

1 Tuesday, 26 August 2025

2 (10.05 am)

3 LADY SMITH: Good morning, and welcome back to our hearings
4 in relation to the provision of residential care for
5 children who had particular needs and in this section,
6 we're looking at children with disabilities. Today
7 we'll be looking at children whose disability or
8 disabilities included impaired eyesight.

9 I think we start this morning with providers; is
10 that right, Ms Innes?

11 MS INNES: Yes, my Lady.

12 We begin with evidence from two witnesses from
13 Sight Scotland, in respect of the Royal Blind School.
14 Ross Murray, who is Head of Governance and Insights and
15 Charity Secretary of Sight Scotland and Lucy Chetty, who
16 is Head of Education Services at Sight Scotland.

17 LADY SMITH: Thank you.

18 Ross Murray (affirmed)

19 Lucy Chetty (affirmed)

20 LADY SMITH: Is it all right if I use your first names or
21 would you prefer me to use second names?

22 MS CHETTY: Yes, of course.

23 LADY SMITH: Ross, Lucy, thank you for coming along this
24 morning.

25 As you know, we need you to answer questions about

1 the blind school, Sight Scotland, and you've got the
2 written responses that we received in answer to our
3 lists of questions.

4 But I think you've also been given notice in advance
5 of a number of documents that we'll probably be looking
6 at and I hope that in the time available you've been
7 able to take those on board as well. I do realise
8 there's a lot there. There's a lot paperwork there. So
9 please don't feel you're being put under pressure or
10 rushed. If you need to take time, you need to take
11 time. We've got the morning, if necessary, to get
12 through it all.

13 If at any time you've got any questions, don't
14 hesitate to ask me. You'll see in the red folder the
15 written responses that we received from you and we'll
16 also be bringing parts of that up on screen and any
17 documents we're looking at. Don't panic, we're not
18 going through every line or every paragraph, there are
19 just some particular aspects we'd like to discuss with
20 you today.

21 The way I work is I normally take a break at about
22 11.30 and I plan to do that in any event, but if either
23 of you want a break at any other time, please just say,
24 will you?

25 MS CHETTY: Thank you.

1 MR MURRAY: Yes.

2 LADY SMITH: If you're ready, I'll hand over to Ms Innes and
3 she'll take it from there. Ms Innes.

4 Questions by Ms Innes

5 MS INNES: Thank you, my Lady.

6 If I could start with you, Ross. You've provided
7 a brief CV to the Inquiry and we can see from that, that
8 you are currently Head of Governance and Insights and
9 Charity Secretary of Sight Scotland; is that correct?

10 MR MURRAY: Yes, that's correct.

11 MS INNES: And you've been in that position since February
12 2024?

13 MR MURRAY: Yes, that's correct.

14 MS INNES: And you sit on the executive team of the charity
15 and, as part of your responsibilities, you are currently
16 responsible for the co-ordination of engagement with the
17 Inquiry in relation to the Royal Blind School?

18 MR MURRAY: Yes.

19 MS INNES: And you've told us a bit about your background,
20 but as you say, you began with Sight Scotland in
21 February 2024 and I think we know that the A to D
22 response to the Inquiry's questionnaire, I think, was
23 sent in about 2019, so it's something that you've come
24 into rather than being responsible for the original
25 formulation of that response; is that right?

1 MR MURRAY: Yes, that's correct.

2 MS INNES: And Lucy, we understand that you are currently
3 the Head of Education Services at Sight Scotland?

4 MS CHETTY: That's right.

5 MS INNES: And you've been in that position since 2020?

6 MS CHETTY: December 2020, yes.

7 MS INNES: And as part of your responsibilities, you have
8 headteacher responsibilities for the Royal Blind School?

9 MS CHETTY: That's correct.

10 MS INNES: And you tell us in your CV that prior to that,
11 from 2017 to 2020, you were headteacher of the New
12 Struan School for Scottish Autism?

13 MS CHETTY: Yes, that's right.

14 MS INNES: And prior to that, again, you have held various
15 teaching positions?

16 MS CHETTY: Yes.

17 MS INNES: Okay. And I think you've come -- although you've
18 been with the organisation since 2020, you've come more
19 recently to consider documents that have been collected
20 by the Inquiry; is that right?

21 MS CHETTY: That's right.

22 MS INNES: Thank you.

23 Now, if I can take you to the response to the
24 Inquiry's Section 21 notice, which is at
25 ROB.001.001.0060.

1 And if we look on the first page of that, in terms
2 of the history of the Royal Blind School, we can see in
3 the answer to the first question that there was
4 an organisation called the Asylum for the Industrious
5 Blind founded in Edinburgh in 1793 and then there were
6 various other developments, including the School for
7 Blind Children being founded in Edinburgh in 1835, and
8 then you tell us that all of the establishments were
9 amalgamated in 1876 under the name of the Royal Blind
10 Asylum and School Edinburgh and at (ii), one of the
11 objects of the organisation was to give education and
12 industrial training to the juvenile blind. And then you
13 go on from there to say that the organisation received
14 a Royal Charter in 1898; is that correct?

15 MR MURRAY: Yes, that's correct.

16 MS INNES: So if we go down on the page at (iii), we see
17 there that the Asylum for the Industrious Blind included
18 an educational unit, which amalgamated in 1875 with the
19 School for Blind Children to provide residential
20 education for 41 children and am I right in saying that
21 since then, the Royal Blind School has always included
22 an element of residential provision for children?

23 MR MURRAY: Yes.

24 MS INNES: And in terms of the current residential provision
25 for children, how many children are currently residing?

1 MS CHETTY: There are currently ten young people on
2 a variety of residential placements, up to 52 weeks.
3 Some are term-time and some are accessing respite
4 support.

5 MS INNES: And if we go on over the page, we see a bit more
6 about the history and, in the second paragraph, we see
7 it begins:
8 'From 1875 onwards, Royal Blind has provided
9 education for children with vision impairment.'

10 And there's reference to developments over time, so
11 in 1933 there was an extension to provide secondary
12 education and also to accommodate preschool children.

13 So in terms of the provision that you now offer,
14 what's the age range of that provision?

15 MS CHETTY: School age. We no longer have a preschool
16 service currently, so from 5 to 23 is the registered
17 age.

18 MS INNES: Okay. And we can see that from 1933, you say
19 that pupil intake increased and additional buildings
20 were purchased in 1945, 1953, 1954 and 1991.

21 And you then, at the bottom of the page, talk about
22 some of the locations of those premises and I think,
23 when we're looking at the Royal Blind School, we --
24 here, if we look down to the bottom of the page, we see
25 reference there to it being at Craigmillar Park and

1 Canaan Lane. Does it continue to operate from both of
2 these areas?

3 MS CHETTY: No. 2014, Craigmillar Park amalgamated to the
4 Canaan Lane site, so there's now one school on one site
5 at Canaan Lane, which is also the site of the
6 residential service.

7 MS INNES: You note at the bottom of this list that Forward
8 Vision, Canaan Lane opened in 2010 and I think that was
9 a provision to support young adults?

10 MS CHETTY: That's right.

11 MS INNES: Does that continue to operate?

12 MS CHETTY: It does.

13 MS INNES: Okay. And is that part of the ongoing -- is that
14 a residential provision or not?

15 MS CHETTY: That's a residential provision, so it's managed
16 by the Head of Support, the Head of Care, the education
17 component doesn't feature within the Forward Vision
18 service.

19 MS INNES: Now, if we look on to page 4, please, we see
20 reference at the bottom of this page to funding and it's
21 asking there about how is the organisation funded and
22 there's reference to receipt of government grants from
23 the Scottish Education Department and it says charitable
24 donations and investment income. Is the funding
25 position still the same or not?

1 MR MURRAY: Yes, it's still the same.

2 MS INNES: And is that likely to change in terms of the
3 funding from Scottish Government in particular?

4 MR MURRAY: We have been notified that the school is in
5 receipt of a GASS grant; government-aided specialist ...

6 MS CHETTY: Grant-aided special schools.

7 MR MURRAY: Grant-aided special schools, they grant, and
8 that -- we've been notified that that's to come to
9 an end so we're in the process of running that down and
10 engaging with education authorities as to what will
11 replace that.

12 MS INNES: Okay. And then at (ii) on page 5, you're asked
13 the question: 'Was the funding adequate to properly care
14 for the children [you know] from all of these sources?',
15 and the answer to that is: 'Yes'.

16 So it appears that the organisation has the view
17 that the funding that it secured from these various
18 sources has been sufficient to offer the service; is
19 that correct?

20 MR MURRAY: Yes.

21 MS INNES: Then if we go on to page 6, in terms of the legal
22 status of the organisation, we see that, from 1898 to
23 present, it's a corporation established by Royal Charter
24 registered as a charity in Scotland and does that remain
25 the position?

1 MR MURRAY: Yes, and we were most recently issued with
2 a supplementary charter at the end of 2023 and we
3 received it in 2024.

4 MS INNES: Okay. And what was the impact of that
5 supplementary charter?

6 MR MURRAY: It was a modernisation of the charter that we
7 had previously, so, you know, there was a change to the
8 governance of our board, amongst other things, and also
9 a modernisation of the language to an extent, erm, yeah.

10 MS INNES: Okay. If we can move on, please, to page 10.

11 There's a question there about what did the
12 organisation see as its function, ethos and/or mission
13 in terms of the residential care service it provided for
14 children.

15 And then there's reference to a report from 1980,
16 saying that, at that time, the main objective of the
17 Royal Blind School was to educate pupils by establishing
18 an order based on mutual respect, caring relationships
19 and good parenting.

20 And then if we scroll down the page, there's
21 reference to the vision and mission of the Royal Blind
22 School in 2014, where it describes the Royal Blind
23 School being:

24 'Scotland's national centre of expertise for
25 vision-impaired education in Scotland.'

1 And then it goes on to talk about the educational
2 service provided.

3 Again, does that remain the vision and mission of
4 the organisation or has that changed since 2014?

5 MS CHETTY: Within the school, we have elements that remain
6 the same. Understanding how we support a young person
7 with VI with a very meaningful curriculum that's
8 relevant to the current context is part of our
9 objectives. They're localised to our school but form
10 part of the wider organisational objectives.

11 MR MURRAY: We have an overarching vision mission for the
12 organisation, which is Sight Scotland and Sight Scotland
13 Veterans, its partner charities, and our mission now is
14 to -- I'll get this in the wrong order -- however, it's
15 to campaign, research and provide support for those
16 affected by visual impairment in Scotland.

17 MS INNES: Okay.

18 Now, if we look on to page 12, there's a question
19 about discipline and the organisation's attitude to
20 discipline of children over the years.

21 It's noted there that there's no records of historic
22 disciplinary matters and no historic disciplinary
23 policies have been retained and if we look down to the
24 final part of this question, the answer to this
25 question, it says:

1 'A report from 1980 states that no form of physical
2 punishment is allowed.'

3 So you've recovered that from your archives but,
4 beyond that, nothing in terms of records for the
5 historical period?

6 MR MURRAY: Correct. We were unable to find those.

7 MS INNES: And if we look on to page 13, there's -- at
8 (viii) there's a heading:

9 'The Royal Blind School's Policy on Promoting
10 Positive Behaviour ...'

11 And then the second paragraph below that says:

12 'Because of the emphasis placed on positive
13 behaviour, sanctions are rarely used at the Royal Blind
14 School. However, all members of the school should know
15 when it may be appropriate to use sanctions and pupils
16 should know why sanctions are being used. Parents and
17 carers should also be informed why sanctions are being
18 used with their child. All sanctions should be formally
19 recorded.'

20 Now, again, has that changed since --

21 MS CHETTY: Yes. We wouldn't use sanctions across our
22 school in any form.

23 MS INNES: And do you have any -- what would have replaced
24 this positive behaviour policy?

25 MS CHETTY: We are working on a stress reduction policy

1 which is how we understand and support the wellbeing
2 needs of our young people, what they need and how the
3 staff around them need to best support them, so that we
4 start to understand young people in a different way and
5 move from language around behaviour and to a language of
6 wellbeing and need and responding to support.

7 MS INNES: Now, if we can look on again, just bear with me
8 a moment, to page 16 and this is a question about the
9 numbers of pupils at the school, so we can see that in
10 1930, it said there were 122 residential pupils and
11 that -- it then goes on to say that during the 1950s,
12 numbers increased steadily and peaked at 170 in 1958 and
13 then, by 1969, the numbers fell back again.

14 You don't have records for the 70s, 80s and 90s but
15 in 1980, it appears there were 100 residential pupils.

16 And then, in the more recent period, 2000 to 2007,
17 numbers varied between 60 and 70, that reduced down to
18 24 in 2014 and, as you say, you've got ten residential
19 pupils now. So we see a pattern of an increase to the
20 50s and a decrease since then in terms of the
21 information that you have; is that right?

22 MS CHETTY: Yes, alongside probably the changing policy
23 landscapes around presumption of mainstreaming and the
24 nature of our sector's support within the wider
25 landscapes reflected.

1 LADY SMITH: Is the presumption of mainstreaming the only
2 reason for this reduction or are there others?

3 MS CHETTY: In my view, I think it's the largest reason for
4 the reduction in our numbers.

5 LADY SMITH: Anything else?

6 MS CHETTY: I suppose there's a change in the way that we
7 support young people, so the young people that we
8 support and provide education to now have a high complex
9 diverse range of need that local authorities can find it
10 a challenge to meet within areas. Profile is somewhat
11 different.

12 LADY SMITH: Thank you.

13 MS INNES: And we see at question (ii) on this page that in
14 terms of the increase in the 50s this, it is thought,
15 was to do with essentially the treatment of premature
16 babies which then had an impact on sight and then it
17 goes on to say that although you don't have numbers in
18 the 1970s:

19 'Our 1972 annual report records that there were
20 a greater number of multiply handicapped children coming
21 forward for admission.'

22 So it appears from that time that children coming to
23 the school had other needs as well as vision impairment?

24 MS CHETTY: Yeah. My understanding is the Canaan campus had
25 historically always been a place of more complex

1 provision and the Craigmillar campus had been the site
2 for a more typical secondary pathway.

3 MS INNES: Okay.

4 Now, if we can look on please to page 18. If we
5 scroll down to question (iv), what accommodation was
6 provided for the children, and it says there that
7 children were accommodated in dormitories or houses:

8 'A school prospectus from 1980 records that children
9 are housed in five group homes within close reach of the
10 main building.'

11 Would that be at Craigmillar?

12 MS CHETTY: Yes.

13 MS INNES: And:

14 'The main building also accommodates children in
15 comfortable, modernised dormitories. Each section is
16 equipped according to the social and emotional needs of
17 the children.'

18 So that seems to be information that you found from
19 this handbook from the 1980s, I think?

20 MR MURRAY: Yes.

21 MS INNES: And then at (v), you were asked the question how
22 many children occupied a bedroom, dormitory or house and
23 you don't have records to evidence this, but photographs
24 from the late 1920s suggest dormitories occupied by up
25 to ten children and nurseries occupied by up to six

1 children at that time, but presumably that has changed
2 over time and do the ten children that you now care for
3 have their own rooms?

4 MS CHETTY: Yes.

5 MS INNES: If we look on, please, to page 21, and to
6 question (xii).

7 The question there is: 'Generally, did children
8 typically stay in one or more than one establishment?',
9 and the answer is:

10 'Children typically stayed within the Royal Blind
11 School for the duration of their education.'

12 So they weren't coming to the Royal Blind School and
13 then going back to a mainstream school, and do you know
14 why that was?

15 MS CHETTY: Probably aligns with the nature of the
16 VI-specific aspect of what was being delivered for their
17 education at the time, I should suspect.

18 MS INNES: And then, if we look down to the bottom of this
19 page, there's a question about provision for contact and
20 the final paragraph on the page says:

21 'A report from 1980 states the link between home and
22 school is strengthened by visits of parents. Contact
23 with the home is maintained at weekends, and every child
24 goes home at least once a fortnight, the majority every
25 week.'

1 So that, again, you found from this 1980 report.
2 Again, moving up to date, what level of contact with
3 family members is maintained?

4 MS CHETTY: Constant contact. Parents can visit freely. We
5 have a parent flat on site at our residential units too,
6 so that if there are families who are travelling
7 distance, they can do that, so there is open
8 communication and open visitations. It's a home from
9 home for the young people who are with us for 52 weeks.

10 MS INNES: Apart from visits, would you facilitate contact
11 with parents in other forms, apart from --

12 MS CHETTY: Absolutely. Daily contact really with parents
13 and home school communication around what's been
14 happening at home, what's happening within the school.
15 The home/school connection is paramount, given the
16 nature of the young people that we support.

17 MS INNES: Do the young people you support tend to have
18 social work involvement or do they tend to be still
19 living at home with their parents, subject to when
20 they're with the school?

21 MS CHETTY: The young people have an associated social
22 worker and an associated educational psychologist who
23 are typically supporting the assessment referral and
24 admission process for that family.

25 MS INNES: But would the children tend to still have --

1 still be, if they weren't living in the Royal Blind
2 School, living at home with their parents as opposed to
3 living with foster carers or in other accommodation?

4 MS CHETTY: The need for the residential aspect of the
5 placement is often to do with how challenging it can be
6 for families to manage at home, so I suspect they would
7 likely to be in another care provider.

8 MS INNES: If we can look on to the next page, you tell us
9 about the staff background and if we look towards the
10 bottom of the page, in terms of care staff employed, you
11 only have records for the more recent periods, the 2008
12 to 2014 and, in 2008, there were 134 care staff employed
13 down to 53 in 2014.

14 In terms of care staff that you now employ, do you
15 know roughly how many that would be?

16 MR MURRAY: I don't have that to hand. We can provide that
17 afterwards.

18 MS INNES: The next question is about the qualifications and
19 experience and historically, I think, there would have
20 been a headteacher and a matron and the headteacher
21 would have had a teaching qualification and the matron
22 would have been a qualified nurse.

23 So it seems to have been originally a nursing
24 qualification that was required on the care side?

25 MR MURRAY: I mean, based on the documents in front of us,

1 that's our understanding too, but, you know, that's all
2 we have to go on.

3 MS INNES: I assume that --

4 LADY SMITH: Ms Innes, can I confirm which page we're on at
5 the moment?

6 MS INNES: We're at the bottom of page 28.

7 If we look at the bottom of page 28, I think we can
8 see there the qualifications referred to.

9 And then over time, we know that residential
10 qualifications were required for care workers and
11 I assume that that is something that you would require
12 now?

13 MS CHETTY: That's correct. All our care staff are
14 registered with the SSSC, with the relevant
15 qualifications and work under the residential care
16 manager.

17 MS INNES: And does the residential care manager report to
18 you in your role as headteacher?

19 MS CHETTY: No. So there are residential care workers that
20 would report to the Residential Care Manager, who
21 reports to the Head of Direct Support. There is a team
22 of registered nurses who also -- feed into the care
23 management role, so they're line managed in that
24 direction. The Education Service has my role, Head of
25 Education, and two depute headteachers.

1 MS INNES: Okay. And do you -- so who do you then report
2 to?

3 MS CHETTY: Director of Operations. So both myself and the
4 Head of Direct Support, who oversees all of the care
5 services, report directly to the Director of Operations.

6 MS INNES: I see.

7 If we look at page 31 and at the bottom of the page,
8 there's reference to staff numbers over the years since
9 2014 and at just below ten -- yes, at question (vi), it
10 says there's now a minimum level of three care workers
11 to five children. Do you know if that ratio remains the
12 same?

13 MS CHETTY: So from the conversation I had with residential
14 managers, the minimum safe staffing level that we have
15 set with the Care Inspectorate is three to one, but
16 actually we support on a one-to-one basis so we support
17 higher than the minimum standard that's required.

18 MS INNES: Now, if we look on, please, to page 32, you talk
19 there about the governance arrangements and the original
20 Royal Charter refers to the board -- a board of
21 directors, 19 in number, and then, if we look down the
22 page, we see reference to the types of people that were
23 to be on the board of directors.

24 So, for example, towards the bottom of the page,
25 a director appointed by City of Edinburgh District

1 Council, a director appointed by the University of
2 Edinburgh, a director is appointed by COSLA, for
3 example. You mentioned a moment ago in your evidence
4 that there had been a supplementary charter to modernise
5 governance arrangements. Has this sort of structure
6 changed?

7 MR MURRAY: Yes, absolutely. The structure that's -- the
8 governance structure that is set out in the document
9 there is very typical of the time when the first Royal
10 Charter was issued. However, when we got our latest
11 supplementary charter, this was changed, so we now have
12 a flat structure, if you like, of 12 trustees, with one
13 chair and they are appointed by the board itself, with
14 support from a remuneration and appointments committee.

15 MS INNES: And do these trustees have to have particular
16 knowledge or experience in certain fields?

17 MR MURRAY: In the recruitment process, we run, I suppose,
18 a skills audit of the skills that we are required to
19 have on the board and we often work with recruiters to
20 identify those that meet the requirements that we have
21 on the board. However, there's no regulatory
22 requirement for certain skills on our board and that
23 process is supported by the remuneration and
24 appointments committee as well.

25 MS INNES: And would people apply to go on the board and

1 have to go through a sort of interview process?

2 MR MURRAY: Yes, we have an interview process and also quite

3 an in depth induction process as well, which includes

4 training on various matters, including, you know, the

5 organisation, undertaking site visits, legal

6 requirements of being a trustee, that sort of thing.

7 MS INNES: And whilst there's no regulatory requirement to

8 have people with particular knowledge and experience, do

9 you in fact look for that?

10 MR MURRAY: Yes, absolutely.

11 MS INNES: And do the new arrangements mean that people have

12 terms of being trustees?

13 MR MURRAY: Yes. We have -- I think it's three --

14 a three-year term and the trustee is allowed a maximum

15 of three terms. The chair is different. The chair has

16 a term of -- I think it's five years with -- and that

17 can be extended for a further two years, I think.

18 MS INNES: Okay. And if we go on to page 34, there's

19 reference on that page to visits to the school, so at

20 the bottom of the page, it's reflecting back that there

21 was a time when members of the board visited the school

22 and it says:

23 'Regular visiting is now carried out by the Convener

24 of the Education Committee who is in regular contact

25 with the school.'

1 Has that changed since 2019 in terms of the
2 committee structure?

3 MR MURRAY: Yes, the committee structure has changed now and
4 the way that we manage visits to the school by trustees
5 is that we offer them an induction visit, of course,
6 when they first join the organisation and then there's
7 now two visits a year to each of our sites and that
8 includes the school and residential care. Of course
9 though, you know, I think the line that is still
10 appropriate there is that all board members are welcome
11 to visit the school at any time and if any trustee
12 wanted to visit the school, we would, of course,
13 facilitate that.

14 MS INNES: And do the board of trustees have a regular
15 schedule of meetings?

16 MR MURRAY: Yes, yeah, we have a calendar of meetings which
17 is approved the year before, so we're going into that
18 process at the moment for the next calendar year and
19 that is approved in advance and they meet roughly six
20 times a year and they have one development session
21 where, if there are training opportunities or needs that
22 are picked up during the year that need to be reflected
23 upon, we often do those at the development session.

24 MS INNES: And in terms of executive members of the
25 organisation, who attends the board meetings?

1 MR MURRAY: The full executive team attend all board
2 meetings.

3 MS INNES: Okay.

4 Now, if we can move on, please, to page 35, and
5 there's reference there in the first question to the
6 nature of the culture within the organisation. And it
7 said it was:

8 'To provide the best possible education to the
9 children in our care and to prepare them for life once
10 they have completed their education.'

11 In terms of the education that the organisation now
12 provides, is that still the culture?

13 MS CHETTY: We provide the National Curriculum for
14 Excellence for all of the young people in a very bespoke
15 way, I suppose, that takes a very skill-based approach
16 to how we curriculum design, and we do that together
17 with colleagues across Education Scotland and a wider
18 sector. So, yes, our aim still is to provide the best
19 possible education and to prepare them for life beyond
20 school, as far as we possibly can.

21 MS INNES: If we move on, please, to page 37, and to the
22 leadership within the organisation, and it notes that,
23 again, historically the Royal Blind School was managed
24 and led by the headteacher, who reported to the board of
25 governors.

1 And from 2006 there was a principal, a vice
2 principal, three deputy headteachers and a deputy care,
3 who were the senior leadership team at the school,
4 I assume?

5 MS CHETTY: Yes.

6 MS INNES: Then, if we look at question (ii), we see a list
7 there of the various headteachers and principals.
8 I think maybe the name of the role changed to principal
9 for a while and then it looks like it changed back to
10 headteacher. So we can see, for example, from 1988 to
11 1994, Mrs Meek was the headteacher, followed by
12 Mr Tansley, followed by Mr McQuarrie and then it goes on
13 from there.

14 If we move on to page 38, again, it says, I think,
15 historically the chief executive had direct management
16 responsibility for the headteacher and the Head of Care
17 and the Chief Executive reported to the education
18 committee and the board and, as you've explained, that
19 structure has changed now, is that right?

20 MS CHETTY: Yes.

21 MS INNES: Now, I'd like to move on to Part D of your
22 response, so this is at page 127.

23 Now, the first question here is:

24 'What was the nature of abuse and/or alleged abuse
25 of children cared for at the establishment, for example,

1 sexual abuse, physical abuse and emotional abuse?'

2 And at the time that this was prepared, it says:

3 'The organisation is aware of three people (two
4 pupils and one staff member) accused of sexual abuse of
5 pupils. It's not aware of any other reports of
6 physical, sexual or emotional abuse.'

7 Has that -- does that position remain the same or
8 has that changed?

9 MR MURRAY: So that position has changed and directly as
10 a result of this Inquiry, I think, is one of the good
11 things about this, that we've been able to co-ordinate
12 with yourselves to go into records and understand what
13 has happened in the school through the years.

14 So the position now, I think, is that we're aware of
15 three cases of peer-on-peer sexual abuse from pupils and
16 two instances of teacher incidents. I think that
17 there's also -- there's a few other things that are
18 referred to in the documentation and we don't quite know
19 the nature of those or what happened and, you know,
20 we're happy to help in any of that and provide
21 additional documentation, if asked for it.

22 MS INNES: Okay. Now, we'll look at some of the detail of
23 the material that you've mentioned just in a moment, but
24 while we're with this document, one of the things that
25 you highlighted, I think, was in respect of a civil

1 claim that had been made by a former member of -- been
2 made by a former pupil in respect of a former staff
3 member.

4 And I think we see reference to that on page 128,
5 where you say the staff member in question was
6 a houseparent within one of the school boarding houses.
7 And I think this is a matter that you became aware of
8 because of a civil claim?

9 MR MURRAY: Yes, that's correct.

10 MS INNES: Just bear with me a moment.

11 (Pause)

12 If we look on to page 131, under the question
13 'Impact', the first paragraph there refers to the former
14 staff member.

15 And it says that no medical or social work records
16 of the claimant had been received and the organisation
17 was awaiting further information on the impact of his
18 alleged actions.

19 Was the organisation able to find any material in
20 relation to this staff member?

21 MR MURRAY: I believe that some material was found, if this
22 is the case that I think it is, and we went through
23 minute books and we were able to find references to this
24 individual that we provided to the Inquiry.

25 MS INNES: Okay. So this is a staff member called

1 KNL, is that the --

2 MR MURRAY: Yeah, so we're unable to find staff records,
3 however we were able to find internal correspondence and
4 references in minute books that we provided to the
5 Inquiry, yes, that's correct.

6 MS INNES: And, as you say, this was an allegation that was
7 made, if we look down to page 133, towards the bottom of
8 the page, you say there that he was apparently -- he's
9 the final person who's redacted there -- he was
10 apparently a staff member between 1969 and 1978:

11 'It's believed that sometime during that period he
12 was a houseparent. The organisation has not located any
13 historic records about his recruitment, work history or
14 subsequent employment, and it's understood that he died
15 some years ago.'

16 So I don't think you were able to find anything
17 really beyond this material and the fact that the person
18 had made an allegation in respect of this man's
19 behaviour?

20 MR MURRAY: No, we were not. However, I do note that we say
21 that he was apparently a member of staff between 1969
22 and '78. However, we did find correspondence internally
23 that suggested that he was retired on grounds of
24 ill-health in 1975, which is earlier than previously
25 stated there.

1 MS INNES: Okay.

2 LADY SMITH: Did you have any details of his age?

3 MR MURRAY: No, no, we don't. I just know that there's --

4 the correspondence that I was able to see and again was

5 submitted to the Inquiry, we did see that he had passed

6 away, from that correspondence, or at least that was the

7 understanding of our secretary at the time.

8 LADY SMITH: But you didn't have a date of birth for him?

9 MR MURRAY: I would need to check it. I don't think we did

10 have a date of birth. That's something I can look at.

11 LADY SMITH: If you could check --

12 MR MURRAY: Yeah.

13 LADY SMITH: -- it would be helpful to have that. Thank

14 you.

15 MS INNES: I want to look at some of the other material that

16 has come to light and the first is in respect of

17 a person called Frank McGeachie.

18 If we can look, please, at SGV-001033712, and if we

19 can first of all perhaps look at page 14 of this

20 document. This is an article, a newspaper article,

21 entitled 'Sex probe at school for blind.'

22 And the first part of it says:

23 'A housemaster at a school for blind children has

24 been suspended after sex allegations were made against

25 him, it was revealed last night.'

1 And I think if we go on to the next page, at the top
2 of the page, we can see that this is an extract from The
3 Sun newspaper on Wednesday, June 8, 1988.

4 And then if we go to page 10, there's a letter there
5 from the Scottish Education Department to the Secretary
6 and Treasurer of the Royal Blind School dated 2 August
7 1988 and in the body of the letter, reference is made to
8 the recent publicity surrounding the incident at the
9 school involving a houseparent.

10 The writer then goes on:

11 'I was grateful to you for keeping the department
12 abreast of developments and I understand that, following
13 an internal inquiry, the individual concerned has been
14 dismissed and charged by the police.'

15 Then it goes on:

16 'So far as this incident is concerned therefore, the
17 department is satisfied that school acted properly and
18 with commendable alacrity. Nevertheless, RBS is a
19 grant-aided school and we are naturally concerned about
20 the long-term childcare arrangements and structures
21 governing them. I would be grateful therefore if you
22 could let me have a formal report on these, which should
23 comment on the inferences drawn from the recent incident
24 and how they are to be improved to minimise the risk of
25 further similar occurrences.'

1 So this is a letter directly from the Scottish
2 Education Department. I assume that nowadays, if there
3 were an incident like this, it might be the
4 Care Inspectorate or HMIE who would liaise with the
5 school, rather than the government directly?

6 MS CHETTY: Yes, I suspect both.

7 MS INNES: And then, if we go on to page 6, this is a letter
8 from the school, dated 13 December 1988, to the Scottish
9 Education Department and if we scroll down to the bottom
10 of the page, we can see that this is from the secretary
11 and treasurer again and he says:

12 'In formal reply to your letter of 2 August 1988,
13 I now attach a copy of the care structure which has been
14 drawn up and implemented to minimise the possibility of
15 any future occurrence of sexual abuse at the school.
16 The main features contained therein were approved by the
17 board of directors at their recent meeting in November.'

18 And there's reference to what was done at the time,
19 but if we go on over the page, to page 7, I think we can
20 see some actions that were taken at the time. So, for
21 example, a handbook giving instructions and procedures
22 to be followed, an incident book held by the
23 headteacher, pupils being regularly reminded of the
24 available routes for discussing problems, and the final
25 paragraph:

1 'Since the allegations made in June against
2 a houseparent, pupils and staff have been made more
3 aware of the need to express concern quickly and the
4 general tightening up of procedures should ensure that
5 recent problems are not repeated.'

6 So it appears from this that certain actions were
7 taken following on the dismissal of Mr McGeachie.

8 LADY SMITH: Did you find any documents outlining what this
9 tightening up of procedures involved?

10 MR MURRAY: The documents that I've seen are the documents
11 which are in the pack to the Inquiry so I've not seen
12 anything additional --

13 LADY SMITH: That we've got.

14 You see, there's nothing there about supervision of
15 staff.

16 MR MURRAY: No, there's not.

17 LADY SMITH: There's nothing there about recruitment
18 procedures.

19 MR MURRAY: I mean, we don't know that that wasn't the case,
20 it's just that we've been unable to find the
21 documentation on that.

22 LADY SMITH: It looks as though the focus is all on doing
23 something that probably post-dates abuse having
24 happened, as opposed to prevention; is that right?

25 MR MURRAY: From the documents in front of us, it does

1 appear that.

2 LADY SMITH: Thank you.

3 MS INNES: I think, if we go on over the page, this is
4 reference to the care structure, which was referred to
5 in the first letter and it talks about all residential
6 areas being staffed by houseparents working directly
7 under the appropriate member of promoted staff.

8 Then in the next paragraph it says:

9 'Senior staff are generally from internal promotions
10 or experienced workers from care staff and similar
11 residential schools. Junior house staff may be school
12 leavers or young adults who have been in some other work
13 and realised that they wish to work in an organisation
14 such as ours.

15 And:

16 'New staff are interviewed, and if they seemed
17 suitable, two references are required.'

18 And then there's reference to the headteacher being
19 around in residential areas.

20 So I suppose that tells us something about the
21 structure, but do you have any comment on what is said
22 about the experience of staff and the recruitment
23 procedure?

24 MS CHETTY: It is difficult to understand what exactly they
25 were looking for when we were talking about experience.

1 Certainly now, we are looking for a significant set of
2 skills to manage and support highly complex, vulnerable
3 young people and that drives our processes around
4 recruitment. Safeguarding is a huge part of all of that
5 recruitment process now.

6 MS INNES: And I suppose you'd also be looking at
7 qualifications?

8 MS CHETTY: Absolutely, yeah, absolutely.

9 MS INNES: And then just for completeness in terms of
10 Mr McGeachie, if we can look, please, at INQ-0000001153,
11 which is an article from the Aberdeen Evening Express on
12 Monday, 24 April 1989, and so it's a --

13 MR MURRAY: It's not yet on screen.

14 MS INNES: No, I know. INQ-0000001153, do you not have
15 that, okay.

16 MR MURRAY: I must say that I don't recognise the reference
17 there and, looking at the pack in advance, I don't think
18 I saw an Aberdeen Evening Express article, so it's maybe
19 not in the pack.

20 MS INNES: Okay. I think we know that Mr McGeachie was
21 convicted in respect of offences against children at the
22 Royal Blind School. I think this newspaper article was
23 sent recently to your legal representatives or shared in
24 that way.

25 MR MURRAY: Okay, I see.

1 LADY SMITH: Was this the article that confirmed he'd been
2 convicted?

3 MS INNES: Yes. So he pled guilty to shameless indecency
4 towards two boys aged between 13 and 15 and towards
5 a 17-year-old and he was jailed for a year.

6 MR MURRAY: Yeah, I have seen that. I have seen that
7 document.

8 LADY SMITH: And the date of that article?

9 MS INNES: It was 24 April 1989.

10 LADY SMITH: Thank you.

11 MS INNES: And I think, prior to seeing this material, you
12 hadn't been aware of the conviction of Mr McGeachie; is
13 that right?

14 MR MURRAY: That's correct. Although the correspondence,
15 I think, suggests that there was a -- there was
16 concurrent investigations conducted by ourselves and by
17 the police and I think -- I would need to go back and
18 check but I think there is correspondence from somebody
19 in the police to ourselves, which says that their
20 investigation concluded the same as our investigation.
21 So although we didn't have the conviction confirmed in
22 the details of that, we were pretty certain that there
23 had been a case to answer for with regard to the police
24 looking into that.

25 MS INNES: And Mr McGeachie had been dismissed, as we have

1 seen from the previous documentation?

2 MR MURRAY: Yeah. My understanding is that was a summary

3 dismissal as well, yeah.

4 MS INNES: Now, I would like to move on to another person

5 who has a conviction and this is a person called

6 David Penman and I think you're aware of his conviction.

7 If we could look, please, at JUS-000000222.

8 We can see there that he was convicted in June 2017

9 and sentenced in March 2018 and we can see a list of

10 various sexual offences. So, 11 sexual offences and if

11 we look down to the bottom of the page, we can see that

12 he -- an order was made for lifelong restriction in

13 respect of him.

14 And if we can look on please to JUS-000000224, we

15 see the various charges and these were in respect of

16 other pupils who were attending the Royal Blind School;

17 is that correct?

18 MR MURRAY: Yes, that's correct.

19 MS INNES: And David Penman was also a pupil at the school?

20 MR MURRAY: Yes, that's correct.

21 MS INNES: And we're not going to go through this in detail

22 just now, but I think that we know from this that there

23 were eight children in respect of whom there were

24 convictions and charges in respect of two other

25 complainers, which ultimately didn't go to the jury.

1 And this covered a period from January 1987 until
2 September 1991, in terms of his convictions?

3 MR MURRAY: Yes.

4 MS INNES: Now, I'd like to ask you look at some police
5 statements relative to this material and if we could
6 look please at PSS-000028508.

7 And we can see that this is a police statement from
8 a person called Alison McKellar Thomson. If we go on to
9 the second page under the heading:

10 'Provenance.'

11 We can see that this was taken on 11 December 2013
12 and if we look down to the text, she says that she's the
13 above-named person. She was in the teaching profession
14 for 32 years and she's referring back to her time as
15 deputy headteacher at the Royal Blind School on
16 Craigmillar Park in Edinburgh.

17 And she talks, towards the bottom of the page, four
18 paragraphs from the bottom, about being asked by the
19 police if she recalls a particular pupil. This is
20 a female pupil. And then in the next paragraph she says
21 that:

22 'She was a permanent resident in the school and in
23 addition to her limited sight, she also had significant
24 learning difficulties. I don't recall if she had any
25 other physical disabilities in addition to her lack of

1 sight.'

2 She then goes on that she's been asked about
3 David Penman. She remembers him. He was a residential
4 pupil. She says:

5 'I would describe David Penman as being a disturbed
6 young man. He struck me as an emotionally needy boy and
7 lacked normal social skills in his interaction with
8 others.'

9 And then, at the top of the page, she says:

10 'Many young blind people have difficulties with
11 learned social behaviour, but David was somehow rougher
12 and more rudimentary in his behaviour. He was the kind
13 of boy who wanted to show he was the big guy or that he
14 had a girlfriend but didn't have the skills to go about
15 it.'

16 And then she goes on to say that she's been asked by
17 police officers if she'd any recollection of being
18 informed of any kind of sexual incident involving the
19 girl and David Penman and she says:

20 'I definitely do not.'

21 She then says:

22 'I do have recollections of dealing with David
23 Penman for occasional inappropriate behaviour such as
24 unwanted kissing but never for anything more sexual.

25 'I would also say that inappropriate kissing and

1 awkward first courting incidents are very common in
2 young blind teenagers as they start to explore their
3 sexuality.'

4 Do you have any comment on her statement there in
5 relation to -- that these types of incidents are common?

6 MS CHETTY: The language used in her statement is not
7 something I would use in relation to assumptions and
8 understanding risk and vulnerability in young people.

9 MS INNES: She goes on:

10 'One thing I would say about David Penman is that he
11 could spot a victim. I can't articulate exactly why I
12 say that, but I do not say it lightly. From his
13 behaviour, I would say he could be manipulative and
14 would spot and exploit vulnerability. I would very much
15 include [the girl] as a vulnerable young person.'

16 Now, given what she says there, do you have any
17 comment on the sort of actions that might need to be
18 taken if you have two people described as David Penman
19 is and then the way in which the girl's described?

20 MS CHETTY: Absolutely. You would be expecting risk
21 assessments, very detailed risk assessments for all
22 young people that are supported. The understanding
23 around how we are interpreting behaviour and functions
24 of behaviour and how we are managing risk as the
25 managers of an establishment is concerning.

1 MS INNES: Now, if we can look on to another police
2 statement from Alison Thomson. This is at
3 PSS-000028519.

4 And if we scroll down on this page, we again see
5 reference to her name. If we go on to the second page,
6 we see that this was a statement dated 3 February 2014.
7 So the statement that we have just looked at was in
8 December 2013 and now this is in February 2014.

9 Again, she -- in the text, she starts speaking about
10 her experience, the fact that she's given a statement
11 before and then there's a paragraph beginning 'Since my
12 last contact':

13 'Since my last contact with the police, I have
14 recalled a time where [the girl that has been referred
15 to before] was in my office and told me that she had had
16 sex. My memory isn't perfect, but I would say I am
17 fairly certain that she told me that she had had sex
18 with David Penman. I do not recall any details of what
19 she told me about where it happened, how many times or
20 whether the sex was consensual or otherwise.

21 'I also do not recall what response the school made
22 to what she told me, what investigations were made or by
23 whom.

24 'I'm not sure who would have investigated the
25 matter, although I am fairly certain that such

1 a disclosure would have indeed been investigated. The
2 other person who may have investigated such a report
3 would have been the headteacher Mary Meek or the school
4 social worker Archie Doig.'

5 So pausing there, do you have any comment in
6 relation to what's said about investigations?

7 MS CHETTY: I think it's concerning that there isn't a grasp
8 on the situation, the understanding, that there's
9 a change in recollection.

10 MS INNES: Then she goes on to say:

11 'I do not recall if I explored with the girl what
12 she meant by "sex". Visually impaired children often
13 use sexual terminology without understanding the full
14 meaning of words, so I can't be sure exactly what she
15 meant by having had "sex" with David.'

16 Do you have any comment in relation to that? Is
17 that correct in terms of the terminology that a visually
18 impaired young person might use?

19 MS CHETTY: My view is that the school has a duty to provide
20 an education, a sex education that's relevant and
21 meaningful for the young people and their population.
22 For young people with VI, that is -- it's very important
23 that that is taking account of the fact that 80 per cent
24 of learning is visual and so how do we understand and
25 teach concepts around consents, empowerments, tactile

1 supports, making sure all of that information and
2 resource is accessible for young people.

3 So that component of a curriculum is paramount to
4 safeguard and support and understand and I would expect
5 a manager in that role to have a high degree of
6 knowledge and understanding of what that looks like.

7 LADY SMITH: But is she correct in saying visually impaired
8 children often use sexual terminology without
9 understanding the full meaning of the words?

10 MS CHETTY: No, I wouldn't say that she's correct in that.

11 LADY SMITH: If she was correct, would you have thought the
12 obvious thing for her to do was to find out more about
13 what the girl meant by saying she'd had sex with
14 David Penman?

15 MS CHETTY: Absolutely.

16 LADY SMITH: Thank you.

17 MS INNES: And then the statement goes on:

18 'I also recall the girl being upset whilst in my
19 office, crying. Again, I would say it is highly likely
20 that this would have been on the occasion she told me
21 about having had sex with David, but I cannot be
22 certain. It would not have been routine for the girl to
23 be in my office. I don't know whether she came to see
24 me herself or whether she was brought to me by another
25 member of staff.'

1 She can't remember when the disclosure was made and
2 then she goes on over the next page to say:

3 'I have previously described having once driven
4 David Penman away from the Royal Blind School to his
5 home address in Inverness. I feel it is highly likely
6 that this would have been in response to the girl's
7 disclosure about having had sex with David. I can't
8 think of any other specific incidents which would have
9 prompted such a move.

10 'I don't know how many breaks, suspensions or
11 expulsions David was subject to during his time at the
12 Royal Blind School or the timings of such discipline
13 measures.'

14 And then she goes on:

15 'At no time did the girl present to me what had
16 happened between her and David as rape.'

17 Again, in terms of what she said about her
18 communications with the girl, do you have any comment in
19 relation to how she appears to have dealt with them?

20 MS CHETTY: It's alarming to me to read that, the
21 understanding of how we listen to young people and hear
22 and understand what they have to say to us is critically
23 important and how we work to support in a multi-agency
24 way doesn't feel present here.

25 MS INNES: So it looks like from her statements that there

1 was perhaps an opportunity to have tackled the issue
2 that was raised by the girl at the time.

3 MS CHETTY: Yes.

4 MS INNES: Now, I'm going to move on to another person, who
5 has a conviction and this is a person called Christopher
6 Smyth.

7 And if we could start by looking, please, at
8 ROB-000000073 and the second page of that.

9 This is an incident report in respect of Christopher
10 Smyth dated 14 March 2001 and it says:

11 'After supper tonight, a boy asked if he could go to
12 Christopher's room before going to bed at 9.30 pm.
13 I said he could have 15 minutes before going to bed.
14 The other boys were listening to football in their
15 rooms. When I returned after 5 [it looks like] to
16 attend to a girl, I heard a lot of laughter from
17 Christopher's. When I looked in, the boy was lying on
18 Christopher's bed with pyjamas pulled down at the front
19 and playing with himself. Christopher then bent over
20 and kissed the boy on his private parts. They both went
21 into laughter again.'

22 Then it goes on:

23 'Myself and Pat asked the boy to go to his own room.
24 I went and had a word with the boy as they were blaming
25 each other. I spoke to both boys and explained that

1 this was not appropriate behaviour and explained all
2 reasons why. I felt they were both very immature and
3 they did not seem to understand what the consequences
4 could be. Spoke over with my colleagues to be aware of
5 the situation.'

6 And then the further comment or action, this is
7 a note by Alison Thomson, who's vice principal at the
8 time, and it says:

9 'After discussion with Val, [who I think is the care
10 worker] PWM [who I think was the Head of
11 Care] and Kevin Tansley [the headteacher], it was
12 decided to treat this as a boyish prank. There was no
13 attempt to be covert and both appeared to be equally
14 guilty.'

15 So looking at this incident, do you have any comment
16 on how it was dealt with?

17 MS CHETTY: I don't think that the incident was dealt with
18 appropriately. There is not a sense of looking at the
19 significance of what's occurred, how it's occurred and
20 how it needs to be managed within the risk and
21 vulnerability for all young people.

22 There feels a lot of assumptions made in the
23 analysis of the management at the time.

24 MS INNES: Now, if we look on please to ROB-000000070.

25 And we can see that this is a report of child

1 protection procedures and if we look on to page 4,
2 under:
3 'Details of Referral'.
4 It says:
5 'On Monday 25 June 2001, a girl, a fellow pupil at
6 the school who is also partially sighted and has
7 learning difficulties, disclosed to her classroom
8 assistant that Christopher had kissed her again and she
9 did not like it.'
10 And then there's another name of a girl which says:
11 'Also said I don't like Christopher kissing me and
12 I don't like him putting his penis in my mouth.'
13 And then there's reference to the information was
14 then forwarded on to the zone paediatrician. There was
15 contact with the police and the Social Work Department
16 and on the same day police officers attended and
17 interviewed the girl.
18 And if we go on to page 12, I think we see there
19 a child protection case discussion with various people
20 there, including the principal of the Royal Blind
21 School, Ms Thompson, the vice principal, the Head of
22 Care, and educational psychologist and some social
23 workers and this looks at the specific incident and if
24 we go on to page 15, the second paragraph there begins:
25 'Chairperson questioned incident in March.'

1 A Thomson advised that Christopher and the boy had gone
2 to a support room but ended up in the boy's room. Door
3 was not closed and when a member of house staff checked
4 the room, found Christopher kissing the boy's penis.
5 There was no reason for the member of staff to assume
6 anything other than the boys were having a lark. It was
7 explained to them that this was inappropriate behaviour.
8 Class teacher was asked to undertake some sex education
9 but oral sex was not part of that although relationships
10 were. I. Pennicard [so he's an educational
11 psychologist] expressed the view that Christopher would
12 be likely to have difficulty in making sense of that.'

13 So this seems to be looking back to the incident
14 that we've looked at and it appears that some of the
15 follow-up from that was to undertake some sex education.
16 Do you have any comment in relation to that follow-up?

17 MS CHETTY: I suppose that's slightly to my earlier point
18 around the curriculum of sex education being relevant
19 for the VI learner, very explicit, very concrete, very
20 tactile where it needs to be, inclusive of all aspects,
21 relationships and physical.

22 MS INNES: And then if we look on to page 18, there's bullet
23 points in bold:

24 'Decisions'.

25 And the outcome of the -- this discussion included

1 that a joint risk assessment was to be completed before
2 October and I think we know that Christopher Smyth did
3 not return to the school after this incident; is that
4 your understanding?

5 MR MURRAY: Yes, it is.

6 MS INNES: And we also know that he was convicted in respect
7 of this. If we can look, please, at JUS-000000227, and
8 we can see there reference to a charge in respect of
9 a sexual assault and this is in respect of the assault
10 on the boy, not the girl, and if we can look on, please,
11 to JUS-000000225, we can see there that he was convicted
12 in respect of that charge and we understand that he pled
13 guilty to that.

14 And he was sentenced to a three-year probation order
15 and there was certification under the Sexual Offences
16 Act 2003.

17 And I think this was a conviction that you weren't
18 aware of at the time that the Section 21 response was
19 originally prepared, but you've looked into it since
20 being provided with this evidence by the Inquiry?

21 MR MURRAY: Yes, that is correct.

22 MS INNES: And the documents that we've looked at, for
23 example the incident report and the child protection
24 discussion, are documents that you've been able to
25 recover in respect of this issue?

1 MR MURRAY: Yes, correct.

2 MS INNES: And I suppose again we've seen that there was
3 an opportunity in March 2001 to perhaps take a different
4 approach to the allegation that was made at the time,
5 prior to what ultimately happened in June and
6 subsequently?

7 MR MURRAY: Yes, we have.

8 MS INNES: Now, I'm going to move on to another person.
9 This person is PWU [REDACTED], who again we know has
10 a conviction. I think you were aware of this at the
11 time that you completed your Section 21 notice.

12 Now if we can begin by looking at ROB-000000072, and
13 these are handwritten notes from November 2001 that
14 I think you found and provided to the Inquiry.

15 And if we look on to page 2, there's reference here
16 to a meeting with a Joyce Alexander and two boys and
17 I think again the author of this is Alison Thomson, the
18 vice principal.

19 At (a) she says:

20 'One boy expressed concerns about PWU [REDACTED] and his
21 attitudes towards him personally. This included concern
22 that PWU [REDACTED] tends to "back" people in the privates in the
23 playroom but particularly the boy who's speaking. He
24 explained that PWU [REDACTED] had said that he had been bullied in
25 his previous school and that as a result of such

1 an action, he could not now have sex.'

2 Secondly:

3 'He seemed uncomfortable with PWU 's wish to have
4 him as his "brother". He was worried because of PWU 's
5 pleasure at not having been at home over the weekend as
6 this was at variance with his own feelings of missing
7 his family.

8 '(iii) He alleged that PWU 's sister had been
9 calling him names, eg "ugly".

10 '(iv) He said that PWU had sent him a text,
11 saying, "Remember to tell [the boy's sister] that
12 I'm bisexual".'

13 Then it's reported that a person who has the
14 pseudonym 'Cosmo' had told the boy that PWU fancied
15 this boy.

16 And then it goes on saying that the boy then began
17 expressing concerns about PWU on the football trip on
18 16 to 18 November. Two boys were sharing a room. The
19 boy who is speaking had gone to the shower room and had
20 asked the other boy to leave the door open so that he
21 could get back in. The other boy had said that:

22 'PWU came in and got on top of me.'

23 And the boy who was in the shower said that when he
24 returned, his roommate was upset and that PWU was
25 calling him a 'prick' and a 'poof'.

1 If we continue over the page:

2 'When asked to expand further on this, the boy who
3 had made the allegation said that he had been lying on
4 his bed watching the news when PWU came in. PWU had
5 started to touch him but he had said no. Then, despite
6 this, PWU had lain on top of him and rubbed his penis
7 up and down against him. And then the other boy said
8 that Mark Smith (staff) had been called and that he
9 would sort it out in the morning and the boy who made
10 the allegation had also phoned home upset.'

11 So I think you've read this document before and
12 you're aware of this incident.

13 Do you have any comment first of all on the way in
14 which this discussion takes place with the two boys
15 together?

16 MS CHETTY: In regard to?

17 MS INNES: So the vice principal --

18 MS CHETTY: Yeah.

19 MS INNES: -- and another member of staff discuss what's
20 happened --

21 MS CHETTY: Yeah.

22 MS INNES: -- with two boys, both of whom have made various
23 allegations against PWU .

24 MS CHETTY: Mm-hmm.

25 MS INNES: Do you have any comment on that as a process or

1 a procedure?

2 MS CHETTY: I think as a process and a procedure it's trying
3 to understand and take seriously the nature of what has
4 happened here and act accordingly. I think there is not
5 enough understanding of appropriate actions around
6 supporting the young people within that context.

7 MS INNES: If we look on to page 5, I think we see a note of
8 a meeting with Mark Smith and it says:

9 'Mark had been present around the time the incident
10 took place. His account varied significantly from the
11 details reported. He said the door had been locked, his
12 attention was caught by laughing going on in the boy's
13 room. When he gained entrance to the room and asked
14 what they were doing, they replied wrestling moves. The
15 boy who made the allegation appeared unperturbed. He
16 checked that the boy was okay several times during the
17 evening. Unlike after the name calling that occurred
18 earlier in the day, the boy did not return home.'

19 So there's a different account of the event given by
20 a member of staff and then if we look down -- further
21 down that page, there's then a meeting again with the
22 boy who made the allegation, asking him to go through
23 the events in his room again. He said the same as
24 previously but added:

25 'I thought he was going to have sex with me when

1 PWU was lying on top of him. He could give me no
2 reason why he thought that PWU was going to have sex
3 with him other than that because PWU was lying on top
4 of him. We established that they were both fully
5 clothed. He did say at this stage that their penises
6 had rubbed up and down against each other.'

7 'I then asked why he had said to Mark that they were
8 practising wrestling moves and he said he'd forgotten
9 about that. Joyce asked if either of the boys' penises
10 were hard. He indicated he couldn't tell but he didn't
11 think so. He acknowledged that he had told Mark he was
12 fine after the incident.'

13 And then he also affirmed that pupils had been told
14 that they should not be in each other's rooms.'

15 And then the conclusion:

16 'We felt that the discussion which had taken place
17 in school may have raised the boys' awareness of the
18 inappropriateness of what had taken place but the
19 incident was no more than one of horseplay.'

20 Do you have any comment on what then transpired in
21 terms of the investigation and the conclusion that was
22 drawn?

23 MS CHETTY: Absolutely. I don't think an appropriate
24 conclusion or action was drawn at this point.

25 MS INNES: What should have been done?

1 MS CHETTY: Now, and how we would understand safeguarding
2 measures now, there's concerns for me around supervision
3 levels and understanding of how young people are able to
4 interact with one another. When a circumstance is then
5 arising, how are we understanding the account for that
6 young person with detail and understanding exactly what
7 measures need to be taken next to support that young
8 person in collaboration with multi-agencies working
9 with.

10 MS INNES: Then if we look down to the bottom of the page,
11 it said:
12 'I have asked Harry Thompson to impose a sanction on
13 PWU for disobeying a clear instruction not to go into
14 others' rooms. I will speak to PWU about other
15 allegations and ask staff to continue to ensure that he
16 is not left unsupervised with other pupils.'

17 So that seems to be the follow-up with PWU. Again,
18 do you have any comment on that as a follow-up to what
19 appears to have happened?

20 MS CHETTY: I don't think it's an adequate follow-up.

21 LADY SMITH: Just picking up on you saying earlier that
22 pupils are not sanctioned, what, at that time, do you
23 think would have been a sanction to be imposed on PWU?

24 MS CHETTY: I don't know that I would have enough
25 understanding of what that would have looked like at the

1 time. From what I've read, there seems to be a sense of
2 behaviour being understood as punishable, rather than
3 trying to understand what is happening for a young
4 person.

5 LADY SMITH: And you don't know what the sanction would have
6 been?

7 MS CHETTY: I don't know what the sanction would have been
8 at that time. From some of the documents I've read,
9 there were things around detention, things around lines,
10 things around not accessing trips, but it -- I would
11 probably need to correlate whether or not that would
12 apply to that to be confident.

13 LADY SMITH: Okay, thank you.

14 Ms Innes, would that be a good place to take the
15 morning break?

16 MS INNES: Yes, it would. Thank you, my Lady.

17 LADY SMITH: I did say earlier that I'd give you a break at
18 about this point. I think we'll do that and we'll sit
19 again in about a quarter of an hour or so. Thank you.

20 (11.30 am)

21 (A short break)

22 (11.47 am)

23 LADY SMITH: Welcome back. Are you both ready for us to
24 carry on?

25 MS CHETTY: Yes.

1 MR MURRAY: Yes.

2 LADY SMITH: Thank you very much. Ms Innes.

3 MS INNES: Thank you, my Lady.

4 Now, before the break, we were talking about
5 PWU and we'd looked at material from
6 November 2001.

7 If I could ask you, please, to look at
8 ROB-000000068, and this is an incident report dated
9 1 March 2002 in respect of PWU, and it says:
10 'PWU had asked if he could go and ask another pupil
11 about something, he was given permission to undertake
12 this. About ten minutes later, PWU had not reappeared
13 and therefore I, Ann Coleman, went to investigate. On
14 entering the other pupil's room (I had knocked first),
15 I found two boys and PWU sitting on the bed. One of
16 the boys had been given permission to listen to music.
17 I observed that PWU had his trouser belt
18 buckle unfastened. At this point, I suggested that all
19 pupils should rejoin the group. PWU sat up
20 very quickly and tried to conceal that his buckle was
21 unfastened. He then got up and went directly to the
22 bathroom. I later asked one of the boys if he felt
23 comfortable in the room and that if he required to
24 discuss any concerns.'

25 And then the next part of the entry -- sorry, if we

1 look over the page, we'll see the continuation of this
2 report. So it says:
3 'He could speak to any member of staff within the
4 residential areas. The boy said everything was fine and
5 that he had been listening to music with the other boy.
6 I passed this information to Alison Thomson, vice
7 principal, and to Cathie Ward, residential worker, who
8 I think was working the next shift.'
9 And then if we go to the first page, at the bottom
10 of the page we see the further comment or action:
11 'When Alison Thomson says she discussed with PWM
12 PWM, felt that there was "insufficient evidence" to
13 make' --
14 LADY SMITH: 'A wider issue.'
15 MS INNES: -- 'a wider issue about it. Subsequent
16 questioning of one of the boys also appeared to indicate
17 "no unease" about the incident.'
18 Do you have any comment on how this incident was
19 dealt with?
20 MS CHETTY: I don't feel it was dealt with appropriately.
21 I don't think accounts were taken in the way that they
22 should have been at the time with young people and there
23 are assumptions here around all sorts of things in
24 relation to actions. I don't understand the reference
25 of a wider issue. If something's occurred, we need to

1 understand what's occurred and what safeguarding
2 measures need to happen next for those young people.

3 MS INNES: Mm-hmm.

4 LADY SMITH: There seems to be an indication of a real
5 reluctance to probe any further, despite the pointers,
6 as we can see in the narrative, to the need to probe and
7 find out; is that right?

8 MS CHETTY: I would agree that if -- that wouldn't be the
9 way that I would manage that situation or expect it to
10 be managed today.

11 MS INNES: And then if we can then move on please to
12 ROB-000000066, this is a report in relation to a boy,
13 dated 9 May 2002, and there's reference to -- to
14 houseparents and the pupil. It says:

15 'I was explaining to the boy that it had been
16 proposed that a pupil from Tiree would be starting
17 a transitional phase with a view to them possibly moving
18 into the Hostel in the near future. As this boy had the
19 spare bed in his bedroom, I was making enquiries as to
20 the suitability of the two young people sharing.

21 'I explained to the boy that the person was
22 PWU [REDACTED]. The boy immediately said that he did
23 not want to share a room with PWU [REDACTED]. He explained that
24 they had run-ins in the past and PWU [REDACTED] had broken my
25 trust on several occasions. The boy did not go into

1 detail about the issues that he had previously discussed
2 with PWU. He said that he would rather not even share
3 his room with PWU in the short term. When I explained
4 to him that people could move rooms once we returned to
5 school following the summer holidays, the boy appeared
6 to be reluctant to consider this option but I reassured
7 him I respected his honesty and I would do as much as I
8 could to look at possible alternatives. However,
9 I could not guarantee that PWU might still have to
10 share the bedroom until the holidays, after which time
11 it could be reassessed. The boy seemed to accept this.'

12 LADY SMITH: I think she meant couldn't guarantee that PWU
13 might not still have to share the bedroom but we can get
14 the sense of it.

15 MS INNES: Yes.

16 So there's further developments in relation to what
17 this boy says later in this document, but just pausing
18 at this point, do you have any comment on, given what we
19 have seen up to date, about the possibility that a boy
20 has now been asked to share a room with PWU?

21 MS CHETTY: Yes, absolutely. It's highly concerning, given
22 the context of the previous incident and also,
23 I suppose, when a young person is raising a concern,
24 again, how are we listening and understanding that
25 concern?

1 MS INNES: Might it suggest that -- I suppose there's two
2 possibilities: either the people who were suggesting
3 this had no knowledge of the previous incidents or they
4 did and I suppose you might have concerns either way?
5 MS CHETTY: I would have concerns either way.
6 MS INNES: So if they didn't have knowledge of the previous
7 incidents, that would suggest that they weren't --
8 information wasn't being shared appropriately with
9 members of staff?
10 MS CHETTY: Yes, and investigating, I suppose, appropriately
11 on the back of incidents that have occurred with the
12 information that has come forward.
13 MS INNES: Okay. And then, if we go on, there's then
14 a telephone call at the bottom of the page where the boy
15 had confided in another member of staff once the person
16 had left the Hostel at the end of her shift.
17 And if we go on to the next page, it says that:
18 'She explained that the boy had said that the real
19 reason he did not want PWU to move into his room was
20 that PWU had previously approached this boy and he
21 wasn't happy with this.
22 'It appears that he had made suggestions about
23 having a relationship, on both times the boy had said
24 "I'm not interested in", and the boy had become anxious
25 of perhaps sharing a room with PWU as he would be

1 uncomfortable about doing this.'

2 And then, going further down the page, the boy
3 approaches the member of staff at lunchtime when she's
4 back on:

5 'He asked me what I had thought of what Rachel had
6 said.'

7 And it goes on:

8 'I then asked him to explain to me again what he had
9 told Rachel the previous Thursday evening. The boy said
10 that PWU had "come to me and asked me to do things".
11 When prompted, he said he had "asked me out". When
12 I asked if he had done anything else, he said no but he
13 had been annoyed that he had asked him again.'

14 And then there's reference to when these things had
15 happened and ultimately the boy was reassured that he
16 would not have to share a room with PWU .

17 And if we go on over the page, to page 3, there's
18 then a discussion between houseparents and the Head of
19 Care and if we look down to the second paragraph, it
20 says:

21 'It was agreed that PWU would require close
22 monitoring during his stay at the Hostel but that due to
23 current staffing levels, it would be unrealistic to
24 carry this out discretely and effectively at this time.
25 It was agreed that PWU should continue to attend the

1 Hostel for breaks with the occasional evening visit
2 until the end of term. The situation would then be
3 reassessed with a view to him staying full-time on
4 return to school after the summer holidays.'

5 So they seem to be considering moving PWU from,
6 I think, Tiree, where he had been living before, into
7 the Hostel and, here, they say that he would need close
8 monitoring but there's staffing issues but -- and that
9 he wouldn't move immediately but he could still attend
10 the Hostel.

11 Again, do you have any comment on that approach?

12 MS CHETTY: Neither of those actions would mitigate the risk
13 really, for me.

14 MS INNES: Now, if we go on to another document in relation
15 to this same boy who said he wouldn't be comfortable to
16 share a room with PWU. This is at CIS-000010749.

17 The first page of this refers to an incident on
18 25 August 2002, where PWU had phoned the boy to ask him
19 to his house to watch a football match. At the
20 half-time break, PWU had asked the boy if he wanted to
21 have a go on his PlayStation in his bedroom. When
22 entering the room, PWU apparently pulled the boy's arms
23 behind his back and tried to push him to the floor. The
24 boy told him to stop. PWU had said he was mucking
25 about. They spent some time on the PlayStation. Before

1 they left the room, the boy said that PWU stood in
2 front of him and put his hands on his shoulders. PWU
3 then appeared to try and kiss his head. He tried to
4 push him away. He told him to stop what he was doing.

5 And when the boy asked what he was doing, PWU
6 apparently said he was just mucking about trying to put
7 you in a pin wrestling hold, and then they went on to
8 watch the rest of the football match.

9 Now, in terms of any further comment, there's
10 nothing noted there. It seems to have been signed by
11 the Head of Care, I think, on 12 September.

12 Again, any comment as to this incident and what
13 action might have been taken?

14 MS CHETTY: It's difficult to know, because we don't have
15 any -- any comment around what action was taken, but
16 I suppose, much like some of the other incidents we've
17 looked at, it's trying to understand that detail, which
18 we don't have, but based on what we read with the other
19 ones, it's difficult to be able to certainly know that
20 they would be handled appropriately.

21 MS INNES: Yes, sorry, I should have taken you to page 3,
22 which is the end of the note, and in the final paragraph
23 there, the houseparent informs -- so -- the houseparent
24 informs the boy:

25 'I was unclear on what action should be taken as

1 this incident happened outwith school. I would seek
2 advice from PWM on return from school on
3 Monday, 2 September and the boy agreed this would be
4 acceptable.'

5 So do you have any comment in relation to a lack of
6 clarity about what happens if an incident happens
7 outwith school?

8 MS CHETTY: Yes, exactly. There shouldn't be a situation in
9 which staff are unaware of how to manage safeguarding
10 procedures.

11 MS INNES: And then if we look on in this document, please,
12 to page 5, and this is dated Monday, 2 September 2002
13 and Friday, 30 August 2002 and it says here that:

14 'The boy [it's the same boy] started by telling me
15 that PWU's visit to his house went okay. However, on
16 the way home from school on Friday, 30 August 2002 and
17 the return journey on Monday, 2 September 2002, PWU had
18 put his arm around the boy in the taxi. On both
19 occasions the boy told him to move it. He also said
20 that when helping the boy to find his cane, at the boy's
21 request, PWU apparently put his hands on the boy's
22 hip/waist area to lean over him to look into his locker.
23 When asked, PWU said he was only looking at the shelves
24 above the boy. The boy said he thought it strange as
25 his voice sounded closer to him than if PWU had been

1 standing up as he said.'

2 The houseparent says:

3 'I informed PWM of these incidents and

4 the previous incident from 25 August 2002 [so that's the

5 one that we've looked at]. PWM spoke to the boy and

6 told him he was putting himself in a vulnerable position

7 by seeking out PWU's attention. The boy needs to be

8 clear to PWU that he is making him uncomfortable and

9 that he does not want him to be his friend. The boy

10 should be taking responsibility for his own actions and

11 must stop sending mixed signals to PWU who may be

12 misinterpreting these signals.'

13 Do you have any reflection on what's said there

14 about the steps that the boy needs to take?

15 MS CHETTY: I don't agree with the appraisal of that

16 situation. I don't think it's appropriate to not take

17 the views and words of our young people seriously.

18 MS INNES: And it seems to be putting responsibility on the

19 young person who's making the allegations.

20 MS CHETTY: Absolutely.

21 MS INNES: And then if we look down at the further comment

22 or action:

23 'PWM and I spoke PWU and the boy

24 separately. PWU said in relation to the incident of

25 25 August that he had been mucking about with the boy

1 and acknowledged it had gone too far but stopped when
2 asked. Said in the taxi he was stretching, didn't have
3 his arm round the boy. Insisted that he had only been
4 standing behind the boy in the locker room looking for
5 something. We explored the issue of homosexuality at
6 PWU's instigation and he was adamant [it goes on to
7 page 8] that although at one time he had been confused,
8 he was straight. PWM and I explained that we had
9 grave concerns about the appropriateness of his social
10 interactions and that we had to take some action. It
11 was agreed that PWM should contact Barnardo's to get
12 input from a previous worker who had been involved with
13 PWU. He asked that this input remain confidential and
14 because of his age, we agreed. The boy did not wish the
15 matter taken any further but was reassured that we were
16 taking some action in relation to PWU.'

17 And do you have any comment on how this report was
18 then dealt with and follow-up with PWU?

19 MS CHETTY: It's difficult, from what I've seen, to be able
20 to understand that full picture of what all of that
21 support looked like and how do we -- how do we
22 understand the connections that were made from
23 a multi-agency basis and the actions therefore
24 thereafter, it's difficult to understand that from here.

25 MS INNES: When you say a multi-agency basis, what would you

1 have expected to happen?

2 MS CHETTY: Now what I would expect, in any circumstance
3 like that, that at the very beginning we're starting to
4 understand what needs to happen to support the young
5 people, so that we are not in a position whereby
6 a circumstance could occur again at the risk assessments
7 around all of that support.

8 We wouldn't have -- we would now have all of that
9 collated together in a multi-agency way through
10 chronologies, through risk assessments, through
11 understanding, debriefs. It's difficult to see that
12 full picture at this point in time or to know whether it
13 was there.

14 MS INNES: Now, if we look on, please, to CIS-000010693,
15 this is an interim report on an incident in the Hostel
16 on [REDACTED] 2002 and the pupils involved in the
17 incident directly is a person with the pseudonym 'Cosmo'
18 and PWU [REDACTED] and then there's reference to
19 subsequent interviews of three boys and these are the
20 three boys that we've already looked at.

21 There's reference to PWU [REDACTED]'s background and
22 if we look at the third bullet point there, it says:

23 'He has spoken openly about being homosexual or
24 bisexual. This has concerned some pupils but has been
25 seen as a phase by staff and he has been supported in

1 helping to work through his general difficulties of
2 adolescence.'

3 Do you have any comment on how issues of sexuality
4 appear to have been addressed?

5 MS CHETTY: I don't agree with the language and the comment
6 or the appraisal that's being made.

7 MS INNES: And what do you --

8 MS CHETTY: You would expect the sex and relationships
9 education that's being provided by a school to encompass
10 all aspects of relationships, how we understand one
11 another, what does that relationship look like for me,
12 understanding the rights of the young person, so that we
13 are empowering our young people with information.

14 MS INNES: And then this document goes on to refer to the
15 various incidents that we've looked at and if we look on
16 to page 3 and at the bottom of the page, [REDACTED], it
17 says:

18 'After school, 'Cosmo' asked to speak to Carrie
19 Mannion (AHT) and she then advised him to speak to me
20 about an incident which had happened in the Hostel.
21 Incident report attached.'

22 And it then says:

23 'Because of previous experience of pupils
24 exaggerating events, we spoke to PWU [REDACTED]
25 informing him of the allegation and to try to clarify

1 matters. The two accounts did not match and I was
2 dissatisfied with PWU's explanation of why he did not
3 take appropriate action when 'Cosmo' passed out.'

4 So I think you'll understand that the allegation
5 made was that 'Cosmo' had been sexually assaulted and in
6 the context of that, he appeared to have lost
7 consciousness at some point.

8 And then she says:

9 'At about 5.30 I contacted 'Cosmo's' father to
10 inform him about the incident. I explained what 'Cosmo'
11 had related and outlined the child protection procedures
12 for contacting the zone paediatrician and what might
13 happen subsequently.'

14 And then on page 5, it says:

15 'I contacted Mr Tansley to inform him of my
16 intention to action the incident as a child protection
17 matter.'

18 And then it goes on from there with her trying to
19 contact social work and her speaking to staff members
20 and the like.

21 And in the middle of the page, it says:

22 'Two calls were then placed with the respective
23 Social Work Departments of both boys.'

24 She says that she kept the father informed and then
25 she says:

1 'I called St Leonard's and asked for the child
2 protection team. I was put through but it went on to
3 the answering service. I left a message asking them to
4 call me. I was undecided about calling another team
5 because Dr Dunhill had indicated that she did not feel
6 that the police would take immediate action. I
7 consulted with Mr Tansley before doing anything
8 further.'

9 And then she was contacted by a police officer who
10 said that he had been contacted by Livingston Social
11 Work Department and action then seems to have been taken
12 from there.

13 At the bottom of the page, we see, [REDACTED], the
14 boy did not attend school and PWU [REDACTED] remained in
15 the residential area under staff supervision. And then,
16 I think, if we look on to page 7, we see towards the
17 bottom of the page that there was a joint -- no, sorry,
18 further up the page, [REDACTED] -- on [REDACTED], there's
19 a discussion with the police and social work following
20 the outcome of the interview with 'Cosmo' and at the
21 bottom of that final entry, on the [REDACTED], it says:

22 'Went to Hostel to speak with PWU [REDACTED] to explain what
23 was happening. His sister was on the telephone and we
24 agreed that she should come to pick him up immediately.'

25 And then PWU [REDACTED] left the school and never

1 returned.

2 So there was a period after the allegation was made,
3 between [REDACTED] and [REDACTED], where the boy who had
4 made the allegation had to stay at home and
5 PWU [REDACTED] remained at the school. Is that how
6 matters would be dealt with now?

7 MS CHETTY: No.

8 MS INNES: No.

9 MS CHETTY: No.

10 MR MURRAY: Can I just come in on that, because it's my
11 understanding that that was the advice of the police.
12 There's a document in there that the police asked the
13 school to keep -- to keep him in the school.

14 MS INNES: Okay.

15 LADY SMITH: But did the police play any part in the boy,
16 'Cosmo', as he's known by us, having to stay at home?

17 MR MURRAY: I'm unsure. I would need to look through the
18 documents.

19 MS INNES: You said a moment ago, Lucy, in your evidence
20 that you would not expect this same process to be
21 adopted now. So if an allegation was made and the two
22 children were both at the school, say on a residential
23 or partly residential basis, what would happen nowadays?

24 MS CHETTY: We would be looking at the sort of collaborative
25 assessment of what needs to happen in relation to those

1 young people so we're not making an assumption or
2 a position as a school that one or other would need to
3 go home. There needs to be an understanding of what is
4 the best way to mitigate and manage the risk and those
5 wouldn't be decisions that I would take in isolation.
6 They would be decisions I'd be taking with social work,
7 education, the Care Inspectorate.

8 MS INNES: Okay. And now, we know that PWU [REDACTED] was
9 subsequently convicted in respect of a sexual assault on
10 'Cosmo'.

11 In terms of some further documentation following on
12 from this, there is a document at CIS-000010751, and
13 this is a letter to -- dated 16 December 2002 from,
14 I think, a team leader within the Care Commission to
15 Martin Henry, who's Child Protection Co-ordinator at
16 City of Edinburgh Social Work Department at the time.
17 And it refers to the child protection investigation
18 ongoing. In the second paragraph there it says:

19 'While the incident on [REDACTED] 2002 appears to
20 have been dealt with appropriately by the school, I have
21 some questions about the school's handling of previous
22 incidents. For example, I have questions about the
23 school possibly underplaying the significance of gossip
24 or scheming within a child protection context. I also
25 have doubts about the school defining the child

1 protection guidelines too narrowly as not being
2 applicable to pupils aged over 16 years of age.'

3 And asks for a further discussion. So I think this
4 might refer to the more recent incidents where we've
5 seen concerns about PWU and the boy that visited his
6 house, and --

7 LADY SMITH: And also the school underplaying the
8 significance of gossip or scheming, I think, is taken
9 from a document we looked at a few minutes ago where the
10 school referred to the 16 and over age group, at that
11 time, being a difficult group, because they engaged in
12 gossiping and scheming.

13 MS INNES: Yes.

14 So this seems to pick up on some of the issues that
15 we've seen from the history of how -- of how things were
16 dealt with.

17 If we look on, please, to CIS-000010755, we see here
18 a meeting with the Royal Blind School, at which Henry
19 Mathias, team leader, is present as well as Alison
20 Thomson and Martin Henry, who we've just seen, and this
21 is Friday, 25 April 2003 and there's an update on
22 various things.

23 If we look down -- well, to point 4, there's
24 an inquiry about child protection training and then at
25 point 5:

1 'Alison Thomson confirmed that the school's child
2 protection policy was to be reviewed in line with
3 Edinburgh and Lothian's child protection guidelines.
4 They were advised to look at including how young people
5 are at risk in the community as well as school and how
6 the school would deal with this.'

7 So that seems to be following on from the issue with
8 not knowing what to do if the incident took place in the
9 community. And then it says:

10 'Also the school was advised to look at adapting the
11 child protection policy to take account of specific
12 issues relating to young people with visual impairment.'

13 Now, given that this was a specialist setting, do
14 you have any comment on, you know, an inference perhaps
15 to be drawn from that that the child protection policy
16 didn't take into account such issues?

17 MS CHETTY: You would expect the child protection policy to
18 take account of the context in which the young people we
19 support are given their education and care.

20 MS INNES: Okay, and then, just finally, in relation to
21 PWU, if I could ask you, please, to look at
22 ROB-000000067, and we see that this is a letter dated
23 March 2003 to the board of governors and this is
24 a letter from 'Cosmo's' father.

25 So he says there:

1 'As you are aware my son was sexually assaulted by
2 another pupil during an overnight stay in the Hostel of
3 the Royal Blind School. Since this happened, I have had
4 little or no contact from anyone in the school regarding
5 this incident.'

6 And again, just pausing there, do you have any
7 reflection on the complaint that he's had little or no
8 contact with the school?

9 MS CHETTY: It would surprise me. It wouldn't be
10 a situation on which I would -- I would have no contact
11 with the families connected to an event like that.

12 MS INNES: And then his first question is:

13 'Why, when this person has assaulted another pupil
14 in the school previously to this incident, was he
15 allowed to stay unsupervised in the Hostel with access
16 to other vulnerable pupils?'

17 So I think that's perhaps reflecting on some of the
18 material that we've looked at in terms of previous
19 allegations against PWU .

20 And do you have any comment on the validity of the
21 father asking this question?

22 MS CHETTY: I could absolutely understand why he's asking
23 that question.

24 MS INNES: And then in the final -- there's a- at
25 the paragraph beginning 3, he says:

1 'When Mrs Thomson called to tell me what had
2 happened, she didn't know quite what to do. Surely
3 an immediate response should be to report such serious
4 allegations directly to the police. Also during this
5 conversation with Mrs Thomson, she said, and I quote,
6 "Isn't this something all boys do at this age?".

7 I think, for someone of her position within the
8 school, that comment was stupid, ill-informed, very
9 hurtful and very unprofessional and at such
10 a distressing time for 'Cosmo'. My son had been abused
11 in the school by another pupil and while reporting this
12 to me, Mrs Thomson comes out with something so
13 insensitive.'

14 So again, do you have any comment on what the father
15 says here?

16 MS CHETTY: I can absolutely understand why he said that and
17 would feel that way. It's not an appropriate comment.

18 MS INNES: And then I think, just for completeness, we have
19 the response from the board, over the page at page 2, 8
20 April 2003, and it says:

21 'I have ... '

22 This is from the secretary to the board, to the
23 father:

24 'I have received yesterday your unsigned letter of
25 12 March 2003 addressed to the board of governors of the

1 Royal Blind School.

2 'The directors have been kept fully informed of the
3 incident referred to in your letter and are satisfied
4 that the approved child protection procedures were
5 followed properly, along with the subsequent actions
6 advised by the police authorities.

7 'The school, as you know, is on holiday but I will
8 ask the principal to respond to the specific comments in
9 your correspondence on his return.'

10 And we know that this was then passed on to the
11 headteacher, but I don't think, within the documents, we
12 see any response or further follow-up from the
13 headteacher to the father? Is that your understanding
14 of the documents that you've been able to recover in
15 relation to this?

16 MR MURRAY: Yeah, I don't recall seeing the response in
17 there.

18 MS INNES: Okay. And do you have any comment on this
19 response to what the father has said?

20 MS CHETTY: It lacks the care and compassion and
21 understanding of the significance, I think. It's not
22 a response that I would give.

23 MS INNES: Now moving forward slightly in time, could we
24 look, please, at SGV-001033168.

25 And we see that this is a letter from January 2006

1 to HMIe and if we look down into the body of the letter,
2 this person says that she wishes to:

3 '... make a formal complaint to the Inspectorate and
4 bring to your attention my concerns over the treatment
5 of my grandson and incidents at the Royal Blind School
6 where he is a pupil.'

7 And it's then said on 20 January 2006:

8 'An alleged incident of a sexual nature involving my
9 grandson and another pupil occurred at the school. My
10 grandson was the victim during this assault and the
11 incident was, I am told, interrupted by an adult member
12 of staff. I was informed by the school but it was left
13 to me to contact the police and, through them, the
14 family protection unit who are now investigating and
15 have visited and interviewed my grandson at home.'

16 So here the grandmother seems to be suggesting that
17 she was the one that contacted the police; is that
18 something you would expect would happen?

19 MS CHETTY: No. No.

20 MS INNES: And then she goes on to refer to previous
21 incidents of a sexual and/or bullying nature, one where
22 her grandson was left with bruising on his neck:

23 'My understanding is that the family protection unit
24 was not contacted and my feeling is that the school did
25 not take these incidents seriously or investigated

1 fully. It is not clear what action the child protection
2 co-ordinator took. I have not been given or offered the
3 opportunity to see any of my grandson's records relating
4 to these incidents and I feel there is a fundamental
5 lack of communication, both within the school and
6 towards parents and guardians. When Mr McQuarrie, the
7 headteacher, visited me last week to allay my fears, he
8 admitted that he had not been informed or knew what was
9 already on file regarding these previous incidents.'

10 Do you have any comment in relation to the concern
11 raised here about the lack of communication within the
12 school?

13 MS CHETTY: I could understand why it's being raised.

14 MS INNES: And the headteacher doesn't seem to have a full
15 picture?

16 MS CHETTY: It's highly concerning.

17 MS INNES: And if we look on, please, to SGV-001033548, we
18 see here a note, and this is a note by a Lorna Walker
19 from HMIE, so in response essentially to the complaint
20 we've just seen. And it refers to this incident and
21 then it talks about action taken by HMIE, 3 February
22 2006. The writer contacted the principal,
23 Tony McQuarrie, to clarify the nature of complaint and
24 action taken by the school. Mr McQuarrie was himself
25 critical of the slow action taken by the school. This

1 included his head of care delaying until 4.00 pm in
2 responding to the report by a teacher at 12 noon on
3 Friday.

4 'At 4.00 pm, the Head of Care tried to contact the
5 boy's social worker in Linlithgow but she had left for
6 the day. The Head of Care didn't report the situation
7 to the on-call social worker. This resulted in no
8 social work action in respect of the case until ... '

9 It says Tuesday, 7 March but I think that must be
10 a mistake. It must be Tuesday, 7 February and the
11 school hadn't contacted the local authority or the
12 pupil's authority and if we then look down, there's
13 a paragraph beginning:

14 'The principal admitted that CP procedures hadn't
15 been effectively carried out. There were in place plans
16 for CP training the following week as part of the
17 school's response to the recent inspection
18 recommendation.'

19 So that seems to be something else that's going on,
20 but here the principal seems to be accepting that child
21 protection procedures hadn't been carried out, as they
22 ought to have been?

23 MS CHETTY: Yeah.

24 MS INNES: And then he says:

25 'Mr McQuarrie told the writer that he believed

1 another situation had arisen during the session with the
2 boy when he was a resident. He also said that
3 a previous manager had dismissed a similar incident as
4 horseplay.'

5 And I think this is something that we've seen in
6 a number of the documents, that things seem to be
7 horseplay or a prank or if boys will be boys; do you
8 have any comment in relation to that?

9 MS CHETTY: I agree. I feel the similar thread to what
10 I read.

11 MS INNES: And then Mr McQuarrie was told that his senior
12 managers:

13 'Needed to urgently review the action taken in
14 respect of this case so that procedures were
15 significantly improved.'

16 And do you know if action was taken after that?

17 MS CHETTY: I don't know.

18 MS INNES: Okay. Now, if we can look on, please, to
19 CIS-000010702, if we scroll down, this is an incident
20 dated 19 April 2006 and it says:

21 'Telephone call from Sarah Macintosh informing that
22 a pupil had been observed pulling down another pupil's
23 trousers in the corridor at lunchtime today. There was
24 a risk assessment in place for the alleged abuser as
25 there had been child protection issues in the past. He

1 was supposed to have a one-to-one, however one staff
2 member had failed to hand over to another staff member
3 and the pupil had been left unsupervised for a few
4 minutes.'

5 And then this, per -- Sarah, had informed the social
6 worker who was contacting the police. Sarah was going
7 to be contacting Martin Henry:

8 'The pupil is still at the school and is under staff
9 supervision.'

10 And then matters seemed to develop from there.

11 And I think there was a follow-up disciplinary
12 hearing in relation to the actions of the staff member;
13 is that your understanding?

14 MR MURRAY: Yes, it is.

15 MS INNES: Okay. And in terms of that disciplinary
16 follow-up, is the only information that you have in
17 relation to that what has been provided by the Inquiry?

18 MR MURRAY: Yes, it is.

19 MS INNES: You don't have anything from your own staff
20 records in relation to that?

21 MR MURRAY: We don't have anything additional, sorry.

22 MS INNES: Okay. Then if we can look on, please, to
23 SGV-001033534 and if we can look at page 29 of this, and
24 at the bottom of the page, at (ii). So this is in the
25 context of an Education Scotland report covering certain

1 material that they have and it says:

2 'Records between August and December 2011 show that
3 HM Inspectors were made aware of a complaint of alleged
4 rape of a pupil by other pupils at the Royal Blind
5 School. The records also refer to an alleged rape of
6 another pupil by the same individuals. The Care
7 Commission investigated and upheld a complaint from the
8 parent against the school that the school failed to
9 properly risk assess the behaviour of pupils and meet
10 their supervisory needs which resulted in a potential
11 risk to the complainant's son.'

12 And it says that the school was asked to make
13 changes to their child protection policy as a result of
14 this investigation:

15 'Two inspections were conducted by the Care
16 Commission ... which showed risk assessments were
17 completed and the requirements were met.'

18 So this is a summary, I think, of quite a lot of
19 material in relation to this complaint. I think the
20 parent involved her MP, for example, in following up on
21 this. And do you know if the alleged perpetrators of
22 this -- or the perpetrator of this allegation was the
23 same as the previous complaint that we've looked at or
24 do you not know that?

25 MR MURRAY: We don't know for certain. However, my

1 understanding, from looking at the information in the
2 pack and the information we've provided you with, is
3 that the perpetrators in this incident are the same as
4 the perpetrators from a 2006 incident, or at least one
5 of them, I think. There was two perpetrators in this
6 one and one of them was involved in a 2006 incident.

7 MS INNES: Yep, okay. So obviously in these -- at the
8 bottom of page 29, as we can see, a complaint was
9 investigated and upheld in relation to proper risk
10 assessment and meeting the supervisory needs of pupils.
11 Can you explain what that would mean?

12 MS CHETTY: I would assume would relate to the supervision
13 of the young people in question when the decisions have
14 been -- they require supervision at all time.

15 MS INNES: Okay. Now, I'm going to move back to your
16 Section 21 response. So ROB.001.001.0060 and at
17 page 48.

18 Now, if we look at 3.1, the question is:

19 'Does the organisation accept that between 1930 and
20 17 December 2014, some children cared for at the
21 establishment were abused?'

22 And in answer to that, there's reference to the
23 conviction of David Penman, and it refers to him having
24 been a devious sexual predator who took particular care
25 not to be caught by staff.

1 Do you know why reference was being made to him
2 being a particularly -- or a devious sexual predator who
3 took particular care not to be caught by staff?
4 MR MURRAY: I - I -- my understanding is that that is based
5 on the material that we were able to see, in particular
6 from media and also the in-court documents.
7 MS INNES: Okay. And then it's noted that the victims
8 hadn't reported these assaults in the intervening
9 31 years.
10 You've now seen the police statement of
11 Alison Thomson indicating that some report was made to
12 her by one of the people involved --
13 MR MURRAY: Yeah.
14 MS INNES: -- at the time.
15 And then it goes on:
16 'It's clear that a number of former pupils were
17 victims of serious sexual assault and rape by a former
18 fellow pupil.'
19 And that's in relation to the Penman conviction,
20 I think. It says:
21 'The organisation does not believe this reflects
22 systemic abuse, rather it was the criminal actions of
23 one individual. The organisation has publicly expressed
24 its sorrow to the victims.'
25 And then there's reference to the civil claim in

1 respect of Mr KNL that we've referred to already.

2 Now, as you've said earlier in your evidence this
3 morning, the organisation is aware of other material
4 that has been brought to your attention by the Inquiry.

5 What is the organisation's current position in
6 answer to this question? So does the organisation
7 accept that some of the children cared for at the
8 establishment were abused?

9 MR MURRAY: I think that, you know, that we would want to
10 amend this answer based on the additional information
11 that has been borne out through the process of this
12 Inquiry and you can see a little bit of that in our
13 response at section D -- Part D of the 21 Notice and
14 also in the addendums that we submitted in, I think it
15 was, 2024 where we draw particular attention to the
16 additional individuals that we have discussed here
17 today.

18 MS INNES: So PWU, Christopher Smyth, and more
19 recently Frank McGeachie?

20 MR MURRAY: Yes.

21 MS INNES: And then if we go on, please, to page 49, the
22 question here is:

23 'Does the organisation accept that its systems
24 failed to protect children cared for at the
25 establishment between 1930 and 17 December 2014 from

1 abuse?'

2 And the original answer was that:

3 'This is not accepted. There is no indication that
4 any systems failed to protect children. Subject to
5 comments made below with regard to vicarious liability
6 for the alleged actions of one individual, there is no
7 evidence of systemic failure.'

8 So what's the organisation's position in relation to
9 that question now?

10 MR MURRAY: I think that our position is that there was
11 abuse in the establishment between 1930 and December
12 2014 and again, you know, that's been borne out through
13 the discussion today and also the further responses,
14 erm, yeah.

15 LADY SMITH: You think that's your position or you --

16 MR MURRAY: Sorry, no, that is the position, yes, sorry.

17 LADY SMITH: Thank you.

18 MS INNES: So this question is going further than asking
19 just about did abuse happen, this is asking about were
20 there failures in systems?

21 MR MURRAY: I think that there were systems in place and the
22 systems have failed to -- it's maybe not so much the
23 systems but the use of those systems. So, you know, if
24 we think of the design and the implementation of
25 a control, the implementation of particular risk

1 assessment controls have not proven to be effective in
2 this case.

3 MS INNES: Do you know if there were systems in place, for
4 example, around risk assessment?

5 MR MURRAY: Everything that we know is in the pack today, so
6 my understanding is the same as your understanding of
7 what was in place.

8 MS INNES: Okay. If we move on to page 50 and
9 paragraph 3.3, the question there is:
10 'Does the organisation accept that there were
11 failures or deficiencies in its response to abuse and
12 allegations of abuse?'.
13 And the answer there is that:
14 'The organisation received no allegations of abuse
15 ...'.
16 Over the relevant period, and then it says:
17 'In the circumstances, the organisation does not
18 believe that there were failures or deficiencies in its
19 response to any allegations.'
20 So what's the organisation's answer to that question
21 now?

22 MR MURRAY: Yeah, again, I think -- I know we were going to
23 update that. So with hindsight and my own reflection,
24 we've seen the papers, that there were individual
25 failures to follow processes and people didn't follow

1 those processes appropriately as they should of. So
2 we -- we -- yes, there were failures and deficiencies in
3 response to the allegations.

4 MS INNES: And then at the bottom of this page, at
5 paragraph 3.4, it's asked: to what extent has the
6 organisation implemented changes to its policies or
7 procedures and practices as a result of its
8 acknowledgement in relation to 3.1 to 3.3 above? And
9 the answer to that at the time was not applicable.

10 Now, having considered the further evidence, do you
11 consider that there are any lessons to be learned from
12 the material that you've reviewed for the purposes of
13 giving evidence, for example?

14 MR MURRAY: Yes, absolutely. I think as an organisation, we
15 look forward to the report that will follow on from this
16 and we will be conducting a lessons-learned exercise in
17 response to your findings. I do want to say though
18 that, you know, reading her response there is not
19 applicable, I think that -- I wouldn't want to suggest
20 that we'd not made any changes in the period that this
21 Inquiry covers, you know. Hopefully you have seen today
22 from our responses and the documents that we have
23 submitted that there is a much more robust system of
24 controls in place now than there was at start of this
25 Inquiry period.

1 MS INNES: Lucy, do you want to add to that?

2 MS CHETTY: Yes, I just want to add, I suppose, in terms of
3 policy procedure but also practice and how we understand
4 the training, the support of our staff that we bring in,
5 how we make sure we are attuning to the young people we
6 support and we work in a very different way now.

7 MS INNES: Thank you. I have got no more questions for you.

8 LADY SMITH: Thank you very much.

9 Ross, Lucy, I've got no more questions for you
10 either. I just want to thank you again for coming here
11 this morning to assist us with the evidence in relation
12 to the residential care provided for these children.

13 As I said at the beginning, I do appreciate you've
14 had a tall order in having to absorb the history and the
15 documents, particularly the ones we provided to you,
16 that you didn't have. But I'm grateful to you for
17 having done that.

18 At one point, Ross, I think you said you would like
19 to amend your Part D response, perhaps, if there are
20 changes you'd like to make, you could provide
21 a supplementary Part D.

22 MR MURRAY: Yeah, absolutely. We'd be happy to do that.

23 LADY SMITH: That would be very helpful, thank you.

24 Otherwise, you are free to go.

25 (The witnesses withdrew).

1 LADY SMITH: So we have a witness, I think, ready for
2 2 o'clock; is that right, Ms Innes?
3 MS INNES: That's correct, my Lady.
4 LADY SMITH: Before I rise, there's a couple of names I want
5 to mention. We referred to a Mr KNL and he's -- his
6 identity is presently covered by my General Restriction
7 Order and he shouldn't be identified outside this room
8 as having been referred to in our evidence.
9 Separately, we used PWU's name and for
10 the time being, please treat him and his identity in the
11 same way. If that changes, I'll make sure the people
12 know that. Thank you.
13 (12.44 pm)
14 (The luncheon adjournment)
15 (2.05 pm)
16 LADY SMITH: Good afternoon.
17 Now, Ms Innes, we have a witness ready, I think, do
18 we?
19 MS INNES: We do, my Lady. The witness this afternoon has
20 the pseudonym 'Cosmo'.
21 'Cosmo' attended the Royal Blind School from 1991,
22 when he was aged 4, until 2005, when he was aged 18.
23 Your Ladyship has already heard evidence -- and
24 perhaps if we could look at JUS-000000230 -- of the
25 conviction of PWU in and, if we

1 scroll down, we can see he has a conviction of sexual
2 assault in respect of 'Cosmo' and he was sentenced to
3 a two-year period of probation in respect of that
4 offence.

5 LADY SMITH: Thank you.

6 'Cosmo' (affirmed).

7 LADY SMITH: 'Cosmo' I think your dog is called [REDACTED] have I
8 got that right? Would you and [REDACTED] like to sit down and
9 make yourselves comfortable. 'Cosmo', welcome to the
10 Scottish Child Abuse Inquiry.

11 I'm Lady Smith. I chair the Inquiry and I'll be in
12 charge of the proceedings this afternoon.

13 What I want to do first is explain one or two things
14 to you. I know that you may be able to see a little of
15 what we put on screen, if we maximise it for you. You
16 guide us as to whether it's any use or not or whether we
17 think we can get it larger, because obviously I fully
18 appreciate the limitation of your vision and I'll do my
19 best to take that into account.

20 A. Thank you.

21 LADY SMITH: I want to explain a couple of practical things
22 to you. I think you've been shown the layout of the
23 room before and you may have got a bit of a feel of
24 that, but I want to confirm some things.

25 I will remain where I'm seated and that's at the

1 front of the room, a bit to your left, not directly, but
2 diagonally to your left. That's it. And diagonally to
3 your right is [REDACTED] who has come with you today to support
4 you. It's important that you know where he is. If you
5 want to call on [REDACTED] for any assistance at any time,
6 don't hesitate to do so.

7 And directly in front of you, is Ms Innes. You've
8 got her. That's correct. The main voices you'll be
9 listening to are mine and Ms Innes.

10 There are two people I've not introduced you to yet
11 and they're immediately to the left of you. These two
12 people are stenographers. They're making a transcript
13 of the evidence. Occasionally they intervene to say
14 something, which may be as simple as asking you to get
15 closer to the microphone or move further away from it or
16 it may be they've got a query about something. So if
17 you hear a voice from over there, it will be one of
18 them. Does that make sense?

19 A. Yes.

20 LADY SMITH: Good.

21 Otherwise, if you've got any questions at any time,
22 please don't hesitate to speak up and tell us. It's
23 important that we know what's working for you and what's
24 not working for you.

25 So far as breaks are concerned, if you or [REDACTED] need

1 a break at any time, do let me know. I always take
2 a break at around 3 o'clock in the afternoon, so that's
3 about 50 minutes from now, but -- we'll try and run to
4 that, but if you want a break before then, just say. Is
5 that all right?

6 A. Yep, that's fine. Thank you.

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

9 A. I'm ready.

10 LADY SMITH: Ms Innes.

11 Questions by Ms Innes

12 MS INNES: Thank you, my Lady.

13 Good afternoon, 'Cosmo'. It's Ruth Innes speaking.
14 As you know, I'm standing opposite you and I'm going to
15 be the one who will ask you most of the questions this
16 afternoon.

17 First of all, I want to refer to your -- the
18 statement that you've given to the Inquiry and I'm going
19 to give the reference number for that, it's
20 WIT-1-000000645.

21 And I think, if we look to the final page of this
22 statement, and you might be able to see, I think, maybe
23 just at this point, that it says:

24 'I have no objection to my witness statement being
25 published as part of the evidence to the Inquiry.

1 I believe the facts stated in this witness statement are
2 true.'

3 And we can see a date there which is quite small, 25
4 March 2021, and there's a bit that's blanked out there
5 and that, I think, is your signature, and I understand
6 that you met with members of the Inquiry team on three
7 occasions in 2021 and that was for the purpose of giving
8 and reviewing your statement.

9 And on 25 March, as we see here, your statement was
10 read over to you by a member of the Inquiry team and, at
11 that time, you confirmed that you were happy that it was
12 accurate and you signed it electronically; does that
13 seem right to you?

14 A. That's correct, yes.

15 Q. Okay, thank you. Now, I'm going to be giving some
16 paragraph numbers so people can follow along with your
17 statement, but if there's things that I'm reading out
18 from your statement, I'll read them to you, if that's
19 okay?

20 A. That's fine.

21 Q. So you tell us at the beginning of your statement that
22 you were born in 1987; is that right?

23 A. That's correct, yes.

24 Q. And you tell us at paragraph 4 that you were born
25 prematurely with a visual impairment; is that correct?

1 A. Yes.

2 Q. And you then go on in your statement to tell us at
3 paragraph 7 on page 2, that when you were about to go to
4 nursery, your dad heard about the Royal Blind School and
5 you started going there; is that right?

6 A. Yeah.

7 Q. And do you know why it was that he thought that the
8 Royal Blind School might be a good option for you?

9 A. Back in those days the availability of specialist care
10 for people with disabilities was very few and far
11 between and we had just moved up from London not long
12 ago and he'd heard about this, so he thought it of best
13 placed to be at the blind school.

14 LADY SMITH: 'Cosmo', you may remember that I said you may
15 be asked to move either a little bit more away or a bit
16 closer. Try there.

17 A. Is this better?

18 LADY SMITH: Yes, that's sounding good, just don't get any
19 closer than that. Thank you.

20 A. Cool. Apologies.

21 LADY SMITH: No, there's no need to apologise. I don't
22 expect you to be an expert in the use of microphones.
23 Ms Innes.

24 MS INNES: Thank you, my Lady.

25 So you tell us that you started attending the

1 Royal Blind School and I think that was at
2 Craigmillar Park?

3 A. It was, yes.

4 Q. And you attended there from when you were in nursery
5 right through until you left school at the age of 18?

6 A. That's correct, yes.

7 Q. Now, in your statement, you tell us a lot about the
8 building and the way in which it was laid out, and you
9 say that the main building was huge. Can you remember
10 how that felt when you went into the building and
11 started moving around in it?

12 A. Erm, well, the building changed many, many times over
13 the years, but from being a child, it was quite big and
14 as you grew up, you just became normalised to that
15 building. Erm, not much changed on the main part.
16 There was only minor renovations, but I can remember
17 everything to this day, how that building was laid out.

18 Q. Yes, and you've given us a very clear description in
19 your statement of the way in which it was laid out, and
20 I just want to ask you a couple of things, if you'd
21 maybe just confirm or tell us about.

22 It looks like there were classrooms and residential
23 areas in the main building?

24 A. Yeah.

25 Q. And were those classrooms for secondary education or for

1 primary education?

2 A. For secondary.

3 Q. And was the primary classroom in a separate building?

4 A. The primary was on the -- I could only describe it as it

5 looked like a greenhouse extension built on to the back

6 of and side of the building.

7 Q. Okay, and you tell us that some of the parts of the

8 building were named after islands?

9 A. Yep.

10 Q. Was that the residential areas or the classrooms?

11 A. That's more aimed at the residential areas.

12 Q. Okay, and you tell us at page 4, in paragraph 21 of your

13 statement, that in the grounds of the school, there was

14 a residential building for primary schoolchildren?

15 A. Yeah, that would have been -- you've got the

16 Barrie House, the old Barrie House for nursery and then

17 you had --

18 Q. I think it's Drever House or --

19 A. Drever House, that's the one.

20 Q. And so was that a residential building for primary-aged

21 children?

22 A. It was, yeah.

23 Q. Okay. And then you also tell us that there was

24 something called the Hostel?

25 A. Yeah.

1 Q. What was that?

2 A. That is for people, adolescents up, that gives them the
3 opportunity to have an independent living with slight
4 care staff assistance, so you would have maybe three
5 members of care staff on for the whole of the Hostel.

6 Q. Okay, and how many people would have been -- how many
7 children would have been in the Hostel; do you remember?

8 A. I'm sure, off the top of my head, it could hold 12 max.

9 Q. Okay, and you say that's somewhere where you would go
10 when you were a bit older?

11 A. Yeah.

12 Q. Roughly what age would you have been or what class in
13 school?

14 A. Oh, must have -- must have been around the 14 range.

15 Q. Okay, right.

16 Now, moving away from the actual accommodation, you
17 have told us about the other children who were in the
18 school and you say that the age range of students at the
19 school was right from nursery, as when you went to
20 nursery, up to, in some cases, about 20 years old, so
21 people seemed to be staying there beyond the end of
22 school?

23 A. Yeah, it all depended -- as far as I was led to believe,
24 it all depended on the educational needs of that
25 individual or the independence.

1 Q. Okay, and you've also told us that the boys and girls
2 had some visual impairment, but there was a range of
3 different needs that the children had?

4 A. Yeah, that would be correct.

5 Q. And you say that some people, like yourself, were
6 perfectly able and some people had physical or learning
7 disabilities?

8 A. They did, yes.

9 Q. Now, when you were at the school, were you a day pupil
10 or did you stay overnight?

11 A. I stayed overnight one night a week.

12 Q. And was that when you were at primary school or was that
13 when you were a bit older?

14 A. I think it started from when I was about the 12 mark.

15 Q. Okay, and why was it that you started staying overnight?

16 A. I, er, had athletics. I was a [REDACTED]
17 champion athlete and, Monday nights, they would use the
18 Meadowbank Stadium for training.

19 Q. So was it better to stay in the school and go to
20 training and stay overnight, rather than trying to get
21 back home?

22 A. Yeah, it was. The training would have, er, would have
23 been around about the 5 o'clock mark until about the --
24 I'm sure it was 6.30.

25 Q. Now, at the bottom of page 5, at paragraph 57, you say

1 that --

2 LADY SMITH: Paragraph 27?

3 MS INNES: Paragraph 27 at page 5, yes.

4 LADY SMITH: Yes, thank you.

5 MS INNES: You refer to a headteacher called Mr Tansley, who

6 was there when you were there?

7 A. Yes.

8 Q. What was he like?

9 A. He was not only a headteacher, but he would come across

10 as a close family friend. He wanted that connection

11 with his pupils, with trust. Erm, he was probably one

12 of the best headteachers we had in my time that I was at

13 that school.

14 Q. Okay, and you said your father had a good relationship

15 with him?

16 A. As far as I'm aware, yes.

17 Q. And then you go on in your statement to refer to

18 a person who you say in your statement was called

19 Margaret Thompson. I think we know that the vice

20 principal of the school at the time was called

21 Alison Thomson?

22 A. That would be correct, yes.

23 Q. So maybe there's somebody else called Margaret at the

24 school?

25 A. Yeah, she was a classroom assistant.

1 Q. Okay, so when you're talking about somebody called
2 a Ms or Mrs Thomson that's in charge, that's not the
3 classroom assistant, it's Alison Thomson; is that right?
4 A. Yes.
5 Q. And what was your impression of her?
6 A. Oh, erm, she was all -- growing up and seeing how she
7 had interacted with the school, interacted with the
8 pupils, and the way she was with me after or before, two
9 different people.
10 She came across as a caring person, very busy, as
11 you would expect, deputy head. Erm, she would try and
12 make time for the pupils, erm, but there was somewhat
13 lacking after the incident.
14 Q. Okay.
15 Now, if I can ask you just a little bit about your
16 time at primary school. Again, very generally. How did
17 you get on at primary school?
18 A. From what I could remember from primary school, it was
19 brilliant. Erm, there wasn't much of an issue at all.
20 I would always go home happy or I'd always have
21 something to take back to my dad about: 'We done this
22 today', things like that, just a general what I would
23 class as standard living. Erm, no different to anyone
24 else with or without a disability.
25 Q. And then you moved on to secondary school and at the

1 beginning of your time there, how did you get on at
2 secondary school?

3 A. Secondary school was good, erm, for a couple of years.
4 Er, same situation, there was a couple of incidents that
5 happened that were quite scary, erm, that were reported,
6 but it was a general same again, no different to any
7 other school or being around anybody any different.

8 Q. And when you say that there were a couple of incidents
9 that were reported that were quite scary, were these
10 incidents that you reported or other people reported?

11 A. Er, that they reported, along with my help.

12 Q. Okay, and were these incidents -- did they involve the
13 same PWU as well or not?

14 A. Yes.

15 Q. Okay.

16 Now, I'm just going to ask you a bit more about
17 secondary -- your time at secondary and where you lived.

18 So when you began in secondary school and you
19 started staying overnight, where were you staying in the
20 school?

21 A. Er, originally I was staying on Arran, second floor, er,
22 and they decided for a short period of time, erm, that
23 I was eligible for going to Tiree, I think it was, and
24 then once I had moved from Tiree, I got moved to the
25 Hostel, which gives you full independence.

1 Q. Okay. And you said earlier in your evidence that you
2 thought there were about 12 pupils in the Hostel; was
3 that -- or it had capacity for 12. Can you remember if
4 there were 12 people staying there when you were there?
5 A. I don't think there was 12 people, but it does have the
6 capacity for about 12.
7 Q. Okay. How many people do you think were staying there?
8 A. Eight to ten.
9 Q. Okay.
10 (Pause)
11 A. Apologies.
12 Q. That's okay.
13 And when you were in the Hostel, did you share
14 a room with anybody or not?
15 A. The first room I shared with was with, er -- yes, so
16 there would be two people that I shared with in two
17 different dorms.
18 Q. Okay, and were you always sharing a room or sometimes
19 was your roommate away?
20 A. Sometimes my roommate would be away because they've gone
21 to what we would call the independence flat, which is in
22 the main building of Craigmillar Park for full
23 independence to give pupils the freedom and full
24 independence and experience of living by theirselves.
25 Q. Okay. So sometimes would you be on your own in the

1 room?

2 A. Yes.

3 Q. And you mentioned, I think, in your evidence earlier

4 that there were maybe around three staff in the Hostel?

5 A. As far as I could remember off the top of my head, yes.

6 Q. Okay, and did they stay overnight in the Hostel?

7 A. There was the day shift which roughly had three people

8 and I think died off to two at 6.00 and one would be,

9 er, overnight for sleeping for anything else and one

10 would stay up the whole night in case anybody needed

11 anything of general assistance.

12 Q. Okay.

13 Now, at paragraph 39 of your statement, you say:

14 'The staff were there for support if we needed it in

15 day-to-day life, or if we had any concerns. They looked

16 after our general welfare, but in the main we were just

17 left to our own devices really.'

18 A. Yes.

19 Q. So what do you mean by that?

20 A. So we could sit in the living room and chill, watch TV.

21 We could go to our own rooms and, back then, listening

22 to music, erm, or we could go out to the shops or down

23 to the local shopping centre.

24 Q. And did you have much to do with the staff when you were

25 staying in the Hostel?

1 A. (Pause)

2 Sorry, could you repeat the question?

3 Q. That's okay. Did you have much to do with the staff

4 when you were in the Hostel? Did you form relationships

5 with them?

6 A. There was one that I had. She was what's known as a key

7 worker, and a key worker would have about three or four,

8 potentially five, pupils on the book and they would give

9 you general support, one-to-one, and ask if everything's

10 okay, erm, make sure that your general wellbeing was

11 adhered to.

12 Q. Okay, and how did you get on with your key worker?

13 A. Key worker, she was good, erm, and I would say, after

14 the incident, I didn't see much point in speaking with

15 key workers or teachers or anything like that, but some

16 of the staff there did try their best to help and

17 support when needed.

18 Q. Okay, and when you say that you didn't see much point in

19 speaking to them after the incident, why not?

20 A. Further to the statement, further going down, erm,

21 I felt I wasn't believed at the point of reporting the

22 incident in question.

23 Q. Okay. Right, we'll come back to that just in a minute.

24 As you say, it's a wee bit further on in your statement.

25 Now, at paragraph 47, you tell us that up until you

1 were about 15, you think things were going quite well
2 academically at school?

3 A. Yes.

4 Q. And then after you were 15, it all went downhill?

5 A. Yeah.

6 Q. Is that after the incident?

7 A. Yeah.

8 Q. You've already told us that you also took athletics
9 quite seriously and you were good at that?

10 A. Yeah.

11 Q. At paragraph 53, on page 10 of your statement, you talk
12 about external inspections, and you say that:

13 'Every now and then, external inspectors would come
14 to the school.'

15 What can you remember about these inspections?

16 A. Women and men in suits. Erm, we were prewarned. We
17 helped tidy and make sure classrooms were as neat and
18 tidy as it can be, along with the main cleaning staff
19 doing the rest of the job. Erm, when the inspection
20 days came, we were told to only speak if you are spoken
21 to and if you say anything untoward, you'll be dealt
22 with accordingly.

23 Q. And who would say that sort of thing to you?

24 A. Mostly, er, the -- some of the teachers, erm, but
25 head -- deputy heads.

1 Q. Okay, and when you say that they would say if you say
2 anything untoward you'll be dealt with accordingly, did
3 you understand what that meant?

4 A. Not at the time and I still to this day don't understand
5 what the repercussions would have been.

6 Q. Can you remember any of the inspectors speaking to you
7 when they were in the school?

8 A. No. They would only peer through the -- every door in
9 the classrooms were fire doors with a small, erm --
10 small glass window and they would peer through. The
11 occasional time, very occasional time, they would come
12 in and watch, for example, us playing music in the music
13 class, but again we weren't allowed really to say much.

14 Q. Okay. Now, you then go on in your statement to talk
15 about the abuse that you experienced when you were at
16 the Royal Blind School and I think you've been referring
17 to this in your evidence as 'the incident'?

18 A. Yes.

19 Q. You've told us in your statement in some detail about
20 what happened and I don't know whether you feel able to
21 say anything about that today or whether you want us
22 just to refer to what you said in your statement?

23 A. I would kindly ask to refer to the statement, please.

24 Q. Okay, thank you.

25 Now, we know that you reported what happened to you

1 and I think after -- or shortly after the incident
2 happened, if we look at page 12 and paragraph 66, you
3 talk about being unable to sleep in the immediate
4 aftermath of the incident?
5 A. Mm-hmm.
6 Q. And you couldn't sleep and you went downstairs and there
7 was a member of the night staff on --
8 A. Correct.
9 Q. -- who you say was watching the news and I think you
10 tell us you had a brief conversation with her?
11 A. Yeah.
12 Q. And she said to you: 'Can you not sleep?'. And you said
13 that you couldn't sleep and you didn't look at her and
14 she carried on with whatever she was doing?
15 A. Yeah.
16 Q. And did she ask you anything more about why you were up
17 or anything?
18 A. As far as I could remember, no. Erm, all she asked was
19 if I would like a cup of tea, coffee, politely took
20 a coffee and then headed back upstairs.
21 Q. Okay, and you say at paragraph 67 of your statement that
22 you don't really blame her. You never really spoke to
23 her much anyway, but she was care staff and you think
24 she should have noticed something was wrong?
25 A. She should -- I feel that she should have, erm, yes,

1 'cause back then I was generally a happy, bouncy, joyful
2 person, over-the-top joyful.

3 Q. Okay. And then going on to page 13 of your statement,
4 you talk about the next day and you talk about going
5 swimming with one of your pals and he took you aside and
6 asked you what was wrong?

7 A. Yeah.

8 Q. So had he noticed this change in your character?

9 A. Yeah, he did. Erm, he approached me whilst we were in
10 the pool, erm, and I dismissed and carried on with the
11 lesson and then when it came to changing, I wouldn't get
12 changed and I said I would meet them out there and he
13 noticed it -- there was definitely something wrong. So
14 he pushed a little and I confided in him on what the
15 incident, had happened.

16 Q. Okay, and what was his reaction?

17 A. Shock, horror, erm, fear, disbelief. Erm, he
18 immediately went to speak -- said that he would speak to
19 the swimming coach and the swimming coach, I think,
20 phoned up Ms Thompson and said that I needed to speak to
21 them and from the pool, erm, he walked me up to
22 Ms Thompson's office.

23 Q. Okay, and did you feel able to tell Ms Thompson what had
24 happened?

25 A. At the time, no, I was scared to, erm, as anybody would,

1 scared --

2 LADY SMITH: Can you remember what it was that you were

3 scared of?

4 A. Not being believed. Shame.

5 MS INNES: And when you told her what had happened, did you

6 feel that she believed you?

7 A. Not in the slightest.

8 Q. Are you able to tell us what gave you that feeling?

9 A. For the simple fact she phoned up my dad. She was --

10 when I first initially told her, she didn't have much of

11 a reaction. It was more a case of a: oh, panic, like

12 she just lost her phone. That's the only way I can

13 describe it to this day.

14 Erm, and then when she got onto the phone to my dad,

15 and the words that she said after my dad's panic proved

16 my point.

17 Q. Okay. Were you there when she phoned your dad?

18 A. Yes.

19 Q. Okay, and what did -- can you remember hearing what she

20 said to your dad?

21 A. The only thing I can remember is her being scared, there

22 was tremor in her voice. My dad saying that, erm, after

23 hearing what's happened, for my dad to turn round and

24 say: 'You need to phone the police, you need to phone

25 the police'. And then the words -- the words still

1 haunt me today: 'There's no need to get the police
2 involved, Mr [REDACTED]. Isn't this what boys this age
3 do?'. And I can still hear it in her voice.

4 Q. And did she call the police, do you know?

5 A. Reluctantly, after my dad, because my dad said: 'If you
6 don't, I -- excuse my language -- fucking will'. That's
7 what my dad said.

8 Q. And did your dad come and get you from the school or did
9 you go home?

10 A. They -- they organised -- they phoned the taxi that has
11 the contract to pick us up and drop us off from and to
12 school. Erm, they phoned for my usual taxi to come back
13 and pick us up and through that whole journey I was just
14 silent in the back --

15 Q. And did...

16 LADY SMITH: So, just to be clear, 'Cosmo', it's Lady Smith
17 speaking, they sent you home in a distressed state on
18 your own in the taxi?

19 A. Yes. There was no childminder. It was just myself and
20 the taxi driver.

21 LADY SMITH: They didn't suggest to your dad they'd send
22 a taxi to get him so that he could come and collect you?

23 A. You would think they would, but, no. Erm, to which
24 I then had the police greeting me when I get home.

25 LADY SMITH: Thank you. Ms Innes.

1 MS INNES: Thank you, my Lady.

2 So you tell us that you spoke to the police about

3 what happened and you tell us in your statement that you

4 had to stay at home for a little while after this had

5 happened?

6 A. Correct, for around about a week.

7 Q. And did you know if PWU was still at the

8 school or not at that time?

9 A. When I first had time off, the first two days, I didn't

10 know nothing. Third day, I phoned Isla, one of the

11 floors, to speak to my girlfriend at the time, and she

12 was asking what's going on? I turned round and said I

13 couldn't tell her, erm, and I asked if the accused was

14 still at the school and she replied: 'Yes, why?'.

15 And then, once I had gone back to the school, I had

16 found out that he had been at that school from the

17 Monday, when the incident happened, to the Friday, when

18 he gets picked up to take him home.

19 Q. Okay, and how did you feel about him still being at the

20 school when you were at home?

21 A. Angry, erm, scared for the other pupils. Erm, again,

22 disbelieved.

23 Q. And then you tell us that you then went back to school,

24 by which time PWU was no longer there?

25 A. Correct.

1 Q. And after -- when you got back to the school, you
2 describe being met, I think, by some of the staff
3 members, when you went back. What was their reaction
4 when you arrived back at the school?

5 A. There was Ms Thompson, there was the transport executive
6 and Carrie Mannion. They greeted me asking me how
7 I was, 'Can we have a talk?', erm, just to make sure
8 that I'm okay. I'm sure I said 'yes' for five minutes
9 and then I had to go back to school, but it wasn't
10 generally deep like: 'Look, we know what's happened
11 here, talk to us'.

12 It was -- to me, after everything that happened, it
13 felt more of a brush-off, like: 'How are you?'. General
14 chit-chat.

15 Q. And then you say in your statement at paragraph 81, you
16 refer to the conversation your dad had had with
17 Ms Thompson, that had put your guard up, and you say:

18 'I knew their game so I didn't complain. Every day
19 they would ask how I was doing, but I said nothing.'

20 So when you say 'I knew their game', can you explain
21 what you mean?

22 A. From the off, my guard was up and I could not drop that
23 voice in my head of what she said and to me, as time
24 went on, it was clear that they didn't want to
25 acknowledge. They wanted to try and sweep it under the

1 carpet with very minimal fuss.

2 Q. And you go on in your statement, at paragraph 82, to

3 tell us that the story went into the press?

4 A. Yeah.

5 Q. And then you say that the whole school got called into

6 an assembly and Ms Thompson told you that there had been

7 an incident but you weren't to speak to anybody?

8 A. Yeah.

9 Q. And what was your reaction to that?

10 A. Shock. Erm, they -- again, another -- another cover-up.

11 They told anyone in the assembly that if anyone was

12 caught speaking to the press, that they would be

13 suspended.

14 The press were hanging outside the -- out the gates,

15 so we weren't really allowed to go very far for a good

16 week or two. Erm, and I -- I was just in shock that

17 they wanted to try and have a mass cover-up. Parents

18 were told that there was an incident between two pupils,

19 erm, but word soon spread.

20 Q. So when you say word soon spread, did people find out

21 that you were involved in the incident?

22 A. Yeah. My -- the friend that I confided in, er, spoke to

23 the press, as far as I'm led to believe.

24 Q. Okay. And how did that make you feel at the time?

25 A. Angry, erm, and again it throws another negative into

1 life of: 'Well, I can't trust no one'.

2 Q. At page 15, in paragraph 83 of your statement, you talk

3 about losing it in the assembly room and started -- you

4 said that you started shouting and you were ushered out

5 shouting: how dare you cover this up, parents have

6 a right to know, and things along those lines?

7 A. Yes. Not my proudest moment.

8 Q. And what was Ms Thompson's reaction to that?

9 A. She -- once -- once she'd come through, she says:

10 'I understand why you're like this. I understand why

11 you're angry, but this is not the way to do it. There's

12 other ways and channels to go round it'.

13 Q. Okay. Now, you tell us in your -- in paragraph 84 of

14 your statement that your dad had written a letter to the

15 board of governors?

16 A. Correct.

17 Q. And if we could look, please -- I'm just going to give

18 a reference here 'Cosmo', so it's ROB-000000067 and this

19 is the letter that your dad wrote and I'm just going to

20 read it out to give you the chance to comment on it. So

21 it was addressed -- it was dated 12 March 2003,

22 addressed to the board of governors, and he refers to

23 what had happened and he said that:

24 'Since this time, I have had little or no contact

25 from anyone in the school regarding this incident.'

1 So can you remember that your dad was unhappy about
2 the communication between him and the school?

3 A. I remember having conversations on the phone every time
4 there was an argument between me and Ms Thompson. And
5 I remember him sending something, but he never told me
6 what.

7 Q. Okay. So he asks -- he says he has a number of
8 questions that need to be answered. And his first
9 question in this letter is:

10 'Why, when this person has assaulted another pupil
11 in school previously to this incident, was he allowed to
12 stay unsupervised in the Hostel with access to other
13 vulnerable pupils.'

14 So by this stage it looks like your dad has heard
15 that the person who assaulted you also assaulted
16 somebody else?

17 A. Yeah.

18 Q. And had you also found that out?

19 A. I found that out through two friends. Erm, they both
20 confided in me and we both reported it. There was one
21 when we were on a trip to Birmingham, that he confided
22 in me, and then there was another in the Hostel,
23 I think.

24 Q. Okay. And then the next question that your dad asks is:

25 'Why, when "Cosmo" reported this incident to

1 a member of staff on the Tuesday, did it take until the
2 Friday for the person involved only being suspended
3 pending enquiries.'

4 And then he says:

5 'This obviously had a very negative effect on [you]
6 having to pass your abuser in school.'

7 But I think, from what you've said, you weren't back
8 in school with him for some time?

9 A. Yeah, I have a feeling my dad was referring to friends
10 passing him in the corridors and such.

11 Q. Then at question 3, he says:

12 'When Mrs Thompson called to tell me what had
13 happened, she didn't quite know what to do.'

14 Was that your impression of her at the time?

15 A. 100 per cent.

16 Q. He then says:

17 'Surely an immediate response should be to report
18 such a serious allegation directly to the police.

19 'Also, during this conversation with Mrs Thompson,
20 she said -- and I quote -- isn't this something all boys
21 do at this age. I think for someone of her position
22 within the school that this comment was stupid,
23 ill-informed, very hurtful and very unprofessional and
24 at such a distressing time for my son. My son had been
25 abused in school by another pupil and while reporting

1 this to me, Mrs Thompson comes out with something so
2 insensitive.'

3 And does that reflect what you heard in the phone
4 call at the time?

5 A. Yes.

6 Q. And he says:

7 'There are other questions I will wish to ask at
8 a later date but for now these are the most important
9 and require your immediate attention.'

10 So that seems to be the letter from your dad at the
11 time.

12 And if we can go on to the next page, please. We
13 have got a response from the board of governors and it
14 says to your dad:

15 'I have received yesterday your unsigned letter of
16 12 March 2003 addressed to the Board of Governors of the
17 Royal Blind School.

18 'The directors have been kept fully informed of the
19 incident referred to in your letter and are satisfied
20 that the approved child protection procedures were
21 followed properly, along with the subsequent actions
22 advised by the police authorities.

23 'The school, as you know, is on holiday but I will
24 ask the principal to respond to the specific comments in
25 your correspondence on his return.'

1 LADY SMITH: 'Cosmo', it's Lady Smith speaking, welcome
2 back. Are you ready for us to carry on and finish your
3 evidence?
4 A. Yes.
5 LADY SMITH: Thank you. Ms Innes.
6 MS INNES: Thank you, my Lady.
7 It's Ruth Innes speaking again, 'Cosmo', and if we
8 can look, please, at paragraph 85 of your statement, on
9 page 15, you talk about the aftermath of the incident
10 and you say that after all of that, something just
11 clicked inside you and you've already said that things
12 went downhill for you after the incident.
13 How did they go downhill?
14 A. I first turned to drink. So I would fill up a bottle --
15 a water bottle with -- diluting juice and rum and just
16 sip on that through the whole day of school, just to get
17 me by.
18 Erm, I would not answer the door to the taxi when it
19 picked me up so then I wouldn't actually go into school.
20 Er, I had no interest of being there. Er, when I was
21 there, my workload just didn't exist. There was a time,
22 er, when I was in music, er, the teacher got a little
23 frustrated and said: 'Well, you've had this work for
24 a couple of weeks now and you've not done it, so I don't
25 see why I should bother'. So he left me to my own

1 devices to the point where I would just -- dawdling
2 around in the music class until I left school.

3 Q. And music was something that you'd enjoyed before and
4 been good at?

5 A. It was a passion, yes.

6 Q. And how did the school react to, for example, finding
7 out that you were taking alcohol into the school?

8 A. I got questioned on it, erm, and being the state I was,
9 I denied it, but they could -- they could see it, erm,
10 and they never really caught me as such.

11 They thought for one point I was sniffing glue.
12 Erm, they found a can of lighter fluid, gas, sorry,
13 under my bed, just to refill my lighters, erm, and they
14 assumed that I was putting a sock over that and inhaling
15 it, to which I gladly denied.

16 Q. And were you offered any specific support or
17 counselling, can you remember, by the school?

18 A. None. Not once.

19 Q. Do you think that would have made a difference?

20 A. I believe it would of.

21 Q. And if we move on in your statement to page 17 and
22 paragraph 96, you talk about the school's reaction and
23 you say:

24 'I believe that as a result of the school's reaction
25 to what happened and the lack of support that there was,

1 my education suffered.'

2 A. Correct.

3 Q. And did that then have an ongoing impact on your life

4 after school?

5 A. It did, yeah. Erm, I -- once I left school, I, er, was

6 drinking quite heavily. I, er, got so drunk, I wanted

7 to get more drunk so I took other substance such as

8 cocaine quite heavily for a good number of years, erm,

9 and I struggled to get off that and as to such, I don't

10 touch alcohol unless I'm at a party.

11 Q. And if we move on to page 19, at paragraph 111, you tell

12 us that PWU [REDACTED] was charged with offences against

13 you and another boy?

14 A. Correct, yes.

15 Q. Okay, and, over the page, you gave evidence at a trial?

16 A. Yeah.

17 Q. What was your -- how did it feel giving evidence?

18 A. A lot more scary than this. Erm, I was only -- I think

19 I just turned 18. Erm, it was scary. Erm, I had high

20 hopes for the justice system, erm, and again I felt that

21 that was not enough for what he had done. So again

22 I'd felt let down by the justice system, erm, resulting

23 in me lacking trust in a lot of people.

24 LADY SMITH: 'Cosmo', when you said -- it's Lady Smith

25 speaking -- when you said that you felt it wasn't enough

1 for what he'd done, are you talking about the sentence
2 that the judge ultimately decided to impose?
3 A. On a personal level, yes.
4 LADY SMITH: You're allowed to feel that. Do you appreciate
5 that? You're allowed to have your own reaction.
6 I think you also said in your written statement that,
7 from something the judge had said initially, you thought
8 it was going to be a heavier sentence, a custodial
9 sentence perhaps?
10 A. Yes.
11 LADY SMITH: Am I right about that?
12 A. Correct.
13 LADY SMITH: And was there a separate hearing for the
14 sentencing later than --
15 A. There was a --
16 LADY SMITH: -- the trial?
17 A. Pardons.
18 LADY SMITH: No, go on.
19 A. There was a -- there was a separate hearing for the
20 sentencing and it was an entirely different judge.
21 LADY SMITH: Oh, right. Okay. And by that time, the court
22 would have obtained a report from a social worker about
23 PWU ; do you remember that?
24 A. Correct, yes.
25 LADY SMITH: They'd have had to do that. Do you also

1 remember that he was put on the Sex Offenders' Register
2 for ten years?

3 A. Yes.

4 LADY SMITH: Thank you. Ms Innes.

5 MS INNES: Thank you, my Lady.

6 And if we move down on page 20 of your statement, at
7 paragraph 116, you talk about some of the lessons to be
8 learned and, at paragraph 116, you say that:

9 'Clearly the school were just wanting to sweep the
10 whole incident completely under the carpet and keep it
11 hushed up.'

12 And what gave you that impression?

13 A. From the way the deputy head reacted, the way I was
14 treated through the staff that were involved, er, the
15 lack of compassion, the way they dealt with it
16 externally, how they dealt with it from my dad's point
17 of view, I just wasn't listened to.

18 Er, they cared -- to me it seemed like they cared
19 more about their reputation and controlling nuclear
20 fallout.

21 Q. And then you tell us, over the page, again about the
22 lack of support that you experienced after the incident
23 that you've already told us about.

24 At paragraph 119, you say:

25 'Children need to be safeguarded properly. It

1 doesn't matter if reputations are going to be affected,
2 the damage has already been done so it needs to be
3 repaired. Everything possible should be done to support
4 any person in need and any incidents should not be swept
5 under the carpet.'

6 Is that what you still feel about your experience?

7 A. Yes.

8 Q. Then you also say that you think that the headmistress
9 should have let the board know what happened and they
10 should have worked out what to do to try to rectify it
11 and safeguard all of the children?

12 A. Yep.

13 Q. And you're not aware if any of that follow-up happened?

14 A. No.

15 Q. And over the page, at page 22, in paragraph 124, you say
16 that some time ago now you made contact with

17 PWU [REDACTED]?

18 A. Yeah.

19 Q. And you -- did you speak to him on the phone?

20 A. It was through Facebook, I think.

21 Q. And what was his reaction when you contacted him?

22 A. I think he was shocked at first, erm, but he did
23 apologise for what he had done, but again, it's just
24 words on paper or words on a screen. Erm, I just needed
25 to vent and get that final little bit of closure for

1 what I was feeling at that time.

2 Q. Okay, and then, more generally, in terms of the way in
3 which the school dealt with what happened to you, do you
4 have any other reflections or feelings about how the
5 school dealt with things?

6 A. Not really. I think my statement and today says -- says
7 it all. Erm, I just wish that lessons can be learned
8 from this and people hold themselves accountable for
9 their actions or lack of.

10 MS INNES: Thank you, 'Cosmo'. I don't have any more
11 questions for you.

12 A. Thank you.

13 LADY SMITH: And 'Cosmo', this is Lady Smith speaking,
14 I want to thank you as well. My thanks, both for the
15 statement that we have from you, because that is also
16 part of your evidence before the Inquiry. It was really
17 helpful for me to be able to study it in advance and
18 I've got all the detail there, including the detail of
19 what, understandably, you didn't feel you wanted to talk
20 about in the hearing room today.

21 Thank you for everything you've done to try and
22 assist our work here and coping with being in a public
23 place, talking about these events.

24 A. Thank you.

25 LADY SMITH: I hope, when I let you go now, you're able to

1 have a more relaxing time for the rest of the day than
2 you have had so far, both you and [REDACTED].
3 A. Most definitely.
4 LADY SMITH: I think you'll have to wake him up now. He's
5 getting quite comfortable there.
6 A. Yeah.
7 LADY SMITH: Thank you so much.
8 A. Thank you.
9 (The witness withdrew).
10 LADY SMITH: So that completes the evidence for today,
11 I think, Ms Innes, am I right?
12 MS INNES: That's correct, my Lady.
13 Tomorrow we will have more evidence beginning at
14 10 o'clock tomorrow.
15 LADY SMITH: Thank you very much.
16 There's one name I want to mention, just before
17 I rise, of somebody who's not to be identified outside
18 this room as referred to in our evidence and that was
19 Mr [REDACTED], who was referred to at one point by the
20 witness.
21 Thank you. That's all. Until tomorrow morning,
22 10 o'clock.
23 (3.33 pm)
24 (The Inquiry adjourned until 10.00 am
25 on Wednesday, 27 August 2025)

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