place for them or it was just chance to
25 hide, caused havoc for whatever the member of staff was.

1 But I did not go out and go round and check the
2 heads and check to see if he was behind the seat that
3 they said they were at. And, I mean, it was my mistake,
4 I totally hold my hands up to that, and I drove from the
5 shop -- and there was too much giggling and tittering in
6 the back of the van and I thought, 'Something's not
7 right'. And I went to the fountain in the centre of the
8 square at Falkland and turned back down to the shop, and
9 I said to them, 'What is happening?', and they said,
10 'He's not here, he's not come out of the shop yet', 'Oh,
11 for goodness sake'.

12 Now, it was only later that I'd been talking to give
13 my evidence initially that I thought I wouldn't have
14 went there on my own, there must have been another
15 member of staff there, and I cannot for the life of me
16 think who the other member of staff was. There were
17 a couple of possibilities, but it would be unfair for me
18 to try and name them. It was my responsibility, I was
19 the senior.

20 So I went into the shop and I went round and
21 I looked and I said, 'Is there a wee laddie?'. I mean,
22 at that time, that guy was just a wee lad, and the shop
23 keeper, 'No', he says, 'He left when they were
24 finished'.

25 I said, 'Oh, right'. I asked, 'Did you see what way

1 he went?', 'No'. And we came out of the shop and I
2 turned to the right and I went out onto the main road
3 through Thornton -- through Falkland, sorry, and I went
4 along to the police station, it was one of these old
5 fashioned police stations with a blue light outside,
6 I went along to that and I knocked on the door and I
7 said to the lady, 'Look, is the constable in?', and she
8 said, 'No, what is it?' And I explained to her that
9 this laddie had moved and I didn't know where he was.
10 And she says, 'Well, he's out on patrol just now', but
11 she says, 'Can I help?'. I said, 'Could I use your
12 phone?', and she said, 'Yes'. And I phoned the school
13 and I said to the staff who were still there on duty,
14 'Listen, this lad 'Gary's' turned up missing. I don't
15 know what's happened'. And at that, the lady that was
16 on the phone to me says, 'He's just phoned in from
17 a farm not that awfully far away from you. He's further
18 up on the main road, but he ran out and went to this
19 place 'cause he didnae see the bus'.

20 Q. So --

21 A. That was my fault. So I got in the bus, drove up, went
22 in, gave him a big hug, said, 'Are you all right?'. And
23 he said, 'Aye'. And he was a bit tearful and the lady
24 said, 'He came knocking on the door and I wasnae really
25 sure what to do, so if I thought if he's got a number,

1 I could phone'. And she did.

2 That was it.

3 Q. So what then 'Gary' says is that afterwards, when he got
4 back to the school, that you later came into the room
5 and you were shouting and bawling at him and you raised
6 your hands as if you were going to hit him.

7 Were you shouting and bawling at him?

8 A. There would be no value in that. I mean what would be
9 the point? I was so blooming glad and relieved to have
10 seen the laddie and got him back.

11 Q. You say at paragraph 187 of your statement on page 42
12 that you didn't give him a row but asked him if he was
13 all right?

14 A. Yes. In a general manner, sort of, 'Okay, what you
15 did's wrong, but are you okay? Are you all right?'.
16 Q. When you say, 'You did wrong', were you angry at him?

17 A. No. As I say, what value would there be in getting
18 angry?

19 Q. Now, he says that you went to raise your hands towards
20 him and that someone, perhaps by the name of Jim
21 Henderson, stepped in.

22 A. It's not James Henderson, it's another person who was
23 actually his key worker.

24 Q. Did you go to raise your hands to him?

25 A. No, and if I'd heard that, I would have went and spoken

1 to his key worker and said, 'What is this?', because
2 he'd put no blame at all on the boy for what he did.

3 Now, I've actually went out and checked out
4 mileage-wise in the car but from the shop back down onto
5 the main road through Falkland and up to the farm is
6 a mile and a half; now, he must have scooted up that
7 road like nobody's business.

8 Q. So I think you say at paragraph 190 that you admit that
9 you made a mistake doing the headcount when you left the
10 shop?

11 A. Yes.

12 Q. It was usually an automatic procedure, and you have
13 never made that mistake again.

14 A. Yes. I hang my head in shame about that one. I didn't
15 do the headcount. I didn't go and actually see
16 physically that the child was there.

17 Q. You also indicate in your statement that you spoke to
18 Jack Tollan the next day --

19 A. Yes.

20 Q. -- about what had happened.

21 LADY SMITH: 'Toby', I see at paragraph 183 you describe
22 this boy, 'Gary', as being small; was that right?

23 It's at the bottom of page 41.

24 Was he small?

25 A. Yes.

1 LADY SMITH: A small lad.
2 A. Small lad.
3 LADY SMITH: Poor coordination?
4 A. Yes.
5 LADY SMITH: Very quiet?
6 A. Yes.
7 LADY SMITH: And would cower away if you even just raised
8 your voice at him?
9 A. Yes.
10 LADY SMITH: Is that the lad? Yes. Thank you.
11 Ms McMillan.
12 A. It also goes on in the next paragraph, if it's okay --
13 sorry, it continues, that paragraph.
14 LADY SMITH: Yes. Yes, I've got the whole paragraph.
15 I just wanted to check those features. Thank you.
16 Ms McMillan.
17 MS MCMILLAN: Thank you.
18 Just following on from that then, have you ever
19 raised your hands towards a child, particularly in your
20 time at Linwood?
21 A. No.
22 Q. Now, I want to turn, moving off allegations towards you,
23 to some of the other staff members that were employed at
24 Linwood. So, unfortunately, we are going to have to
25 jump back in your statement. If I could ask you to have

1 a look at page 27, and in particular starting from
2 paragraph 121, you say that you understand that David
3 Murphy, who is someone we have been mentioning in the
4 course of today, was convicted of abuse of children.

5 Now, is David Murphy someone that you worked with?

6 A. Page 27?

7 Q. Yes.

8 A. At the top of the page?

9 Q. Starting really around paragraph 121 and 122?

10 A. Okay.

11 Q. So middle.

12 You say that you understand that David Murphy was
13 convicted of abusing children.

14 Was he someone that you worked with?

15 A. Yes, he was actually recruited at the same time as me.

16 I thought -- just in conversation, waiting for the
17 interview, I thought I've not a chance if this is the
18 guy that's going against me but I didn't realise he was
19 applying for a senior houseparent's post; I was looking
20 for the ordinary houseparent.

21 Q. I think he told you that he had some sort of
22 qualifications in respect of being a residential care
23 worker or a residential care officer?

24 A. I think he was an RCW, a residential care worker. It
25 was quite an old qualification, from what I know.

1 Q. Were you aware of where he had worked previously?

2 A. He had worked in St Margaret's, and before that he had

3 worked with -- up the east coast, Quarriers Homes.

4 Q. Had he told you about where he had worked previously?

5 A. He spoke about Quarriers Homes. He spoke about going up

6 some weekends from home with games that he had collected

7 from, like, sort of jumble sales and that, taken it up

8 and given it to the kids, because they had very little

9 stuff.

10 Q. He, as you indicated, obviously applied for a senior

11 post, so you, I think, have indicated as well that you

12 worked closely with him at various points.

13 What was your impression of David Murphy?

14 A. Not what it turned out to be anyway.

15 He was very professional. He was very thorough. He

16 would remind you if you had something that you were

17 meant to be doing that you hadn't done, and all that.

18 I mean, he was a good senior.

19 Q. You say at paragraph 123 that you heard at some point

20 from another female member of staff at Linwood Hall that

21 there had been allegations made against David Murphy

22 from one of his previous employments. What did you

23 think when you heard about that?

24 A. Initially, I didn't believe it, and even later on

25 I didn't believe it.

1 I mean, I've got two sons and this man used to come
2 and visit us and he would bounce our babies on his knee,
3 and if I had known what he was accused of, that would
4 never have happened. He wouldn't have been in my house,
5 to be honest.

6 Q. When you say that you were made aware by another female
7 member of staff that there had been allegations made,
8 was this when you were working at Linwood Hall?

9 A. Yes.

10 Q. Were you informed about the nature of those allegations?

11 A. No.

12 Q. So was there discussion in the school about -- from
13 whether that's care staff or teaching staff -- about
14 David Murphy and his background? (Pause)

15 I think you go on to say that, as you have told us,
16 you just didn't believe it could be true.

17 On finding out that, ultimately, David Murphy was
18 convicted for abusing children, how did you feel about
19 that?

20 A. I think the simplest terms would be to say I was
21 absolutely gutted. I mean, this was a man that I worked
22 alongside and I looked up to; I accepted the direction
23 that he gave me in his role as a senior to me as
24 a junior.

25 Erm, no. Just cut off all contact with him.

1 Q. From your knowledge of Linwood and the school, David
2 Murphy and others, are you aware of how abuse could have
3 taken place at the school?

4 A. I don't really know because I've thought about it and
5 thought about it and I've thought nobody was ever --
6 well, I never heard that any children at Linwood was
7 actually abused by him, and I thought -- and then there
8 was a bit of murmur about, hmm, some kids in Linwood
9 were abused. Then, 'Right, okay', I'm thinking, 'Was
10 there any kids he was particularly close with or ...'
11 I mean, I racked my brains on that one, I thought,
12 'Mm...'.
13 There was some kids that he didn't get on well with,
14 and that was usually because he would tell them what not
15 to do. There was a lad in particular who had become
16 friendly with a lad at -- we used to take the children
17 camping up to Glendevon and one of the camps there, they
18 met -- it was -- there's huts in a wee area at
19 Glendevon, just as you go into it, and it was a man and
20 his wife and there was this other guy. The man and the
21 wife were fine but the other guy, I thought, hmm, and he
22 was paying an awful lot of attention to this one child
23 in particular and later on it turned out that this guy,
24 Bill, had said to him, 'Well, you could come up and I've
25 got a camper van thing' -- well, it's not a camper van,

1 it was, you know, these ambulances that are converted
2 into homes? And, 'I come up here every other weekend',
3 and the implication was, 'Just let me ken and I'll
4 arrange it', and Dave got wind of this and he says to
5 him, 'You're not going there, it's as simple as that.
6 You have to go to your mum and dad', and he said no, and
7 tried to make a break to get away and get a bus to go to
8 Glendevon, which there isn't. Silly, but in his mind I
9 would suppose it would be a way of getting what he
10 wanted but we managed to stop him getting to that place
11 and we spoke to him after and we said, 'You realise,
12 ken, you're going to be in a campsite with this guy in
13 this van?'.
14 Q. So I think, just touching on that then, as you said, you
15 were almost gutted when you found out about the
16 conviction?
17 A. Disgusted, and felt very let down.
18 Q. Now, 'Toby', you will be pleased to know that I'm coming
19 towards the end of your evidence but I know, from
20 a discussion with you, that there were some positive
21 things that you did indicate to me were quite important
22 about your time at Linwood Hall, including, to
23 summarise, as such, you and another houseparent, which
24 you touch on at paragraph 197, managed to take a group
25 of pupils, including one particular pupil who was maybe

1 a bit more fearful, going up Goat Fell in Arran and
2 I think you say that this is just the kind of
3 relationship that you had with the children?

4 A. Yeah.

5 Q. Just one final question for you. What sort of lessons
6 do you think that the Inquiry can learn from your
7 experience?

8 A. There's a lot of lessons. The initial one that came to
9 mind was, like, the personal cameras that the police get
10 and then I thought, 'Well, that would be a way of seeing
11 if things were happening'. I mean -- but that would be
12 a gross invasion, then, on the kids' rights as well.

13 There has to be better -- not supervision but there
14 has to be better background searches done. I mean,
15 there's always the normal checks that get done but there
16 should be further checks beyond that. I mean even if it
17 means going out and speaking to people in the community,
18 these folk who want to apply for work like that, because
19 the community is very honest and it will tell you any
20 secrets.

21 The training, supervision ... Part of the training
22 has to be the fact that you're not got to be afraid to
23 ask the difficult questions, as we spoke about earlier.
24 Having said that, I never had any really difficult
25 questions as far as Dave Murphy was concerned. Maybe

1 I was blind, maybe I was just totally -- I've always
2 been a fairly observant person and I have never been
3 afraid to speak to people, even if it is quite
4 difficult. I don't know.

5 MS MCMILLAN: Thank you, 'Toby', I don't have any further
6 questions for you.

7 LADY SMITH: 'Toby', nor do I. I just want to thank you
8 again for coming here today and spending your entire
9 morning allowing us to explore --

10 A. My batteries are beginning to run down a bit.

11 LADY SMITH: -- your memory and question you quite
12 rigorously at times. I am grateful to you for bearing
13 with us as you have done.

14 A. Thank you.

15 LADY SMITH: I'm now glad to be able to let you go and relax
16 for the rest of the day.

17 A. Just two questions that I said about earlier on?

18 LADY SMITH: What?

19 A. In this person's history of allegations, each time he
20 says that he was abused, there was other folk there and
21 witnesses, but he can never remember the names of these
22 other three people who were independent, had their own
23 bed lights in their room and all the rest of it and
24 would not have hesitated for one minute to have spoken.

25 The same with the ones with the supposed abuse at

1 the caravans. He never said that he could remember. He
2 said that he was told by the other boys there. So what
3 were the names of these other boys?

4 It could be something that is so traumatic that he
5 has wiped it out of his memory but he's remembered all
6 the other little details, and that is my concern.

7 LADY SMITH: Okay, thank you for that.

8 A. You're welcome.

9 LADY SMITH: Thank you, that's noted, and now I'm able to
10 let you go.

11 A. Thank you. Can I take my glasses?

12 Thank you very much.

13 LADY SMITH: Thank you.

14 (The witness withdrew)

15 LADY SMITH: That's it for the evidence today, and I think
16 we start again at 10.00 tomorrow morning with an oral
17 witness; is that right?

18 MS MCMILLAN: Yes, my Lady, we do.

19 LADY SMITH: Very well. Thank you.

20 (1.07 pm)

21 (The Inquiry adjourned until
22 10.00 am on Thursday, 10 July 2025)

23

24

25

1	I N D E X	
2		
3	'Toby' (sworn)	1
4	Questions by Ms McMillan	4
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

