

Thursday, 2 October 2025

(10.00 am)

LADY SMITH: Good morning, and welcome back to our hearings in Phase 9 of our case studies in which, at the moment, we're exploring evidence about the provision of residential care for children at Donaldson's School for the Deaf.

Now, we have one witness today who's going to give evidence here in the hearing room in person, but before I turn to that, could I just say one or two introductory remarks.

We are expecting that there may be some people in the public gallery again today who are deaf, but the witness will not need interpretation, deaf interpretation, but there will be two British Sign Language interpreters providing translation from English into BSL for anyone in the public gallery who would find that helpful to enable them to follow the proceedings.

And again, there is also a British Sign Language interpreter available should anybody attending need an interpreter to help them communicate with a member of the Inquiry team, whether because they want to find out more about our work, to ask about, for example, providing evidence to us, or, indeed, for any other reason. So do feel free to ask for help in that regard

1 if you'd like to do so.

2 Now, following those preliminaries, I'll turn to

3 Ms Innes and she'll introduce the witness for today.

4 Ms Innes.

5 MS INNES: Thank you, my Lady. The witness this morning is

6 Janice MacNeill. She was Principal of Donaldson's from

7 2005 until about 2013.

8 LADY SMITH: Thank you. (Pause)

9 Good morning, Janice.

10 A. Good morning.

11 Janice MacNeill (sworn)

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

13 A. Thank you.

14 LADY SMITH: First question I hope is easy for you: are you

15 happy for me to use your first name or would you prefer

16 me to call you Ms MacNeill?

17 A. No, use Janice.

18 LADY SMITH: Janice, thank you for that.

19 Janice, thank you also for coming here today to

20 assist us with your evidence in relation, in particular,

21 to Donaldson's School for the Deaf.

22 Now, you have, of course, already provided

23 a detailed written statement, which is part of your

24 evidence to the Inquiry, and it's been of great

25 assistance to me to be able to study that in advance,

1 but there are particular aspects we'd like to focus on
2 today, if that's all right with you.

3 A. Yep.

4 LADY SMITH: Of course, if there are any aspects that you
5 feel that we should be asking you about that we haven't
6 done, do feel free to tell us, or, indeed, if you've got
7 any questions or queries.

8 So far as breaks in your evidence are concerned,
9 I always take a break at about 11.30 am, but if you need
10 a break at any other time, that's not a problem. Please
11 just tell me. It's not a sign of weakness. I don't
12 give it a black mark or put an odd interpretation on it.
13 Some people need more breaks. And if it works for you,
14 it'll work for me.

15 A. Thank you.

16 LADY SMITH: If you're ready, I'll hand over to Ms Innes and
17 she'll take it from there. Is that all right?

18 Ms Innes.

19 Questions from Ms Innes

20 MS INNES: Thank you, my Lady.

21 Janice, can I begin by referring to your statement
22 which has the reference WIT-1-000001663, and if we can
23 look to the final page of that, at paragraph 324, you
24 say:

25 'I have no objection to my witness statement being

1 published as part of the evidence to the Inquiry.

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

4 And you signed your statement on 25 August 2025; is
5 that correct?

6 A. That's correct.

7 Q. Just for completeness, in terms of a reference that you
8 make in your statement, you refer to a statement of
9 appeal which you provided to the Inquiry and which you
10 wished appended to your statement, and the reference for
11 that is WIT-3-0000005814. Perhaps if we could just look
12 at that briefly, so that you can see it.

13 So this is a statement of appeal that you provided
14 to the Inquiry and you refer to in your statement --

15 A. Yes.

16 Q. -- and include it as part of your evidence.

17 A. Yes.

18 Q. Thank you.

19 Now, I'm going to go back to the beginning of your
20 statement, and you tell us that you were born in 1954;
21 is that correct?

22 A. It is.

23 Q. You tell us that you are a qualified teacher and that,
24 in 1978, you did a diploma in special educational needs.

25 A. Yes.

1 Q. And then you go on at paragraph 6 of your statement, on
2 page 2, to tell us that, having worked at another
3 school, you became the headteacher at Stanmore House
4 School.

5 A. Yes.

6 Q. You tell us that that was a residential and day school,
7 and was that for children with disabilities and
8 additional support needs?

9 A. Yes.

10 Q. And you worked there from 1984 to 2000 --

11 A. Yes.

12 Q. -- in the role of headteacher?

13 A. Yes.

14 Q. Okay.

15 And then, going on to page 3, you tell us at
16 paragraph 9 that you left Stanmore House School and went
17 to work in further education.

18 A. Yes.

19 Q. And you refer in this paragraph to being at West Lothian
20 College and, towards the end of the paragraph, you
21 mention that you met a person called PWV
22 there?

23 A. Yes.

24 Q. And you say that you met him a couple of times, and was
25 that in a professional context?

1 A. Yes, he provided signing support to a deaf young person
2 that attended one of our classes. I think I met him
3 twice.

4 Q. Okay. And you say this because you go on in the
5 parentheses to say that there might be suggestions that
6 he was a friend of yours, but you dispute that?

7 A. Oh, I dispute that. I'd had no -- I had no knowledge of
8 PWV [REDACTED] apart from having met him twice, but I do
9 know that when I went to Donaldson's, he had put it
10 around that he and I were close friends, and I disabused
11 the staff of that understanding.

12 Q. And at paragraph 10, you note that you were appointed as
13 Head of the Department of Inclusion. Was that at West
14 Lothian College?

15 A. Yes.

16 Q. Okay, and you worked there, I think, until 2005, if we
17 move on to page 4 and paragraph 14, where you say that
18 you moved to Donaldson's?

19 A. Yes.

20 Q. And then you worked there until your time there came to
21 an end in circumstances that we'll come on to discuss,
22 and that was -- I think it was in 2013 that you were
23 last, sort of, physically in Donaldson's; is that
24 correct?

25 A. I wouldn't be able to tell you that. I thought I was

1 still there into 2014, but it's a long time ago.

2 '13/'14, yeah.

3 Q. Okay.

4 And then you talk about GTC proceedings, which you
5 refer to at paragraph 16.

6 And after you left Donaldson's, did you work in
7 education again or did you go on to do other things?

8 A. No, after I had been cleared by the General Teaching
9 Council and retained my fitness to teach, as well as my
10 PVG, I went on to work as a volunteer at the Trussell
11 Food Bank in Lesmahagow. I did that for about three
12 years until my husband died.

13 Q. Okay.

14 Now, if we can move on to paragraph 18, and you talk
15 about your appointment as Principal of Donaldson's. You
16 note that you were successful in your application and
17 you were viewed as quite a significant candidate for the
18 post because of your experience in running one of the
19 seven grant-aided schools in Scotland.

20 A. Yes.

21 Q. And was that Stanmore House School?

22 A. That's right.

23 Q. Okay. And why did you form the view that this was of
24 significance to Donaldson's?

25 A. The grant-aid sector is a very small sector and it's --

1 as there were only seven grant-aided schools, there
2 weren't a lot of people around who had a knowledge of
3 how the system worked and how it fitted into the overall
4 provision within Scotland. And because I already had
5 experience of that, I was seen as a significant
6 candidate because one of the main roles as principal was
7 to be the conduit between the -- the trust and the
8 Scottish Government.

9 Q. Okay.

10 A. And I understand -- I understood the funding process,
11 which was a changeable -- a movable feast at times.

12 Q. Okay.

13 You then go on, on page 6 of your statement, at
14 paragraph 23, to talk about the children who came to
15 Donaldson's over your time there, and you say that you
16 had to, I think, diversify and take pupils in who,
17 alongside their hearing losses, had other barriers to
18 learning, such as challenging behaviours.

19 A. Yes.

20 Q. Did that change over your time there or had that already
21 happened before you started?

22 A. That was already in process but, as more and more
23 children were taken into mainstream schools, or into
24 units attached to mainstream schools, the need for
25 a resource for children who had more of a global range

1 of need became required -- became more of a requirement.

2 And so it had already started, but we further developed
3 that.

4 Q. Okay.

5 A. And the same thing had happened at my previous school as
6 well, at Stanmore; as more and more children with global
7 difficulties were able to go into mainstream, it meant
8 that the children who had more significant difficulties
9 then came more to the specialist schools.

10 Q. Okay.

11 Now, at the bottom of this page, at paragraph 26,
12 you say that in 2004, so prior to your appointment, the
13 board had made the decision to relocate the school and
14 had purchased a site in Linlithgow. And you then go on
15 over the page to say that the then principal,
16 Janet Allan, had decided that she didn't want to commit
17 to what was going to be a five-year project, so she --

18 A. That's right.

19 Q. -- she stepped down and you were appointed. And you say
20 that:

21 'The board made it clear that my overriding priority
22 was to be their representative on the project team ...
23 to get the school built ... relocate ... the staff ...
24 close down and clear out the old school ...'

25 A. Yes.

1 Q. Was this clear from the very start of your -- you know,
2 when you were interviewed --

3 A. Yes.

4 Q. -- that this would be a key part of your role?

5 A. Yes, and the presentation in the second round of
6 interviews that I did was about how I would help
7 integrate the new Donaldson's into the new community of
8 Linlithgow, and a lot of my time was spent doing talks,
9 et cetera, and trying to encourage local services to use
10 us when we moved in.

11 Q. Okay.

12 LADY SMITH: Janice, can I just check, the job was the job
13 of principal; is that correct?

14 A. It was.

15 LADY SMITH: Can you remember what was in the job
16 description, broadly?

17 A. The job description was more of a generic job
18 description, and it still mentioned more about the
19 education and the care of the pupils, but it was very
20 clear that that was -- no one had updated the job
21 description from Janet Allan's time and, therefore, it
22 was all done, sort of -- well, orally initially, but it
23 was always made clear to me that my role was to get the
24 new school built, staff moved, and the old building
25 closed down. And as I say, the whole presentation that

1 I did was based around how I was going to achieve that.

2 It -- my interviews didn't really touch -- they
3 touched on my educational qualifications, but they
4 didn't actually touch on -- as much as I would have
5 thought, on how I was going to lead the education side
6 of it forward.

7 LADY SMITH: But just to be clear, as principal, you were
8 still going to have leadership responsibility, overall
9 leadership responsibility, for matters which included
10 education of the children and care of the children; is
11 that right?

12 A. Yes. Yes.

13 LADY SMITH: Thank you.

14 Ms Innes.

15 MS INNES: Thank you, my Lady.

16 And just in terms of this group that you mention,
17 there was going to be a project team. So you mention
18 various professionals; architects, surveyors, finance,
19 designers, et cetera. Who chaired this project team?

20 A. It depended what the focus of that particular meeting
21 was.

22 Q. Right.

23 A. But Donaldson's had employed a project manager to be on
24 the site more often, and so often he chaired the
25 meetings, but sometimes the architect chaired them, and

1 when it came on to the design, you know, the more local
2 designs, such as colour schemes and stuff like that,
3 that was led by the interior designer.

4 Q. Okay.

5 A. So none of the meetings -- there wasn't a chair all the
6 time, it was a sort of rolling chair depending on what
7 the -- what was to be discussed that day.

8 Q. Okay.

9 So the project manager's role, did that include, for
10 example, considering finance and the development of the
11 project?

12 A. To some extent, yes. He kept a good eye on the
13 finances. But Helen Greene, who was the Head of Finance
14 and Administration at Donaldson's, also played a key
15 role in that.

16 Q. And what was your role in this project team?

17 A. My role was to make sure that we kept everything on time
18 and that every time we made a decision, it was
19 a decision that was made in the best interests of the
20 pupil group. For example, it was -- I was instrumental
21 in the, like, colour schemes and the script that was
22 used on different doors, et cetera.

23 But more to that was how well it was for the
24 children to navigate their way around the school. So we
25 did a lot of work on the flow of the school so that it

1 would be easy for the children to get round on their
2 own.

3 Q. Okay.

4 LADY SMITH: Janice, so far as keeping the project on time
5 was concerned, I take it that, in the usual way, that
6 was an important duty in the project manager's job,
7 wasn't it? Your project manager -- there was a project
8 manager appointed for this project.

9 A. Yes, about halfway through the project, Donaldson's put
10 in a project manager.

11 LADY SMITH: A man or a woman?

12 A. It was a man, Jim McGregor.

13 LADY SMITH: Was one of his duties to keep the project on
14 schedule, on time? It normally would be for a project
15 manager.

16 A. Yes. Yes.

17 LADY SMITH: Thank you. So it wasn't --

18 A. I think we all had a -- sorry.

19 LADY SMITH: It wasn't simply you who had to do that.

20 A. No, it was a -- there was a corporate responsibility,
21 but that team worked extremely well together.

22 LADY SMITH: Thank you.

23 A. We had, er -- we had discussions over many things, but
24 we always came to an agreement that was in the best
25 needs of the children.

1 LADY SMITH: Thank you.

2 MS INNES: You mention there in your evidence, Janice, that

3 they decided to appoint the project manager about

4 halfway through?

5 A. Yes.

6 Q. Why didn't they have one earlier on?

7 A. I don't know. I can't answer that question.

8 I think maybe as the project became much more

9 complex, at the beginning, the school was being built,

10 but when it came down to more of the nitty-gritty,

11 I think it was recognised that perhaps -- perhaps

12 I didn't have all the skills that I needed for that, but

13 also I didn't have the time to put into it, and the

14 project manager that we appointed was very, very

15 experienced and was able to talk the language, if you

16 like, of architects and surveyors and, you know, the

17 other people involved in the actual build.

18 Q. Okay. And how much of your time was this project taking

19 up?

20 A. A lot. A lot of time. Most of my time was spent off --

21 when the project started, I mean, Janet Allan had been

22 there at the beginning and had been part of the team

23 that had identified the site, erm, but she then left and

24 I had to come up to speed with everything that had

25 happened before, and then I had to make myself -- I had

1 to familiarise myself with all the people that were
2 working on the team and the actual design itself of the
3 school and, in fact, we did, at my instigation, change
4 some of the design.

5 Q. Okay. So when was the move, was it in 2008?

6 A. Yes.

7 Q. So between 2005 and 2008, roughly what proportion of
8 your time would you have spent working on the Linlithgow
9 project?

10 A. 70/80 per cent of the time.

11 Q. Okay.

12 A. That's just a wild guess. I really can't -- I know
13 I was very, very much immersed in it and there were
14 decisions to be made every day on an ongoing basis.

15 Q. And did you physically have to be at the site in
16 Linlithgow or were you doing that work from the
17 Donaldson's building in Edinburgh?

18 A. It would depend. Most of the meetings that we had were
19 held off site. We -- there was a portakabin on the
20 Donaldson's site and most of the meetings about the site
21 took place there, but most of the -- but the meetings
22 about -- with the architect took place at his premises,
23 and the meetings about finance took place at the
24 financial -- it was actually the person who was in
25 charge of the finance committee, he hosted those

1 meetings.

2 Q. Okay.

3 And then moving forward to after 2008, you say here
4 that part of your role involved closing down and
5 clearing out the old school in preparation for its sale
6 to a building company.

7 So after the school moved site in 2008, did you
8 continue to work on, sort of, the work on the old
9 school?

10 A. Yes.

11 Q. And roughly, again, how much of your time did that take
12 up?

13 A. More than it should have, because we -- the board at
14 the -- the board, towards the end of the build, decided
15 that we would go for a turnkey entry, which meant that
16 we wouldn't be taking anything from the old school, any
17 of the tables, chairs, desks, equipment from the old
18 school, to the new school, and that had not been in the
19 initial plan. The initial plan was that we would be
20 utilising these things. But when the board saw the new
21 school, I think they appreciated that it would be a bit
22 silly taking stuff that was -- looked okay in situ in
23 an old building, but wouldn't fit the new, streamlined
24 building in Linlithgow.

25 And because of that, a lot of the time was spent

1 actually trying to identify what we would need in this
2 situation, and we weren't given that much time, but we
3 actually did go out and we managed to source everything
4 that would be needed and -- including -- we already had
5 decided we were getting new software and new IT stuff,
6 smart boards, et cetera, so that was in hand. I think
7 that all came from Holland, in fact. But we hadn't
8 reckoned on having to go out and source all the other
9 equipment that was going to be required.

10 Q. Okay. And then were you also spending time back at the
11 old Donaldson's site?

12 A. Yes.

13 Q. And how long did that go on for, after 2008?

14 A. I would say probably about four/five months.

15 Q. Okay.

16 A. Because we tried to give away as much of the stuff to
17 charitable organisations, and we had also agreed that
18 we -- one of our staff members worked in a deaf school
19 in Lesotho, and we had agreed that we would find a way
20 to try and get some of the equipment over there. That
21 didn't come off because the chief of Lesotho decided
22 that he wanted a 22nd wife, and they needed to use all
23 the money, et cetera, to build her the same type of
24 palace as the other 21 wives had, and so, sadly, that
25 fell through.

1 But we had already worked with one of the companies
2 that moved us and they were going to try and do the
3 logistics of getting the equipment out there, and we had
4 already decided on a route, et cetera, but that fell
5 through because all the money that was going into
6 Lesotho was then channelled into the king's needs, and
7 all the schools -- not just special schools, but all the
8 schools -- closed down at that time.

9 Q. So after this period when you were working on the old
10 building and dealing with sort of residual issues there,
11 there must have come a point when you were mainly based
12 at Linlithgow?

13 A. Yes.

14 Q. And at that point, what was your role?

15 A. My role at that time was -- we had already appointed
16 a headteacher, because Steve Kelly, the depute
17 headteacher, who was depute head by name but was
18 actually more of the headteacher, he had decided not to
19 come with us to Linlithgow, and so we had already
20 appointed Mary O'Brien and PZY [REDACTED] at that time to
21 [REDACTED] the school.

22 Q. Okay, so --

23 A. And I worked with them.

24 Q. Okay, so we'll come back to the structure of the staff
25 below you, but in terms of the focus of your own role

1 between leaving the old school behind and for the rest
2 of your time at Donaldson's, was that more directly
3 involved in managing the school and care facility or did
4 you have other responsibilities?

5 A. I had other responsibilities but, yes, I was responsible
6 for, you know, not the day-to-day running, but in the
7 strategic planning of the school --

8 Q. Okay.

9 A. -- and residence.

10 Q. Okay. So going back to your statement now, and again on
11 page 7, you talk a bit about your first impressions of
12 Donaldson's, and paragraph 27, you say that you had
13 worked over your career with many people with different
14 disabilities and challenges, you'd never worked with
15 pupils or staff who were deaf or hard of hearing, and
16 you say:

17 'I certainly didn't understand the deaf culture.
18 That was one of my biggest learning curves, and I have
19 to tell you that even though I worked there for all
20 these years, much of it still remains a mystery to me.'

21 Can you explain what you mean here in relation to
22 deaf culture?

23 A. I did have some training before I started with the Head
24 of Deaf Studies, Donald Richards, and he tried to
25 explain to me what deaf culture was, but I don't think

1 I fully appreciated just how difficult it would be as
2 a hearing person to work with a group of deaf staff,
3 particularly.

4 They considered themselves, quite rightly, to be
5 deaf abled, but they -- there was a -- there was a --
6 sometimes it was thought that the people who were
7 hearing were not making as much of an effort as they
8 could to incorporate deaf -- our deaf staff team into
9 the culture of the school.

10 I would argue that it was a two -- that should have
11 been a two-way track and, at times, it wasn't a two-way
12 track, and it did seem to me that, at times, things that
13 I thought I knew then changed, and I was blindsided
14 quite a few times.

15 LADY SMITH: Tell me about being blindsided. What are you
16 meaning by that?

17 A. I'm trying to think of examples.

18 I think one of the examples would be that deaf
19 staff, quite rightly, required the services of a British
20 Sign Language interpreter, and that was their right,
21 quite rightly, but there were times -- a lot of times --
22 when deaf staff who were able to communicate verbally
23 asked for an interpreter because it was a right and not
24 because it was a need they had.

25 LADY SMITH: Well, how did you know whether or not they

1 needed it?

2 A. Well, I'll give you one example. We had a deaf staff
3 member who would phone me up, be able to communicate
4 perfectly ably on the telephone, and then would ask for
5 an interpreter to be at the meeting, and I think that if
6 somebody can communicate -- well, I know that if
7 somebody can communicate over the telephone and make
8 themselves perfectly understood, I didn't think there --
9 not me, I didn't think the need was there for
10 an interpreter, and quite often the interpreters would
11 be sitting and would be doing nothing because the deaf
12 staff member and I would be having a discussion on
13 a one-to-one basis without them referring to the
14 interpreter at all.

15 LADY SMITH: Did you ever ask such a person why they felt
16 they needed to have an interpreter at the meeting?

17 A. Yes, and they said it was their right.

18 LADY SMITH: I see. Thank you.

19 Ms Innes.

20 MS INNES: On this issue, Janice, at paragraph 30, you say
21 that, in the first year at Donaldson's, about £150,000
22 had been spent on providing support to deaf staff for
23 meetings and training, and that was reduced the
24 following year because:
25 '... it did not make sense to have an interpreter

1 present just because it was their right. Of course, if
2 someone did need an interpreter, we were very happy to
3 pay for one, so [no one] was ever discriminated
4 against.'

5 So it looks like a decision was taken to cut the
6 expenditure on interpreters for staff?

7 A. Yes, but we didn't just do it, you know, with the -- we
8 didn't do it without discussion with the deaf staff
9 team, and I should have said there that was also to
10 provide support to some of the young people. But as
11 most of our staff were extremely competent signers, it
12 didn't seem sensible to spend money on an interpreter in
13 a classroom where you had, perhaps, three or four very
14 competent signers, and it was in some ways another
15 barrier to learning if they had to go through so many
16 people to have their -- to make their point.

17 But we never, ever prevented anyone who needed
18 an interpreter from having one, and we worked closely
19 with the interpretation services and we sought their
20 advice as well on, you know, when they thought that
21 someone required it or not and we talked to the person.

22 Q. Okay.

23 A. It wasn't an arbitrary decision that we made; it was one
24 in consultation.

25 Q. If we go on to page 8 and paragraph 31, you say there:

1 'My first impressions were that it was not
2 a positive culture in Donaldson's. I think hearing
3 people were scared of challenging anything that deaf
4 staff wanted to do or wanted to say. I didn't want to
5 fall out with them, but I didn't want to spend a lot of
6 resources that could have been better spent on
7 supporting ... children and young people ... by
8 providing interpreters for people who were able to
9 communicate on a one-to-one basis.'

10 So that's going back to the same issue that we've
11 been discussing. However, I wanted to ask you about
12 this culture that wasn't a positive culture.

13 In what way was it not a positive culture when you
14 arrived?

15 A. As I said there, I think that hearing staff were quite
16 scared of challenging anything that deaf staff wanted to
17 do and, at times, when someone did challenge a deaf
18 member of staff, the accusation of discrimination was
19 raised, and it was not a positive culture in that way.

20 Q. And what did you do to change or improve that culture?

21 A. I met regularly with the deaf staff, we had a deaf staff
22 group, and I went to every meeting that I could that
23 they had, and I also had very, very regular meetings
24 with Donald Richards, who was the Head of Deaf Studies
25 latterly, after the lady, whose name escapes me, that

1 came from Australia left.

2 And we tried to do a lot of training to try and get
3 the two groups better -- a better understanding.

4 Q. And did you succeed in getting that better
5 understanding?

6 A. At times I thought I had and other times I didn't think
7 I had.

8 Q. If we move on --

9 A. Sorry, just to add to that. When we moved the school,
10 and we were trying to negotiate what we would offer the
11 staff -- because obviously the biggest resource we had
12 was the staffing, and we had to try and encourage as
13 many people as possible to come with us to Linlithgow,
14 because without the staff team, we really didn't have
15 a school; we had a building, but not a school.

16 And we agreed, and the employment forum that we set
17 up was one that represented -- had a representative from
18 every single staff group on it, and that went from the
19 domestic staff, right up to, you know, the care staff,
20 the classroom staff, teaching staff, et cetera, and when
21 we did finally come to an agreement -- and I think it
22 was quite a generous agreement, I think we did a good
23 job in negotiating packages -- we discovered that the
24 deaf staff were claiming travel expenses and when we
25 audited it, we discovered that they were claiming travel

1 expenses, but they were getting already free or
2 subsidised travel.

3 And when we raised this with the staff group, they
4 said that we were discriminating against them because
5 the hearing staff were getting their travel expenses
6 paid and therefore they should have got their travel
7 expenses paid, and we couldn't quite get through to all
8 of them that they weren't out of pocket, and they used
9 very firmly the argument that we were discriminating
10 against them, which was certainly, certainly not the
11 case.

12 Q. If we move on to page 9, in paragraph 33, you talk about
13 yourself learning to sign, and was that with the Head of
14 Deaf Studies who you mentioned?

15 A. Yes, I started that before --

16 Q. Okay.

17 A. -- I went to Donaldson's.

18 I'm not pretending I was a good signer; I definitely
19 was not, because I didn't get enough practice, you know,
20 when I started there because I was very rarely there.
21 But some of the deaf staff were not supportive of new
22 people learning to sign. I don't know whether there was
23 an understanding that maybe we should all have been able
24 to do it, and certainly I think that BSL should be far
25 more widely, you know, taught in schools, et cetera, and

1 I fully support BSL being available in every area, but
2 I didn't sign, and I think sometimes there was no
3 quarter given, no quarter given, if you weren't
4 a competent signer. It wasn't that they supported you
5 and maybe would teach you what you'd done wrong; there
6 was a -- it wasn't a comfortable experience. For me,
7 anyway.

8 Q. Okay.

9 Now, at paragraph 34, you say that you had some
10 initial concerns about how the children were being
11 taught, and you talk about feeling that some staff
12 mollycoddled pupils. You considered staffing ratios too
13 high, and you say:

14 'My view was too many classroom assistants prevent
15 the children from making their own mistakes and learning
16 from those experiences.'

17 And that view was not shared by Mary O'Brien and
18 PZY .

19 Can you explain what your concern was about
20 staff/pupil ratios being too high, in the sense of too
21 many staff?

22 A. Throughout my career, I've always believed that one of
23 the most important things that we can do for our
24 children, regardless of what kind of disabilities or
25 challenges they have, is to make them as independent as

1 they possibly can be, and I felt that there were
2 opportunities within the classrooms where the children
3 could have learned far more effectively if they'd been
4 allowed to make mistakes and learn from those mistakes.

5 One of the issues with having too many staff about,
6 or a lot of staff about, is that they will step in and
7 help the child to achieve whatever it is they've to
8 achieve. In some cases, that's good, but the child
9 cannot then learn from getting it wrong and then
10 learning how better to do it.

11 And I think that in all my career, I tried to make
12 people -- I tried to make the children, and young adults
13 when I taught with young adults as well -- I taught
14 young adults in night schools -- was always to try and
15 make them as independent as possible, because they were
16 going into a world where there wouldn't be that much
17 support. When they left school, there wouldn't be three
18 or four adults in their house or in their home or in
19 their centres, et cetera, wherever they were going, that
20 would be there to support them, and I felt that we
21 should be easing off on the number of staff that we had
22 in the classes in order to help make the children more
23 independent.

24 Q. I suppose where you have a class with a number of
25 children with complex learning needs, it might be said

1 that, depending on the particular children, you might
2 require additional support.

3 A. Yes. Yes.

4 Q. And were there individual assessments and individual
5 risk assessments in relation to the children at the
6 school?

7 A. Yes, there were, and I fully agree that there were a lot
8 of children who required one-to-one support, and some,
9 in some cases, required two-to-one support. But there
10 were also other children who should have been
11 encouraged, in my opinion, my educational opinion, that
12 should have been allowed to have the opportunity to
13 develop more independent skills and more life skills,
14 and I think sometimes that too many staff, for that
15 group of children, became a barrier to learning, rather
16 than something positive.

17 Q. Okay.

18 Moving on over the page to page 10, and
19 paragraph 41, you talk about your relationship with
20 different Chairs of the Board of Governors during your
21 time, and you say that you had a positive relationship
22 with John Chalmers and you met regularly with him.

23 At the end of paragraph 41, you say that you met
24 with John Chalmers more regularly than you did with the
25 next chair, Richard Burns, and you describe him here --

1 and I think elsewhere in your statement -- as a person
2 who you thought was paying lip service to the role?

3 A. Yes.

4 Q. Are you able to explain that a bit further, please?

5 A. John Chalmers had the vision that Donaldson's was going
6 to become a top resource, and I saw my role very much as
7 trying to bring that vision of his into reality, and
8 I think that, in part, I was responsible for achieving
9 that.

10 When John gave up being the chair of the board, it
11 was quite difficult to find somebody that would take
12 over, and John persuaded Richard to take over, and it
13 was -- I think he felt under quite a bit of duress to do
14 it, and he was a very, very busy person and he found
15 the -- some of the duties as chair somewhat onerous.

16 For example, we set up training for governors in
17 various aspects of data protection, child protection,
18 a whole lot of different things and, to my recollection,
19 Richard never, ever attended any of these training
20 sessions, either when he was a board member or when he
21 was the chair.

22 And sometimes, when I had to phone him or contact
23 him, it was -- he was very irritated by me. And he
24 didn't suffer fools gladly and so he made his irritation
25 quite clear.

1 Q. Okay.

2 A. And I wouldn't ever have contacted him unless it was
3 something that I needed advice or I needed to alert him
4 to or I needed to provide him with information on. But
5 there were times where it was -- I was quite -- it was
6 with trepidation I phoned and contacted him, and I found
7 him quite patronising as well, which I didn't really
8 appreciate.

9 Q. Going on over the page to page 11 and paragraph 47, you
10 talk in that paragraph about another board member,
11 Christine Roebuck, and I think we understand there was
12 a period when she was chair of the Education and Care
13 Committee, and you say that you considered her a 'loose
14 cannon'.

15 Can you explain why you thought she was a 'loose
16 cannon'?

17 A. There were a number of reasons for that. I'll give you
18 one at the moment.

19 Christine wanted things done her way, and she
20 considered that she was, I think, to some extent in
21 charge of the school, and we'd always been told -- I'd
22 always had -- been told that if there was a GAS meeting,
23 if there was a meeting at the Scottish Government, our
24 priority was to attend that, and there was one day
25 that -- or there was a time when a meeting was called at

1 Scottish Government and it clashed with the Education
2 and Care Committee meeting -- and this might be
3 two months before, you know, it wasn't as if these
4 meetings just happened -- and I contacted Christine and
5 said that both Mary and I were required at the
6 Scottish -- at the GAS meeting -- I think I -- I don't
7 think I phoned her, I think I emailed her -- and, 'Could
8 we move the time and the date of the Education and Care
9 Committee?'

10 Now, that had always been a sort of understanding,
11 that GAS meetings, Scottish Government funding meetings,
12 took priority over the Education and Care meeting, at
13 least under Kathleen Fairweather it had been. And when
14 I contacted her to say that, you know, 'Could we change
15 it?' Her husband phoned me and said to me that his wife
16 had determined that that was when the Education and Care
17 Committee was going to take place and it couldn't be
18 changed and I would need to try and change the meeting
19 with the Scottish Government. And I made it clear to
20 him I didn't have any power to do that, I didn't have
21 the authority to change a meeting that was being hosted
22 by the Scottish Government and he was absolutely adamant
23 that this meeting was not to be changed.

24 Now, he had no responsibility for the school,
25 et cetera, and as a result of that, I attended the

1 meeting and Mary had to attend the Education and Care
2 Committee, and I felt that that was -- that showed to me
3 a lack of understanding of how the funding of the school
4 was -- you know, was there, how it was actually -- and
5 the priorities, because without the grant from the
6 Scottish Government, Donaldson's wouldn't have survived.

7 But I felt that the way that it was done -- I mean,
8 I think she could have lifted the phone to me and we
9 could have had a discussion, but to be told by her
10 husband that the meeting wasn't to be changed, I found
11 unacceptable.

12 There was also other occasions when she decided that
13 she was going to sit in on and do critiques of teachers
14 within the classroom. Now, to you and I, that might
15 sound quite a reasonable thing to do, but,
16 unfortunately, under the EIS guidelines, that was not
17 something that they supported, and it caused a lot of
18 friction between our teaching staff and the Education
19 and Care Committee, because we had to say -- we had to
20 agree with the teaching unions that that wasn't
21 something acceptable, we knew that that wasn't something
22 that they supported, and, therefore, I felt that that
23 caused a big issue within the school that was
24 unnecessary.

25 LADY SMITH: Did you explore with staff as to whether they

1 could see any way in which governors who were interested
2 in actually understanding what was happening in the
3 classroom could do that?

4 A. Yes.

5 LADY SMITH: Did you?

6 A. Yes, we had --

7 LADY SMITH: Did you have meetings with them about it?

8 A. I had meetings with Moira Andrew --

9 LADY SMITH: Who's she?

10 A. -- who was the EIS -- who was one of SNR
11 SNR and who was the EIS union representative; and I
12 also had discussions with someone from the EIS --
13 I can't remember who at this moment -- but it was
14 an absolute no-no, and, you know, whether or not
15 I thought -- I mean, personally, I thought it was quite
16 a -- it would have been quite a positive thing --

17 LADY SMITH: It sounds like quite a --

18 A. -- especially when I was sort of saying that I thought
19 that at times there were too many support staff, and
20 I thought it might have been quite useful. But the EIS
21 said absolutely not and the teachers refused to
22 participate in it.

23 LADY SMITH: Yes, because apart from anything else, it would
24 help governors understand directly what it was like to
25 be a child being taught at Donaldson's School, wouldn't

1 it?

2 A. Yes, I agree with --

3 LADY SMITH: It's very good for a governor to want to do

4 that.

5 A. Mm-hmm. I agree with you. But there was nothing

6 that -- if the teachers weren't going to be compliant in

7 it, then there was going to be no purpose in it, and

8 I think that it could have been done -- I think that

9 Christine could have done it a bit more subtly and asked

10 specific teachers if they could have -- if they minded

11 her going in, instead of trying to make it, 'I am going

12 in', and it put the teachers' backs up. I think that we

13 could have come to a solution, but --

14 LADY SMITH: So you didn't do that with individual teachers

15 either, to take --

16 A. I would go into classrooms and --

17 LADY SMITH: No, sorry --

18 A. Sorry.

19 LADY SMITH: -- I get that you would probably go into

20 classrooms; as the principal of the school, of course

21 you should be going into classrooms.

22 A. Yes.

23 LADY SMITH: I just wondered whether, from your knowledge of

24 individual teachers, you approached any individuals to

25 ask how they would feel about a governor just observing

1 a class for their learning, their information, to help
2 them understand what happened?

3 A. I did, and -- but the view was that the teachers wanted
4 to remain united in following the EIS guidelines.

5 LADY SMITH: Okay, thank you.

6 A. But I think there could have been a solution found if
7 there had been more communication with Christine and
8 Mary and PZY and me. It was sort of thrust upon us
9 and there wasn't a chance to find a more subtle
10 resolution.

11 LADY SMITH: Thanks.

12 MS INNES: Now, going over the page to page 12, and
13 paragraph 48, you talk about Mary Mulligan. We've heard
14 evidence from Ms Mulligan, and she describes you in her
15 statement and in her evidence as a friend, that you had
16 a --

17 A. As a?

18 Q. A friend, that you had a friendly relationship.

19 A. Yes, we did.

20 Q. Okay, and you say --

21 A. I knew -- sorry, I knew Mary Mulligan before she joined
22 the board, and in fact I was instrumental in
23 recommending Mary Mulligan as a board member to Richard.

24 Q. Because she had been the local MSP?

25 A. Yes.

1 Q. Okay.

2 A. And we always tried to keep the -- you know, keep MSPs
3 and the MP on board with what we were doing, and that
4 was helpful in any political situations, to do with
5 funding, mostly.

6 Q. Now, if we move on to page 14, and paragraph 60, where
7 you're talking about the management structure below you,
8 which you've already mentioned in your evidence.

9 So at the beginning of your time at Donaldson's, we
10 understand, from what you say here, that Steve Kelly was
11 the deputy head, and was his responsibility for
12 education and care at the school?

13 A. No, education.

14 Q. Okay, and was there a separate Head of Care at that
15 time?

16 A. Yes, Neil Donald.

17 Q. And when you were off site or engaged in other
18 activities, was Steve Kelly the person who would have
19 been in charge of the school?

20 A. Yes. Steve Kelly was basically head in all but name,
21 and that was something that the Education and Care
22 Committee and myself decided to address when we were
23 appointing a new headteacher, when Steve had sadly
24 decided not to join us in Linlithgow.

25 Q. Okay.

1 At paragraph 62, you describe the structure at the
2 beginning as being 'a bit confusing'; and is that
3 related to this point about Steve being the deputy head
4 but actually the headteacher.
5 A. Carrying out the duties of a head, yes.
6 Q. Okay.
7 So then you appointed -- or Mary O'Brien was
8 appointed as headteacher at the point that you moved to
9 Linlithgow.
10 A. Yes.
11 Q. Okay.
12 A. She was head before we moved to Linlithgow.
13 Q. So Steve wasn't going to move with you and he left
14 before the move?
15 A. Yes.
16 Q. Yes.
17 A. Yes.
18 Q. Okay.
19 A. He wanted to stay in Edinburgh, and Steve had
20 an acquired disability and his social life, et cetera,
21 was all in Edinburgh, and it was a perfectly amicable,
22 you know, choice that he made, and he was a very, very
23 talented person.
24 Q. Okay.
25 Moving on to page 16 and paragraph 68, you talk

1 about the senior management team.

2 A. Yes.

3 Q. And once Mary O'Brien was headteacher, I assume that she

4 would have been on this senior management team as well

5 as yourself, the Head of Care, the Head of Finance?

6 A. And PZY [REDACTED] most times joined us as well.

7 Q. And was she SNR [REDACTED]?

8 A. Sorry?

9 Q. Was she SNR [REDACTED]?

10 A. Yes, she was SNR [REDACTED], sorry.

11 Q. And how often did the senior management team meet?

12 A. We met every second Tuesday within term times.

13 Q. And were you always able to be at these meetings?

14 A. Yes, I prioritised being at these meetings. I can't

15 remember not being at a meeting.

16 Q. And then if we look down to the bottom of this page, at

17 paragraph 71, after talking about what you've already

18 told us in your evidence about your role in relation to

19 the project, you then say at paragraph 71:

20 'My first responsibility was to the pupils. While,

21 of course, I would have been concerned about

22 reputational damage to the trust, this would never have

23 stopped me from doing the right things in terms of what

24 was best for the pupils.'

25 And then you go on to speak about that issue.

1 How did you feel that you were able to fulfil your
2 responsibility to the pupils when you were spending so
3 much time on the building project and then issues
4 thereafter?

5 A. You have to put your trust in the people who have been
6 appointed to do the roles within the school. And my
7 view initially, after I got over the shock of
8 Mary O'Brien actually being appointed, was that the
9 board had decided that she was the best person for the
10 job, and it was my role to support her in that, that
11 position. And certainly, on paper, she had a lot of
12 experience, so did PZY. I had no reason to
13 believe that there was anything -- anything amiss would
14 go on on their -- on her watch. She was a highly
15 qualified person, particularly in child protection. She
16 had done a lot of other courses, et cetera, and I think
17 she had a diploma in child protection or some other
18 qualification in it and, therefore, I had to have
19 confidence in her management and judgment.

20 And later I found that not to be the case but, at
21 the beginning, I had to put my confidence into her and
22 support her, and to be seen to be supporting her.

23 Q. Okay.

24 If we move on to page 18 and paragraph 78, we see
25 here reference to child protection, and you say that you

1 had a good set of child protection guidelines. You say:
2 'Whether or not they were always followed I am not
3 entirely certain. My role was more if something had
4 happened, I would have expected Mary O'Brien,
5 PZY [REDACTED] or Neil Donald to report back to me.'
6 If it was urgent, you would have expected immediate
7 contact; if it was something that didn't have that
8 urgency, it should have been brought up at the senior
9 management team.
10 Why is it that you say whether or not the child
11 protection guidelines were followed is something that
12 you're not certain about?
13 A. That was hindsight.
14 Q. Okay.
15 A. That was hindsight. At the time, I didn't doubt it, but
16 I think, looking at information -- looking back at
17 information and having had a period of reflection in
18 preparation for this hearing, I looked back on it and
19 I don't think they were followed, and I think the
20 PWV [REDACTED] case, which I'm sure you will come on to
21 later, is a prime example of that.
22 Q. Okay.
23 LADY SMITH: Janice, you said that you don't doubt -- sorry,
24 hang on. (Pause)
25 Yes, at the time, you didn't doubt that the child

1 protection guidelines were being followed. Am I to take
2 it from that that you assumed they were?

3 A. Yes.

4 LADY SMITH: What was the basis for your assumption?

5 A. Well, I thought we had a good reporting system.
6 I thought that putting that onto the agenda for the SMT
7 every two weeks, my door was open to Mary and PZY and
8 staff at all times, and I thought that the reports that
9 Mary and PZY did to the Education and Care Committee,
10 in which there was always a section on child protection,
11 provided an overview of what was going on in the school.

12 LADY SMITH: When you said a moment ago, 'putting that onto
13 the agenda', what actually was on the agenda?

14 A. On the agenda were issues to do with education, care,
15 finance, child protection ...

16 LADY SMITH: Sorry, was there a number and a heading on the
17 agenda, 'Child protection'?

18 A. Oh, yes. Yes, there was a standing agenda.

19 LADY SMITH: And was that a standalone issue?

20 A. Sorry?

21 LADY SMITH: Was that a standalone issue, child protection?

22 A. Oh, yes, yes, yes, it was a standalone, yeah, on that.
23 It was. And latterly, Neil Donald had wanted that taken
24 off and it was off the agenda, I think, for two
25 meetings, and then it went back on.

1 LADY SMITH: Thank you.

2 MS INNES: Were there any procedures that might be called,
3 sort of, quality assurance procedures where child
4 protection forms were audited at any time to ensure that
5 the procedures were being followed correctly?

6 A. When the Care Commission came in, or Care
7 Inspectorate -- I can't remember what they were called
8 at the time -- they audited the child protection forms.
9 The process within the school was that if there was
10 a child protection issue, there was a -- it was called
11 a CP1, a child protection form that the staff member
12 completed in respect of the incident that they felt fell
13 under the child protection guidelines, and that would be
14 given to, if it was within the school, Mary and/or
15 PZY, and if it was in the residence, it would be
16 Neil Donald and Mags Greig and, later on, Susan Hepburn.

17 Q. Okay.

18 In paragraph 79, you refer to Neil Donald. And so
19 was he the child protection officer at the beginning?

20 A. Yes.

21 Q. And did he have responsibility for child protection in
22 the residence and in the school for day pupils?

23 A. No, I think Steve Kelly had it within the school and
24 Neil was the residence, but Neil had an overarching
25 responsibility, so that Steve and Neil would discuss

1 what -- discuss the issues.

2 Q. Okay.

3 LADY SMITH: Janice, you told me at one point Neil wanted
4 child protection taken off the standing agenda and, in
5 fact, that happened for a few weeks. Why did he want it
6 taken off?

7 A. He wanted it taken off because he didn't feel it was --
8 he didn't feel comfortable discussing child protection
9 issues in front of Helen Greene, who was the Head of
10 Finance and Administration, and it went off, I think,
11 for two meetings, and then it was put back on because
12 I made the point that Helen Greene was the conduit to
13 our lawyers, and if there was anything that came up in
14 terms of child protection that we needed to take
15 further, then she needed to be appraised of that.

16 LADY SMITH: What sort of things were being discussed under
17 that heading?

18 A. To what -- well, anything that had happened. Anything
19 that had -- any CP1 forms that had been provided to any
20 of the senior staff, it would be a brief overview of
21 what had happened and what action had been taken, and
22 often there were -- there was nothing which, in
23 hindsight, might have been -- maybe I should have
24 thought about that, why there wasn't as many things
25 coming up as perhaps there should have been, but

1 I didn't have any -- at that point, I didn't have any
2 concerns because I felt that both Neil and Mary and
3 PZY, they were all very, very well qualified, and
4 I didn't have the sense that there was anything untoward
5 happening that I was being kept out of.

6 LADY SMITH: Thank you.

7 Ms Innes.

8 MS INNES: Going back to paragraph 79, you refer to
9 Neil Donald and PZY being competent in the area
10 of child protection. In relation to Mary O'Brien, you
11 say she 'thought she was'. Why do you say that?

12 A. Again, that's in hindsight, because it was Mary's
13 judgment not to pursue the PWV issue. It
14 took four years for that -- for me to be made aware of
15 that, and in my view that should have been something
16 that should have been picked up, and it should have been
17 very, very fully discussed, because if a staff member
18 was able to abuse a child off site, there's nothing to
19 say that that person wouldn't abuse a child on site, and
20 I think it was a great error of judgment that that
21 wasn't seen as something -- because it happened off the
22 premises, I don't think it was insignificant.

23 Q. And you tell us at paragraph 83 on page 19 that you
24 managed PWV directly.

25 A. I did.

1 Q. So if there was anything that serious, it should have
2 been reported back to you.

3 A. Yes.

4 Q. And your position is that nothing was reported to you?

5 A. Nothing was reported.

6 Q. Okay.

7 Now, moving on to page 21, and paragraph 91, you
8 refer there to, as you've said in your evidence already,
9 that children coming into Donaldson's were coming with
10 more complex needs, and you say that children that were
11 coming to Donaldson's were:

12 '... perhaps ones that had been at a number of
13 different units and schools beforehand and had failed.
14 Donaldson's was really the last option ...'

15 A. Yes.

16 Q. And --

17 A. I say that from the local authority's point of view.
18 They had -- because Donaldson's was quite an expensive
19 resource, like any other grant-aided schools, it was
20 a big decision for a local authority, who -- all local
21 authorities were strapped for cash, and it was a big
22 decision for them to place a child within a grant-aided
23 school.

24 Q. And were the staff equipped to deal with these
25 increasing needs?

1 A. We had a very robust training programme and the staff,
2 through their own appraisals, would help identify what
3 their own training needs were, and when we stopped --
4 when we started going on to a four-and-a-half-day week,
5 the Friday afternoon was set aside for staff
6 professional development. So there was one afternoon
7 a week that was dedicated to staff professional
8 development.

9 Q. Can you recall if any staff ever expressed any concern
10 in relation to their ability to cope or keep children
11 safe?

12 A. Not so much keeping children safe, but when we increased
13 the numbers of children with autism, a number of the
14 teachers -- a number of the staff, not just teachers,
15 expressed a view that perhaps they needed more training
16 in that, and that was provided, both internally and by
17 external providers.

18 Q. Moving on to page 24 of your statement, and
19 paragraph 102, you say there that the majority of the
20 time that you were there, the number of children that
21 you had in the lodge at any one time was about 14. So
22 that would be children living residentially at the
23 school?

24 A. Yes, Monday to Friday.

25 Q. Okay, and there was a discussion about the management

1 structure on the residential side and, at paragraph 103,
2 you say that there was a restructure and that
3 restructure didn't go particularly well.

4 A. No. We had a Head and a Depute Head of Care, and we had
5 two senior care workers, and to have a management team
6 of four for 14 children, we considered that to be
7 top-heavy, especially given that the increasing -- the
8 children's needs were increasing, and so the board
9 decided, after they had a -- we had an external review,
10 the Smith-Moyer(?) review, which I think is referred to
11 in my statement, and it was decided that, instead of
12 having a management team of four, we should reduce that
13 and change the structure, while reinvesting the money
14 from the savings into putting more care staff on the
15 floor.

16 Q. Okay.

17 And you then tell us that this was met with huge
18 resistance from Neil Donald and Mags Greig and,
19 ultimately, their posts were made redundant and neither
20 of them applied for the new Head of Care job.

21 A. Mags Greig would have liked it, but she was under duress
22 from Neil Donald not to take it, and I met with Mags on
23 a number of occasions and said that she should be
24 thinking about her own career and thinking about how
25 much she loved her job and how much she gave to that

1 job, and that she should take his emotions out of it and
2 do what was best for her and up to the day before the
3 redundancies were made -- were actually made, I thought
4 Mags Greig was going to take the post.

5 Q. Okay, but then she ultimately didn't?

6 A. She didn't.

7 Q. And Susan Hepburn was appointed.

8 A. Yes.

9 Q. Yes.

10 Now, at paragraph 104, you say that you attempted to
11 manage these heads of departments, and you talk about
12 fortnightly meetings with the Head of Care and the Head
13 of School. Is that a separate meeting from the senior
14 management team meeting?

15 A. Yes. I think actually when I said fortnightly, I think
16 it was monthly, but I can't be sure. I don't want to
17 misdirect you. I can't remember if it was fortnightly
18 or monthly, it was scheduled.

19 Q. Okay.

20 A. But there was always an option in between times of
21 having other meetings and we did speak in between times
22 as well.

23 Q. So then separate from the full senior management team
24 meeting, you had fortnightly meetings with the Head of
25 Care and the Head of School?

1 A. Yes.

2 Q. Sorry --

3 A. They were scheduled.

4 Q. Okay, and those were fortnightly?

5 A. That's what I can't remember.

6 Q. Oh, I see, sorry.

7 A. I can't remember if it was fortnightly or monthly.

8 Q. Okay.

9 A. I can't remember back. My instinct is that it was

10 fortnightly, but I genuinely can't remember. I'm really

11 sorry.

12 Q. Okay, so the senior management team meetings were every

13 fortnight?

14 A. Every fortnight.

15 Q. This separate meeting between you and the two heads

16 reporting directly to you, that may have been

17 fortnightly, it may have been monthly?

18 A. Yes.

19 Q. Okay.

20 You then say that Mary O'Brien rarely attended these

21 meetings, which was of real concern to you. You say

22 that she would appear late or agitated and never with

23 a notebook, and you then say, 'We had constant battles'.

24 Can you explain what battles you were having?

25 A. Mary had worked in the local authority and, within

1 a local authority setting, you don't see very often the
2 Director of Education, because that's an overriding
3 responsibility for a whole local authority. Therefore,
4 I think headteachers within the local authority, at that
5 time -- I don't know if things have changed now -- but
6 at that time, headteachers were more autonomous.

7 Mary had a real problem being accountable to me, but
8 particularly being accountable to the board. She did
9 not understand or get or try to get the reporting
10 structure, and it was a battle all the time to try and
11 get her to attend different meetings within the board
12 and with me, and it really did cause a lot of friction,
13 and to the extent that, you know, when we were opening
14 up [REDACTED], I had suggested to the board that to
15 ease that situation a bit, it might have been better for
16 me to have moved into the [REDACTED] premises, to make
17 the structure clearer to the staff as well, but we
18 did -- she was quite a difficult person to manage, but
19 for some reason Christine Roebuck had complete and utter
20 faith in her, and often, when I raised it separately
21 with Christine Roebuck, it would be me that would be put
22 down and she would always support Mary.

23 Q. Okay. And what impact do you think this friction, as
24 you've described it, between yourself and Mary O'Brien,
25 what impact did that have on the effectiveness of what

1 was being offered at the school, both via staff and to
2 pupils?

3 A. I think, in hindsight, it was not a positive position.
4 It wasn't a positive thing, because the staff, through
5 Mary, knew that she had no regard for me, and everything
6 that went wrong, it was never her fault, it was always
7 my fault, and I found that from talking to staff, you
8 know, and it wasn't a positive -- it wasn't a positive
9 relationship at all. But I think you'll see from my
10 statement that I didn't want her ever to be appointed
11 and I was overruled.

12 Q. Yes, you go on, on page 25, to talk about that, and at
13 paragraph 109, you say you weren't involved in the
14 interviews, you had a meeting with Ms Fairweather, who
15 was Head of the Education and Care Committee at the
16 time, and you said to her that you didn't think that you
17 could work with her very well.

18 Why was it that you didn't think that she should be
19 appointed?

20 A. I had had dealings with Mary O'Brien before, because
21 when I worked at West Lothian College, West Lothian
22 local authority decided -- and it was very innovative,
23 I have to say -- that the -- instead of the children,
24 the young people from Pinewood and -- I can't remember
25 the name of the other special school, but instead of

1 them having their final year at school, they would
2 transfer into the college setting and we would provide
3 them with a programme that would build on the skills
4 they'd learned at school, but would also give them the
5 opportunity to become more independent and to make use
6 of these skills.

7 And so we developed a curriculum for the
8 school-leavers from the two schools, and so I would go
9 out and meet with the headteachers and we would discuss
10 pupils, we would discuss their learning plans, we would
11 discuss what their needs would be. We would then go
12 back and my team at the college would then put -- pull
13 all that together into an appropriate curriculum.

14 Rarely do I remember meeting Mary O'Brien. She
15 would pass through in her tracksuit and she'd always be
16 busy, busy, busy, busy, busy, and there was always
17 a sense of sort of panic around her, whereas I quite
18 like to have a more calm setting, and I found that she
19 was just all over the place.

20 I didn't think she -- when I took her round,
21 I didn't think that she really understood the role of
22 a grant-aided school -- which I understand, not
23 everybody does -- but I didn't feel that she really
24 wanted to find out more about it, and she certainly
25 wasn't interested in governance and the board,

1 et cetera.

2 And through that, and just through her attitude and
3 her language, at times, I didn't feel she was a suitable
4 person for Donaldson's.

5 Q. Okay.

6 LADY SMITH: But you were stuck with her?

7 A. I was stuck with her.

8 LADY SMITH: Did you try to find a middle ground between the
9 two of you?

10 A. Yes. Yeah.

11 LADY SMITH: Did you try to get somebody to help the two of
12 you to do that?

13 A. Yes, we did.

14 LADY SMITH: How?

15 A. We had regular meetings at that time with
16 Kathleen Fairweather, who was the Head of the Education
17 and Care Committee. I hope I never made it clear to
18 Mary how much I was finding her a difficult character to
19 work with, but I think that she was making it clear to
20 the school that I was almost an inconvenience. She'd
21 never had somebody to oversee her as closely as --
22 because I was on the premises.

23 LADY SMITH: Why not, frankly, try to make it clear to
24 somebody that you're finding them difficult to work
25 with?

1 A. Well, I tried to support her as much as I could.
2 I tried to support her in any innovations that she
3 wanted to bring in. Any new staffing that she wanted,
4 I would try to make sure that the funding was available,
5 et cetera. And I tried to give her support in
6 governance issues, and I met separately with her and
7 regularly with her about why we would be going to a GAS
8 meeting and what it would be about, with the Scottish
9 Government and stuff like that. She just wasn't
10 interested. And I think that did become apparent.
11 I think that the school picked up very quickly on the
12 fact that there wasn't a united front.
13 But I have to say, I never spoke ill of Mary O'Brien
14 to any staff member.
15 LADY SMITH: You don't have to speak ill of somebody to be
16 honest about finding it difficult to work with them, do
17 you?
18 A. I think I had made that clear, that I found it difficult
19 to work with Mary, and Mary knew I found it difficult to
20 work with her.
21 LADY SMITH: How did she know that?
22 A. Because I told her.
23 LADY SMITH: All right, thank you.
24 A. I told her I found it quite difficult at times to work
25 with her, because she wouldn't attend meeting was me and

1 I didn't sometimes feel that I was being fully appraised
2 of things. And, you know, if you looked at when her son
3 was appointed, that was a backdoor appointment, and
4 I had to live with that because she was on the site at
5 the time and she was responsible, but that was
6 a decision that I wouldn't have taken.

7 LADY SMITH: Thank you.

8 Ms Innes.

9 MS INNES: Just finally on Mary O'Brien, at the top of
10 page 26 at paragraph 110, you refer to her and you say,
11 'I knew that she was sloppy in a lot of ways', and you
12 just mentioned a moment ago in your evidence that you
13 sometimes felt that you weren't being fully told
14 everything.

15 Did that mean that you had to take steps to
16 supervise her more closely?

17 A. She was a difficult person to supervise because she
18 always had something that was more important to do with
19 the children, as she would tell me, than meet with me or
20 attend meetings, et cetera. She found them unnecessary.
21 And she definitely, definitely did resent the fact that
22 I was on the premises and, you know, saw a lot of the
23 things going on.

24 She -- I know this sounds very judgmental, but she
25 didn't dress in a way that suggested to me that she was

1 a headteacher, and even when we attended meetings, she
2 was, I think, not appropriately dressed. And we went to
3 an awards ceremony one night and Mary got so drunk that
4 she had to be asked to leave the stage, and I spoke to
5 John Chalmers about that, and then I spoke to Mary about
6 her behaviour, because outwith the school, she was at
7 a school thing outwith school hours, she was still
8 an employee of Donaldson's and was there to represent
9 the trust.

10 MS INNES: Okay.

11 Now, we usually take a break around this time, so
12 perhaps that might be a good time.

13 LADY SMITH: Would that work for you? We promised you
14 a break about 11.30.

15 A. Yes, that is fine.

16 LADY SMITH: Let's do that just now. Thank you.

17 (11.32 am)

18 (A short break)

19 (11.47 am)

20 LADY SMITH: Janice, welcome back. I hope the break was
21 helpful.

22 A. Thank you.

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

24 A. Yes. Yes.

25 LADY SMITH: Thank you.

1 Ms Innes.

2 MS INNES: Thank you, my Lady.

3 Now, we are going to move on to page 39 of your
4 statement and paragraph 184.

5 Here you note that there were parents who were
6 unhappy at times and sometimes anxious, and you refer to
7 the type of behaviours that you might see at school.

8 Now, I know that you are aware that a parent who is
9 known to the Inquiry as 'Mary' has given evidence to the
10 Inquiry.

11 A. Yes.

12 Q. I want to ask you some questions about things that she
13 said and her evidence.

14 So, first of all, do you recall 'Mary' and her son
15 PHX ?

16 A. Yes.

17 Q. Okay.

18 Do you recall her complaining to you that PHX was
19 being bullied?

20 A. I don't, but I've seen the minutes of a meeting
21 I attended; therefore, yes, I have to now say that
22 I must have been aware, yes.

23 Q. Okay, we will come to those minutes just shortly.

24 Do you have any recollection of her complaining to
25 you that he was being physically assaulted by other

1 pupils at the school?

2 A. No.

3 Q. Okay.

4 In her evidence, 'Mary' said that you blocked any
5 attempt by her to make a complaint to the board of
6 governors.

7 A. No, that's not my recollection. That wouldn't have been
8 what I would have done. I would have -- if it was
9 serious enough that she wanted to go to the board,
10 I would have been -- I would have facilitated that. It
11 would have been done via the Education and Care
12 Committee.

13 Q. Okay.

14 Were you aware of an allegation that a staff member
15 called KKW had put PHX out of a bus and
16 abandoned him by the side of the road?

17 A. Absolutely not, and if I had, that would have become
18 a police matter and it would have been a disciplinary.
19 That's appalling. I would -- that -- that -- I had no
20 knowledge of that, until I saw it in the paper.

21 Q. Okay. Were you aware of any allegation that
22 KKW had threatened to put PHX out of a bus?

23 A. No.

24 Q. Okay.

25 In relation to another staff member,

1 PHY [REDACTED], did you ever hear of an incident
2 in which it was alleged that he had poured water over
3 PHX [REDACTED]'s head when he was on a treadmill?

4 A. No. You told me that last night. That was the first
5 I'd heard of that.

6 Q. Had you ever heard of an incident which had taken place
7 in the showers, in which other pupils had, I think,
8 taken PHX [REDACTED]'s shorts down and put a hot hairdryer on his
9 genitals?

10 A. No, and if I had, there would have been something done
11 about that. I was absolutely shocked when you told me
12 that last night. That was the first I'd heard of that.
13 And I just can't condone that in any way at all.

14 Q. Okay.

15 Another matter that 'Mary' said in evidence was in
16 relation to your own conduct in relation to other staff
17 members, and she described having heard you shouting at
18 staff members.

19 A. I'm not a shouter. I mean, I don't recognise that.
20 I definitely -- I'm quite a controlled person, and if
21 I had to deal with a staff member, I would have dealt
22 with a staff member in private. I wouldn't have
23 humiliated anyone by shouting at them in public.

24 Q. Okay.

25 She also mentioned in evidence an issue in relation

1 to a PHZ [REDACTED], who had been, she said, a teacher at
2 the school and was dismissed for having hit, I think,
3 a girl with learning disabilities.

4 Do you remember Mr PHZ [REDACTED]?

5 A. I do remember him.

6 Q. What was his role at the school?

7 A. His role at the school was a teacher -- I can't say what
8 subject; my instinct is to say maths, but that might be
9 wrong -- and I understand that he either covered on
10 a maternity leave or a period of sickness, and he was
11 not dismissed for hitting a child; he was dismissed --
12 he finished his contract, as far as I'm aware. It's
13 a long time ago, but, no, it was -- he was covering
14 either an absence or a maternity leave.

15 Q. Okay.

16 And before we come to the minutes, another matter
17 that 'Mary' said in her evidence was that there had been
18 an occasion when PHX [REDACTED] had been sunburnt because
19 suncream wasn't put on him, and that, after that, there
20 had been a telephone call between you and her about him
21 coming back to the school. Do you have any recollection
22 of that?

23 A. I don't have a recollection of it, but if she said that
24 it happened, then I would assume that it happened.
25 I actually had quite a good relationship, I felt, with

1 'Mary'.

2 Q. Okay.

3 Now, if we look, please, at the minutes that you've
4 mentioned there, it's at DSD-000000067. We see that
5 this is a meeting of -- action points from a meeting
6 about issues surrounding -- and this a person who we
7 know is PHX's placement, and this was on
8 25 October 2011, and we see that present were 'Mary' and
9 her husband; Alan Hunt, the educational psychologist at
10 West Lothian; yourself, and it refers to you as
11 principal or chair and notetaker at the meeting; and
12 PZY, SNR at the time.

13 And then if we go into 'Background', it says:

14 'This meeting had been requested by parents because
15 of continuing concerns surrounding the ability of the
16 school to keep PHX safe and to provide opportunity to
17 discuss how well parents feel school staff supervise
18 pupils and record incidents.'

19 So that appears to be the context of this meeting.

20 And then it says:

21 'It was agreed that the meeting would focus on how
22 best the school could work in partnership with the
23 parents in future and on improving communication.'

24 It then goes on to say:

25 'The meeting commenced with PZY explaining

1 the referral system and incidents reporting systems used
2 within the school, using an incident involving PHX
3 which had happened in the shower block as exemplar.'

4 So just pausing there. If that incident in the
5 shower block is the one that I referred to in your
6 evidence a moment ago with the boys and the hairdryer,
7 is that something that you've any recollection of?

8 A. I've no recollection of that, and I would also say that,
9 if that had been discussed, it would have also been the
10 responsibility of Alan Hunt, who would determine whether
11 or not the placement would continue. We would have
12 definitely taken that forward.

13 I -- if something was mentioned in the shower block,
14 it certainly wasn't that. The first time I heard about
15 that incident was when you told me yesterday.

16 Q. Okay.

17 A. I had no knowledge of that.

18 Q. So then going on in the minute, we can see that
19 PZY explains reporting structures. For
20 example, at the end of the paragraph, the bigger
21 paragraph that we see on the screen, it says:

22 'Depending on severity of incident, matters may be
23 brought to the attention of PZY or
24 Mary O'Brien.'

25 And then there's reference to staff training, and

1 then, if we go on over the page, there's reference at
2 the top of the page to parents having concerns about
3 staff supervising, and I think that's at break time and
4 lunchtimes.

5 And PZY says that she had met staff the day
6 previously to remind them of duties and accountability.
7 There had been a change to practice at the end of
8 periods, so it looks like something has happened in
9 between classrooms.

10 PZY says that there's been a review of practice
11 surrounding management of pupils on a one-to-one basis.
12 There's reference to a senior staff member being on duty
13 each break time.

14 There's then a paragraph in relation to CPD, with
15 'Mary' saying that she was glad about that as she
16 herself had had to intervene on one occasion when in
17 school at a parents' meeting.

18 Then 'Mary' says that she thinks that pupils
19 involved in such incidents should be suspended, but
20 PZY explained that it wasn't as simple as that,
21 especially as many of the pupils themselves had
22 additional support needs, and there were strict
23 government guidelines about suspension and exclusion.

24 And then it goes on:

25 'Parents expressed the view that Janice did not know

1 what was going on in school - she responded by saying
2 her educational management team had her full confidence
3 and she was satisfied that she was made aware of serious
4 concerns.'

5 So breaking that down, what's your response to the
6 assertion that you didn't know what was going on at the
7 school?

8 A. I wrongly gave more responsibility to the education
9 management team than perhaps I should. I did, at that
10 time, have full confidence in them. Again, it is with
11 hindsight.

12 But I would like to reiterate that that hairdryer
13 incident was never, ever mentioned, because I would have
14 taken that forward. That's appalling.

15 And I would say that, from the minutes, PZY
16 looks as if she was on top of her game and was doing
17 what I would have expected her to do, which was to
18 discuss issues with the staff, and then put in new
19 procedures to make sure that such incidents, whatever
20 they were, didn't happen again. Particularly, I do
21 think you're right, I think there must have been
22 an issue about transition from one classroom to the
23 other. I don't know what the incident is that they're
24 mentioning in business education, but from it, there
25 would be nothing there that would say to me that -- that

1 would have raised the red flag in the way that
2 PZY was handling the situation.
3 LADY SMITH: Can I just be clear, Janice --
4 A. Sorry?
5 LADY SMITH: Could I just be clear, are you saying your
6 position is that that hairdryer incident did not happen?
7 A. No, I'm not saying that.
8 LADY SMITH: All right. What are you saying?
9 A. I am saying I didn't know about it until Ms Innes told
10 me last night.
11 LADY SMITH: Okay. So the people who were responsible in
12 this area -- and you named two of them --
13 A. Yes.
14 LADY SMITH: -- should have told you but they didn't? Is
15 that what it comes to?
16 A. I was never made aware of it.
17 LADY SMITH: I get that that's your position, but a serious
18 incident like this, surely, should have been disclosed
19 to you and discussed with you, shouldn't it?
20 A. Oh, absolutely.
21 LADY SMITH: Right. So was it PZY who should have
22 told you or somebody else or more than one person?
23 A. It should have been PZY or Mary O'Brien.
24 LADY SMITH: Right. So one or the other or both of them
25 failed to do what they should have done?

1 A. Yes, failed in reporting that to me, and it also wasn't
2 reported to the Education and Care Committee, because
3 I attended every Education and Care Committee, and child
4 protection was a standing order on that, and that was
5 never discussed at the Education and Care Committees.
6 I would have remembered that.

7 LADY SMITH: Thank you.

8 Ms Innes.

9 MS INNES: Thank you, my Lady.

10 If we go on, there is reference to 'Mary' referring
11 to:

12 '... diaries in which staff disclosed to her serious
13 incidents in which [her son] had been attacked but about
14 which the school management either did not seem to be
15 aware of or concerned about. 'Mary' said these had been
16 signed off by teachers. PZY asked for these to be
17 sent in so that she could review them and 'Mary' agreed
18 to send them in the next day.'

19 So there's a discussion about further incidents that
20 'Mary' is expressing concern about and the agreement is
21 that she's going to send in that information to
22 PZY.

23 And then at the bottom of the page, there's
24 reference to Alan Hunt, his input in the meeting. He
25 talks about improved procedures and he then says these

1 procedures:

2 '... should be given a chance, particularly as all
3 agreed at the meeting that PHX was still benefiting
4 from the placement and was happy in Donaldson's.
5 However, it was acknowledged that parents had the right
6 to request a change of placement, but the meeting agreed
7 this would be unfortunate, given that PHX was
8 settled.'

9 So that seems to have been the conclusion.

10 And then if we, just for completeness, go over the
11 page, we can see the action points in relation to closer
12 monitoring at break and lunchtimes; a regular review of
13 training of supervisory staff, reminding them of duties
14 and accountabilities; a daily reporting system to be set
15 up for PHX; the diaries to be sent in; PZY to source
16 outstanding incident reporting forms; and then another
17 action point which I think relates to another child.

18 And then it says that the next meeting is to be on
19 28 November at 3.00 pm, and there was no new date set at
20 the time of the draft of the minutes. And it says it
21 would be agreed nearer the time if the principal was
22 required to attend, and also awaiting 'Mary's' decision
23 as to whether Alan Hunt needed to attend.

24 So there was to be a follow-up, but you weren't
25 necessarily going to be at that next meeting?

1 A. That -- yes, that sounds like it is. I mean, I think it
2 sounds like PZY and 'Mary', the witness, had agreed
3 that they would take things forward from there, and
4 I don't think, from my recollection -- but I couldn't
5 remember this meeting either -- but from my -- I wasn't
6 at another meeting.

7 Q. And why was it that PZY was deeply involved in
8 this meeting and Mary O'Brien wasn't there, do you --
9 was it because PZY had a particular
10 responsibility at that point?

11 A. I can't answer that now.

12 Q. Okay.

13 A. I can't recall. Mary was quite often off on sick leave.
14 It could have been that that was the case, or it could
15 have been that PZY was more involved in PHX's
16 educational programme. I can't tell you why that would
17 be.

18 Q. Okay.

19 Now, I'm going to move back to your statement again,
20 and to page 42 and paragraph 196.

21 So you talk there about regular inspections, and you
22 talk about having a nominated inspector, and that was
23 Mike Gibson, who had also been an inspector at your last
24 school. And did he continue to be involved in
25 inspections at Donaldson's, or was he your link

1 inspector?

2 A. He was the link inspector, and when he retired, we -- in
3 preparation for the inspection that was a disaster, we
4 paid for his services and the services of another HMIe
5 to come in and do a mock inspection. This is usual in
6 local authority schools, where they have a team of
7 quality assurance people. We're too small to have that,
8 so we agreed that we would pay for both Mike Gibson and
9 another inspector to come in and carry that out on our
10 behalf.

11 Q. Okay.

12 Now, at paragraph 198, you say that that audit was
13 carried out.

14 A. Mm-hmm.

15 Q. And you say that Mary O'Brien gave this to the
16 inspection team before they came in. And you say that
17 that was raised at a board meeting, so there seemed to
18 be some kind of objection to her having done that.

19 What's the problem with her having given the
20 internal audit to the inspectors?

21 A. I think the board felt at the time that we had paid for
22 something to be done that was to inform us of what we
23 needed to do, and that we would have liked to have had
24 an independent review by Education Scotland to see if
25 that matched our previous one, and from the two reports

1 we would then set targets to take forward.

2 There was one board member who took real exception
3 to it. I mean, real exception. And it was a very, very
4 fiery meeting where he felt that Mary had --
5 Mary O'Brien had sabotaged the inspection by giving this
6 report over so that the inspectors didn't need to look
7 at where our weaknesses were, that she had already
8 displayed them for all, and that he felt that this
9 was -- the report was the intellectual property of
10 Donaldson's and shouldn't have been shared without the
11 support and the permission of the board.

12 Q. What was your view about the sharing of that report?

13 A. My view is that, with inspectors, it's always good to be
14 as open as you can be, and I personally wouldn't have
15 shared it without the board's permission, but I couldn't
16 get as aerated about it as Mr Wallace got, and some of
17 the other board members.

18 Q. Okay.

19 A. I think instead of sharing it, I would have liked to
20 have discussed it with them, but it was done and there
21 was nothing that we could do about it.

22 And the inspection did not go well, but I don't
23 think it was because the document had been shared;
24 I think it was because there was lack of preparation,
25 and I think there was perhaps too much confidence in

1 that report, rather than looking at the findings of the
2 real Education Scotland review.

3 Q. So when you say there was a lack of preparation, what do
4 you mean?

5 A. Well, any lead -- any Scotland -- any inspection starts
6 off with the headteacher giving a presentation on
7 strengths and weaknesses and where this -- she's
8 intending or he's intending to lead the school; how
9 there is an improvement plan to say: this is what we are
10 going to do, this is how we are going to do it, we
11 understand there are weaknesses there and this is what
12 we're going to do. It is called an improvement plan, so
13 it is looking forward to trying to improve the services
14 all round.

15 Mary assured me that she was all prepared for it,
16 and we went into the initial meeting and she did this
17 talk which lasted about 30 seconds and it was, 'We
18 think' -- it was something like, 'Think that we're all
19 on a train and we are on a journey and we haven't yet
20 reached our destination', and that seemed quite a good
21 starting point, except that that wasn't the starting
22 point; that was the end point as well.

23 Q. Okay.

24 And you say there, at paragraph 199, that the
25 inspectors saw you separately, because they had

1 reservations about the quality of the education
2 management.

3 A. Yes.

4 Q. In what respect?

5 A. They always talk in very careful terms, but I think they
6 were appalled at the quality of the headteacher's
7 non-presentation. Certainly, one of the inspectors was
8 Alwyn Clark, whom I'd worked closely with before when we
9 were developing conductive education training, and she
10 was just appalled by it, and the other inspectors came
11 up and said that the whole tone that had been set for
12 the inspection was something that was not positive, and
13 they didn't -- they weren't quite sure where this --
14 where it was going to go from there.

15 But they were very careful in how they said that,
16 but they certainly weren't impressed by the initial
17 meeting and with further interactions with Mary O'Brien.

18 Q. And did you alert the board to the fact that these
19 concerns had been raised with you?

20 A. Yes, I let Christine Roebuck know --

21 Q. Okay.

22 A. -- because I had said to Christine that after each
23 evening -- on each evening after the inspection, I would
24 give her a brief summation of what had happened that
25 day.

1 Q. Okay.

2 And these were visits that were carried out,

3 I think, in May 2013.

4 A. I believe so.

5 Q. And ultimately we know that the report was delayed until

6 December 2013, but you had meetings, I think, with the

7 inspectors after the visits that gave you an indication

8 as to what their concerns were?

9 A. Yes.

10 Q. Yes.

11 If we can move on in your statement, again, to

12 page 43, and paragraph 203. And you talk about files

13 being shredded whilst you were off the premises, just

14 before your suspension. So I assume this would have

15 been in 2013?

16 A. Must have been, yeah.

17 Q. Yes, and --

18 A. Can I say that round about this time, I was deeply

19 distressed by everything that was going on, and I think

20 that some of my timings and things may be out because

21 I was, like -- I was under -- I was getting treatment

22 from the doctor for stress and depression and anxiety.

23 And so I think that maybe sometimes in my statement the

24 timings aren't quite what they should be. But, yes,

25 I accept that.

1 Q. I think we've seen in other documentation that you have
2 provided to the Inquiry that you were signed off work
3 from, I think, around about the middle of June --
4 A. Yes.
5 Q. -- for a period. Okay.
6 A. That was sort of exacerbated by the fact that
7 Richard Burns was so angry with me and so fed up with
8 Donaldson's that he told me to get in my office and shut
9 the door and don't talk to any staff, and I found that
10 quite distressing, because at the end of a term, that's
11 when you meet with your staff team and you discuss
12 improvements for next term and staffing for next term
13 and stuff like that, and he made it very clear that
14 I was not to talk to any member of the senior staff.
15 Q. Okay.
16 A. And I don't know why, to this day, he did that, but
17 I don't know why he did a lot of things. But I think he
18 was fed up by this time, being involved in an issue in
19 Donaldson's. I think he liked it when things seemed to
20 be running fine and he could just -- as he said in one
21 of the board meetings, you know, to meet with me, when
22 he just sat and he would -- you know, he patted my hand
23 while he said it and he said that anyone wanting to take
24 over as the chair of the board wasn't very onerous, he
25 just needed to meet with Janice occasionally and tell

1 her everything was okay, while patting my hand at the
2 same time.

3 Q. Going back to paragraph 203, and the shredding of files,
4 which we think happened around about this time --

5 A. Yep.

6 Q. -- so between May and the summer --

7 A. Yes.

8 Q. -- how did you become aware that things had been
9 shredded?

10 A. Ian Duncan, the late facilities manager, phoned me. By
11 this time, I think we were in the holidays, so there
12 were no staff on the premises. I also think that I was
13 suspended during the holiday period. I don't think
14 I was suspended during term time.

15 Q. That's correct, from the information we have, yes.

16 A. Thank you.

17 And Ian phoned me to say that Mary was in her office
18 and she was frantically shredding files. Ian didn't
19 know what files were shredded, but there had been a bit
20 of a discussion between him and Tracey Haggerty, who by
21 this time was Mary's secretary, because Tracey had quite
22 rightly asked if she could help Mary, and Mary had very
23 bluntly and rudely, I think, told her no.

24 And later, as I say there, I suspected that there
25 was a -- you could make a correlation between the

1 shredding of the files and the missing CP1 forms, both
2 from the residence and from the school.

3 Q. And how did you become aware that there were missing
4 forms?

5 A. Because I went to try and look for them.

6 Q. And what forms were you looking for?

7 A. I was looking for the CP1 forms.

8 Q. About what?

9 A. Just generally. I wanted to get some understanding of
10 what had been shredded, and I don't know, maybe I had
11 an instinct, I don't know, but I suspected that the CP1
12 forms might be the subject of it, and I waited until
13 Neil -- well, Neil Donald wasn't working during the
14 summer, but I knew where he kept the keys to the filing
15 cabinet, and I went in and I got the keys out of his
16 drawer and I opened the filing cabinet, and all of the
17 CP1 forms were missing.

18 Q. So Neil Donald, I think had gone by --

19 A. Yes, it was Susan Hepburn, sorry. Yes, sorry,
20 I referred to it as his office. Sorry, it was
21 Susan Hepburn by that time, yes, and the forms were
22 gone.

23 Q. All of the forms?

24 A. All of the CP1 forms. There were no CP1 forms there.

25 I don't know whether it was just one year's or it was

1 all the forms, but I couldn't find any evidence of any
2 CP1 forms there.

3 Q. Okay.

4 Now, going on to page 45 of your statement, and
5 paragraph 210, you say on 5 June, Helen, who I think was
6 the finance director --

7 A. Head of Finance and Administration.

8 Q. -- and you were made aware of a collective grievance
9 which had been submitted to Christine Roebuck from
10 a group of senior staff, and the grievance had been
11 dated 16 April, but you didn't become aware of it until
12 5 June; is that correct?

13 A. That's correct.

14 Q. Okay.

15 A. Which was in breach of our own grievance procedure
16 guidelines, because the -- any grievance should be
17 settled as quickly as possible at the lowest possible
18 level, and when I eventually -- Helen and I were
19 eventually made aware of the grievance, one of the
20 questions that we asked was why had it taken them so
21 long to tell us about it, because that didn't give us
22 the opportunity then to meet with all the staff and try
23 and go through all the issues at the lowest possible
24 level.

25 I believe that if we had done that, we would have

1 been able to resolve the issues. A lot of it was to do
2 with communication and a lack of transparency, as far as
3 they saw it, in how the finances raised by CAMPUS were
4 being spent, and we could have -- we could have shown
5 them all the evidence of all of that, and certainly, if
6 they felt that there were any issues with me, I would
7 have been happy to meet with them and discuss them and
8 get a resolution to them, but I wasn't given that
9 opportunity.

10 And the longer things are allowed to fester, the
11 bigger these issues become in people's heads, because
12 they then assume that nothing's being done, and in fact
13 that nothing was being done because it took so long for
14 us to be made aware of the grievance, and we were going
15 on in our normal duties without knowing that there was
16 an alienation towards us from some of the senior staff,
17 and that was not good.

18 Q. Now, you mentioned in your evidence there funding for
19 CAMPUS. Is CAMPUS the same as [REDACTED] or is it
20 something different?

21 A. No, CAMPUS -- the board was very keen that we utilised
22 the building. The building was designed to make money
23 for the school, mostly out of hours and within holiday
24 periods, and CAMPUS was set up to be the sort of
25 fundraising and moneymaking arm of the trust, and this

1 was to give us the opportunity to use the building for
2 conferences, during summer holidays, utilise the lodge
3 to use as residential accommodation for groups
4 affiliated to either education, social care or to the
5 deaf community, and that was very much in my brief to do
6 that.

7 Q. Okay.

8 So there was an issue raised by staff about a lack
9 of transparency.

10 A. Yes.

11 Q. And you've dealt with that. We also understand that the
12 complaint made by staff suggested that there was
13 a culture of bullying, blame and threat. What's your
14 response to that?

15 A. Well, I don't recognise that. Certainly not from me.
16 I mean, I'm quite a forthright person, but I would
17 always deal with somebody on a one-to-one basis. I'm
18 not one for threats and I'm certainly -- I would hope
19 that, by discussion and negotiation, we would reach
20 where we wanted to be. But I would always take account
21 of other people's views into that.

22 Q. And --

23 A. And I would have liked the opportunity to say that to
24 the staff, because up until this time, I had no idea
25 that I didn't have a good rapport with them. That was

1 maybe a failing on my side, but I certainly didn't feel
2 that there was such animosity against me and Helen.

3 Q. And another issue that was raised was that there was
4 mistrust.

5 A. As I say, I certainly trusted them. They obviously
6 didn't trust me, but I think that -- or Helen -- but
7 I think that that could have been sorted out by sitting
8 down at the lowest possible level and having a talk to
9 them about exactly what they meant by that, and anything
10 that was in that grievance, we could have answered and
11 we would have shown them evidence, you know, about it.

12 You know, they knew -- when we raised money through
13 CAMPUS, there were forms in the intranet and guidelines
14 on the intranet as to how people could bid for some of
15 the money that was raised, and that money that we did
16 raise, we put into the school. We built an outside
17 classroom, we built a storytelling area, we built
18 a garden, we built a sensory garden, and we put some of
19 the proceeds -- not all of the proceeds, but we put some
20 of the proceeds towards installing the outdoor football
21 area. So all the money that was coming in via CAMPUS
22 was being reinvested into the school.

23 And we -- people bid for -- some of the teachers
24 would bid for money to go on a special outing. That was
25 absolutely fine. I don't actually recall us ever

1 turning anything down.

2 Q. I want to move on to the issue with PWV ,

3 which arose around this time as well.

4 If we can move on, please, to page 54, and I think

5 maybe at paragraph 260, you say -- and you have already

6 said in your evidence --

7 A. I've not got that page up, sorry, yet.

8 LADY SMITH: It's just coming.

9 MS INNES: Page 54, paragraph 260.

10 A. I'm at page 45.

11 MS INNES: That's fine, it's moving.

12 A. Oh, right, thank you.

13 MS INNES: That's fine, thank you.

14 So page 54, paragraph 260. You've already told us

15 in your evidence that, until 2013, your position is that

16 you knew nothing about any allegation against

17 PWV .

18 A. Not just the position; it was the truth.

19 Q. And you say at paragraph 260 that you became aware of it

20 because, I think, you were told about it by another

21 member of staff?

22 A. Yes.

23 Q. This was in 2013, and you say that you were told that

24 there were rumours going about that there had been

25 an allegation of abuse made against PWV .

1 A. Yes.

2 Q. Okay.

3 A. Olivia Lovely was the HR assistant --

4 Q. Right.

5 A. -- and Olivia was moving to another company in

6 a promoted position, which she very much deserved and

7 Michael Buchan, who had been appointed over -- at

8 certain times as -- over the time of the move, he was

9 the person that assisted in the -- well, led the

10 negotiations for the staff when we had the employment

11 forum to try and get some sort of package put together

12 that staff would find acceptable, and so when Olivia put

13 in her resignation and said that she was moving on to

14 a higher post, for which we were delighted, it seemed

15 sensible to call Michael Buchan back in, as he knew the

16 school.

17 And so Michael was doing a handover with Olivia, and

18 Olivia mentioned to him -- and she was in quite a state,

19 he said -- mentioned to him that there were rumours

20 circulating around the school that PWV had

21 been involved in an incident off the premises at

22 's 50th birthday party, and it was

23 alleged that PWV had been invited to the

24 party, I believe the party was in a bowling club or

25 something like that, and then they all went back to

1 [REDACTED]'s house, and that PWV [REDACTED] and
2 her son -- and [REDACTED] and [REDACTED]'s
3 son, [REDACTED], had been outside smoking and drinking, and
4 PWV [REDACTED] had inappropriately touched [REDACTED]. But I had no
5 knowledge of that incident.

6 After Michael was made aware of it, Michael went
7 down and asked Mary if she was -- Mary O'Brien if she
8 was aware of it, and she pooh-poohed it and said, 'Yeah,
9 I knew about it, but it happened off the premises so it
10 was nothing to do with us', and so it hadn't been
11 followed up on.

12 Q. What was your view of that? I think you say at
13 paragraph 259, at the top of this page, so, back up:

14 'It was a sort of moot point in that it was
15 an incident that had happened off the premises.'

16 And then there was:

17 'The water was further muddied by the fact that [the
18 mother] had said there had been a witness to the abuse
19 ... and then that turned out to be a lie to try to flush
20 [PWV [REDACTED]] out.'

21 What was your view of the fact that the incident had
22 taken place off the premises?

23 A. My view was that if a person is capable of abusing
24 somebody off the premises, then they're also capable of
25 abusing them -- abusing other people on the premises,

1 and a red flag would have been very, very well and truly
2 put up for me and there would have been an investigation
3 into that, because I can't understand any professional
4 person in our line of work allowing a person that they
5 already know to have been accused of abusing a young
6 person still being allowed to take young people out in
7 his own car to work placements, work experience
8 placements, deaf clubs, theatre groups and other
9 community activities.

10 LADY SMITH: That being the sort of work that

11 PWV --

12 A. Yes.

13 LADY SMITH: -- was engaged in?

14 A. Yes.

15 He was the -- he worked in -- initially
16 he was the officer, but then we developed
17 that project further into , but he was --
18 his job was to find -- source and find work placements,
19 work experience, integrate the young people very much
20 more into the community, which meant that they went to
21 theatres that had signers there, you know, to give them
22 the experience of that, and he would support the young
23 people in the placements.

24 Because he had a condition, which was verified
25 by his doctor, we allowed him to use his own car because

1 it had his -- a specialised seat in it for him to drive.
2 Therefore, using our transport wasn't a great option for
3 him. And for the next -- for the four years during
4 which -- or the period of time during which the incident
5 with [REDACTED]'s son happened and to when Michael
6 and I were told about it, he was still taking young
7 people out, and indeed, through social work, he was
8 still taking young people who had left Donaldson's away
9 on foreign holidays. Now, that's something I only found
10 out after the event, when someone showed me his [REDACTED]
11 page -- pages, and he was on holiday with a young
12 person.

13 So social work had sanctioned that it was okay for
14 him to take a young person on holiday, but that should
15 never have happened, if only we'd been alerted to the
16 fact that he had been -- he had, you know, at that point
17 allegedly touched [REDACTED].

18 Q. So once you had found out about this, and Mary O'Brien
19 had been asked about it, what action did you take? Did
20 you suspend him?

21 A. No, not immediately. He was on TOIL. This was
22 a Friday, and he was on TOIL until the Tuesday. That's
23 time off in lieu. And I contacted Mary Mulligan and
24 told her what had happened and I -- and she said to
25 contact Anderson Strathern, the lawyers for the trust.

1 But I said that I thought we should contact Law at Work,
2 which was the lawyers -- who were the lawyers for the
3 school.

4 So I contacted Daniel Gorrie and we spoke about it.
5 Daniel already knew about it because Mary Mulligan had
6 already phoned them, but Mary had said that it was
7 a school pupil and it was on the premises. Now, I don't
8 think she was trying to misdirect them or anything,
9 I just don't think she had picked up on what I'd
10 actually said.

11 And Daniel Gorrie said that, because it was
12 something off premises, he wanted to discuss it with one
13 of his more senior colleagues, and it was agreed that he
14 would phone me back later on and we would determine
15 a way forward.

16 Mary Mulligan was in Glasgow at a meeting and she
17 said that she would phone me later on, but instead of
18 that, I got an email from her -- a very abrupt and quite
19 a rude email in its tone -- to say that I had to take
20 immediate action and suspend him.

21 I said, well, that was contrary to the advice that
22 we'd got from the lawyers. The lawyers wanted some time
23 to consider what actions we should be taking. It would
24 of course have been suspension, but we wanted to find
25 out a little bit more about it.

1 So -- but Mary had instructed me to suspend him and
2 I suspended him by phone on the Friday evening. And
3 I have to say, he was in such a state, I phoned him back
4 about an hour and a half later, just to check on how he
5 was, because he was exceptionally distressed and
6 I didn't think he'd taken in what I had said.

7 Q. And then you go on at page 56, and paragraph 270, to say
8 that you contacted the police, et cetera.

9 A. Yes.

10 Q. Now, we've heard evidence that the board had become
11 aware of this allegation through the grievance
12 procedure.

13 A. That's not my knowledge.

14 Q. Okay.

15 A. That's definitely not my understanding.

16 My understanding is the first person that knew about
17 it on the board was Mary Mulligan, and it was me that
18 informed Mary Mulligan. I didn't know anything. If the
19 board knew about that and hadn't done anything about it
20 or told me about it, then they are in -- I'm sorry, but
21 they're -- that -- they're not doing their job. But
22 it certainly didn't -- and if Christine Roebuck knew
23 about it, she had -- she should have come and told me,
24 but to -- 100 per cent, the first time I heard about it
25 was when Olivia was leaving and told Michael there were

1 rumours. Anything extra to that, I do not know.

2 But I do know that as the only person after all that
3 time that actually took positive action and contacted
4 the police, and I let the Care Commission know and I let
5 the local authority know.

6 Q. And at paragraph 274, you say that you couldn't find any
7 CP1 form or anything in PWV [REDACTED]'s file about it.

8 A. No. There was nothing in his file. And Neil Donald
9 apparently had said -- and he still said even at my GTC
10 hearing -- that he, on three occasions, had tried to
11 give me a CP1 form, and that was actually disproved
12 through Mary O'Brien and PZY [REDACTED]'s evidence, and
13 [REDACTED] herself, and [REDACTED] said that
14 she accepted I knew absolutely nothing about it and she
15 didn't understand why she hadn't told me, because [REDACTED]
16 and I met quite regularly after work in my office. She
17 would pop in, because she worked late and I worked late,
18 and she would pop in for a coffee, and I supported her
19 through her daughter's illness and subsequent death,
20 which left her looking after two small children, and
21 I said to her, 'Why didn't you tell me?', and she said,
22 'I thought you knew and had done nothing about it'.
23 I said, 'You should have known me better than that'.
24 Q. And you mention this on page 57 at paragraph 279, where
25 you say that [REDACTED] had also shared this with other staff

1 members. And did that then become apparent from what
2 you discovered later --

3 A. Yes.

4 Q. -- that people knew about this?

5 A. Yes, people knew about it, and my view on that is that
6 that's appalling, because the child protection
7 guidelines are very clear that it's not one person's
8 responsibility for child protection; it's every staff
9 members' responsibility. And I felt that if other staff
10 knew and they could see that nothing was being done
11 about it, I felt that they had a duty to report that.

12 But then again, I don't know whether it was reported
13 or not to Mary or PZY because the CP1 forms
14 disappeared. So I don't know whether staff had raised
15 issues with Mary and PZY and nothing was done about
16 it.

17 I would imagine if the senior staff, as you're
18 saying, as you're telling me new information, raised it
19 through the grievance procedure, then I can only imagine
20 that CP1 forms had been raised, but there was no
21 evidence when I went and looked for them. I believe
22 they'd been shredded.

23 Q. Okay.

24 Later on in your statement you mention that you
25 think that PZY was complicit in not following

1 up on the allegation against PWV .

2 Why is it that you think that she's complicit in it?

3 A. Well, I think she's complicit because, if she knew about
4 it, she had a responsibility to do something about it.
5 And if she saw that Mary O'Brien wasn't taking this
6 forward and doing something about it, then it was her
7 duty of care to do something about it and make sure that
8 it was being at least discussed, but she never did that.

9 So in that way, I think she was complicit, in
10 I think, what you could call a cover-up, and why I do
11 not know.

12 And if Christine Roebuck, through the grievance
13 procedure, knew about it, then I'm afraid I think she's
14 complicit as well, because she did nothing about it.
15 She didn't report it to the police, she didn't report it
16 to me, and she certainly -- at no board meeting I ever
17 attended -- did she report to the board.

18 Q. Okay.

19 Now, we know that there were then disciplinary
20 procedures against you.

21 A. Yes.

22 Q. And you were suspended in I think about August 2013.

23 A. I can't remember exactly when but, yes, I'll take your
24 point on that.

25 Q. And then, thereafter, there were disciplinary

1 proceedings and ultimately you were dismissed.

2 A. Yes.

3 Q. And you've provided your position in relation to that in

4 your statement, and you have also provided us with the

5 note of appeal, which I referred to at the beginning of

6 your evidence, which you say in your statement you

7 weren't permitted to put before --

8 A. No.

9 Q. -- the appeal panel. So your appeal was unsuccessful,

10 and then there were employment tribunal proceedings, as

11 we understand it.

12 A. Yeah.

13 Q. And if we look at page 63, and paragraph 308, you say

14 that there was going to be an employment tribunal, and

15 this was before the GTCS --

16 A. Yes.

17 Q. -- hearings, and the employment tribunal proceedings

18 settled by agreement and you received a payment of

19 £40,000.

20 A. Yes.

21 Q. And presumably that resolved the employment tribunal

22 proceedings and they didn't proceed further?

23 A. That's correct. My husband was ill at the time and

24 I felt that this was putting a lot of stress on to us,

25 and I still wasn't well, and although, with hindsight,

1 I wish I had gone to the tribunal, I had to make
2 a judgment call that night, and my husband and
3 I discussed it and we decided that, for our own mental
4 health and wellbeing, really, although these are words
5 bandied about too much perhaps sometimes, but really
6 I was in a dreadful state.

7 I had 41 years of unblemished teaching, both in
8 teaching and management, and to end my career like this
9 I felt was an absolute travesty, and I also felt that
10 I was being the scapegoat and the fall guy for the
11 PWV [REDACTED] affair not having been properly dealt
12 with at the time.

13 I do think that for some reason, reasons that are
14 best known to the board, Christine Roebuck, et cetera,
15 that initially Neil Donald and Mary O'Brien were
16 absolutely ring-fenced, and later, Mary O'Brien was,
17 because any time I tried to take complaints to
18 Richard Burns or discuss with Richard Burns issues I had
19 over Mary's management and Neil Donald's previously
20 management and his behaviour towards me, et cetera, it
21 was always -- the board or through the Education and
22 Care Committee always supported Mary and initially Neil,
23 and hopefully after that, Susan Hepburn, who was a very
24 competent lady.

25 Q. Okay.

1 Now, just finally, I want to ask you whether you
2 have any reflections or lessons to be learned arising
3 from, you know, your time at Donaldson's and your
4 reflections on the material that you've been considering
5 in preparing your statement and in preparing for
6 evidence today?

7 A. I have lots of reflections on it.

8 Q. Mm-hmm.

9 A. I'm devastated that these things happened on my watch,
10 and I didn't think I was taking my eye off the ball, but
11 I think in some ways I must have been, because I've been
12 blindsided here.

13 I don't think -- I think that Donaldson's -- or, in
14 retrospect, I think that Donaldson's should have had
15 a more robust reporting system. I thought it was
16 robust. But a system is only as robust as the people
17 who are managing that system, and if you have people --
18 it's like a chain: a chain is only as strong as its
19 weakest link, and I'm afraid that I think that Mary
20 and Brian(sic) let themselves down, but let the children
21 and let Donaldson's down.

22 Q. When you said Mary and Brian, did you mean Mary O'Brien?

23 A. Yes, sorry. Did I say Mary and Brian?

24 Q. I didn't catch you.

25 A. Sorry.

1 I also have reflections on the board's management of
2 me and treatment of me because, as a member of staff,
3 they too had a duty of care to me, which they did not in
4 any shape or form fulfil. And even the investigating
5 officer was in two minds as to what was going on, and
6 I felt that it wasn't a fair investigation, because
7 Sandra Stewart was telling me one thing and telling the
8 Board another thing, and she was giving me cuddles and
9 telling me it'll soon be over, as was Richard Burns and
10 Graham Bucknall and all the others, and at the end of
11 the day, they let me down as a member of staff, very,
12 very badly.

13 MS INNES: Okay.

14 I've come to the end of my questions for you,
15 Janice. As I said at the beginning of your evidence,
16 your statement, plus the additional documents that you
17 provided to the Inquiry in support of your statement,
18 all forms part of your evidence.

19 Thank you.

20 LADY SMITH: Janice, could I just add my thanks. Thank you
21 for engaging with us as you have done, as openly as you
22 have done, with all the detail that's both in your
23 written statement and that you've given us today. It
24 has been a long morning, and indeed into the afternoon,
25 and I'm sure you're now ready to go, but you go with my

1 thanks.

2 A. Thank you.

3 (The witness withdrew)

4 LADY SMITH: Now, there are some names I want to mention

5 before I rise. These are names of people who are not to

6 be identified as referred to in our evidence outside

7 this room, and that's PZY [REDACTED], PHY [REDACTED]

8 PHY [REDACTED], KKW [REDACTED], PHZ [REDACTED], PWV [REDACTED] or

9 PWV [REDACTED], a boy called PHX [REDACTED] and a boy called

10 [REDACTED], and if I've missed somebody, I am sure

11 I will be told. Is that the complete list?

12 MS INNES: I think [REDACTED] and [REDACTED] as well, the

13 parents of --

14 LADY SMITH: Oh, [REDACTED] and [REDACTED], of course, yes.

15 They should also be on that list. Well, thank you all

16 very much.

17 That completes today's evidence, is that correct,

18 Ms Innes?

19 MS INNES: That's correct, my Lady. Tomorrow we continue

20 with evidence from, in the morning, David Scott, and

21 then we have another witness in the afternoon.

22 LADY SMITH: Thank you. I'll rise now until tomorrow

23 morning.

24 (12.53 pm)

25

1 (The Inquiry adjourned until 10.00 am
2 on Friday, 3 October 2025)
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

Janice MacNeill (sworn)2
Questions from Ms Innes3

