Tuesday, 23 September 2025

(10.00 am)

LADY SMITH: Good morning, and welcome back to our evidential hearings in relation to this phase of our work and in particular to the new block, Block 5, and we are going to begin today looking at evidence in relation to Donaldson's School for the Deaf.

Now, we will have two British Sign Language interpreters, providing translation from English to British Sign Language for any people who are deaf and sitting in the public gallery, to help them follow the proceedings. The interpreters will, during the evidence, be positioned in the public gallery.

BSL interpretation will also be available if anybody attending, for example, needs an interpreter to help them to speak to a member of the Inquiry team or to make an enquiry of anybody else. So do make yourselves known if you're one of those people and if you would like any assistance by way of interpretation.

That's all I am going to say at the moment by way of introduction. I am now going to hand over to Ms Innes and she will explain what is happening today.

Ms Innes.

MS INNES: Thank you, my Lady.

This morning we will have evidence from

Laura Watkins. Laura Watkins, then Laura Battles, was appointed Principal of Donaldson's with effect from 14 October 2014. Her title changed to Chief Executive in 2015 and she stepped down from that role in March of this year. Notwithstanding that, she is authorised to give evidence on behalf of the Trust.

LADY SMITH: Thank you.

And I understand that she, of course, was very involved in the provision by the Trust of their written answers to our various enquiries of them that took place long before today.

MS INNES: Indeed, and that's why she continues to be authorised to give evidence.

LADY SMITH: Thank you.

Good morning.

Laura Watkins (affirmed)

A. Thank you.

LADY SMITH: Thank you for coming along this morning to help us with evidence regarding Donaldson's. How would you like me to address you? I am happy to use your first name or your second name, whichever you prefer.

A. My first name.

LADY SMITH: First name. Thank you, Laura.

As we go through your evidence, we will, of course, be referring to documents, particularly the written

responses you have been so helpfully involved in on behalf of Donaldson's, and we may look at some other documents as well. You've got the written responses in the red folder there. When we go to particular parts of them, we can bring it up on the screen in front of you, and any other documents that we're looking at we'll bring up on the screen as well.

But if you've got any problems with any of that at any stage, do let us know.

A. Thank you.

LADY SMITH: If you've got any questions at any time, please speak up.

So far as timing is concerned, I normally stop for a break at about 11.30 am, but if you need a break at any other time, please say. It's important that you're as comfortable as you can be in giving the important evidence that we're going to be exploring with you. All right?

A. Thank you.

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

Ms Innes.

MS INNES: Thank you, my Lady.

MS INNES: Laura, you've provided a copy of your CV to the Inquiry and we understand, from that, that prior to being at Donaldson's, you were a lecturer and then between 2000 and 2009, you were depute principal at Daldorch House School, which was run by the National Autistic Society; is that correct?

A. Yes, that's right.

Q. And then you worked for a period as Director of Autism Services at Spark of Genius?

A. Yes, that's right.

Q. And then there was a period when you worked abroad, I think, and we know that you were appointed as Principal of Donaldson's in October 2014?

A. Yes, that's correct.

Q. And I think the title of your role changed to Chief Executive?

A. Yeah, the following year.

Q. The following year.

And we can also see from your CV that in the later part of your time at Donaldson's you held some non-executive roles, so for example you were a non-executive director of the Scottish Council of Independent Schools between April 2017 and January 2021?

A. Yes, that's correct.

Q. And you had various roles on the board of Victim Support Scotland, between July 2017 and March 2022?
A. Yes, that's correct.
Q. And you stepped down as Chief Executive of Donaldson's in March 2005 and I think, since then, you've been working as a consultant?
A. 2025.
Q. 2025, yes. I've gone back in time by 20 years.

If we can look at a letter provided by the solicitors acting for Donaldson's to the Inquiry, which sets out the way in which the Trust went about responding to the Section 21 notice, if we can look to page 3 of this letter, please, we can see that there's a question at the top of the page about the review of records that was carried out, as well as other material. And I think I'm right in saying that you were very involved in preparing the response to the Section 21 notice; is that right?

A. Yes, that's right.
Q. And one of the things that you did was to review records and my understanding is that where there were larger files in boxes, you reviewed them and you also reviewed a sample of records from each box?
A. Yes.
Q. So that's correct. So I think that this letter says

that all relevant records were reviewed, but it's in that context?

A. Yes, that's correct.

Q. So larger files were read and you took samples of others?

A. Yes.

Q. Just while we're on this letter, the next question was about the Part D response. In your Part D response, you provide a list of complaints over the relevant timeframe, but there appeared to be a gap in time between 1959 and 1993. The answer to the question as to why there was that gap is that you found that there were no records of complaints in the files over those years?

A. Yes. That's correct. I was able to identify complaints prior to and after that period, but in those files that were sampled, I wasn't able to find any, any complaints.

Q. Okay.

Now, if we can go back to your Part A response, so DSD.001.001.0001, and you set out on the first page there how the school was founded. Towards the bottom of the paragraph that we see on screen, it says:

'The school admitted its first 100 pupils in 1851; 30 deaf and 70 hearing.'

And:

'The original purpose of the school was to provide

for poor and disadvantaged children; however applications on behalf of deaf children were encouraged.'

And then it says:

'From approximately 1938, when the Trust amalgamated with the Edinburgh Royal Institute for Deaf and Dumb Children, pupils were exclusively deaf.'

So it looks that in the earlier period, up until 1938, children who were admitted to the school were both deaf and hearing?

A. That's correct.

Q. And then there was a period after 1938 when children were exclusively deaf?

A. Correct.

Q. And I think, as we'll come to see, that changed again over time.

If we look down to the second question on this page, and about the fifth line of the answer, it says:

'Originally the school was entirely residential. However, by approximately the 1950s, there were day pupils who were in attendance.'

A. That's correct, yes.

Q. And is it your understanding that, from the 1950s onwards, there were always day pupils at the school?

A. Yes, that's correct.

Q. Okay.

Now, if we move on to page 2, and to question 5 at the bottom of the page, there's discussion of the various names, I think, that have been given to the school over the years. It begins though by saying:

'The organisation ran one establishment on the site of The Playfair building in Edinburgh.'

That would be at West Coates?

A. Yes.

Q. I think we also understand that there was a period, perhaps into the 1970s, when a building at Henderson Row was also used by the school?

A. Yes, that was used for -- it was called 'the baby school', so, sort of like a nursery, used for very young -- younger children.

I'm sorry that I didn't put that in here, but that was for a period of time up until the early 1970s.

LADY SMITH: That was a building, well, it still is a building, right next to the original Edinburgh Academy building, isn't it?

A. In Stockbridge. Yes.

LADY SMITH: And the Edinburgh Academy bought the building from Donaldson's at one point?

A. Yes, that's correct.

MS INNES: And then we go on to see the names.

The original name was Donaldson's Hospital.

Then, from 1938 to 1992, it was Donaldson's School for the Deaf.

Then from 1992 to 2008, it was called Donaldson's College, and we see that it says:

'The governors agreed to change the name to Donaldson's College to reflect the fact that its services would be made available to deaf people of all ages.'

A. Yes, that's correct.

Q. So beyond the provision of a school, was the organisation providing additional services to adults at that time?

A. Erm, there was an alumni, so they wanted to keep in touch with those who had been pupils at the school, whether through sponsorship or apprenticeships and the view was to be able to track what happened to the children and young people and adults after they'd left Donaldson's.

LADY SMITH: Laura, it's a small point but you give the address for Donaldson's as 'West Coates', I think it's 'Wester Coates', isn't it?

A. Wester Coates, apologies.

LADY SMITH: So wherever that appears, I think it should be Wester Coates.

A. Thank you.
MS INNES: Then on page 3, from 2008 to 2016 the school relocated to Linlithgow.
A. That's correct.
Q. And it's noted there that the residential offering ceased in June 2016?
A. Yes, correct.
Q. Why was it that the school stopped providing any residential accommodation for children?
A. The numbers of children who were residential was going down each year and the trajectory for new academic year August 2016, there would only have been two or three pupils and it wasn't viable for the residency to be maintained for these three or four -- two or three pupils, so the decision was made to close.
Q. And in terms of provision for deaf children, did that change over time so that hearing children were also taken -- admitted to the school?
A. Yes. The change was children who were deaf and/or had communication difficulties. So that broadened the type of child that could be admitted into Donaldson's. Children with autistic spectrum disorder, children with Smith-Magenis syndrome and children who had global delay. So there was a shift in the breadth of children who would be considered for Donaldson's over a period of

time. As the numbers of deaf children declined.

Q. Okay. Did the school ever stop providing for deaf children?

A. No, there are still deaf children at Donaldson's today.

Q. Okay.

Now, if we look on to page 3 -- sorry, we are on page 3.

LADY SMITH: I think that was page 3.

MS INNES: It was page 3.

LADY SMITH: And we've got nothing else of substance on page 3.

MS INNES: Yes, I need to go on to page 5.

So looking on to page 5 and the funding of the establishment, it says there that:

'The establishment's operations and activities were funded by fees and contributions paid by parents and guardians, as well as public funding.'

A. Yes.

Q. So was Donaldson's a grant-aided school?

A. From 1948, it became a grant-aided school. Prior to that, local authority funding and parental and guardian funding made up the fees.

Q. And after it became a grant-aided school, did it continue to obtain any funding from parents paying privately for their children to attend?

A. No. It was local authority funding, subsidised by the Scottish Government grant.

Q. Okay.

And then if we move on, please, to page 7, this talks about the legal status of the organisation and it's noted there that the organisation is a trust and it notes the founding document.

If we go down to the second question, it says that:

'The organisation remains a trust and to that extent there has been no change in legal status since it was founded, however there have been changes to the Trust scheme over the years.'.

And there are particular dates on which the scheme changed?

A. That's correct, yes.

Q. And it's also noted that the Trust became a registered charity from 1 October 1991?

A. Correct, yes.

Q. Okay.

And it's particularly noted that in the 2009 scheme, the Donaldson's Trust was designated as a charitable educational endowment in terms of the Education (Scotland) Act 1980 as amended?

A. Yes, that's correct.

Q. Now, if we move on, please, to page 13 and to the ethos

of the organisation, it talks again about the original founding of the institution as a charitable institution for children of poor families. It later became a residential school for the deaf. Then, at the bottom of that paragraph, in the last four lines, it says:

'The provision of residential care was intended to supplement the education the children received and to meet their social needs by allowing them the opportunity to live with other children from the deaf community.'

A. Yes, that's correct.

Q. So that's your understanding of the purpose of the provision of the residential accommodation?

A. Yes. The purpose was for deaf children to be able to communicate with each other and for hearing children to be able to communicate with each other in a social setting outside of a school environment.

Q. Okay. Then just below that, we see some excerpts from the Trust schemes, so looking towards the bottom of the page, we see the 1991 scheme refers to:

'The governing body shall promote, encourage and develop measures to meet the educational and social needs of children and others with hearing impairment.'

So that draws together the two aspects.

Then in 2009 it says there:

'The purpose of the Trust is to promote, encourage

and develop measures to meet the educational, therapeutic and social needs of children and others who are deaf or who have a hearing impairment or communication difficulties.'

A. Yes.

Q. So we see a broadening of the purpose at that time?

A. Yes. Particularly in the therapeutic aspect, where the complexity of the needs of the children required specialist staff other than teachers and residential staff.

Q. Okay.

Now, if we can move on to page 15, please. You were being asked here about policies and procedures in relation to discipline and you weren't able to find any specific policies or procedures in relation to discipline. I think you found reference maybe to some but you weren't able to find the documents?

A. Yes. Yes, that's correct.

Q. And you note that historically the establishment operated in an institutional way and some of the practices were Dickensian?

A. Yes.

Q. Is that from the book?

A. 'Silent Destiny'.

Q. Yes.

A. It covers the period of time from the opening of Donaldson's, right the way through -- not quite to modern day, but certainly to the 1990s.

Q. Okay.

And then it goes on to talk about corporal punishment, and you understand that corporal punishment was administered to children at least until the 1970s, while it was permitted?

A. Yes, that's correct.

Q. You say in this paragraph:

'We have also traced accounts of disproportionate or inappropriate physical punishment in the 1960s and we've also traced records which indicate that children were being "smacked" by teachers as a means of discipline in the 1970s.'

A. Yes, that's correct.

Q. Did you find that in the records that you looked at or was that from somewhere else?

A. Both in the records and in the book, 'Silent Destiny'.

Q. And you've not been able to trace any documentation confirming when corporal punishment ceased at the establishment?

A. No.

Q. Okay.

Now, if we go on to page 16, towards the bottom of

the excerpt -- this is from the 1991 scheme -- the final excerpt there says at 23/4:

'It shall be the duty of the principal to make an immediate report to the governing body upon any case of serious misconduct or any breach of the rules for the conduct of discipline of the college which in his opinion makes it necessary to remove the pupil or student from the college.'

A. Yes.

Q. So it appears that the principal had a duty to tell the board if a student was being excluded from the school?

A. Yes, that's correct.

Q. Okay.

And then, at the bottom of this page, question (xii), you say:

'In November 2014, the organisation was issued with a preliminary notice under Section 66 of the Education (Scotland) Act 1980, as a result of requirements and recommendations from Education Scotland and Care Inspectorate inspections in December 2014, there were many changes in the attitude to the care of children. The organisation provides a much more supportive and nurturing approach using well-established methodologies developed for children with complex additional support needs.'

A. Yes.
Q. So we'll come back to look at this period in more detail, but I think that, just to highlight now, this was just after you had become principal?
A. That's correct, yeah.
Q. Now, if we can look on, please, to page 21, and to look at numbers, originally it says that the school was built to accommodate up to 300 children at a time, but then in 2008:

'... the new building in Linlithgow was built to accommodate up to 24 children. The accommodation was never at capacity.'

A. Yes, that's correct.
Q. From what you've said, the number of children in the new building at Linlithgow depleted over time up to 2016, is that right?
A. Yes, that's correct.
Q. Okay. And if we can look on, please, to page 30, and to 'Staff engaged in the care of children ...'. If we look down to question (ii), you note that:

'This varied depending on the number of children within the organisation living in the care facility.'

And then you provide averages for the decades.

So are these workers who were residential childcare workers?

A. Yes.
Q. Not teachers, for example?
A. No, just the residential childcare workers.
Q. And we can see that in the '70s, the average was about 27 --
A. Yes.
Q. -- in the '80s it was about 12, in the '90s, it was 8 and then in the 2000s, the average was about 14?
A. Correct, yes.
Q. Okay.

You also note there that from 1998, staffing ratios were required to be in line with the registration requirements?
A. Yes, that's correct.
Q. So initially Edinburgh and Lothians Registration and Inspection Services, called ELRIS, and subsequently the Care Inspectorate?
A. Yes.
Q. Okay.

And if we can look on in this document to page 36, you're referring there to the governing body and the membership of the governing body, as we understand it, has been set out in the various trust schemes?
A. Yes, that's correct.
Q. And these have changed over the years, so if we look on

to page 37, we can see, for example, in the original -- or the earlier 1936 scheme, we've got four people elected by the Town Council of Edinburgh, one person elected by the Church of Scotland Presbytery of Edinburgh, one person elected by the university and so it goes on.

So there were people who came from specific roles who formed part of the governing body?

A. Yes.

Q. If we look on to page 38, in the 2009 scheme we see that it says there:

'In selecting persons for the membership of the board, the governing body shall pay due attention to the need to ensure an appropriate mix of skills and experience on the board, as well as the desirability of having representation from those with knowledge and experience of deafness, hearing impairment and communication difficulties and from a spread of regions in Scotland, always having regard to the purpose of the Donaldson's Trust, as set out. Before making an appointment to the board, the governing body shall consult with other bodies as the board shall from time to time consider useful and appropriate in providing advice.'

So it looks as though there was a change from the

previous scheme, which set out that people had to come from various organisations or be elected by various organisations, to an approach which perhaps paid more attention to obtaining an appropriate mix of skills and experience?

A. Yes, that's correct.

Q. And did that develop again or --

A. Yes, it did. It developed -- in 2014 there was an -- what appeared to be an imbalance on board members who had a good understanding and knowledge of children and young people in the broader sense and much more of a focus on those with a background in finance and investment.

So there was a requirement to review that, rebalance it and develop a skills matrix that would be more appropriate for looking at the needs of the children, as well as the finance and investments within the organisation.

Q. So in 2014, were there more people on the board that came from a financial background or more people who came from a child --

A. A financial background.

Q. Okay.

And then if we look on to page 39, we see at question 5 that the governing body appointed a convener

from its own numbers. Then there's a list of the various things that the board had to oversee; business arrangements, administration, accounts, clearing issues in relation to staff, staff training and suchlike.

Now, in that list I don't see anything specifically in relation to child welfare?

A. No.

Q. So was that, from what you've said, a focus that came much later?

A. It was, very much so.

Q. Okay.

Then below the list, it says:

'The governing body appointed a principal who was responsible for the operations and the proper conduct of the staff and pupils' residential school.'

So the principal was directly accountable to the board?

A. Correct.

Q. Okay.

Then there's reference to the board overseeing the organisation through regular board meetings and forming committees as the governing body thought fit?

A. Yes.

Q. Okay.

If we look on to page 40 at the top of the page --

and we'll come to this in a bit more detail in a moment -- in 1998, in the ELRIS inspection, it was noted that there was a lack of clarity among the staff about the role of the Board of Governors in the provision of an external management overview of residential care. It says:

'The minutes of board meetings which were examined evidenced little attention to the welfare of residential pupils and performance and practice of residential staff.'

A. Yes.

Q. So that seemed to have been identified as a gap in 1998?

A. Yes.

Q. Do you know if steps were taken to address that?

A. Yes, there were recommendations that came from the ELRIS report and requirements, as well as recommendations from Education Scotland and an action plan was developed to address those issues. And over a period of time, those requirements and recommendations were met.

Q. Then in the 2014 joint inspection report, so that would be the Care Inspectorate and Education Scotland?

A. Yes.

Q. It says:

'The Board of Governors must improve their support and governance for the school. They need to clarify

their responsibilities on an individual and board basis and take greater responsibility for leading the school.'

A. Yes.

Q. So you said that steps were taken after the 1998 inspection to improve governance, but then it still seems to be an issue in 2014?

A. My understanding is the -- although the recommendations were met, they weren't embedded and sustained over a period of time, and some of the directives that had been given from ELRIS and Education Scotland weren't kept up year on year.

Q. Then if we look on to page 42, towards the bottom of page, we see some of the changes that took place after 2015. So, for example, all board members being required to undergo child protection training and there was also a full governance review which established board and committee remits, the development of the role of CEO, risk management plans, reviews, standing orders and clear reporting systems?

A. Yes, that's correct.

Q. So these were all actions that were taken after the 2014 joint inspection?

A. Yes.

Q. Now, if we move on to page 43, the first question there is about the nature of culture within the organisation

and the answer given is:

'The culture of the organisation was dependent on those who held leadership and governance office.'

So you're referring there both to the principal and to the board of governors?

A. Yes, yes.

Q. What sort of impact did that have on the culture within the organisation?

A. From the records that I read, there was a very strict approach that the principal would take to the children, but also you could see that in the responses to letters that had come from parents. There was, er, a very formal and quite aggressive approach from a principal.

There was, er, a lack of what you would see as warmth and care from the correspondence, and quite punitive measures that would be taken if children were perceived to misbehave.

And as I was able to read these letters and signatures, you could see changes depending on who was the principal at the time and who was the chair of Governors at the time. More of a warmth started to come through in the '70s and less of a punitive approach.

So from the signatures in the letters, I could see a change in how the leadership communicated with the parents and young people.

Q. Okay.
LADY SMITH: So when in that response you're talking about later years, we're into the 1970s; is that right?
A. Yes.
MS INNES: You go on in this paragraph to say:
'However, within documentation from the early 90s, the safeguarding of children deteriorated as a result of many non-executive and executive oversights, including poor governance, lack of accountability and poor practice. This improved for a short period under new leadership in 1999, but deteriorated again when there was a further change to leadership in 2005.'
A. Yes.
Q. So the periods that you're looking at there are essentially 1990 to 1999?
A. Yes.
Q. Where you say that there were many oversights?
A. Yes. From the records that I had access to, I could see that there was a tendency for children and young people to raise concerns, but for those concerns to be disputed and at times not taken seriously. There was a lack of reporting upwards to the board. It appeared to be left with the principal to deal with and to manage any complaints and a lack of questioning from a governance perspective around the care, welfare and education of

children and young people. They seemed to be very separate. Board minutes, if the children were talked about at all, it would be for a very short period of time and a lot of the conversation that would happen at the board minutes -- at the board meetings, would be around the building, finance, investments, health and safety but very little specifically involving the care and education of children, complaints from children, any kind of issues from parents, anything like that, typically wouldn't go to the board, it would stay with the principal.

Q. Okay.

Then you say there was a period where things improved again between 1999 and 2005. But then deteriorated again after 2005?

A. It was again a change in leadership. So after ELRIS, there was a new principal appointed and she stayed until 2005 where there was another new principal appointed and, again, the priorities appeared to have changed with that appointment.

Q. And so what did the priorities seem to become after the new appointment in 2005?

A. So the Donaldson's building, The Playfair building, was becoming dilapidated and the upkeep was significant and the focus appeared to be for the principal there to

increase income in order to repair the dilapidations and to find other methods of income other than pupils.

And eventually, there was a decision to sell the building and build a new purpose-built building in Linlithgow. So, again from board minutes, that seemed to be very much the focus was on building, finance and the actual building project itself, which was significant and building a purpose-built school in Linlithgow that was very high tech, modern, for the purpose of deaf children and children with hearing -- with communication difficulties.

Q. Okay.

A. I'd just say one other thing. What seemed to happen is that the principal's role at that time was very much around what I've just said, around the buildings and finances. And children and young people were the responsibility of the headteacher, and those -- those were -- seemed to be quite separate in terms of duties and responsibilities.

Q. Was the headteacher reporting directly to the board or reporting to the principal?

A. Reporting to the principal.

Q. And if we look on to page 57, I think we see a list of the principals over the relevant period.

So if we look down to the bottom of the table, we

can see some of the original principals, for example John Miller was principal between 1974 and 1991, and then David Scott was principal between 1991 and 1998. So that coincides with the period running up to the ELRIS report that you've mentioned.

A. Yes. Yes.

Q. There was then an acting principal for a period, and then Janet Allan was principal between 1999 and 2005. And that coincides with a period where you say things improved?

A. Yes.

Q. Then Janice MacNeill was principal from April 2005 until -- it's noted there August 2014 but she was suspended prior to that in August 2013 --

A. Correct, yes.

Q. -- is that correct?

There was also a period, I think, during her suspension where there was an interim principal, a Margaret Burnell, and she was an external consultant?

A. Correct, yes.

Q. And she bridged the gap essentially between Janice MacNeill's suspension and you becoming principal?

A. Yes, that's correct.

Q. So we've seen that one of the key times for change was in 1998 --

A. Yes.
Q. -- when there was the ELRIS report and then an HMIE inspection. So if we can look, please, at the ELRIS report, which is at CIS-000010489. And if we look down to paragraph 2.1, this notes that there was a requirement in terms of Section 61 of the Social Work (Scotland) Act 1968 as amended by the Children (Scotland) Act 1995 for certain independent and grant-aided schools to register with the local authority, and that came into force on 1 April 1997?
A. Yes.
Q. So I think Donaldson's should have been registered essentially with effect from 1 April 1997?
A. That's correct.
Q. And did that happen?
A. No, it didn't happen. There -- again from the records that I could see, there was considerable resistance to that registration. There was many attempts made by ELRIS to have meetings with the principal and the board. Some of those attempts were ignored, many were ignored, but eventually the principal gave in to those requests, which meant it was delayed.
Q. Okay.
And we see some of that on page 3, from paragraph 4.2 at the bottom of the page, where it notes

that a letter was sent to the principal on 4 July 1996, informing him in advance of the new requirement to register with effect from 1 April 1997. Then the report goes on to list the various letters and meetings going on to page 4, where, if we see at paragraph 4.5, it says:

'On 1 December 1997, the principal wrote to the inspector ... apologised for not forwarding required documentation at an earlier date, indicating this was due to staff sickness and pressure of work.'

Then there was a meeting with the inspectors and then it appeared to be that documentation began to be provided?

A. Yes.

Q. Then at paragraph 4.6 in January 1998, queries were raised about the checks that the inspection body were requiring on board members, school staff and suchlike.

A. Yes.

Q. If we go on over the page, to 4.7, I think the inspection then happened at the beginning of 1998.

A. Yes.

Q. Okay.

And if we look at paragraph 4.9, it says:

'The inspection focused on the residential component of the college, although the interface between the

residential and educational functions of the college were also considered?

A. Mm-hmm, yeah.

Q. So this is essentially a precursor to the Care Inspectorate?

A. Yes. Yes.

Q. Now, if we can move on, please, to page 7, there's a section headed, 5.2, 'Aims and objectives', and there was a document referred to which sets out statements of intent, but it says it doesn't describe how the aims will be achieved or arrangements to measure outcomes. Then at paragraph 5.2.3, it says:

'Within the senior staff team, there appeared to be a lack of understanding of the need for clarity of structure, strategy and policy in respect of residential care. This position is summed up by a comment made to an inspector by a member of staff who stated that at times residential care practice is made up as we go along.'

A. Yes.

Q. Do you have any reflection on that?

A. What I could see from staff records is that many of the residential care staff didn't have knowledge or experience in working in such an establishment. The training that they were provided with was -- if there

was training, it wasn't noted and in terms of ongoing supervision, there was no clear recordkeeping there in terms of who was supervising who and how that happened.

So I can understand that statement from people almost being lost on how to look after children at Donaldson's at that time in residential care.

Q. Then if we go on to page 8, we see a section in relation to admission. At paragraph 5.3.1, it says that:

'The college has no written policy or procedure on admission to the residential component of the college.'

And then at paragraph 5.3.3, it says:

'From discussion with teaching and care staff and with the principal, admission appears to be on the decision of the principal. There appears to be little or no discussion with care staff, including discussion on group and individual needs of children. The inspectors remain unclear about how the views of the placing authority are sought prior to a child's admission to the residential unit. The inspectors are concerned that power and decision-making on admission appears to lie with one person.'

So there's a couple of things within that so: 1) one person having control over decision making. In terms of that as an approach, do you have any comment about that?

A. It's certainly not conducive with good care practice.

Any admission should be a multidisciplinary approach to look at whether a placement is appropriate, what kind of environment the child might need to support their care needs, what risk assessments might need to be put in place, any additional training that might be required for that child to come in and to be safe, and that -- as I say, that would be a multidisciplinary team, that wouldn't be dependent on one person. It certainly shouldn't be.

Q. And the other matter that's raised in this paragraph is that there was little or no discussion with care staff?

A. Again, prior to an admission, care staff should have been consulted. It would have been appropriate for them to have met the child, to have met the parents, for them to have had some involvement prior to admission, so that the child has a familiar face when they come into the building and for any paperwork on that child to be provided to members of staff, to prepare them to provide the best care for that child.

Q. I suppose there's a risk with this sort of approach that when the child comes into the residential accommodation, either the staff don't have the ability to keep the child safe or there are issues between different children?

A. Around compatibility, absolutely. If the principal had

at that time overall control, then there wouldn't be the opportunity for support staff to agree what would be the best approach in terms of what bedroom that child might have, who else would be in that bedroom, how compatible those children would be, that wouldn't have been -- that would not -- they wouldn't have been afforded that opportunity.

Q. And if we go on to page 9 at paragraph 5.3.9, we see that: 'Recorded care plans for residential children are not maintained'.

Do you have a comment in relation to that?

A. Again, staff would appear to be working in the dark if there wasn't recorded care plans for residential children to look at on their admission. So what was the baseline for that child coming into the school? Their health records, particularly these are children who had -- who were deaf and often had other health conditions.

The chronology of their time within the residence, the care notes of the, sort of, day-to-day care that that young person had, particularly if something was to happen for staff members to be able to reflect on.

Also, if there was an absence and a staff member was to come in who didn't necessarily know the child, they should have the care plan to look at, to reflect on, to

familiarise themself with that child. I'm not sure how staff would have managed without care plans for children in those circumstances.

LADY SMITH: Laura, you just mentioned that you were dealing with children who may not just be deaf but have other health conditions.

A. Yes.

LADY SMITH: Can you give me an example of what health conditions they would have been encountering, along with deafness, as a disability?

A. Yes, some children also had visual impairments, some children had some intellectual impairments, and there were other children who may have had some mild physical impairments as well.

LADY SMITH: Thank you.

MS INNES: Now, if we go on to page 11, at paragraph 5.3.15, there's reference to the inspectors reviewing discipline measures and it's noted that the main sanction used is loss of opportunity to go on an outing:

> 'From the limited recording that's available, the inspectors formed the view that it would appear that this sanction is appropriately applied.'

But the inspectors then go on to refer to certain aspects which they consider to be inappropriate.

So the first example, on 11 September 1997, where

a child was brought upstairs to his room, he knows he is sitting upstairs in his room all night and it said:

'The use of bedrooms as a means of punishing children is not considered to be good practice. In addition, the record does not indicate whether a member of staff was with the child or for how long this sanction was imposed.'

So that appears to have been a method of discipline that was being used at the time.

A. Again, it reflects that control and power that appeared to be the way that the school was managed, from the principal, the way that the principal managed staff, that appeared to filter into how staff treated children and that sense of they had control and taking that control away from children.

Q. And then the next example is that:

'A child gets nothing to eat tonight because he would not clean his bowl. It's the view of the inspectors that withdrawing food is inappropriate, potentially abusive and must not be repeated.'

A. Yes, that's entirely inappropriate.

Q. Then 20 November 1997:

'I suggest that boys stay in school all week because of [one child's] bad behaviour.'

And the inspectors had the view that there shouldn't

be a group punishment, essentially?

A. Yeah, it's not appropriate and could also lead to ostracising and bullying of that child.

Q. And then if we go on to page 12, at paragraph 5.3.20, under 'Complaints', it notes that there's a complaints procedure, drafted in 1995, for pupils, parents and staff and it says:

'There is a clearly defined and well-known complaints procedure within Donaldson's which operates, in the case of pupils, through the guidance system, and in the case of staff, through the line management structure, but the document then didn't go on to describe how complaints should be managed in practice.'

And I think, if we go on to page 13, the inspector said that this required review. The second bullet point:

'The complaints procedure appears to be incomplete, tailing off at page 5, and the means by which children and parents can make complaints is not recorded.'

So although there appears to be a complaints procedure, it doesn't seem to tell children or parents how they should actually complain?

A. No, no, and that came through from the children as well when they were asked: 'Do you know how to make a complaint?'. They were unsure of how to do that.

LADY SMITH: So it looks as though the documents set out what was to happen on the part of the school, what processes they were to use once they received a complaint --

A. Yes.

LADY SMITH: -- but nothing to help children and parents get the complaint to the school.

A. No, no, that was omitted.

MS INNES: And then if we go on to page 14 at paragraph 5.2.26, we see that the college had taken part in training of staff in child protection.

Then at 5.3.27 it notes:

'The college is aware of child protection guidance published by the Lothian Child Protection Committee in 1994.'

But there was no specific school policy and procedure, and the inspectors considered it critical that such a policy and procedure be put in place?

A. Yes.

And I think that also reflects a point that you made earlier about staff making it up as they go along if they didn't have a policy and practices to inform how to protect children. It appeared that that's what they were doing.

Q. Then if we look down to paragraph 5.3.29, it notes that

bullying was seen as a problem by a significant number of staff and children. The inspectors witnessed the effective management by staff of a specific bullying situation.

So this seems to be mentioned by the inspectors in the context of their discussion about child protection?

A. Yes.

Q. So would you have expected bullying to be dealt with in a specific child protection policy for the school?

A. Yes.

Q. Now, if we move on to page 19, there's discussion about the role of the Head of Care, so if we look down to the requirement that was made at 5.5.8, it says that:

'There must be a review of the current staffing levels, the Head of Care should be supernumerary.'

So I think the Head of Care had been carrying out the work of a residential child worker --

A. Yes.

Q. -- as well as being in a management role?

A. That's correct.

Q. And what's the issue with that?

A. They have no ability to be able to take themselves back and look at overall in terms of leadership of that team if they're on shift with that child, it means that staff aren't being supervised, that that care manager is not

accessible then to staff if they're needed or to children if they are needed.

Q. It also notes that waking night staff were required and additional staffing was also required during the day?

A. Yes. Children slept there and the staff were sleeping as well.

Q. Then if we go on to page 20, at paragraph 5.5.9, it says that:

'There was discussion with staff and examination of records and there was evidence that the school didn't have a suitable policy and procedure for recruitment and selection of staff. The current system appears casual in its application, with the principal appearing to recruit staff at times through casual contact and without an adequate selection process.'

A. Yeah, that poses significant risks to children, if there isn't a proper policy for recruitment, vetting staff, taking requests for character references, prior to a member of staff being employed.

Q. Yes, I think in the next paragraph at 5.5.10 it notes that a selection of staff files were examined and in the six files examined, no police checks had been undertaken?

A. Yeah.

Q. References were incomplete and then it goes on:

'Previous experience in caring for children and having sign language skills were not evident as required skills.'

A. And that again posed a significant risk for children whose only means of communication was through sign language. It appears that there were times where children were in the care of staff who weren't able to communicate with them because they didn't have the skill around sign language, so it made it very difficult for children to communicate, whether it be casual communication or to make a complaint.

Q. And then on page 20, so just on the same page, at the bottom of the page, there's reference to a lack of contracts of employment or job descriptions, at paragraph 5.5.12.

And then at 5.5.13 it says:

'There appears to be no staff disciplinary policy and procedure in place which would clearly outline the employer's role and responsibility in managing staff matters.'

A. Yeah, again, I think it just poses such an incredible risk to children and young people, where there doesn't seem to be any structural supervision of those members of staff who are supposed to be safeguarding them.

Q. And then at the top of the next page, at

paragraph 5.5.14, we see that it says:

'The principal appears to have full delegated responsibility for overseeing staff matters. The inspectors were not clear about whether and how the board of governors gave advice to the principal on staffing matters.'

What would your understanding be of, you know, the role of the board of governors in relation to staffing? Would you expect all of that to be delegated to the principal?

A. With oversight from the trustees to ensure that it's happening, so there may well be a policy but they would be -- they should be looking for evidence of how that policy has been implemented.

So, for example, you talked about a number of staff not having police checks. There should be some kind of structural system to be able to hand that over to a board for them to see -- to ensure that any member of staff have had police checks prior to working with any child.

Q. And would you also expect staff disciplinary matters to be reported to the board?

A. Yes, absolutely.

Q. If we go on to page 22, there's a heading 'Supervision and support' at paragraph 5.5.21, and you've mentioned

this already. So it notes that:

'While staff expressed a general view that they felt supported in their work, it was evident to the inspectors that there were insufficient frameworks in place to formally ensure appropriate levels of supervision, support and overview.'

And that included, as we see in the bullet points, the fact that the Head of Care was also carrying out the role of a residential childcare worker?

A. Yes.

Q. Then, in the final bullet point in this paragraph, it says:

'Those staff who are themselves deaf are further affected by the low sign ability possessed by some of the staff, including the Head of Care. The delivery of individual support and supervision is inhibited. As a result, staff who are deaf stated that they can feel marginalised.'

A. Yes, there appeared to be two -- sorry, it would appear that it was quite fractured in terms of the hearing staff and the deaf staff and that the deaf staff would come together and be able to communicate with each other and there was a difficulty then in the formation of a team as a result of that, where some of your -- some of the team members weren't actually able to communicate

with each other, whether that be for training, supervision or just general communication.

Q. Looking down this page to the final paragraph, at 5.5.23, it says:

'The status of care staff within the school appears to be low. The professional complexity and responsibility of the task of caring for children away from home is not reflected in staff training or staff development.'

A. There seemed to be much more of a focus on staff training and staff development for those who worked in the education of children, rather than the care of children.

Q. Okay.

Then if we go on to page 24, there's reference at paragraph 5.5.29 to the college providing accommodation for a Scottish Workshop Publication and Research Unit, which was in the main building, adjacent to residential accommodation. If we look down to paragraph 5.5.32, the first bullet point says:

'The absence of written policy on monitoring of visitors to the research unit. The unit regularly interviews adults on criminal charges for serious offences including sexual offences. While the inspector was assured that these individuals are no longer seen on

the premises, this requires to be made explicit in the form of a written policy.'

So there appeared to be a lack of control and structure around visitors to the premises, including people who were sex offenders?

A. Yeah, it appears that the nature of the building allowed visitors to come in and have a level of freedom that they shouldn't have, not being members of staff or children/young people who were members of the school.

I believe that there was occasion where visitors were found sort of wandering around, trying to figure out where the right place was to go, so there wasn't a controlled access.

Q. Then if we go on to page 25, and paragraph 5.6.1, so this refers to the 1991 trust scheme, and it refers to, in the second half of this paragraph:

'The principal is responsible to the governors for the "proper conduct of the college". Section 18 of this scheme requires the governors to make rules defining the functions of the principal. No specific rules have been made under this provision.'

So it appears that there was the framework there to make rules, to define the functions of the principal and perhaps the relationship between the principal and the board, but these hadn't been made.

A. They hadn't been made. They weren't clear. They weren't -- it appeared they weren't clear to staff members either in understanding what the role of the board was.

Q. If we look down to paragraph 5.6.3, it notes that:

'The Head of Care is accountable to the principal. Other senior members of staff in the college have no locus within the residential provision. The depute principal was in an acting-up position during the inspection period to enable the principal to develop the college's new build programme. This arrangement did not extend to the residential units.'

So it appears that there seemed to be some kind of building programme going on in the late 90s as well?

A. Yes. And there was part of the school that became mothballed, and therefore there was work that was required to do to bring the children who had been in that part of the school into the other part of the school for education from a classroom perspective.

Q. So it looks as though the then principal was supposed to be focusing on that particular project?

A. Yes.

Q. Okay.

A. And the funding of that.

Q. Okay. But the Head of Care's accountability continued

to be to the principal, and not to the deputy principal who then seemed to be running the school?

A. Yes.

Q. Now, if we go on to page 26, at paragraph 5.6.5, it says:

'All staff interviewed described how supportive they have found the principal in matters of personal concern in their private lives and in relation to issues of control.'

Would that be control of pupils?

A. And staff.

Q. Okay.

'However, the inspectors had concerns about the principal's style of managing staff. The inspectors shared with him concerns regarding his tendency to hold control and not to delegate and the absence of policy and written procedure. The principal described his style as erratic. This was confirmed by a number of staff members. Staff appear to have accepted this management style, although some have expressed concerns for the principal. Some staff suggested that his lack of consistency and his management style was reflective of him being stressed because of doing too much.'

So I think you've perhaps seen in the documents -- you mention it in your Section 21 response -- that staff

did seem to be generally supportive of the principal?
A. They appeared to be. They appeared to -- they didn't appear to dislike his approach in terms of control over them but also control over the pupils at the school.
LADY SMITH: An air of them being concerned about him to an extent?
A. Yes. Yes.
LADY SMITH: Too much on his plate, not managing it.
A. Yes.
MS INNES: And then if we look on to page 27 in relation to administration, it notes that minimal records were maintained in relation to children.

Then at 5.7.2, it says:

'Children's records were not able to be cross-referenced to ensure that matters relating to welfare, discipline and incidents were properly recorded, reported and monitored.'

A. Yeah, I would reflect that back to the lack of care plans that children had, to be able to do exactly what is said there around cross-referencing.
Q. Then if we go on to page 29 and paragraph 5.9.1, there's reference there to expressions of concern about a lack of physical security in the building. And you've already mentioned somebody being found wandering about the building seeking direction. There were reported

incidents of men entering the building and stealing property.

Then it says, at 5.9.2:

'The minutes of the board of governors' meeting from March 1997 evidence that this matter had been raised, discussed and actioned. There had been a crime prevention survey carried out by the police.'

But then it says:

'At the time of the inspection, interim arrangements were being discussed, some 12 months on.'

A. Yeah, it seemed to be a pattern of the -- something would happen, the governors or the principal would start to put something in place but there wasn't any evidence of it being complete, or the impact that it had made.

Q. Then if we go on to page 30, to the conclusions of the report. At paragraph 6.2, it was noted that the College at that stage didn't meet the standards required for registration and then there were various requirements addressing the various concerns --

A. Yes.

Q. -- that the inspectors had which had to be met before registration could be granted?

A. Yes.

Q. And ultimately, I think the school was registered?

A. It was. It was.

Q. Now, round about the same time there was an inspection report from Education Scotland.

So if we could look, please, at SGV-001032016.

And if we can look, please, at page 2 of this under 'Inspection', and maybe make it a wee bit bigger. This notes that the inspection took place in April and May 1998 as part of a national sample of provision for pupils with special educational needs. So, I think this was slightly after the visits for the ELRIS report?

A. Yes, that's correct.

Q. And if we can look on to page 3, and in the first substantive paragraph that we see there, it says:

'During the course of the inspection, pupils made a number of allegations to HM inspectors about members of staff in the school. These allegations were reported to the appropriate authorities, including the board of governors, and the principal and two members of staff were subsequently suspended pending investigation.'

A. Yes.

Q. So I'll come back to that in a bit more detail in due course, but if we look on to page 4, and to a paragraph beginning 'The board of governors'. So it says:

'The board of governors was concerned mainly with the financial management of the school. Most board members visited the school regularly and some senior

members of staff had attended board meetings to brief members about the work of the school. An education subcommittee had been formed to consider educational matters. The board should consider setting up a subcommittee to monitor and evaluate the care and welfare of pupils.'

So that seemed to be a new subcommittee that was going to be formed?

A. Yes.

Q. Do you know if the board went on to form that subcommittee?

A. Yes, it did.

Q. Then it says:

'There was a clear need for the board to establish policies and procedures which would enable it to play a more active role in evaluating all aspects of the work of the school. In this way, the board would be well placed to provide better support to the management of the school.'

A. Yes.

Q. Then I think this report goes on to raise various issues which I think are probably similar to those that we've seen in the ELRIS report.

A. They were.

Q. Now, if we could just look briefly please at

DSD-000000056, and at page 11.

LADY SMITH: Just for the notes there, can we mark ELRIS, the date of the ELRIS report was? 90s, late --

MS INNES: It was 1998.

LADY SMITH: For ELRIS?

MS INNES: For ELRIS.

LADY SMITH: Well, this one's 1998. Yes, both of them are.

MS INNES: Yes, both reports were in the early part of 1998.

LADY SMITH: Thank you.

MS INNES: I think the visits for the ELRIS report were carried out in January and then the HMIE report visits were in April and May of 1998.

LADY SMITH: Thank you.

MS INNES: So we're in DSD-000000056, and perhaps if we can look back to page 8, just to put this in context. So this is a report on progress from ELRIS in relation to the registration of the school. And if we look then to page 11, at paragraph 3.1 it notes there that there had been the inspection by HMIE in April 1998 and HMIE had been briefed by progress made by ELRIS in relation to the registration of the school. So there seemed to have been some discussion between both bodies?

A. Yes.

Q. Then at 3.2, there's reference to disclosures made and a police investigation being underway, staff being

suspended. Then it says at paragraph 3.3 that:

'In the absence of the principal, the depute has acted as principal of the school. The acting principal and Head of Care have sought advice on the management of the residential component of the school.'

And assistance had been given by the local Social Work Department, I think, at that stage?

A. Yes.

Q. Then at paragraph 3.4, it says that currently the Social Work Department is offering longer term assistance to the school and it was intended that a senior manager with experience of school-based residential care would provide continuing assistance and advice --

A. Yes.

Q. -- at that point.

Now, I'm going to move on to issues with Mr Scott that we've alluded to there so perhaps now might be a good time.

LADY SMITH: I promised you a break about this time, Laura, so if that works for you, we'll do that just now.

(11.29 am)

(A short break)

(11.45 am)

LADY SMITH: Laura, welcome back. Are you ready for us to carry on?

A. Yes, thank you.

LADY SMITH: Thank you.

Ms Innes.

MS INNES: Thank you, my Lady.

If we could look, please, at DSD-000000058, and page 18, this is a memo, it's from 27 January 1995, the year isn't fully in there, but it's 1995.

It records an attendance with a Mr Jack Findlay of Highland Regional Council and Mr Gilchrist being the Director of Education at Highland Regional Council. Then it goes on to refer to an incident, it says:

'On Tuesday, 24 January, Mr Scott had returned to the college about 11.00 pm and had gone into one of the boy's rooms. A complaint had been received from one of the boys saying that the principal had appeared in the dormitory much the worse of drink and they had not been able to understand his sign language or what he was trying to say to them. On my questioning, Mr Findlay confirmed there was no suggestion of assault on the part of the principal. Nevertheless, they were concerned that the principal had been worse for drink.'

Then there's reference to another boy, also from Highland region, having made a similar complaint.

A. Yes.

Q. And then it goes on in the next paragraph to talk about

Mr Scott's response and essentially he gives a different account and disputes that he was drunk to the extent that the boys suggested, although he did accept that he had been to the pub, I think.

A. Yes.

Q. This is an incident that was brought to the Inquiry's attention by Donaldson's, so this is presumably something that you found out about when you were looking through the files?

A. Yes, it was in David Scott's files.

Q. And if we look on to page 21, there's a letter of 1 February 1995 to the clerk to the board and from Highland Regional Council and at this point the boys have been interviewed --

A. Yes.

Q. -- and the council's impression was that the boys' accounts were generally truthful.

Then they also mention in the next paragraph:

'The mention of the headteacher's entry into the girls' room is a further cause for concern.

'We consider there is an obligation to inform the authority responsible for them. If the girls are under 16, it is possible that that may set in train the usual child protection procedures. We would have been obliged ourselves to have taken this action had the two boys

been younger.'

And then the suggestion is that the school then informs the relevant authorities in respect of the girl.

A. The girls, yes.

Q. The girls.

If we go on to the next page, on 3 February 1995 we see a proposed draft letter to go back to Highland Council. This letter is addressed to Ivor, who I think was maybe the chair of the board at the time?

A. Yes, that's right.

Q. And there's reference to a possible press release and then it says in the middle of this paragraph:

'The one thing I must be absolutely clear on is that we are all agreed that there is no need to suspend David Scott but that we must give him a written reprimand and warning in the terms suggested by me in the letter to Highland.'

So that seems to have been the view taken by these members of the board at the time?

A. Yes, that's correct.

Q. And if we go on to page 23, we see a letter to Mr Scott, where it refers to these allegations and then it says:

'The executive committee of Donaldson's have carried out a very full investigation and have reached the conclusion that your actions were a mistake of

indiscretion rather than real substance. Highland Council have been informed that we are satisfied with our own internal investigation and we have ruled against your suspension. Nevertheless, the executive committee are of the view that you were indiscreet. You, as principal, should not put yourself in the position of being open to such allegations. Accordingly, this is a written reprimand and warning. The executive committee have faith in you as principal but any repetition of such behaviour will be viewed with extreme seriousness.'

Do you have any reflection on this chain of events?

A. There seemed to be a level of protectionism from the board of trustees at that time. The fact that a mistake of indiscretion doesn't feel appropriate for the actions of Mr Scott at that time. It was entirely inappropriate for him to have entered the bedrooms of children, which is their safe place, and to have behaved in such a manner. The children's -- the safeguarding of children didn't seem to be on the agenda in terms of the board at that time, rather to lessen the charge that was against Mr Scott in their investigation, and their lack of decision to suspend the principal, which would be the first thing that should have happened.

Q. I think in terms of the timing, we saw that the first

memo was on 27 January and this is now 10 February?
A. Yes.
Q. It seems quite a short period, but perhaps it's possible to carry out an investigation within that period?
A. It would require external support in order to do that in such a short period of time -- to do it thoroughly, that would be.
LADY SMITH: That's barely two weeks they'd given themselves to look into this, isn't it?
MS INNES: Now, if we can look on, please, to SGV-001033476 and to page 26. Now, this is a memo recovered by the Inquiry from Scottish Government. The date of it is 2 July 1997, and I think this contains material that Donaldson's weren't aware of prior to seeing this information.

So at paragraph 5 on this page, there's reference to 'SH' and 'HM'. I think HM is perhaps a mistake, so I think the people being referred to there are Sue Hamilton and Martin Henry, who had been trying to undertake child protection training in the school.
A. Yes.
Q. And it notes here:

'They were well aware of previous allegations made against the headteacher and which SOEID are knowledgeable about. HM [again, I think that should be

Martin Henry] disclosed confidentially that the police had admitted to mishandling the investigations. These allegations concerned a female student disclosing at Lochgoilhead Outdoor Centre that she had been raped by the headteacher. Two students from the former central region were interviewed but formal criminal charges were not brought against the headteacher due to lack of evidence. [Martin Henry again, I think] has been told that the case could still be reopened.'

I don't think, other than what's said in this document, the trust were aware that there had been these allegations.

A. No, there's certainly nothing in Mr Scott's file that alluded to this.

Q. Okay.

And I think, just for completeness, this is the only reference that we have in the Scottish Government material in relation to this specific incident.

Now, if we move forward to 1998, we know, from what we've already looked at, that Mr Scott was suspended in 1998. And if we can stay with this document, please, and look at page 28. I think I've got the wrong page number. Apologies. (Pause)

If you can just bear with me a moment, I think I've got the wrong reference. I think we may need to look at

another document, so if you just bear with me a moment.
(Pause)
Yes, if we go back, please, to DSD-000000058 and to page 28, so this is a letter dated 29 April 1998 to the principal and it says:
'This is to confirm the chairman's telephone conversation with you earlier this afternoon to the effect that you are suspended from duty on full pay until further notice in view of the allegations which have been made against you and which, as you know, are currently being investigated by the authorities.'
And it notes that the deputy had been appointed.
It should be on page 28 of ...
Yes. So page 28 is the letter suspending Mr Scott. What do you know of the nature of the allegations that were made against Mr Scott?
A. My understanding is that he was alleged to have physically abused children by kicking them, poking them, throwing things at them on a variety of occasions. Through the interviews that were carried out from -- the inspectors and ELRIS, children came forward at that point to be heard. I think that's what I was, when I was reading through their accounts of what had happened, it was they had spoken to people in the past, they had said that this had happened to them but nothing

had changed and that Mr Scott's behaviour had continued to be physically abusive.

Q. Okay.

And you've already mentioned in your evidence that the staff were supportive of Mr Scott. If we look at page 29, the next page, it says:

'We, the undersigned [so this is 1 May 1998] staff members of Donaldson's College wish to express our concern at the events of the last few days and convey our total support for David Scott. The allegations of mental and physical abuse have made us painfully aware of the vulnerability of each and every member of staff to similar accusations made on the whim of any pupil, grudge-bearing or not. One of Donaldson's many strengths is small classes and frequent teaching in one-to-one situations, but this may have to change as staff are now extremely reluctant to find themselves in situations where their integrity may be questioned. We are now working in an intolerable climate of mistrust and fear. There are further concerns but in view of the speed of events, we wish to register our support for David Scott as quickly as possible.'

If we look over the page, it's all redacted but there's multiple signatures of staff.

Q. Yes.

A. Do you have any reflection on what's said about the staff's attitude to the allegations that have been made?
A. I think it tells you a lot about the culture of the organisation at that time and where children fitted into that culture.

I mentioned earlier on about a protectionism from the board, but there appears there to be a protectionism of the principal by staff members and them being quite disparaging of the accusations that have been made by pupils. And for them to have put that in writing shows the weight of their beliefs and I would probably say is it any wonder that children didn't go forward, if that was the kind of attitude that they would receive from staff members by disclosing information.

Q. And then if we look on to page 33 of this document, this is a file note dated 25 May 1998 and there's a discussion, I think, with board members. If we look down to a paragraph beginning, 'Mr Mackenzie raised the question ...':

'Mr Mackenzie raised the question of when Mr Scott could be brought back in, particularly on the administrative side, without de-suspending him and agreed that, particularly in view of the "rocket" which Kate Clegg had received from the authorities, the governors should be very circumspect about this.'

So it appears that there's been some discussion amongst board members about Mr Scott being brought back in, even to do administrative tasks.

A. Yes.

Q. Do you have any comment in relation to that?

A. Again, I think it reflects a -- a culture where what was alleged to have happened appeared not to have the impact on the governing board that you would expect it to have.

There was almost an acceptance that that kind of behaviour was acceptable and I am unsure that without the inspectors raising these issues through the allegations that children had made, that any dim view would have been taken of Mr Scott, without the support of the children -- the support that the children had from the inspectors and from ELRIS.

Q. Then if we move on to page 37, we see another memo. This is from Alasdair Fox to Alun Thomas. I think this is potentially an internal memo within the solicitor's firm acting for the Trust. So this is dated 23 June 1998 and it says:

'When Donaldson's first became a target of bad press publicity, which has, I am afraid, multiplied recently, you kindly offered to assist, should it be necessary to do, in relation to any employment issues.'

So it appears that this had hit the press?

A. Yes, that's correct.
Q. Then there's discussion of the employment situation, there's discussion of an ongoing police investigation, and then there's reference to the ELRIS report and in the final paragraph on this page, it says:

'I also draw your particular attention to section 5 of the HMIE report where, as you will see, a number of criticisms are levelled at the principal. I may say that these are considerably watered down from the draft version of the report which the governors were able to "discuss" with HMIE, which described Mr Scott as "unsatisfactory". The HMIE report as a whole is critical of several aspects of the college which have come under Mr Scott's remit, although it has to be said that the governors themselves must also accept responsibility for some of the deficiencies.
A significant number of governors are now calling for David Scott's "removal" as principal and I will be asked to advise on the legal aspects of it.'

So by this stage it appears that things have changed in the board of governors and they are wanting him removed?
A. Yes, I think -- I -- my opinion on that is that the spotlight moved from Mr Scott to the board of governors and their role and responsibility in all of this, and

questions being asked of them, and at that point they made -- they changed their viewpoint to bringing him back, to removal.

Q. Then if we look on to page 40, we see an agreement between the governors and Mr Scott with agreement that his employment would terminate on 31 October 1998 and that a payment would be made to him in compensation for loss of office.

And if we look on to page 43, I think this also includes agreed statements in relation to his departure from the school.

So him saying:

'It's now obvious to me that the excellent, long-standing relationship between the board of governors and myself no longer exists. This is a situation which I very much regret and is in no small part due to the excessive and unfair media coverage which both the College and I have received over the past few months. In the best interests of Donaldson's therefore, I have no option but to offer my resignation as Principal of Donaldson's College.'

Then the employers' statement was to be at 4.4 that they announce that they have accepted his resignation, they have agreed to make no further comment at this time and wish to concentrate on their efforts on working for

the benefit of pupils and staff at Donaldson's.

And then there were further essentially media lines agreed.

If we look on to page 45, we see there that he was given a reference noting his experience, saying at the second paragraph that he has 'a thorough understanding of the teaching and learning needs of deaf people'. In the next paragraph:

'The welfare of staff has always been a major concern of his.'

And then the next paragraph says:

'After 17 years of working in residential settings, he now feels that a non-resident post would be more appropriate. He's also considering a career change, which may take him away from teaching. David is a very caring individual with good communication skills and a great deal of practical and theoretical knowledge and expertise. I would strongly recommend him for any post which utilises his undoubted abilities in these areas.'

So it appears that agreement was reached for him to resign, be given a reference and a compensation payment to be made.

A. Yes.

Q. And I think, ultimately, his resignation was brought forward, or the announcement was brought forward because

of press interest?
A. Press interest, yes.
Q. Do you have any comment on this process or do you --
A. It's entirely inappropriate and particularly in terms of safeguarding children, that any future employer wouldn't have had any detail of any concerns that had been raised to the board by inspectors. But I think more importantly, the insult that children and young people must have experienced in seeing the reaction to Mr Scott from the governors, and him being able to freely leave with compensation. It's very telling of a culture at the time but it's also, when you reflect now on something like that happening, entirely inappropriate that children have come forward, and as a result their potential abuser has been compensated.
Q. Now, I'm going to move on from Mr Scott and move on in time. So from 1998, as you said, there were various requirements and recommendations, they were put into place and there was a period between 1999 and 2005 when Janet Allan was the principal and things seemed to be improving over that period?
A. Yes.
Q. Then, moving forward -- this is the time when the school had moved to Linlithgow -- we come to 2011 and a Care Inspectorate report at that time. So this is at

CIS-000010278. If we see on the first page, this is dated 21 June 2011.

At page 3, under: 'What the service could do better', it says:

'The service need to make sure that staff working in the residences have the communication skills they need. They were routinely using temporary staff who were not competent in British Sign Language and were not providing BSL training to permanent staff quickly enough. The service should make sure that there are always enough staff with the right skills and experience to provide a quality service for the children and young people staying at Donaldson's.'

So this picks up on an issue that I think we saw back in 1998 about the use of BSL.

A. Correct, yes.

Q. It appears that there were maybe staffing pressures at the time?

A. Yes, there were staff members who didn't use BSL, who were employed without that skill. There was the ability for them to learn but you don't learn BSL overnight, it takes time for you to do that, and it appeared that there were staff members who were being put into the residential care who weren't competent in BSL and therefore were unable to properly communicate with

children but also with their colleagues.

LADY SMITH: Did these staff have any ability to sign in any way at all?

A. Gestural only.

LADY SMITH: But that wouldn't be what the children were used to?

A. No. No, that would have -- BSL being a much more sophisticated language, it would have not been something that would have been readily understood, someone come in and gesturing, rather than someone having the skills to communicate with them through the language that they had been taught.

LADY SMITH: Thank you.

MS INNES: Then at page 4, it notes that Donaldson's were now providing a service to children and young people with more complex care or support needs which required an increased level of staffing.

A. Yes, that's correct.

Q. So it seems to suggest that there had been a change in the children who were being admitted to the school?

A. Yes, that's correct.

Q. And then it refers to the use of temporary staff not competent in BSL and it says:

'These factors had resulted in a deterioration in the quality of the care and support provided overall,

which is reflected in the grades awarded at this inspection. So there were a couple of weak gradings at this time, I think.

A. Yes.

Q. And if we look on to page 23, under 'Additional information', it says:

'We spoke with permanent staff during the inspection. While it was evident that they were dedicated to providing a high-quality service for the children and young people, they were clearly finding this harder to achieve than we had seen at previous inspections. Staff were less positive and less motivated than we had seen previously. We were concerned that staff morale was low and the service needed to be aware of the effect that their decision to continue to replace permanent staff with supply staff had made.'

So this seems to now indicate that there is an issue with staff morale being low. How does that then impact on care of children?

A. With agency staff and temporary supply staff being used, those staff don't have the same knowledge, understanding, relationships with children. That will then impact on children's wellbeing. The establishment looked after the children in loco parentis, so therefore

were acting in that caring role and the expectation was that there would be continuity in terms of staff working with children. So they would know what members of staff they were going to see that night, what was going to happen that night, and with staff absences and lack of BSL, things would change, become disruptive, activities that might have been planned would have to be changed and therefore the impact on children and their own morale would have been significant.

And as a result of that, some children may display behaviours that would challenge staff and without those staff members knowing or understanding those children well, they wouldn't necessarily know what to do in the best interests of those children, resulting in low morale and dissatisfaction.

Q. Then if we look on, please, to CIS-000010501, so this is a memo from the Care Inspectorate to Education Scotland in November 2011. If we go on to the second page, she notes in the second paragraph:

'Over the last few months there have been a number of incidents regarding child protection at Donaldson's. We have been kept updated and are continuing to monitor the situation.'

There's reference to complaint about practice in the classroom, which would be outwith the Care Inspectorate

remit but would be relevant to Education Scotland.

A. Yes.

Q. There's then reference to restructuring the management of the residential service. It notes that the Head of Residential Care post and the Deputy Head of Residential Care are to be deleted and a new post of Manager created.

And the effect of that was that the two people who had been in those roles left them and somebody new came in.

A. Yes.

Q. Then she makes reference to the inspection report that we have just looked at, highlighting the communication issues.

A. Yes.

Q. So it appears that the Care Inspectorate, over the course of 2011, continued to have concerns about what was happening at the school?

A. Yeah, that change was significant, particularly with the reference to temporary and supply staff. Those two positions were the two constants and those were then removed without proper -- a proper transition period. Then the children would have been significantly impacted by that, with really fear of what was to come, who's going to -- who's this new person who's going to come.

And I'm not sure what -- the transition arrangements were made, but from what I've read, children appeared to have said that they didn't get a chance to say goodbye.

Q. To the previous people who were in those roles?

A. Yes.

Q. Now, if we go on to the beginning of 2012, CIS-000010293, we see a Care Inspectorate report from 2 February 2012. It's an unannounced inspection. If we look on to page 3 of this report, under 'What the service could do better', it says:

'The provider needed, as a matter of urgency, to introduce effective systems of quality assurance at all levels, including the board of governors. They needed to address the areas highlighted in this and the previous inspection report. They needed to make sure that action plans were made for requirements and recommendations made by the Care Inspectorate, and that these were carried out.'

Then there's reference in the next paragraph to say that the new Manager of Care had only been in position for two weeks. So this was the person who had come in to replace the two previous people?

A. Yes.

Q. If we can look on to page 4, it says in the conclusion:

'The service previously operated well and we awarded

good grades as a result. There has been a period of uncertainty and a major management restructure in the time since our last inspection. The new structure and the newly appointed Manager of Care had not been in place long enough for to us see where they had made improvements. Meantime, staff had worked hard to maintain a caring service for the children and young people.'

So this seemed to be the position of the Care Inspectorate at this time, it had come in very shortly after the new person was appointed.

But if we look on to page 22, we can see that there were still weak gradings.

And if we could look at the service's response to this report, so if we look at CIS-000010285, this is something called an error response form. So would this be something where a service can point out errors in an inspection report?

A. Yes, they're provided with the inspection report before it's released, for accuracy, checking for accuracy.

Q. And if we look on to page 31, it begins there by saying:

'We would like it to be highlighted that the noted areas of quality assurance failures had been the responsibility of the previous lodge (care) management team ...'

It then goes on from there, essentially, I think, saying that it was the previous managers that were responsible for the failures.

A. Yes.

Q. Okay.

If we go on to page 32, they say:

'The report is most disappointing. However, we agree with many of the issues raised by the team and the school will rigorously address each point raised. Previous reports have been extremely positive and when this and the last inspection report are set side by side and compared, it is difficult to think that the reports reflect the same establishment. There is a credibility issue here for the Care Inspectorate.'

Do you have any comment in relation to that response?

A. It's entirely inappropriate. It's not something that you would typically see in an eForms error. It would typically be a member of staff's name is spelled wrong or there's an inaccuracy on one of the rooms that the children stay in being called something else, but to use this as a form of challenging credibility is not something that I've ever seen before.

Q. Then if we look on to CIS-000010269, this is minutes of a meeting dated, I think, in May 2012, so we see that it

was a meeting attended by: Janice MacNeill, the principal; Mary O'Brien, the headteacher; Susan Hepburn, who was the new Manager of Care; Jan Miller, a representative of the board; and three members of the Care Inspectorate. And this was to discuss the report.

There's a paragraph beginning:

'There was a lengthy discussion about the history leading up to our inspection and an outline of the background that had led to the staffing restructure. Jan Miller contributed the view from the board and explained that the board had been concerned about some aspects of the service for some time. They advised that in starting the process of change, they had not envisaged the change being as dramatic as it had eventually ended up.'

So is that referring to this restructure of the care service?

A. Yes. My understanding that the restructure was done for financial purposes, to reduce two roles into one.

Q. And then the inspectors --

LADY SMITH: Sorry, that related back to the two members of staff that the children didn't have chance to say goodbye to, that was in the earlier document?

A. Yes, that's correct.

LADY SMITH: Thank you.

MS INNES: Then it goes on:

'We explained that in writing the inspection report, we had commented on the situation as we found on the day and while we saw that there were many advances and changes planned, it was too soon for us to see the outcome of these. We explained that while there were changes going on as a provider, Donaldson's board and registered manager had a responsibility to provide an overview to make sure that an action plan was drawn up to plan how requirements made by the Care Inspectorate were met and then ensuring that this was carried out. We were aware that this had not happened. Janice MacNeill agreed that she had not fulfilled her responsibilities in this. We pointed out that the wording of the requirements emphasises that it is the responsibility of the provider to make sure that the service meets these.'

So that seems to be a response to the suggestion that it's the fault of the previous staff members.

A. Yes. Yes.

Q. And the Care Inspectorate saying, no, it's the responsibility of the board --

A. Of the board, yes.

Q. -- and the registered manager?

A. Yes.

Q. So that would be the person registered as the manager with the Care Inspectorate?
A. Correct.
Q. And then if we look on to the next page, just in the final paragraph it says, 'Susan', so I think that would be Susan Hepburn?
A. Yes.
Q. 'Susan asked that I was made aware that the error response form was compiled by those present and it did not necessarily represent her own view. She was aware that the response form was highly critical of the inspectors and she wished me to know that this was not her view.'

So there appears to have been a different approach perhaps taken by Ms Hepburn?
A. Yeah, I think Ms Hepburn came in and found what she found and she wasn't disagreeing with what the inspectors were saying. However, those others who were present had a -- appeared to have a different approach to their response to that report.
Q. Moving on into 2013, if we could look, please, at SGV-001032521.

So this was a quality assurance audit dated March 2013. It says:

'This report was commissioned by the strategic

management team of Donaldson's School with the support of the school's board of governors. The purpose of the report is to present the findings of a quality assurance audit of the school, carried out by Mike Gibson, and Stewart Jardine, the review team over the period in March 2013.'

So this seems to have been an internal audit?

A. Yes, it was.

Q. And if we look on to page 10, and look down to 'Aspects for development', the first bullet point says there:

'Some young people feel that the school should provide more opportunities for them to express their views.'

Then it says:

'A number of teachers feel that they would like to be consulted more and that strategic managers need to operate more effectively as a team.'

So it appears that the staff were highlighting some issues with the management team.

A. My understanding is there was a lack of understanding in terms of the different roles between the principal and the headteacher and where that related to the board of governors. And a lack of understanding of what was discussed at boards, what the aims and objectives of the organisation were, that was kept quite separate from the

staff and the strategic managers.

Q. The next bullet point says:

'Half of the support staff feel that the standards set for young people's behaviour are not upheld consistently. A number of the staff are of the view that there is not always effective communication between strategic managers and staff and that strategic managers don't always act together as a team.'

A. Yeah, again, to that point around the principal and the headteacher, have a -- appear to have very different ways of working and didn't provide clear leadership to the staff.

Q. Now, if we look on to page 13, at the bottom, below the table, it says:

'In this particular review, the review team is of the view that with the exception of the curriculum, the quality indicators would meet a very good rating ...'

LADY SMITH: 'Would merit'.

MS INNES: '... would merit a very good rating in that all have major strengths, with areas for improvement that are relatively minor, and curriculum was rated as good.'

Then there's a note in red at the bottom, where it says:

'It should also be noted that we graded only to "very good", although some areas should be considered to

be high in this level. Given the changing national perspective, the team felt we did not have up-to-date practice to compare our grade as excellent.'

So the outcome of the quality assurance was that at least the standard was very good --

A. Yes.

Q. -- across all areas, apart from in relation to the curriculum.

A. Correct.

Q. Now, just again in terms of going through this chronologically, so this report is -- the visits were in March 2013, this is dated 23 April 2013. Then we understand that there was a collective grievance against the principal?

A. That's correct.

Q. Okay. If we can look, please, at DSD-000000054, this is a letter dated 18 April 2013 to Mrs Christine Roebuck, who is a governor. There's a discussion of a meeting between senior members of staff, concerns about the principal and the Director of Finance, and it says:

'Our concern centred around the strategic management of the organisation and a perception of unprofessionalism and incompetence of the strategic management team led by Janice and Helen to take the school forward, particularly as we adapt in response to

the Doran Review and increasing commercial activity of the organisation. We feel that there is a culture of bullying, blame and threat, lying, mistrust, and lack of transparency which we feel are detrimental to the future of the organisation. Due to the very serious nature of our concerns about two people at the top of the organisation, we feel this has to be investigated by the board of governors. However, we took the decision to initially raise our concerns with Mike Gibson and Stewart Jardine when they were in school for the audit in March, as we felt we required the support of someone independent in the organisation to reassure us that we would be taking the right course of action to ask the board for support.'

And they say that they had specifically asked these people to raise the concerns that they had.

A. Yes.

Q. So we've seen that some concerns were noted in the report, but perhaps not to the extent --

A. Not to the extent, no.

Q. And if we just again, we're having to swap between documents I'm afraid, just to get the chronology here, at DSD-000000055, this is a note in relation to the staff complaint dated 15 May 2013. If we look on to page 2, it notes that there was a meeting with senior

staff at Donaldson's with Christine Roebuck and Mike Gibson, who had been involved in the audit, and a group of senior Donaldson's staff. It notes in the first paragraph that there had been concerns raised and there was then a meeting that took place.

And if we look into the paragraph below 'Summary', we see again the same sort of things as we've seen in the letter; a culture of intimidation and threat, a lack of transparency, a lack of trust, a lack of effective communication and constructive face-to-face discussion.

Then if we look down to the bottom, the recommendation is:

'The seriousness of the issues raised and the range of evidence provided make clear that an investigation of the overall management of the school is required. An investigation should be undertaken on behalf of the board by an independent agency and it should be undertaken immediately and in the absence of the principal and Director of Finance.'

A. Yes.

Q. And if we look on to page 10, there's a note 'Additional information from the staff group'.

It says:

'After Mrs Roebuck and Dr Gibson left the meeting, the staff group remained and in discussion, the issue

below was raised. The group sent the paragraphs below to Mrs Roebuck and asked that it be included in the note of evidence.'

And it says that:

'Following the meeting, the group of staff stayed on for a considerable period of time to share more information and support. During this discussion, an incident came to light that highlighted another occasion when correct procedure does not appear to have been followed. Due to the very serious nature of the incident shared, the group has raised their concern surrounding this with the headteacher today and has asked that the incident and surrounding concerns are investigated fully to ensure that appropriate action is taken if required. The reported incident has raised concerns about the transition coordinator and his suitability for working with vulnerable young people. The group have been told the principal was made aware of the concerns pertaining to the incident at the time, but it is clear that no action has been taken.'

A. Yes.

Q. Now, what's your understanding of this incident that's being referred to here?

A. It was an incident that occurred outside of Donaldson's. A member of staff, the nursery manager, was having

a party that she had invited the transition coordinator to. It was alleged by the member of staff's son that the transitions coordinator sexually assaulted him. The member of staff then went to the headteacher, Mrs O'Brien, and told her what had happened. Mrs O'Brien said that she would take that information to the principal.

And what seems to have been disputed over the years, over the period of time, is did that happen? Mrs MacNeill said she didn't know about it. Mrs O'Brien said that she did tell her.

Q. Okay.

Then if we look on or back to DSD-000000054, page 3, we see minutes of a special meeting of the board of governors on 12 June 2013. If we look down to point 3, it says:

'The clerk presented a short paper outlining that staff at Donaldson's had communicated a complaint regarding the principal and the Director of Finance ...'

And then there's a record of what was going to be done to deal with that, so there was going to be an ad hoc committee and they were going to appoint an independent person to investigate the complaint.

A. Yes, that's correct.

Q. So that seems to have been the action that was to be

taken by the board.

And if we look down to the bottom of page 4, and point 7, it notes that the governors had seen this letter and had agreed there should be an independent investigation and Kim Pattullo, who, I think, was a solicitor, said that the matter should be treated as a grievance.

A. Yes.

Q. And it was then taken forward on that basis?

A. It was, yes.

Q. Was Mrs MacNeill then suspended?

A. Yes.

Q. If we look on to DSD-000000050, we see the investigation report into allegations of misconduct. This is dated November 2013. If we look to page 3, at paragraph 1.3, it says:

'The time taken to investigate the matters has been extraordinarily long because of the reluctance of staff to meet, staff availability and the time taken to organise meetings and get further information or comments back regarding the notes of these meetings.

So it appears that the investigator had difficulty in carrying out the investigation?

A. My understanding is that there was a fear of reprise from staff members over what might happen if they

disclosed information about the principal, from the behaviour that she had previously exhibited within the organisation.

Q. Okay, and if we look down to paragraph 2.2, we see reference to the child protection issue in relation to the staff member having come up during the grievance, as we've seen.

Then it says at 2.3:

'It was decided that a governor, Mr Bucknell, would speak to Mrs MacNeill to ask if she had known of this issue and report back to governors.'

They met with Mrs MacNeill on 16 July 2013 and she said that she was unaware of the incident and if she had done, she would have dealt with it:

'She said she was completely shocked by it.'

And then it says:

'The governors then instructed Mrs MacNeill to suspend Mr PWV to facilitate an investigation into the incident.'

Which she then did.

And then at paragraph 2.5 it says:

'The governors then decided to suspend Mrs MacNeill and Mrs O'Brien on 19 August.'

So it appears from what we've seen that the incident came to light in about May 2013.

A. Yes.
Q. And there was then a decision that Mrs MacNeill would be spoken to about the incident. This happened in July and it was then that the staff member was suspended?
A. Yes. It was the school holidays.
Q. Do you know why there was a delay between the incident coming to light in May 2013 and him being suspended in July?
A. I don't know.
Q. And then we see that Mrs MacNeill was suspended in August 2013.

Then if we look on to page 4, at paragraph 3.6, it says there:

'In addition, files were consulted and information sought within Donaldson's. Some important documents such as CP1 forms for the incident have not been found.'

What would a CP1 form be?
A. So a CP1 form is a form that you would use to inform the -- from a records point of view, that a CP1 form had been used for child protection recording and that that CP1 form would be sent to the local authority.
Q. And this paragraph says that they couldn't find any CP1 form specific to the allegation and it says:

'It should be noted that CP1 forms up to 2008 and from 2010 onwards have been found but not for 2009.'

So it appears that there were no CP1 forms for 2009, is that your understanding?

A. There was none found. That's not necessarily that there weren't any.

Q. Yes, okay, so there's then reference to the allegations -- there was a dispute, as you've said, in relation to whether Mrs MacNeill knew or didn't know about this incident?

A. Yes.

Q. And if we look on to page 11, the investigator recommended that there should be a formal disciplinary process.

A. Yes.

Q. If we look on to DSD-000000052, and page 1 of that on 2 May 2014, we see that by this stage a decision had been taken to dismiss Mrs MacNeill. She'd appealed against it and it's noted that the decision is -- that the decision to dismiss stands and her appeal was refused?

A. Yes.

Q. Now, we understand that there were employment tribunal proceedings after that?

A. Yes, that's correct.

Q. And were these resolved by agreement or did they proceed, do you know?

A. It was resolved outwith the tribunal.
Q. And we know that there were also proceedings before the GTC?
A. Yes, that's correct.
Q. If we could look on, please, to GTC-000000327, we can see that there was a full hearing on various dates in February 2018.

If we look down under 'Allegations', we can see that one of the allegations was that Mrs MacNeill had been informed about this allegation at the time and had failed to take appropriate action?

A. Yes.
Q. Then there are other related allegations.

If we look on to page 14, we can see that the outcome was that Mrs MacNeill's evidence was preferred to the evidence of other witnesses and that the allegations were not proved.

A. Correct.
Q. Therefore she retained her ability to teach?
A. Fitness to teach, yes.
Q. I think Ms O'Brien didn't give evidence at this hearing?
A. No, she was sick.
Q. If we look just for completeness at the bottom of page 13, a paragraph beginning 'The panel':

'The panel did observe that hearsay evidence is

admissible in these proceedings. However, the panel was nevertheless surprised that the headteacher had not been called to give evidence ...'

So that would be Mary O'Brien?

A. Yes.

Q. '... or asked to provide a statement. She was clearly a potentially very important witness. The fact that she had not been called or provided a statement affected the weight that the panel could attach to what evidence there had been of the discussions that she'd had with the teacher. For the same reasons, the panel also considered that there was a lack of evidence to validate the notes which the headteacher produced of her discussions with [Mrs MacNeill].'

A. Yes.

Q. Your understanding is that Mrs O'Brien didn't give evidence because she was unwell?

A. She was unwell, yes.

Q. If we can look, please, at INQ-0000000885, this is a press report of the outcome of the GTCS hearing and if we can look to page 2.

We see, about halfway down the page, reference to what you said, it says that you said:

'The board of trustees and I are extremely surprised at and disappointed with the outcome of the

investigation.'

A. Yes.

Q. And was that your reaction at the time?

A. Yes, it was. I was very surprised that she maintained her fitness to teach.

Q. Why was that?

A. Sorry?

Q. Why were you surprised?

A. The issue of whether she was told or not was almost irrelevant, in that there should have been procedures in place that if something like that had been brought to the headteacher's attention, then it should have automatically been disclosed to the principal through child protection procedures, in that if a disclosure of that kind had come to anyone, that the principal would be made aware of it and therefore the board would be made aware of it also. The fact that she was in charge of the school at that time, and that those policies and procedures didn't seem to have been adhered to or were present at all, was something that I thought the General Teaching Council would have taken into consideration.

LADY SMITH: I think there was also mention of the failure to carry out any risk assessment.

A. Yes.

LADY SMITH: So whatever the truth of the allegation, it

flagged up the immediate need to look at the school's processes, proceed on the basis that it was possible that the allegation was well-founded and check whether it had all the risk protections in place that they needed.

A. Correct, yes.

LADY SMITH: But that wasn't done?

A. No.

MS INNES: Now, that's -- obviously it appears to have taken us up to 2018 but we are going to go back in time again to 2013, and if we could look, please, at SGV-001033134, which is a letter to Janice MacNeill from a parent dated 20 January 2013. If we look down to paragraph 4 on the bottom of this page, we see that this parent is saying:

'We have previously discussed with you that you have not communicated with us about or filed reports on the numerous occasions when our daughter has had her hair pulled in school or otherwise struck or bullied. We have expressed our deep concern that it seems to be school practice or policy that children who can communicate with their parents of such incidents report it home, but children who are unable do not.'

If we go on to page 3, at point 9, there's reference to the child being branded as violent and aggressive by her class teacher, which they say is different to the

way in which she's behaved in the past.

Then at the bottom of this page at paragraph 13, it says:

'It's clearly our concern that our daughter's behaviour stem directly from and mimic closely the physical attacks she has been subjected to and other observed behaviours in school.'

Then going on to page 5 at paragraph 14, she expresses concern about staff's inability to manage effectively and that this amounts to:

'A failure in child protection for an extremely vulnerable child under your care.'.

And:

'It would be of little surprise to any outside observer that our daughter is now displaying these types of reactions in stressful situations.'

Then she asks for various actions to be taken.

So this appears to be a complaint from a parent about physical attacks on her daughter.

A. Yes.

Q. What would you expect to be done about that?

A. That's a complaint, so the complaints procedure should be invoked and the procedure around that would be that someone would be assigned to investigate, an appropriate person would be assigned to investigate all of the

matters within that complaint, for the parent to see the outcome of that complaint and have the right to appeal.

Q. Okay. Now, if we look on to SGV-001033122, we see a form submitted by this parent to Education Scotland in the context of an inspection that was taking place in May 2013. If we look on to page 2, she says:

'The management cannot be trusted. Finance comes before care. Training is lacking with the diversity of the children they are taking on, lack of understanding, basic communication needs, the lack in pursuit of each individual's potential attainment, horrendous communication but they seem to put on a good show for inspectors and external funders.'

And then on page 3 she goes into some more detail and the first thing that she notes there is she questions Donaldson's ability to cope with the huge diversity of children with additional needs that they are taking on.

A. Yes.

Q. And it your understanding that that was an issue for Donaldson's?

A. A significant issue. Staff in Donaldson's at that time were very much trained in relation to deaf education, British Sign Language, deaf culture and a mainstream curriculum, and those children who were admitted into

Donaldson's at this time would not have benefited from the type of training that the staff were receiving.

The training/development of staff hadn't diversified with the nature of the children, the policies and procedures hadn't diversified. The understanding of how to safeguard children who have very complex needs hadn't -- wasn't within safeguarding child protection procedures. Everything remained very mainstream at that time and therefore staff didn't have anywhere to go in order for them to be supported and what my understanding was it was very chaotic.

LADY SMITH: I see that this particular parent, and this was the one that's been writing all along, had two children, not just one.

A. Yes.

LADY SMITH: And as she points out, she has vast experience of what Donaldson's had been delivering over many years because of that.

A. Over many years, yes.

MS INNES: If we look at the bullet point beginning 'Donaldson's have made policies and procedures up', so it's maybe the fifth -- yes:

'Donaldson's have made policies and procedures up as they go along and never adhered to them, hopefully witnessed by my documentation, particularly the

complaints procedure that I have asked for in writing on numerous occasions which has never materialised yet.'

A. I think that that phrase that was used by the parent, 'Making it up as we go along', was something that was similar to what was said in the past decade but that's certainly what my understanding was of the -- not just the teaching and support staff but also the leadership team. That they were at a loss as to how to lead an organisation with such diversity in terms of children.

MS INNES: My Lady, I'm going to move on to another inspection report, so perhaps this might be a good time to break.

LADY SMITH: I think we should stop now for the lunch break, Laura, if that works for you. I will sit again at 2 o'clock

A. 2 o'clock.

LADY SMITH: Thank you.

(1.00 pm)

(The luncheon adjournment)

(2.00 pm)

LADY SMITH: Laura, welcome back.

A. Thank you.

LADY SMITH: Are you ready for us to carry on?

A. Yes, thank you.

LADY SMITH: Thank you very much.

Ms Innes, when you're ready.

MS INNES: Thank you, my Lady.

Now, we know from what we looked at before the break that there was an inspection I think in about May 2013.

A. Yes.

Q. And we know from other evidence that we have from Education Scotland that the publication of that report was delayed --

A. Yes.

Q. -- until December 2013 --

A. Yes.

Q. -- to take into account developments subsequently.

If we look at CIS-000010246, we see the report from December 2013. If we could look on, please, to page 8, so there's a paragraph which begins talking about learning experiences and suchlike. About eight lines from the top, there's a sentence beginning:

'Some teaching staff consider that communication among the staff ...'

So it's towards the top of the page, yes, so about in the middle of what we're seeing there:

'Some teaching staff consider that communication amongst staff in the school and with the board of governors needs to improve, that there is a lack of

clarity in senior managers' roles and responsibilities and that direction from senior managers is not clear. There have been tensions between some senior managers and staff. This has led to poor understanding and sharing of information on a range of issues relating to care, education, finance and resources. The school has identified the need to ensure that all staff understand their responsibilities for implementing the policy for child protection.'

So that seems to pick up on some of the themes that we saw from the quality assurance, the grievance and work that was done around the earlier period in 2013.

A. Yes.

Q. Then, if we look on to page 10, it says there that areas for improvement were agreed with the board of governors.

And if we look down to the fifth bullet point, that is:

'To improve communication and leadership across the school.'

The next bullet point is:

'The Board needs to clarify its role, improve its communication with the school, parents and young people and ensure that it fulfils its role of both supporting the school and holding it to account for children's safety, the school's performance and the quality of the

education it provides.'

The next bullet point is that:

'The school needs to clarify its complaints procedures for parents and staff and ensure that the board has an appropriate place in them.'

And then the final bullet point:

'The school needs to continue to improve its child protection and safeguarding procedures by ensuring that there are clear lines of communication between different parts of the service and that the planned Child Protection Coordinator's role is implemented.'

So these were the agreed areas for improvement between Education Scotland, the Care Inspectorate and the board of governors at the end of 2013.

A. Yes.

Q. And do you know if these were taken forward?

A. Somewhat.

Q. Sorry?

A. Somewhat.

Q. Okay.

So if we move on to the next inspection report that we have, which is in July 2014, so this is at CIS-000010289. So this, we can see, is again a joint report and it's dated 29 July 2014. And if we look at page 5, at point 4, it says that:

'The interim principal is making a big difference in helping the school to improve the quality of its work.'

So I think that was the interim principal that was put in place between Janice MacNeill's suspension and your appointment?

A. That's correct.

Q. It says:

'She's providing strong leadership and improving communication with staff, parents and the board of governors. She's providing more robust information about the performance of the school ...'

And so on.

And if we go on to the next page, under 'What happens next?', it says there:

'There has been good progress made on almost all of the main points for action identified by HMI in December 2013, however, these are at an early stage and need to be embedded further. The lack of stability in relation to senior management posts and high levels of staff absence require to be addressed.'

There was a need to develop the future vision and there was going to be a link inspector working with the board of governors, and they were to carry out a further inspection a year later.

A. That's correct, yes.

Q. Okay.

Now, we know that you took up your role as principal in October 2014, I think it was 14 October 2014?

A. Correct, yes.

Q. What did you find when you arrived at the school in terms of how it was being managed?

A. I was surprised by what I found. At my interview, I was asked lots of questions around my ability to sign. And when I arrived in the school and looked around me, I seen that there was -- certainly not what I expected. I was expecting to see more staff signing, more staff communicating through British Sign Language. I didn't see that. So that was a surprise in terms of the National School for the Deaf, to which I was appointed for the post.

I met with the interim principal and she talked to me about a complaint that had come to her and her words to me were, 'Wait till you hear about this', and she went on and told me about a complaint that had been made by a parent some time ago and that she had been trying to work with the leadership team to ascertain the timeline of what had happened, what paperwork had been filled in. So that was -- one of the first encounters that I had was a parental complaint and the lack of use of sign language.

As I spent some time in the school, there -- I felt a tension towards myself in terms of people talking to me, having any more than very curt responses to questions that I might ask. So I felt that there was a tension there.

And in reviewing some of the paperwork, I recognised that there was a significant amount of incidents that were happening in the school, disproportionate to what I would have expected in a school like Donaldson's. Folders full of incident report forms that had not been completed. So there is a form of the incident that is reported, it's signed off by a manager and then there is feedback given in terms of analysis. The first part was filled in, with the incident, and then there was very few that had anything else done after that. So in terms of recording, lots of incidents were recorded but that's where it was left.

So I've seen children distressed in class, it was very noisy, there was lots of screaming, shouting, it was quite a chaotic environment.

Q. And when you refer to incidents, what sort of incidents were these that were being reported in the forms?

A. So incidents where children would hit each other, where children would be restrained by members of staff, where children would be -- would have self-injurious

behaviour, they might be hurting themself. Bullying, one child bullying another. Incidents of staff injury, where children would bite, kick, pull the hair of staff. So a wide range of incidents that were occurring, particularly in the Lower School. It was divided when I arrived into Upper School, Lower School, so these incidents were particular to the Lower School.

LADY SMITH: What age group was that, Laura?

A. Primary age, so from 5 through to 11.

LADY SMITH: Thank you.

MS INNES: Now, you mentioned in your evidence there that there was a complaint from a parent.

A. Yes.

Q. And I think this is a parent who had a son at school and I think that parent has the pseudonym 'Mary' in terms of the Inquiry's evidence.

A. Yes.

Q. If I could ask you, please, to look at DSD-000000104, and if we look on to page 2 and to the bottom of the page first of all, there's an email there from you to PZY [redacted], what was PZY [redacted]'s role?

A. She was SNR [redacted].

Q. This is on 3 November 2014 and you say:

'Can you please provide me with the report you prepared as a result of the investigation into the

alleged incident with ['Mary's' son]. I am meeting 'Mary' tomorrow and just want to know what has previously been carried out.'

A. Yes.

Q. Then if we look back up to the top of the page, we see a response from Miss PZY to you:

'Laura, I can write a report for you for 'Mary' coming in tomorrow. There doesn't seem to be any paperwork/report from the original complaint/concern as it was raised with [Mrs O'Brien or Miss O'Brien].'

A. Yes, Mary O'Brien, yes.

Q. The parents had met with her in the first instance, she says. She then refers to having met with KKW and PHY, who we understand to be staff members at the school:

'... and we wrote a protocol for supervision in the changing rooms to improve practice, which I have. I also have minutes of a meeting I attended with Janice [MacNeill]. Please let me know if that is acceptable.'

What was your reaction to that?

A. I was surprised that there wasn't -- there didn't seem to be a paper trail, that for the seriousness of the incident that had been alleged by the parent, I would have expected there to have been at least a CP1 form raised and for an investigation to have been carried

out. And for a file to have been created with the timeline of the original complaint and the outcome of that.

Q. And then if we look on to page 4, I think we see a note there from PZY [redacted] dated 4 November 2014, in which she says:

'I was aware of a complaint being raised in relation to [one pupil and 'Mary's' son]. This involved an alleged incident which took place in the male PE changing room. The incident was reported to 'Mary' by her son on his return from school.'

Then there's reference to reporting that to Miss O'Brien, Janice MacNeill being aware of the complaint.

She then goes on to say:

'My understanding at the time was that one pupil had turned a hairdryer on ['Mary's' son] in the male PE changing room. My understanding was no staff present at this time. As a follow up I met with the teachers to formulate a plan or procedure for staff supervision in the changing area.'

There's reference to another staff member who would most likely have issued a sanction to the pupil who had turned the hairdryer on 'Mary's' son and she says:

'I'm not sure why I attended a meeting with the

parents with Janice MacNeill. I wonder if Miss O'Brien was absent and I deputised her. I really cannot remember, but this is possible.'

So was this Miss PZY 's recollection of the incident given to you in preparation for your meeting with 'Mary'?

A. Yes.

Q. And when you met with 'Mary', what issues were raised with you?

A. She told me that her son had come home and told her about an incident where a number of boys had turned a hairdryer onto his genital area and his genital area had then got burned. When he went home and told her about it and she looked at him, the clothing that he was wearing, she said, had actually stuck to his skin because his skin was burned.

She wanted to get a full understanding about exactly what had happened. This had been a number of years ago and to the day where she met with me, she still hadn't had a satisfactory response from the school as to exactly what happened, who was there, what sanction was made, what changes had been made and how to make sure that it would never happen again.

She had been given some incident report forms but none of the incident report forms referred to this

particular incident.

Q. Okay, so she had been asking to see incident report forms relative to her son --

A. Yes.

Q. -- and she'd been given a number of them?

A. Yes.

Q. But this incident wasn't referred to in those forms?

A. No.

Q. And did you ever find any form relative to this incident?

A. No. But what we did find is forms that she was later given, that she had asked for previously and hadn't been given. I think there was about 11 forms that were sent to her and out of those 11, there was 10 that she hadn't seen.

Q. Okay, so did she not know about these incidents at all?

A. She wasn't aware of them.

Q. If we could look on, please, to DSD-000000069, so we can see that this is a statement given by you and this was in respect of an investigation into the incidents.

A. Yes.

Q. And if we go on to page 2, we see that there is an allegation against Ms PZY, which is being investigated, which is in respect of a failure to follow the school's child protection guidelines regarding

allegations of physical and sexual assault on the part of pupils made by 'Mary' concerning her son. 'It's alleged that ['Mary'] reported allegations to you and you failed to take appropriate action.'

So that's the allegation that was being investigated?

A. Yes.

Q. You then refer to the meeting that you had with 'Mary', and you refer to these files that had been sent that she hadn't previously seen. And there's a quote and just above the quote it says:

'['Mary'] had informed me that PZY had said, "I know your son has been sexually and physically assaulted in this school. I took this to my seniors and if they didn't do anything about it, it's not my fault".'

A. Yes.

Q. Then in your statement you say:

'I asked PZY if she did say this and she admitted that she had.'

A. Yes.

Q. You then go on in the statement to say:

'I understood this as her saying that she knew that a child had been abused within the school but as she raised this with her senior, she had no further part to

play. This did not follow the school's child protection or safeguarding policy nor the child protection training that staff had.'

A. That's correct.

Q. And when Miss PZY gave you this response to what 'Mary' had said, what action did you take?

A. She was suspended that day.

Q. And ultimately, we know -- from information that you've provided -- that she was dismissed for gross misconduct.

A. That's correct.

Q. She appealed against that and that appeal was unsuccessful?

A. That's correct, yeah.

Q. Were there GTC proceedings against Miss PZY?

A. There were.

Q. And did you give evidence at that?

A. I did.

Q. What was your experience of giving evidence at that hearing?

A. It was very stressful. I was questioned about my own integrity by the defence lawyer that she had. I was questioned about my responsibilities and I had -- there was no support that came from the General Teaching Council to myself while I was being very openly humiliated by the defence lawyer.

Q. And what was the outcome of that?
A. Miss PZY was deemed fit to teach.
Q. And what was your reaction to that outcome?
A. Very similar to Miss MacNeill's. I was shocked but not surprised, having experienced what I had in the -- the hearing.

We did make a complaint to GTCS and their response was that they know that -- they knew that the support hadn't been there and that they were undergoing a review of their systems and processes.

Q. Was that -- when you say 'the support', you mean that questioning was allowed to continue?
A. Yes, there was no balance.
Q. So that's the investigation into PZY. After you'd had this meeting with 'Mary', what other action did you take?
A. Sorry, just --
Q. So this is going back to November 2014, you've had the meeting with 'Mary', you've dismissed -- you've suspended PZY and did you notify anybody of those decisions?
A. Yes, I notified the clerk to the board, Helen Rice, and as she had been involved in the previous suspensions of Janice MacNeill and Mary O'Brien, she had informed me that what I had to do is to contact the Chair of the

board to let her know that I had suspended PZY and that I then had to follow that up with a phone call to the Learning Directorate at the Scottish Government, Colin Spivey at that time.

Q. So who was the chair of the board at that time that you reported to?

A. Mary Mulligan.

Q. What was her reaction to you contacting her with this news?

A. Disappointment. And I think a bit of despair, almost 'Not again' was the -- yeah, very disappointed, I think, that's the emotion that I would say came from her.

Q. What was the reaction of staff to the suspension of PZY ?

A. A number of staff were in quite a celebratory mood at the fact that she had been suspended. There was division, there was some staff that weren't, but there was other staff who were very pleased.

Q. And what was the reaction of parents?

A. It opened an almost revolving door in her departure to parents coming in and speaking to me where they said that they had tried before and they had got nowhere and with her not being present, they felt it was appropriate then for them to be able to come and speak to me about their own experiences, that they had raised in the past

but that hadn't been actioned.

Q. Okay.

And you said that you spoke to Mary Mulligan, and you also spoke to Colin Spivey at Scottish Government?

A. That's correct.

Q. And did you speak to the Care Inspectorate as well or --

A. What happened is the following day Colin Spivey met with myself and a member of the Care Inspectorate, they had come to my office.

Q. We know that a Section 66 notice was then issued. If we can look, please, at DSD-000000010, we can see here that this is a preliminary notice under Section 66C of the 1980 Act and there's reference to -- there's bullet points. We can see that:

'The managers have failed to take satisfactory action to secure improvement in the following matters, continued development and positive communication across the school with the board of governors, establishing stability and permanency of key leadership posts, embedding positive steps made in leadership ...'

And so it goes on.

Do these relate back to the areas for improvement that were highlighted in the earlier inspection report in 2014?

A. Yes, they were, they were.

Q. And then it goes on to say:

'Having reviewed the reference from HM inspectors, it appears to Scottish Ministers ...'

And then there's another list.

By the time the Section 66 was issued, had inspectors come into the school?

A. Yes, they had.

Q. Both from HMIE and the Care Inspectorate?

A. Yes, and Police Scotland.

Q. Okay.

And there's then reference to that inspection. If we go on to page 3 and the bottom of the page, there's a summary of findings in the inspection week and it says, for example:

'Current child protection procedures are not effective in ensuring the safety of children and young people. The behaviour of some children and young people is resulting in a high number of assaults of a physical, verbal and sexual nature. Current behaviour management plans, deployment of staff and levels of supervision are not effective in ensuring children are safe from harm. Staff don't have a consistent understanding of roles and responsibilities in keeping children safe in the context of pupil-on-pupil violence ...'

And so it goes on over the page:

'A culture of bullying and intimidation, high staff turnover, failures in senior management, a failure in terms of the board of governors providing adequate support and governance ...'

And it continues, also noting that there are outstanding incidents and complaints that haven't been investigated.

Did these findings from this inspection come as news to you or were these things that you were highlighting to the inspectors?

A. These are things I was highlighting to the inspectors.

Q. Thinking back to the July 2014 report, there are obviously areas for improvement identified, but nothing like this?

A. No.

Q. Do you have any reflection on, or knowledge, of why these issues that you became aware of weren't picked up in that earlier inspection?

A. I was entirely surprised that they hadn't been picked up, but what I got a sense of is there was a -- that culture of bullying, where staff didn't have a sense of autonomy to be able to speak to inspectors, the fact that parents waited for Miss PZY to leave before they felt it was appropriate to come and talk about their children. There was a fear from parents' perspective

that if they spoke out, their child's placement may end, and so many of these placements, unfortunately, had been granted through tribunals, so parents had fought so hard to get their child in Donaldson's.

So there seemed to be a reluctance for people to come forward to the inspectors. There was -- were a group of staff who did speak to inspectors about some of the issues that were in the Section 66, and there was a reluctance when the inspectors did come in, in November 2014, for staff to speak to them, and the inspectors said that to me, 'Nobody's speaking to us'. And I spoke to staff, some of the staff at that point, and they said, 'What's the point? We've already told them and they didn't listen to us then'.

So there was a reluctance from staff in terms of disclosing anything to the inspectors. It was the same inspection team that were in in July and the inspectors asked me to go and speak to the staff to try and get them to understand that this was a really important inspection and that, in order for anything to change, it was really important for them to speak up. And eventually they did.

LADY SMITH: Laura, you mentioned parents having been granted the placements through tribunals. Would that have been what was then referred to as the Additional

Support Needs Tribunal?

A. That's correct.

LADY SMITH: After a local authority had refused to fund the placement?

A. Yes, exactly.

LADY SMITH: And so they'd gone to the tribunal, argued their case, the tribunal had found the local authority were wrong to have refused it, and then they were afraid that the response to them would be, 'Well, this is what you asked for'?

A. Yes.

LADY SMITH: Either take your child away or live with it?

A. Yes, very much so. That's the impression that I got.

LADY SMITH: Ms Innes.

MS INNES: Thank you, my Lady.

And if we look on, please, to SGV-001032593, we see a response to recommendations and if we look, for example, on page 2, this is about the school implementing effective and robust child protection procedures and approaches and there's comment below saying, 'We will accept and commit to implement the recommendations ...'

And then there's a reference to, 'In addition', various things are to happen'. So, for example, there was an arrangement to apply until updated guidelines had

been approved and initial staff/governor training complete in by 5 December 2014.

There's then a paragraph beginning:

'Child protection guidelines will be updated by 28 November by [you], an external consultant, David Gibson, who was then Head of Care at Harmeny, [another person from Harmeny], the Manager of Care, and two nominated board members from the Education and Care Committee.'

And then it goes on to say various things that you were going to do?

A. Yes.

Q. So in terms of the timelines here, it looks like you took action straightaway?

A. Yes. I took action straightaway. The level of incidents that were occurring within the school were not sustainable, in terms of being able -- for me as principal to be able to say children are safe at Donaldson's. And only through taking immediate action did we get to a point where I authentically would be able to say children were safe at Donaldson's.

Q. And I think in terms of the Section 66, we know that by February 2018, all actions were implemented, so that's quite a long time after the Section 66. Did it take a long time to deal with all of the issues that were

raised?

A. It did. It took a long time for a number of reasons. There was the cultural aspect in terms of what I would probably describe as quite a toxic culture, and a culture where bullying seemed to be accepted from the point of view of staff-on-staff leadership and staff, but also amongst children.

In the section 66, the focus was very much on child protection. But as I was investigating the extent of the failures of child protection and safeguarding, there was multiple other issues that were uncovered from a financial perspective, from a governance perspective, health and safety perspective, and the strategic vision for the organisation was non-existent.

So as well as working towards meeting all of the recommendations and requirements in the action plan, there were other things that were urgently needed to be looked at in order for children to be safe.

An example being there was a discovery that I'd made from an HR perspective that not all staff members had current disclosures.

So as a result of that, those staff members were not allowed to work with children until those disclosures came through, which had a knock-on effect in trying to maintain the daily order with certain key members of

staff suspended until their disclosures came through.

There were a number of board members who resigned at that time as well, so I worked with Colin Spivey and he supported Donaldson's in forming a new board. Some of the board members, previous board members, and some new board members, and those -- sorry, new board members were specifically sought from people who had experience in crisis management/experience in working with child protection and safeguarding matters to help support me to be able to implement the action plan and other things that were going on.

So it did take a long time, but I think the benefits of it taking that time was actually in the embedding of the policies and practices that were developed for the organisation, so that it wasn't as superficial, 'We've got a child protection policy and it's a tick box'. It's, 'We've got a child protection policy, all the members of staff, including the board, are trained in what that means, what their responsibility is', and that there is an annual review and refresh of that information. There's records kept of that staff training and there -- that goes in front of the board and committees, where any gaps in training are picked up and the leadership team would look to make sure that any gaps were improved by the following meeting.

So it was a case of almost creating a new foundation to build the organisation on, rather than trying to fix each bit of it at a time, it was -- we had to knock quite a few things down in order to start to rebuild that. There was a number of restructures that happened at that time as well, and because of the number of staff, it had to go to consultation, so those kinds of things took quite a bit of time as well.

In terms of systems and processes, again, developing those systems and processes, training staff in those systems and processes and then supervising those staff to ensure that they understand exactly what it was that they were to do in terms of reporting, and recording information around child and -- child protection and safeguarding of children.

Q. So in order to achieve all of this, as you say, you needed support, so --

A. I did need support, yes.

Q. You needed support from the board -- from members of the board of governors?

A. I did, yes.

Q. You seem from here to have some sort of external support from other -- well, Harmeny, for example?

A. Yes.

Q. And did you -- you must have recruited new people into

the school, so for example a new headteacher or Head of Education?

A. The new headteacher had been an associate inspector for Education Scotland at the time and Education Scotland released her. Because of her experience, she had previously been a headteacher at Harmeny, so she had experience of a grant-aided school but also working with children with complex needs. So she was seconded into the post from Education Scotland.

Q. Okay.

Now, going back to the child protection angle, you mentioned that there was a police investigation --

A. Yes.

Q. -- and I think there was a multi-agency child protection review?

A. Yes, that's correct.

Q. And if we could look, please, at DSD-000000012, and if we look at page 3 of this, we can see that this was a final report of the multi-agency child protection review, and it talks about the police having been notified of potential child protection concerns.

Then if we go on to page 4, it talks at paragraph 3 about an initial meeting at which you were present, there were representatives of Police Scotland, NHS, criminal justice social work, a representative from

Education and school records had to be reviewed in order to see if there were any issues.

LADY SMITH: And I think we can pick up from here, from the paragraph about the purpose of this report, it's at 1.1, that it's the same date as the Section 66 notice was issued, that Police Scotland were informed, which makes sense, I think? Is that right?

MS INNES: I think so, my Lady. It was all at the same time.

LADY SMITH: Yes.

MS INNES: And then records were analysed.

In terms of the access to records, you mentioned that there were forms but they weren't complete?

A. Mm-hmm, yes.

Q. Did you find gaps in the records?

A. Not so much gaps -- when I started in 2014, what I found was I would go into a classroom and a teacher's drawer would be stuffed full of papers and I opened that and some of those papers were incident report forms that had been filled in and put in a drawer, but not -- put in, not filed, uploaded, analysed. So there wasn't a comprehensive folder that I could look in to be able to see how many incidents there'd been in any one week, month, year. They were -- it was very -- it was logged dependent on the person, rather than a procedure that

people were following.

Q. If we look on to page 5, we see that the initial investigation at paragraph 5.2 identified 14 incidents, and I think these were all in respect of children who were no longer at the school?

A. That's correct.

Q. Eight sexual incidents detailed with no outcome, four physical incidents detailed with no outcome and two other incidents detailed with no outcome, described as 'threats'.

And in terms of the allegations of sexual assault or abuse, at paragraph 5.3, these included an allegation of rape by a fellow student, so an issue between children?

A. Yes.

Q. Okay.

And then there's reference to the person who had been -- PWV [redacted], who had been, by this time, convicted.

A. Yes.

Q. And if we go on to page 12, at paragraph 9.1 it says:

'During the course of the review, it became apparent that pupil capacity levels, behavioural issues and significant communication difficulties are a daily challenge for staff at Donaldson's.'

When it says 'Pupil capacity issues', is that

referring to the individual pupil's capacity as opposed to the number of pupils in the school?

A. Yes, the intellectual capacity.

Q. Then it says:

'There's evidence of pupils acting inappropriately and displaying aggressive violent outbursts and displaying sexualised behaviour. Much of this appears to be directly related to frustrations associated with each individual's particular difficulties.'

A. Yes.

Q. Then at 9.2 there's an issue raised in relation to a member of staff allegedly intercepting emails to do with the Inquiry?

A. Yeah, that was Mrs O'Brien's son.

Q. Right.

A. Who had been intercepting my emails. He admitted that he had done that and he left the building with a number of laptops when -- after he had admitted that. He was arrested by the police but he had admitted to intercepting my emails during the course of the inspections and police investigations.

Q. Do you know what the outcome of the police involvement in relation to that was?

A. He -- I don't know off the top of my head, I'm sorry.

Q. That's fine.

A. But there wasn't any significant consequence, I do know that.

Q. Okay.

Then it notes at the bottom of this page that there were a number of ongoing investigations that the police undertook.

Then at page 13, over the page, at the bottom of the page at paragraph 11.1, it notes that from the initial stages of the investigation, and from statements noted from previous staff members, it's apparent that a number of physical and sexual assaults had gone unreported to police and other partner agencies as per child protection protocols. And it says:

'It appears that the decision not to inform parents, police or relevant authorities was made by the relevant school principal at the time. Both of the Principals involved are no longer attached to the school or working with children.'

A. That's correct.

Q. Do you know who they're referring to here?

A. Janet Allan and Janice MacNeill.

Q. Okay.

And do you know if there were criminal proceedings in relation to any of these incidents that were referred to?

A. No.
Q. Do you know why that was?
A. My understanding is that there was significant difficulties in -- when trying to reach these children, who had then become adults and were living in different parts of the UK, and also being able to arrange appropriate communication with those adults, that -- during this period of the Gold Strategy, and at the end of it, it was still ongoing. They were still trying to set up those meetings and communication assistance to be able to support statements coming from those adults, but I wasn't party to what happened once the Gold Strategy Group was completed.
Q. So you mentioned the Gold Strategy Group, is that the multidisciplinary team that we see referred to here?
A. Yes, that's it, yes.
Q. It was called the Gold Strategy?
A. It was called the Gold Strategy Group, yeah.
LADY SMITH: I think they set that out at 10.1 and earlier on in the document as well, don't they?
MS INNES: If we can move on, please, to Part B of your response to the Section 21 notice served by the Inquiry, this is at DSD-000000033. In relation to the first question, 'Does the organisation accept that over the [relevant period] some children cared for at the

establishment were abused?' What's the organisation's response to that?

A. Yes.

Q. Then you go on to set out the basis for that response, and you say:

'It's clear that there was [such] abuse, including physical, sexual and emotional abuse.'

You say:

'There are also allegations of grooming and teacher/pupil relationships.'

A. Yes.

Q. Where does that come from?

A. That came from the ELRIS and Education Scotland, where children started to speak to the Inspectorate about what had happened to them. There had been allegations of male teachers inappropriately touching pupils, leering at pupils, spying on pupils through a peephole in the shower -- communal shower room. Showing children, young people, inappropriate magazines. A pattern of behaviours that children said, 'There's no point in saying anything, we've already said, nothing was done'.

So there was a pattern that these behaviours just continued, even though children had spoke up. They were accepted, almost.

Q. Now, going down to the bottom of this page, you talk

about some historic practices. One of which is that children were referred to by a letter and a number, rather than by name.

And what's the source of that?

A. So when children were admitted into the school, that was 'Silent Destiny', that was the source. They were split into two groups, the hearing children and the deaf children, and they were separated in terms of the dormitories that they stayed in. The rationale behind it is that they would be able to communicate with each other, but they -- children's names were removed and in place referenced with numbers.

Q. Okay.

And you then go on to refer to the use of sign language, so you say:

'From around 1938 onwards, the general practice in deaf education was for children to be discouraged from using sign language. This was not a practice unique to Donaldson's. If children were caught using sign language, they could be hit on the hands'.

A. Yes.

Q. And what's the source of that?

A. Again, that's 'Silent Destiny' and then some other historic documents that I was able to find online that corroborated that children would be asked to sit on

their hands, have their hands behind their back and discouraged from using a language that came naturally to them.

Q. And you say the ban on signing lasted until the appointment of Gordon Shiach, who was principal in the 1950s approximately?

A. Yes, the use of sign language was -- eventually the ban was taken off that, but it took the appointment of a new principal for it to be embedded back into practice within Donaldson's.

Q. Okay.

So that was in the 1950s?

A. 1950s, yeah.

Q. Okay.

Then if we go on over the page, you refer to records where parents complained of children being slapped around the head by staff in the 1950s?

A. Yes.

Q. That's from the archive material that you looked at?

A. That was from pupils' files, yeah, that was from pupils' files.

Q. Can you recall what the reaction to those complaints was?

A. It was mixed, by the principal -- on some occasions there would be a, 'Well, we're sorry about that, we know

that we shouldn't hit children in the head, in future it would be in a more appropriate part of their body', or there would be a reprimand from the parent saying -- to the parent, rather, saying how, almost, 'How dare you complain? Your child has been unruly and therefore this is the method of discipline that we employed in order to stop that behaviour'.

Q. And then you go on to refer to allegations of abuse made against six former members of staff in more recent times, the first being in relation to David Scott, who was prosecuted for physical abuse of children around 2000. So that followed on the allegations made against him in 1998; is that correct?

A. Yes.

Q. And you note that he was convicted of one charge involving kicking a child in the gym hall and from, press reports, you understand that he was issued with an absolute discharge?

A. Absolute discharge, yes.

Q. And he was acquitted in respect of the other charges?

A. Yes.

Q. And then there's reference, I think, to another former member of staff, KNJ [redacted], [redacted] [redacted]?

A. Yes.

Q. And then you refer to another member of staff called [redacted]?
A. Yes.
Q. And you say he was suspended from duty in light of allegations of sexual abuse of a female pupil, physical abuse of a boy and inappropriate behaviour, such as entering the female changing room during swimming lessons --
A. Yes.
Q. -- a police investigation was carried out, however, no criminal proceedings were brought.
A. Yes.
Q. You tell us elsewhere in your response that this came about around about the same time as the allegations against Mr Scott.
A. Yes.
Q. So 1998, around about that time?
A. Yes.
Q. And you've told us that there was going to be an investigation by an Alan Finlayson, I think.
A. Sorry?
Q. I can take you to that. We'll need to look at another document. It's at DSD-000000034, page 73.
This is referring to Mr [redacted] and if we look down to (vi), it says:

'Mr KNK was suspended from employment while the police investigation was carried out. Following the decision not to take criminal proceedings against him, the organisation commissioned a report from Alan Finlayson, solicitor and child law consultant. [He was] tasked with carrying out an investigation into the allegations. It seems that the investigation was ongoing when Mr KNK died in 1999.'

A. Yeah. That's correct.

Q. So that investigation wasn't completed?

A. It wasn't completed, no.

Q. Okay, and if we can go back to DSD-000000033 again, please, and page 2. So the last paragraph before the heading 'Restraint and Isolation', there's reference to an employee having been convicted of indecent assault on a 16-year old boy in January 2014. So that's the date of his conviction.

A. That's correct, yes.

Q. And this is the allegation in respect of the incident in 2009, which wasn't reported until later --

A. That's correct.

Q. -- which then gave rise to, for example, Janice MacNeill being suspended?

A. That's correct, yes.

Q. And then under the next heading, you refer to restraint

and isolation. And you say that the use of unjustified or inappropriate restraint of pupils is something that caused concern. And you note that in particular the practice of restraining and isolating children with challenging behaviour by shutting them in a safe room was a practice which persisted at the establishment until approximately 2015.

A. Yes.

Q. So that was going on when you arrived?

A. Yes, it was one of the methodologies that was used by staff members where they found children challenging -- with challenging behaviour in the classroom. The methodology that I witnessed was staff members taking a child -- two staff members taking a child, arm under arm and taking them to what was called the safe space/the safe room.

What I found more -- most disturbing was that when that child entered the room, the door was held shut by the members of staff. And the child, I alluded to it earlier on, hearing screaming and shouting, that was the nature of what I found that children did when they went into these safe rooms. Safe rooms weren't a nice space. It was a small room, dark, you know, not nurturing in any way and the child would be screaming and shouting to get out of the room and would only be allowed out when

they had calmed down suitably in the eyes of the members of staff.

LADY SMITH: Laura, were the staff inside the room with the child or were they on the outside?

A. They were outside.

LADY SMITH: So the child was alone in this room?

A. The child was alone.

MS INNES: My Lady, again I'm conscious of the time.

LADY SMITH: I think we probably ought to have a short break. I normally take a short break in the middle of the afternoon --

A. No problem.

LADY SMITH: -- to give everybody a breather, is that all right if we do that now?

A. Of course, yes.

LADY SMITH: Thank you. Let's do that.

(3.02 pm)

(A short break)

(3.11 pm)

LADY SMITH: Welcome back, Laura.

A. Thank you.

LADY SMITH: Are you ready for the last stint?

A. Yes.

LADY SMITH: Thank you.

Ms Innes.

MS INNES: Thank you, my Lady.

If I can take you, please, to SGV-001033476, and page 62, we see that this is a letter from the Donaldson Trust dated 11 February 1987. And this is a letter that's amongst material recovered from Scottish Government by the Inquiry.

If we look into the first paragraph, there is mention of the death of -- it's a Mr PGJ, who had been SNR at Donaldson's and allegations had been made by somebody who had been a pupil at the school and I think had gone elsewhere and allegations were made at that time. And I think when the allegations were put to Mr PGJ, he had committed suicide.

And there's then correspondence between Scottish Government and the school in relation to the allegations --

A. Yes.

Q. -- and this letter sets out a review. It talks about there being a very thorough investigation, they've interviewed the principal, the Head of the Research Unit and those members of the teaching staff and house staff concerned with the boy's education and residence at the school. And then they go on to provide background in relation to the school.

So for example, at the bottom of the page, the final

sentence says, it talks about the boy's behaviour and it says:

'His teacher formed the view that much of his behaviour derived from attention-seeking and described him as a consummate actor.'

And then the letter goes on to set out various allegations that were made.

And if we move on to page 66, there's a paragraph beginning, 'The most significant incident ...':

'The most significant incident was that related to, but by no means identical to, the allegations made by the boy immediately prior to the meeting in Harrogate.'

It says that:

'In the early part of 1986, the boy's teacher reported to her senior teacher and to the principal that the boy had alleged that Mr PGJ [redacted] had abused him. Both the senior teacher and the principal, as well as another teacher, from whom the class teacher had sought advice, are quite positive that the alleged offence at the time was grabbing at the boy's genitals on various occasions and there was no mention of kissing genitals as was later alleged in Harrogate. The teacher who originally brought the complaint to attention, feels sure that the more serious complaint did form part of the earlier allegation.'

So it appears that the teachers were perhaps at odds about the nature of the allegation.

A. Yes.

Q. But there are allegations of sexual abuse, essentially?

A. Yes.

Q. And it says that they've failed to resolve these differences. It says:

'The incident was, of course, investigated and Mr PGJ completely denied any allegation of sexual abuse and there was no corroboration. At the time there was no evidence of involvement of any other boy ...'

And then towards the end of this paragraph, it says:

'Despite the investigation producing no firm evidence against Mr PGJ, he was given a severe warning about his comportment and it was pointed out to him that what he might regard as acceptable of somewhat boisterous behaviour could be interpreted as something much more serious. He was told that his behaviour must be beyond reproach and he must at all times be seen to be whiter than white.'

So that appears to have been the school's conclusion in relation to that particular incident --

A. Yes.

Q. -- that there was a warning but it was found that there was no corroboration to support the boy's allegation.

A. Yes.
Q. And if we go on in this document to page 75, I think this is a briefing to John McKie(?) of the Education Department, and this is referring to a letter from an MP. Because complaints had been made by the boy's mother, saying that her son had been sexually abused and then there's discussion about that investigation.

But if we look on to page 77, in the first paragraph there's discussion of one of the points made by the MP about the standards of supervision and management at the school. If we look down to the bottom of this paragraph, there's talk about recording of incidents. And about five lines from the bottom of this first paragraph it says:

'We are content with that so far as it goes, but we shall suggest one further measure to the school. This is that the headteacher and possibly the chairman of the board of governors should from time to time review all recorded allegations over a lengthy period and consider whether there is a body of circumstantial evidence which, when viewed objectively, might appear to amount to more than consideration of individual incidents in isolation would suggest.'

A. Yes.
Q. So this seems to be a suggestion that a holistic review

should be taken of, for example, incidents in which a particular staff member is named?

A. Yes.

Q. And would you agree that that would be a sensible approach?

A. Absolutely. It's certainly an approach that we take now in terms of children's records. We have chronology folders that can look at patterns in children's behaviour, patterns in children's communication, that may in isolation appear to be minor, but through the chronology that's kept, those patterns actually deem an investigation. It's something that we have spoken to Education Scotland about and the importance of them asking questions around that chronology as well, rather than looking at what they see in an inspection at that minute in time, on that day, or two, that they're there.

LADY SMITH: That seems to involve considering patterns in the behaviour of the children. If you take, for example, what seemed to be a pattern in what was referred to as 'the comportment' of this member of staff who died, would that also point to the need to look more closely at what was going on?

A. Yes. Through the monitoring and supervision appraisal policies and procedures that are in place, that where something might -- it's a word that we use at

Donaldson's, it might be a niggle, you can't quite put your finger on, still to record it, make sure that you put it in writing. It may never come to anything, but it may, and the fact that it's been recorded is there then for reference.

LADY SMITH: And address it with the member of staff at their regular appraisals.

A. At their appraisals, yes.

LADY SMITH: Thank you.

MS INNES: Now, moving on to another issue which you highlighted in your Part B response, one of the convictions that you refer to is that of RBK.

A. Yes.

Q. And if we could look, please, at CIS-000010345.

So this is a timeline from 2002 in relation to allegations which were made by pupils at the school against RBK.

A. Yes.

Q. And we can see on 8 January 2002:

'After a discussion with the principal and other staff members, it was impressed on the girl that what she was alleging was wrong and that as she was 16, she had direct redress through the police. She insisted that she didn't want to take the matter forward and was adamant that she wanted her confidentiality protected.

She said that no other party should be informed.'

It says:

'We considered reporting the allegation to child protection services, but a decision to respect the child's rights to confidentiality was made on the basis of the definition of a child in the Lothian Child Protection Guidelines, which refers to children under the age of 16.'

They had also considered about whether she was a looked-after child. They say that they offered her support and they considered, it says, after extensive deliberation, it was considered inappropriate to break her confidentiality.

A. Yes.

Q. And if we scroll down to the bottom of the page, we see the actions were taken included increased supervision of RBK, raising awareness of potential bullying or controlling behaviour by him, the extension of child protection training in the college, and, over the page, the Head of Care and principal met and agreed to monitor his behaviour.

And then we know, as the timeline goes on, that further allegations were made against him?

A. Yes.

Q. And was the decision not to refer this further, was that

the correct approach or not?
A. Absolutely not.
Q. What should they have done?
A. They should -- if there was any uncertainty, they should have taken advice. Policies referring to children pre-16 and post-16 can be confusing, but that's where, again, I will use that word, a much more holistic approach should have been taken. If there wasn't the expertise in-house to have a clear understanding of the responsibilities of the organisation, they should have taken advice, particularly around the vulnerability of this young woman and the fact that she was a looked-after child. And that the allegations were so serious that she -- they should have taken advice and then let her know that they didn't have any option other than to report it.
LADY SMITH: Advice from who? You said they should have taken advice.
A. Advice from the local authority, advice from local authority child protection, from the police themselves, from anybody who may have had experience of this kind of dilemma that they were having, but it seemed that they -- the decision was made in-house without taking advice.
LADY SMITH: Yes.

Do you think it would also need to involve changing practices vis-a-vis the child, a 16-year old as she was then, and explaining that they couldn't promise not to discuss it with others outside the school?

A. Absolutely.

LADY SMITH: And that actually was for her sake as well as the sake of other children?

A. Yes, absolutely.

And certainly in our child protection policy now, it's very clear that if a child discloses something to you, you must let them know that you cannot guarantee confidentiality.

LADY SMITH: Yes.

MS INNES: And if we go on to CIS-000010388, we see a letter to the principal dated 13 May 2002, and this is from Lawrie Davidson, who was at ELRIS at the time, and if we look under the original allegation, the second paragraph there, it says:

'I am concerned that the seriousness of the allegation did not lead you towards reporting this to the police. The young person should have been facilitated to report the incident to the police. If she declined this, as she did, you should have sought to report this as an organisation, because of the seriousness of the allegation. The young person could

have continued to take a position of not wishing to give a statement to the police but you would have discharged your responsibilities to the school and wider community by reporting it.'

And then she says:

'By not reporting it, I am concerned that you continued to place not only the community of Donaldson's in jeopardy but also the community in which the young man accused resides. I am also surprised on this issue that you did not seek to consult directly with ELRIS or the Child Protection Coordinator over this matter ...'

So that might be at the local authority, the Child Protection Coordinator.

A. Yes.

Q. '... and the decision you are proposing to make.'

And then she goes on, if we go to page 3, in her conclusion, she says:

'The decision-making was seriously flawed. Decisions were being left in the hands of vulnerable young people rather than adults in loco parentis taking some control of the situation. There is evidence that while increased monitoring of RBK was put in place, there appears to have been little evaluation of the information coming through, which indicates frequency and pattern to his bullying. There has been

an over-reliance on incidents being seen as isolated and circumstantial. As a consequence, there has been a failure to protect children and young people to the extent that you wish to achieve in your action plan.'

So this again refers to the need to take a holistic view and see if there are any patterns?

A. Yes.

Q. Okay.

A. If I can just say something else. I think there was a responsibility from the organisation to RBK also, in helping him to understand the nature of the behaviours that he was displaying and if that had been discharged, it may have prevented any further acts on his part. Seeing that the curriculum in relation to sexual -- sex education, understanding inappropriate/appropriate touch, that I would have seen as an action that the school should have taken at the very early stages, if they had seen Mr RBK behaving in any way that was inappropriate.

Q. And then if we could look, please, at CIS-000010464, I think we see that this is a letter from the Care Commission to the Education Department dated 3 December 2003 and this follows up on the same incident. And if we go on to page 2, there's reference to the actions that the school took, follow-up

inspections, and under the conclusion it says:

'The principal, through her letter of 15 May 2002, and subsequent contacts has demonstrated that the child protection practices in the school have been reviewed and improved. The Care Commission officer is of the view that in this establishment it is unlikely that such a poor judgment would be made again.'

And that was the report that then went forward, I think, to the Education Minister?

A. Yes.

Q. If we could go back, please, to your Part B response, so DSD-000000033. And we can see, at the bottom of that page, reference to RBK [redacted]. If we go to the top of the next page, page 3, we can see that you're also aware of another former pupil, Graham Duff, having been convicted of a sexual offence against a child which occurred at her home. I think that was information that came from the Inquiry --

A. Yes.

Q. -- and you've not been able to find any other paperwork in relation to that?

A. No, that's correct.

Q. And then you refer, going down the page, to other allegations that were made in the context of the ELRIS report and the issues that we've seen in the Gold Group

investigation?
A. Yes.
Q. Okay. And all of that together forms the basis for your assessment as to whether abuse happened at Donaldson's?
A. Yes, that's correct.
Q. And then if we move on to page 4, please, at question 3.2: 'Does the organisation accept that its systems failed to protect children at the establishment from abuse over the relevant period?'.
A. Yes.
Q. The answer to that is yes. And again, you set out the basis of that assessment and you refer particularly, I think, to the 1998 period and then the 2013/2014 period; is that right?
A. Yes.
Q. I'm afraid my computer has decided that now is the time to update. So I'm having trouble accessing -- or it's very slowly accessing the documents.
If we go on to question 3.3, acknowledgement of failures in response.
So I think it's further on still. Yes, there, so:
'Does the organisation accept that there were failures and deficiencies in its response to abuse?'
And the answer to that is yes.
A. Yes.

Q. And again, what's the basis of that assessment?
A. Again, particularly around the late 1990s and the 2014 preliminary notice.
Q. Okay, so there were reports of abuse being made -- or perhaps -- and they were not being dealt with appropriately?
A. Or they weren't dealt with appropriately and what seemed to be a typical pattern is they were very much dealt with in-house and not reported externally through the CP1 procedure, as they should have been.
LADY SMITH: When you referred there to the preliminary notice in 2014, that's the Section 66 Notice you were talking about in November 2014?
A. Yes. Yes, yes.
LADY SMITH: Thank you.
MS INNES: And then you're asked to explain, you know, why there were these failures and I think, if we go on to the next page, you say that there was a lack of clear guidance by way of child protection policy, and we've talked about some of these issues, particularly, for example, the RBK [redacted] issue. But you say in relation to peer abuse:

'There seems to have been a reluctance to elevate any potential concerns as contact between young people was seen as experimenting.'

A. Yeah, that was a word that David Scott used, when an issue of child-on-child abuse had come to his attention. He almost diminished the issue by saying it's -- 'All young people experiment, all young people do that kind of thing. Nothing to see here.'

Q. And then at 3.4, you go on to discuss changes and you say there had been many changes to the organisation's policy, practices and procedures since 2014.

And then going on to the next page, I think you set out, for example, there was a governance review was one of the outcomes after the preliminary notice --

A. Yes.

Q. -- with a new structure being put in place.

And then there was a policy review --

A. Yes.

Q. -- and there were steps taken in relation to training, and, of course, child protection.

And if we could just look at the last page. Yes, so in terms of communication, there's reference there to 'the organisation operates in an open and transparent manner'.

Now, we've seen that was one of the criticisms, I think, of parents --

A. Yes.

Q. -- that there was a lack of transparency, that things

were swept under the carpet?

A. Yes.

Q. And was that something that you tackled, following the preliminary notice?

A. Yes. I had a number of meetings with parents, and they were heated and quite rightly. There was parents who were very angry, frustrated, disappointed in what had happened had been allowed to happen, particularly -- particular blame was given to the board.

It took a bit of convincing parents that this change was real, it was going to happen, it was going to be sustained. There was a sense of, 'Well, we'll just wait and see if it actually is going to happen', but the level of communication that parents have now is within policies and procedures and it's part of the constitution of the organisation in terms of the -- not just the type of communication but the quality of communication. So there's a lot of technology used now to inform parents of what's happened with their child, whether that be something very positive, whether they've had a trip, slip or fall, whether they've had an incident in the classroom, that is written into a CMS system and there's a parent mail system where parents will get a daily update of what's happened with their children and parents can also contact the school to ask

questions if there's any doubt.

If there's any particular incident that occurs, then the parent would usually get a phone call if that parent is available, or a text message to say, 'Can you please tell me when is a good time to call'.

Q. Okay.

Now, just in terms of final reflections, I think you have some reflections in terms of the way inspections work, and I think you've alluded to that in your evidence already.

A. Yes.

Q. I wonder if you can give us your views in relation to the way in which inspections are conducted?

A. I understand that there's a review that's going on within Education Scotland currently about inspections, and I sat through the evidence given by Education Scotland, so I very much welcome that. But the dependency on a single body to look at the education of children, or the care of children, would, in my experience, be deemed not sufficient in order to really understand what's going on in the school or care accommodation.

There needs to be -- we have used the word a number of times -- a much more holistic approach in developing relationships with establishments, from

a multidisciplinary approach that would highlight in a timely manner where there is issues and not wait for issues to occur to the point that they did within Donaldson's.

The sense of the smell of paint is a common feature when talking about people getting -- establishments getting inspection, and that can be the same in terms of how leaders behave, that they don't necessarily want to be open, honest and transparent because it will affect their grades. I think an encouragement to be open, honest and transparent and not to have a sense that that would be -- that would result in punishment of some sort, and a much more balanced relationship between the inspector and the organisation, where the establishment would feel confident in going to the inspectors and saying, 'Look, there's a problem that we've identified, can you come and have a look', without fear of reprisal.

Q. And how do you think this more holistic view could be achieved?

A. My thoughts are around more frequency and less of a build-up to an inspection every four or five years, but something that was much more relationship-based, where an inspector, the link inspector perhaps, has a more deeper and thorough relationship with the school over time and that the link inspector wouldn't

necessarily be sent in as a result of something negative happening, that it would just be part of the course.

I think independence from inspections as well, I think there's no harm if having that, because inspectors can make mistakes as well. So having that kind of external scrutiny of the inspection regime is important as well.

Q. And when you're referring to a link inspector there, and I think -- well, we may have heard evidence that there are such people who link in with particular schools, is it your view that that could be made more effective than it is at the moment?

A. Yes. Typically the link inspector would have appointments maybe two or three times a year where they would come in and ask a number of questions. My experience with the Care Inspectorate has been of a much more open relationship, where the leadership team within the care -- that's registered under the Care Commission feel they can lift the phone at any time to the care inspector that they have got, have a relationship with, because there's typically one person, one name, with the link inspector and the Education Scotland inspection, it's so formal that it can put people off wanting just to run something by an inspector if there's any doubt. I think it needs to be formal and I'm not disputing

that, but I think there's a sense of power that if you would want to ask for help and support, it may be seen as weakness.

And I don't get that same sense from the Care Inspectorate, and I know that there's a lot of work been done there over the years to change the -- how the relationships that they have with establishments registered with them.

Q. Okay, and I think your -- just one final reflection. In terms of your engagement with the Inquiry, and having prepared this response and looked at the records, do you have any reflections on that engagement, what difference it's made?

A. Yes. The Inquiry asked for a huge amount of information, quite rightly, and my experience and the experience of others within Donaldson's who've been part of this is that it's highlighted parts of our history that we wouldn't have known about. We wouldn't have delved into pupils' files from 1930, matrons' job descriptions, those kinds of things. That would be something that would be in the National Library in Scotland for visitors to go and see. But what the Inquiry has helped us to recognise that, yes, there was lots of good things that happened at Donaldson's but there was other things that were not good, were not

appropriate, and children were let down and children were abused.

So in order for us to have put in place what we have put in place now is a suite of safeguarding and child protection -- a framework, it's very much been informed by what we have learned about ourselves from the Inquiry. So I would thank the Inquiry for that.

MS INNES: Thank you very much.

I've got no more questions for you, Laura.

LADY SMITH: Laura, let me add my thanks and you'll be glad to hear I've got no more questions for you. I think we have asked you quite enough. I'm really grateful to you for bearing with us as you have done today and doing your best to answer everything we've asked you so thoughtfully and in a reflective way where appropriate. Thank you for that.

A. Thank you.

LADY SMITH: Do feel free to go and go back to your other life.

A. Thank you.

LADY SMITH: Thank you.

(The witness withdrew)

LADY SMITH: Now, there are some names I want to mention of people who are not to be identified as referred to in our evidence outside this room. A Mr PGJ [redacted],

Miss [redacted], [redacted], [redacted], [redacted], [redacted], [redacted] and I'm relying on my solicitors' team to correct me if I've forgotten anybody.

MS INNES: I think [redacted].

LADY SMITH: Yes, [redacted] as well, yes, he should have been on that list.

Is that everybody? I think that's everything.

MS INNES: Yes.

LADY SMITH: So until tomorrow, Ms Innes, yes?

MS INNES: Yes, so tomorrow we have two witnesses relevant to Donaldson's in the morning and then, in the afternoon, we have evidence from a body within the Royal College of Psychiatrists who provide peer review in respect of children and adolescent mental health units, inpatient units.

LADY SMITH: Thank you very much.

I will rise now until 10 o'clock tomorrow morning.

(3.55 pm)

(The Inquiry adjourned until 10.00 am on 24 September 2025)

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