

1 Friday, 3 October 2025

2 (10.00 am)

3 LADY SMITH: Good morning, and welcome back to our
4 evidential hearings in Phase 9. We're in Block 5 and we
5 are looking particularly in this block into the
6 provision of residential care for children with
7 healthcare additional support or disability needs, and
8 specifically at the moment, this week, we have been
9 looking into the provision at Donaldson's School for the
10 Deaf.

11 Now, although sometimes we have had witnesses who've
12 required interpretation, that's not the case this
13 morning, but we will, as before, have interpretation
14 available in the public gallery. So there will be two
15 British Sign Language interpreters, again, in the public
16 gallery providing translation from English to BSL for
17 anybody there who's deaf and would like to have the
18 benefit of that to enable them to follow proceedings,
19 and British Sign Language interpretation also available
20 if anybody attending needs an interpreter to speak to
21 a member of the Inquiry team for whatever reason,
22 whether because they want to find out more about our
23 work, to ask, for example, about providing evidence to
24 us, or indeed for any other reason. So feel free to
25 make use of that if that would be helpful.

1 Now, I know we're going to start this morning with
2 a witness who is ready to come and give evidence in
3 person and I'll hand over to Ms Innes to introduce him.

4 Ms Innes.

5 MS INNES: Thank you, my Lady.

6 The witness this morning is David Scott. He worked
7 at Donaldson's initially as a residential childcare
8 officer between around 1968 and 1970, then as a teacher
9 between 1974 and 1981 and then as principal from 1991 to
10 1998.

11 In the year 2000, Mr Scott was found not guilty of
12 six charges of physical assault at sheriff summary level
13 at Edinburgh Sheriff Court. A finding of guilty was
14 made in relation to a charge of kicking a boy. The
15 disposal was an absolute discharge. That means that
16 there was a finding of guilt, not a conviction.

17 LADY SMITH: Thank you. (Pause)

18 Good morning.

19 David Scott (affirmed)

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

21 Let me begin with what I hope is quite an easy
22 question for you: how would you like me to address you?
23 I am happy to use your first name or your second name.
24 Which would work for you?

25 A. First name's David.

1 LADY SMITH: David, thank you for that, and thank you for
2 coming along this morning to assist us with your
3 evidence in person in this public Inquiry, in which
4 we're looking into provision for children with
5 particular needs. This section, as you know, we're
6 particularly interested in provision for children with
7 hearing impairment. And thereafter, as a public
8 Inquiry, of course, we're particularly interested in
9 analysing systems and making recommendations for the
10 future as to how matters might be better for the
11 children.

12 I've already got your written statement and I'm
13 really grateful to you for that. That's already
14 evidence before me, and it's been good to be able to
15 look at that in advance. So today we won't need to go
16 through it line by line, but there are particular parts
17 we'd like to focus on, if that's all right with you.

18 David, if at any time you've got any questions,
19 please don't hesitate to ask. If you want a break,
20 that's absolutely fine. I can take a break at any time
21 that would work for you. I'll break anyway at around
22 11.30, but if you want a breather before then, please
23 just say. It's not a problem.

24 If you're ready, I'll hand over to Ms Innes and
25 she'll take it from there. Is that all right?

1 A. Thank you, yeah.

2 LADY SMITH: Thank you.

3 Ms Innes.

4 MS INNES: My Lady, in the course of David's evidence, he

5 may be required to address allegations that have been

6 addressed in his statement.

7 LADY SMITH: I could mention that now, yes.

8 David, one thing that I'll say now -- but if you

9 want me to explain again later, I can -- is this is, as

10 I've said, a public Inquiry, it's not a courtroom, but

11 you have all the same protections that you would have in

12 a courtroom, and that means if you're asked a question,

13 the answer to which could potentially incriminate you,

14 you're not obliged to answer it. If you do answer it,

15 I expect you to do so fully.

16 And please, if we ask you any question that you

17 think might fall into that category and you're worried

18 as to whether it does or not, do say and we'll explain.

19 All right?

20 A. Yeah.

21 LADY SMITH: Very well.

22 Ms Innes.

23 MS INNES: Thank you, my Lady.

24

25

1 Questions from Ms Innes

2 MS INNES: David, can I take you, first of all, to your
3 statement, which has the Inquiry reference
4 WIT-1-000001666.

5 And if we look to the final page of that statement,
6 we see at paragraph 203 that you say there:

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

9 I believe the facts stated in this witness statement are
10 true.'

11 And we see that you signed your statement in August
12 of this year. Is that correct?

13 A. Yes.

14 Q. Now, if we go back to the start of your statement again,
15 we can see that you were born in 1947; is that correct?

16 A. Yes.

17 Q. Then you go on, on that first page, to tell us about
18 your qualifications, your initial working life, and then
19 your teaching qualifications, and you tell us at
20 paragraph 3 that you're a qualified secondary teacher,
21 you also have a primary school teaching qualification,
22 a Teacher of the Deaf qualification, and a master's
23 qualification in Education and Research; is that
24 correct?

25 A. Yes.

1 Q. In addition, at paragraph 4, you tell us that you're
2 a qualified sign language interpreter and you've also
3 trained interpreters.

4 A. Yes.

5 Q. Now, if we go on to page 2, you start telling us about
6 your time at Donaldson's, and we understand that you
7 were there in three separate roles over different
8 periods.

9 So the initial period from 1968 to 1970, you were
10 a residential childcare officer; is that right?

11 A. The terminology at that time was 'supervisor'.

12 Q. Okay, and that was working in the care side?

13 A. Yes.

14 Q. And then, between 1974 and 1981, you were a teacher in
15 the secondary department?

16 A. Yes. Yes.

17 Q. And then you returned to Donaldson's -- I think you say
18 there it was 1990, but we know from other paperwork that
19 I think it was 1991 that you returned as principal, and
20 you remained there until 1998?

21 A. Yes.

22 Q. Thank you.

23 Now, at paragraph 8 of your statement, you say that,
24 while you were there, in all the different roles that
25 you had, the school was a residential school for the

1 deaf, mainly profoundly deaf children. There were a few
2 children who were regarded as hard of hearing but, from
3 what you're saying here, the majority of children
4 attending the school were profoundly deaf?

5 A. The vast majority were pre-lingually profoundly deaf.
6 Pre-lingual is quite important in terms of language
7 development. And pre-lingual meaning they had gone deaf
8 before the onset of natural speech or language.

9 Q. Yes. Okay.

10 You talk about the main building, and obviously we
11 know about the main Donaldson's building at West Coates.

12 While you were there as a teacher, and perhaps as
13 a residential childcare officer also, did the school
14 also have premises at Henderson Row?

15 A. Yes. That was the old Royal Edinburgh School for the
16 Deaf and Dumb, which is now part of Edinburgh Academy.
17 It was sold to Edinburgh Academy.

18 Q. We understand, I think, that Donaldson's moved out of
19 that building in around 1977 and the children moved over
20 to the main building at West Coates.

21 A. Thereabouts, yeah. I don't know the exact date for
22 that.

23 Q. Did you ever work at Henderson Row or not?

24 A. No, it was the infant department. Nursery and infant
25 department. The senior department was at West Coates.

1 Q. Okay.

2 Did children who were attending the infant and

3 nursery department, if they were residing at the school,

4 did they live in accommodation at Henderson Row as well?

5 A. Yes.

6 Q. Okay.

7 Now, in paragraph 8 you say that when you were

8 principal, there were about 40 residential children and

9 30 children who were day pupils, and that changed over

10 time, with more day pupils than residential?

11 A. Yes.

12 Q. So whilst you were principal, the number of residential

13 pupils declined and the number of day pupils increased?

14 A. Yes.

15 Q. Why was that?

16 A. Changes -- excuse me, changes in educational philosophy.

17 Transport was easier. Fife Council started a bus that

18 ran across Forth Bridge every day, so a lot of children

19 who would normally have been resident then became day

20 pupils, and that happened with every local authority

21 that was within daily travelling distance. So the

22 number of pupils who were on the residential side

23 dropped considerably.

24 Q. Okay.

25 LADY SMITH: And of course, so far as West Coates was

1 concerned, it was very convenient for Haymarket Station
2 as well as bus routes, wasn't it?

3 A. There were only secondary pupils who would travel
4 themselves.

5 LADY SMITH: Thank you.

6 A. Very few of them actually did that.

7 LADY SMITH: Oh right, thank you.

8 A. Most were brought in on special transport, with escorts.

9 LADY SMITH: I see.

10 MS INNES: And you also say that, in addition, the
11 residential pupils moved to weekly boarding only, and
12 no one was resident over the weekend. Did that change
13 when you were principal?

14 A. No. By the time I came, it had changed to weekly board.

15 Q. Okay, so when you were --

16 A. That was for the same reasons.

17 Q. For the same reasons, okay. So at an earlier stage,
18 children had stayed there over the weekends as well?

19 A. Yes.

20 Q. Okay.

21 Now, going on over the page, you talk about
22 Donaldson's being a grant-aided school, and at
23 paragraph 11, you say that:

24 'Things became difficult at times ... so we formed
25 an association of grant aided schools as a help

1 association. It was called Grant Aided Schools
2 Association ...'

3 And you would meet two or three times a year to
4 discuss common issues.

5 When you say things became difficult at times,
6 leading to the formation of this association, what sort
7 of issues were arising?

8 A. Probably -- normally issues of information. There was
9 also -- it was used as a -- erm -- as a venue for
10 discussing how one particular grant-aided school dealt
11 with the Department of Education and how another one
12 dealt with the Department of Education; it was dealt
13 with how -- what support we got from the Education
14 Department, as opposed to what links or support the
15 schools had with local authorities, where some of them
16 only worked with one local authority, some of them
17 worked with several ones, and Donaldson's worked with
18 almost every authority in the country except Shetland,
19 I think.

20 It was really just a way of getting together and
21 sharing information, sharing issues about how we
22 operated and trying to improve things, very much trying
23 to improve them.

24 Q. Okay.

25 LADY SMITH: When you're talking about grant-aided, David,

1 is that a reference to the government grant as opposed
2 to fees that an individual local authority might have to
3 pay?

4 A. No, it was a category established by the Scottish
5 Education Department. They put all schools into
6 particular grant -- into particular groups. List D used
7 to be the old approved schools.

8 List D -- List G were the grant-aided schools.
9 There were about eight; the Blind School, Harmeny House,
10 a couple -- two or three in the west, were leftovers
11 from the days before the Education Act of '48, and
12 they -- the Scottish Education Department retained
13 control of them, and we got a direct grant from the
14 department, in addition to, if -- Donaldson's was
15 fortunate, it had an endowment that was able to
16 supplement costs.

17 LADY SMITH: So if a local authority was placing a child
18 with you, was the money channelled through the
19 department, through Scottish Government, or did it come
20 direct?

21 A. No, no. No, it came straight to the school.

22 LADY SMITH: Straight to the school?

23 A. Straight to the school.

24 LADY SMITH: So the sources of money were the grant that was
25 coming from the Government, any separate fees coming

1 from the local authorities and anything that you were
2 getting from the endowment; have I got that right?

3 A. Yes. There was a -- that's an area that I had very
4 little to do with. That was to do with the secretary
5 and treasurer, who was a solicitor at Anderson
6 Strathern. But he had contact with the Scottish
7 Education Department, where they established, agreed,
8 whatever, what the direct grant was for that, and that
9 in turn established what -- the fees that the school
10 would charge sending authorities, and then the balance
11 of that was the endowment that made up various
12 whatevers.

13 LADY SMITH: That's helpful, thank you. That makes sense.

14 Ms Innes.

15 MS INNES: Thank you, my Lady.

16 So this association of grant-aided schools, was that
17 set up during the time that you were principal?

18 A. Yes.

19 Q. And continued over that period?

20 A. Yes. I have no idea what happened to it after I left.

21 Q. Okay. And did you find that association helpful?

22 A. Yes, very much so.

23 Q. Now, at paragraph 12, you say, 'Donaldson's was most
24 definitely an institution', and you talk about
25 an example there.

1 And then you say in paragraph 13, by the time that
2 you returned in 1974, 'I would say it was less
3 institutional'. So we know that you'd been there
4 between 1968 and 1970, but when you came back in 1974,
5 you're saying it was less institutional.

6 What sort of things had changed?

7 A. I don't think the sugar was in the tea anymore -- in the
8 teapot anymore.

9 Q. Okay.

10 A. That's -- there was -- in the dining room, there was
11 a big catering teapot. The tea was made up and the
12 supervising staff poured tea into cups for the kids.
13 I'm not entirely sure, but certainly -- certainly when I
14 started, the sugar was in the tea automatically. This
15 was something that had always been done. And my
16 recollection, although I wouldn't swear on it, is
17 I think that had been altered. I think that had been
18 changed.

19 Q. Okay. Had there been a change of principal between you
20 leaving and then returning?

21 A. No. No.

22 Q. No, it was the same principal at that point?

23 A. Bill Jeffrey was the principal at that time.

24 Q. Okay.

25 Now, you then go on at paragraph 14 to say that:

1 'Within Donaldson's and within deaf education, there
2 are definitely two camps, one camp was the oral camp
3 where you teach deaf children to speak. The other one
4 was the manual camp where you use finger spelling or
5 sign with the children. There was a real divide between
6 these two.'

7 And then you say:

8 'Technically the school was supposed to be
9 supporting oral education.'

10 And then you go on to refer to, when you went there
11 initially for your interview as childcare officer, that
12 you asked the interviewer how staff -- if we can go on
13 to the next page, how staff communicate with the kids,
14 and the principal's answer was, 'Oh, well, I could talk
15 about that for a long time'.

16 So when you went there initially, were children at
17 the school allowed to sign or not?

18 A. Technically -- excuse me. Technically, no, but
19 practically, yes.

20 Q. Okay. So can you explain why you say technically they
21 weren't allowed to but practically they were?

22 A. Because the school was supposed to be following the oral
23 tradition. In fact, Bill Jeffrey was one of the best
24 finger spellers and signers that I've seen, but the
25 school was supposed to be oral. In the house, it was

1 less formal and so we signed with the children. Erm, it
2 was just a more efficient way to communicate with the
3 children.

4 The teaching staff, some of them did sign. That
5 statement is slightly confusing, in that just because
6 you signed and finger spelt with them, doesn't mean to
7 say you don't teach them speech, and all the children
8 were taught speech.

9 Q. Okay.

10 A. Some made more progress than others and, therefore, sign
11 was an alternative to that.

12 There was also an increasing number of
13 multi-handicapped children who found it very difficult
14 to speak -- to cope with the oral system only.

15 One of the things, when you're teaching deaf kids to
16 speak, you have to teach them to breathe. Now, we seem
17 to manage to be able to figure out how to breathe and to
18 speak at the same time, but if the kids have never
19 actually spoken, they don't know how to breathe, they
20 don't know how to produce vocabulary, and a lot of deaf
21 children at the beginning will start with an aggressive
22 speech -- an aggressive breath, kind of breathing in the
23 way, rather than breathing out the way as we do, and
24 that was a technique that had to be taught. It's fairly
25 well-known in the history of deaf education.

1 There was also -- I think it was 1890, at the
2 Conference of Milan, where the Association of Teachers
3 of the Deaf passed a resolution that the oral method
4 will be the preferred way of teaching. Half the world
5 disagreed with that. The American system always used
6 sign, and they use a one-handed alphabet because most of
7 their stuff came from France, which used a one-handed
8 alphabet. The British system used a two-handed
9 alphabet, which then spread to the empire, so that
10 Australia, New Zealand, South Africa, all used
11 two-handed alphabets.

12 Q. Okay.

13 You go over the page -- well, on page 15 there, you
14 say --

15 LADY SMITH: Paragraph 15?

16 MS INNES: Paragraph 15, sorry. Did I say page? I always
17 mix these up.

18 Paragraph 15:

19 'I had to learn on the job how to communicate with
20 the kids manually by finger spelling and signing.'

21 You didn't have those skills as you were only about
22 18 or 19 years old. So that's when you became
23 a residential childcare worker or supervisor.

24 And how did you learn the language, as it were?

25 A. By being with the children.

1 Q. Did anybody teach you?

2 A. No.

3 Q. Okay.

4 And you've told us that you have a qualification,
5 you know, as a sign language interpreter. Was that
6 something that you did later on in your career?

7 A. Yeah.

8 Q. Okay.

9 And you then go on at paragraph 16 to say that when
10 you returned as a teacher, so in 1974, there were more
11 people keen on the oral side rather than the manual side
12 and the debate was raging forward. So the divide
13 between using the oral method and using the manual
14 method continued as an issue when you were a teacher?

15 A. Yeah. It was an issue between the teaching staff at
16 Henderson Row and the teaching staff at West Coates,
17 because the teaching staff at Henderson Row were all
18 very oral with the nursery/infant children, and when
19 they came up to West Coates, because the older children
20 at West Coates were signing, the younger nursery/infant
21 children who, when they came up, quickly learned to sign
22 from them, and that system just went on. And there was
23 conflict between the staff, definitely.

24 Q. Okay.

25 A. Disagreement, probably, rather than conflict.

1 Q. And do you know why it was that the staff down at
2 Henderson Row were using the oral method?

3 A. They believed that was their philosophy, I suppose.

4 Q. Okay.

5 And before the sort of physical move of the
6 building, were all of the staff accountable to one
7 principal who was in charge of both sites?

8 A. Yes, there was a -- I don't know what the technical term
9 was, the grading term was. There was a teacher in
10 charge or a senior teacher or something, at
11 Henderson Row, but they were a separate fiefdom really.

12 Q. Okay. I'm just wondering why there was this lack of
13 consistency in the teaching methodology?

14 A. As I say, they were a separate fiefdom.

15 Q. Okay.

16 You then go on to refer to being a teacher there in
17 paragraph 16, and you say:

18 'Because I had spent a previous time there and knew
19 sign language, I believe there was a bit of resentment
20 by staff towards me because of that. Knowing sign gave
21 me the opportunity to follow what the children were
22 saying between each other.'

23 So not all of the teachers could sign, from what
24 you're saying there?

25 A. No, the teachers' deaf qualification at Moray House did

1 not include signing in its post-qualification --
2 post-teaching qualification. There were about three or
3 four of the teaching members who used sign, and myself,
4 and the rest of the staff were still very, very much of
5 the oral philosophy.

6 Q. Okay.

7 LADY SMITH: So at that time, you could qualify as a teacher
8 with a specialism in teaching deaf children without
9 being able to sign?

10 A. Yep. That was the case on every training course in the
11 UK at that time.

12 LADY SMITH: Thank you.

13 A. It's only in the last 20 years that sign has really been
14 acceptable. When I was working in Hertfordshire,
15 I remember going to a meeting with the BBC, trying to
16 get interpreters on the screen, and the reason that the
17 BBC wouldn't agree to that is because it would distract
18 from what the main story on the screen was. If you look
19 at television now, there's multi pictures on screen.

20 LADY SMITH: Okay.

21 A. I wrote a paper when I was at Dundee University, for my
22 final dissertation, on the 100 years argument, which was
23 the argument from the Conference of Milan in 1890 until
24 1990 -- until 1970, discussing the argument for and
25 against oral and manual. It wasn't quite 100 years, but

1 it was close enough for the title of it.

2 LADY SMITH: Just going back to 1890, it sounds as though

3 the oral method stemmed from a fundamental belief that

4 somehow you could make a child, whose ears didn't work,

5 if I can put it in layman's terms, hear. Was that what

6 was going on?

7 A. I don't know. I wasn't there in 1890.

8 LADY SMITH: Well, I know, I just wondered whether there was

9 any learning from that, that had stemmed --

10 A. It was -- if you look up the literature, there was

11 considerable argument, well-documented argument, between

12 the two camps, and eventually it became the preferred --

13 the terminology was that the preferred method should be

14 the oral method.

15 LADY SMITH: I see.

16 Ms Innes.

17 MS INNES: Thank you, my Lady.

18 What was your view as to the appropriate way?

19 A. Well, having worked in the house, I quickly learned that

20 you had to communicate with children. And then when

21 I came back as a teaching member, I found it quite

22 difficult to try and teach kids without communicating

23 with them. So I had learnt how to sign on the job, and

24 I continued using that skill that I had. Some of the

25 oral teachers in the secondary department, and the

1 primary department, were very much against that, and
2 I continued doing what I was doing. As did several
3 other teachers.

4 Q. And did you feel that you got better results with the
5 pupils?

6 A. I could certainly communicate with the children better,
7 yeah.

8 Q. And do you think that was better for their education?

9 A. Absolutely.

10 Q. You then go on to say at paragraph 17 that the
11 relationship between teacher and children at the school
12 when you first started appeared to be okay, but you
13 would say that it was very formal. So in the '70s, when
14 you were there, there was still a formality in the
15 schooling?

16 A. Yeah, yep.

17 Q. Okay.

18 You then go on at paragraph 19 to say:

19 'When I returned as head teacher, I found the
20 relationship between pupils and teachers in the school
21 to be very different from that at Hertfordshire. It
22 seemed at Donaldson's it was a more tense relationship.'

23 So we know that between the time when you'd been
24 a teacher at Donaldson's and returning as principal, you
25 taught in Hertfordshire, and you're saying here that you

1 noticed a difference in the relationship between pupils
2 and staff when you returned to Donaldson's compared to
3 what there had been in Hertfordshire.

4 Can you explain that a bit further? What sort of
5 things did you notice?

6 A. Well, all of the staff in the school in Hertfordshire
7 was referred to by their first name, and if you happened
8 to have a first name the same as someone else, and you
9 came after that person to the school, you had to change
10 your name, so that the kids wouldn't get confused by
11 calling David so-and-so and David so-and-so, and that
12 was the philosophy of the headteacher.

13 First names were used for both the care staff, for
14 teaching staff, for classroom support staff, for
15 audiological staff, for nursing staff, the whole thing.
16 It was a very much freer atmosphere. It was a more
17 modern building, certainly, but it was a more freer,
18 more relaxed atmosphere.

19 Q. Okay.

20 You then go on in this paragraph to say that you
21 said to your deputy at the time, Kate Clegg, that you
22 wanted to get the school into the 20th century before
23 you got to the 21st century, 'That probably sums
24 everything up'.

25 So what was still sort of 19th century about it when

1 you got there as principal?

2 A. The kids tended to be marched along the corridor
3 everywhere, in group. The paragraph before that,
4 I mentioned John Cant, who was the headteacher at
5 Henderson Row when it was the Royal Edinburgh School for
6 the Deaf and Dumb. He was the -- the Head -- I suppose
7 the Head of Senior School, the Head of Senior School,
8 and he used to come from the teaching block to collect
9 the senior boys from where they assembled in the morning
10 and march them back down to the school block.

11 Everybody was referred to as Mr or Mrs or Ms/Miss,
12 rather than by first names. There was a very formal
13 eating system, dining system. There were sometimes --
14 at breakfast, for instance, I used to supervise
15 breakfast when I was on duty. There were always
16 slightly more bread rolls than children, so once
17 everybody had been divvied up the stuff, there was
18 always some left over, and it was always -- to excuse
19 the phrase -- a bit of a bunfight to see who got the
20 leftover rolls, the extra rolls, and they tended to be
21 the biggest and the most senior kids, which I had one or
22 two disagreements with the children about that, saying,
23 'Well, no, these other kids are entitled to get a roll
24 as well'. Things like that.

25 It was very much a top-down system. Very much

1 a top-down system.

2 Q. Okay.

3 A. And it was a top-down system from management to the

4 staff as well.

5 Q. Okay.

6 And you say at the end of this paragraph that:

7 'To my mind it didn't really improve as much as

8 I wanted it to.'

9 What sort of things did you want to improve that you

10 feel that you didn't manage to improve?

11 A. I wanted to have a closer and less formal relationship

12 between children and staff, not just teaching staff but

13 all staff.

14 I also wanted to have a less formal relationship

15 between staff and me. A lot -- certainly when I first

16 started, a lot of people always referred to me as

17 'Mr Scott', which wasn't what I wanted particularly.

18 I'd been used -- as depute head, I'd been used to be

19 called David, and it didn't cause me any problems at

20 all. In fact, there was no loss of respect from the

21 children. So that kind of thing, I wanted to slacken up

22 systems a bit.

23 Erm, when I was there as a houseparent, the children

24 were supplied by -- were supplied with clothing from the

25 trust, and each piece of clothing was marked, so that

1 the kids got the right bit of clothing. But they
2 weren't marked with a name, they were marked with
3 a number. So you had child so-and-so was number 6 and
4 child so-and-so was number 17. And I felt that was
5 a bit impersonal, but that was a hangover from the
6 earlier -- from almost the Victorian type of thing.

7 If you wanted -- if the children's clothing needed
8 to be repaired or replaced, you had to then apply, send
9 a chit in to John Cant to have new shoes issued or to
10 have a new shirt issued or whatever, and things like
11 that.

12 That wasn't there when I came back as headteacher,
13 but I would have liked to have relaxed it much, much
14 more than it was.

15 Q. Okay.

16 Now, going into your various roles over the page, on
17 page 5 and paragraph 21, you talk about your first role
18 on the care side and you say that you had an interview
19 that lasted for about 30 minutes, and then at
20 paragraph 23 you say:

21 'I received no induction training for that role, my
22 learning was done on the job.'

23 So it sounds like you just had to get on with it.

24 A. Get on with it, yeah.

25 Q. And watch the other staff and see what they did or ...?

1 A. Well, yeah. Yeah, there was no book of, 'This is what
2 you do, this is how you do it', certainly no, 'This is
3 why you do it', and there was certainly no, 'This is how
4 you sign'. And the sign was picked up by watching other
5 staff sign with the children and the children signing to
6 other staff. But at that time, that is what I thought
7 happened. I don't think induction was particularly
8 fashionable at that time then.

9 Q. You mention at paragraph 22 that your line manager was
10 the senior male care officer?

11 A. Yeah.

12 Q. Who was that?

13 A. That was PGJ .

14 Q. Okay, and then above him was the principal, so he
15 reported directly to the principal? Okay.

16 A. There were four of us on the team, two with the senior
17 boys, two with the junior boys, and it was junior and
18 senior on and then swapped, junior and senior off, so
19 the shift pattern worked.

20 Q. Okay, and how did you find him as a manager?

21 A. I didn't regard him as a manager, but he was very
22 supportive. He was very popular with the kids.

23 Q. Okay.

24 Now, if we move on to your next role, as secondary
25 teacher, you tell us at paragraph 24 that once you

1 finished your degree -- so you'd been at Donaldson's in
2 the care role, then you went and did your degree, and
3 you approached them to ask if there were any positions.

4 And initially, you were given a primary teacher
5 role, but am I right in thinking that, before you took
6 that up, you were then told that there was a secondary
7 role available?

8 A. Yeah.

9 Q. Is that right?

10 A. Yeah.

11 Q. Okay.

12 A. At that time, secondary teachers were on a higher pay
13 scale than primary teachers.

14 Q. Okay. And what subject were you going to be teaching?

15 A. History geography and -- well, general subjects. At
16 that time, the secondary school -- the senior school was
17 organised into classes, and you taught the class
18 everything except the specialist subjects of technical
19 art, swimming. So it was a general subjects teacher.

20 Q. Okay. So that could include English, maths, history and
21 geography, as you've mentioned?

22 A. Yeah. Yeah.

23 Q. Okay.

24 Then over the page, at the top of the page, page 6
25 and paragraph 26, you say that at that time, your line

1 manager was John Cant, who you've mentioned?

2 A. In terms of teaching?

3 Q. Yes.

4 A. Yes, yes. He was Head of Senior School.

5 Q. Okay.

6 And you say:

7 'I don't think there was an appraisal system then.

8 No one complained about anything so one just presumed

9 one was doing okay.'

10 A. Yeah.

11 Q. You didn't have meetings with Mr Cant about how you were

12 getting on or anything like that?

13 A. No. Not me, nor anyone.

14 Q. Okay.

15 And then you go on to talk about your application

16 for the role of principal, and you say that the process

17 of applying and the interview was quite a long,

18 drawn-out process?

19 A. Yes.

20 Q. It was quite detailed.

21 A. Yes.

22 Q. You say at paragraph 28 that you were interviewed in two

23 parts, one being an informal chat and one being a more

24 formal interview with members of the Board of Governors?

25 A. Yeah. Yeah.

1 Q. Okay.

2 Then at paragraph 29, you say that about two years
3 into your time as principal, the Board decided that they
4 wanted to build a separate primary school, and that
5 would be on the land at West Coates?

6 A. It was on -- yes, it would be on the site of the
7 existing teaching block, which would be demolished, and
8 a new school would be built there.

9 Q. Okay.

10 And you say that they employed a fundraiser, and
11 then you say:

12 'My role changed from being head of ... school to
13 working with the fundraiser.'

14 What did that work with the fundraiser involve? How
15 did your responsibilities change?

16 A. Quite a large part of it involved making him aware of
17 the issues of deaf education, because he had no
18 knowledge of deaf people, or deaf children. It also
19 involved meeting potential funders, which meant being
20 out of school a lot. It also involved meeting local
21 authority representatives to try and get support that
22 they would continue to use the school, that type of
23 thing, and I was out of the school quite a bit, and
24 I really wasn't able to fulfil the -- what I saw the job
25 as principal to be.

1 Q. What did you see the job of principal as?

2 A. Running the education side, supervising the residential
3 side, encouraging people to take Teacher of the Deaf
4 qualification. Just the normal duties of a headteacher.

5 Q. And how did you feel about having to meet all these
6 funders and local authorities and suchlike?

7 A. I felt okay about it, but it wasn't what I trained to
8 do. I had no experience of being a fundraiser or
9 negotiator. But if that's what they wanted, I reckoned
10 then that's what I had to do.

11 Q. Okay.

12 LADY SMITH: David, you mentioned that you had experience of
13 the normal duties of a headteacher, as opposed to what
14 this was requiring of you, and this would be around
15 1992, '91/'92, was it? You say a couple of years into
16 your tenure?

17 A. Yeah. Yeah.

18 LADY SMITH: And am I right in remembering that was before
19 the school appointed separately a headteacher?

20 A. Initially I was approached -- I was the one who
21 suggested that my depute, Kate Clegg --

22 LADY SMITH: Yes, I thought it was.

23 A. I said, 'Well, I can't do both. I can either run the
24 school or we can get some money, but there's just not
25 enough time to do both, so you decide what you want to

1 do'.

2 LADY SMITH: So this was the stage at which you were being
3 asked, effectively, as you saw it, to do the job of two
4 people, rolled into the one role?

5 A. Yes. Yeah. And I said: well, fine. That lasted for --
6 I don't know, for however long it lasted, and I said,
7 'No, this can't be -- I can't do that, you're going to
8 have to decide what you want', and I recommended Kate be
9 upgraded, and be paid for being upgraded, to do that
10 job, and that will leave me to do the funding, if that's
11 what you want.

12 LADY SMITH: And more time on the leadership and
13 administration of the school would then be --

14 A. Sorry?

15 LADY SMITH: More time would then be available to you for
16 leadership and administration of the school, I suppose,
17 would that be right?

18 A. Well, it was just more time was available for the
19 fundraising side.

20 LADY SMITH: I see, right, thank you.

21 MS INNES: Was Kate Clegg paid more, as you had suggested?

22 A. I insisted she be upgraded to Acting Principal, I think
23 it was --

24 Q. Okay.

25 A. -- and that she get the appropriate salary for that, and

1 she was.

2 Q. Okay, and did your job title remain as 'Principal'?

3 A. It did, yes.

4 Q. Okay. And did the Board make any changes to the terms

5 and conditions of your employment, can you remember?

6 A. No.

7 Q. No.

8 So although Kate Clegg was taking on more of the

9 responsibility for the day-to-day running of the school,

10 you still had ultimate responsibility?

11 A. Yes.

12 Q. Yes. Okay.

13 You mentioned, sorry, about the fundraising; did the

14 building project then happen during your time as

15 principal?

16 A. Yes and no.

17 Q. Okay.

18 A. The £1.2/1.3 million was secured from the Scottish

19 Office. The plans were all drawn up, of which I was

20 heavily involved. I was then suspended. The old school

21 was cleared, the new school was built, and I never saw

22 it, inside it -- never saw inside it, never saw outside

23 it, because when I was suspended, I wasn't able to be in

24 the school at any time that the children were in the

25 school, despite my flat being in the school.

1 Q. Okay.

2 So during your time as principal, not only were you
3 involved in the fundraising but also in the planning for
4 this?

5 A. Yes, with the architects, yes.

6 Q. Okay.

7 Now, at paragraph 31, you say:

8 'I had quite a lot of autonomy in how I ran the
9 school.'

10 You had to do a yearly report for the Board, but you
11 say that you were pretty autonomous.

12 As well as this annual report that you gave to the
13 Board, did you attend board meetings at other times?

14 A. Yeah. Every one. There were board meetings every
15 three months, I think it was.

16 Q. Okay.

17 And then you say:

18 'There weren't a specific set of rules and
19 regulations which I was bound by to report things to the
20 Board. If something serious happened, I would use my
21 own good judgement and ...'

22 Then tell the Board about that, essentially.

23 What sort of things would you consider would be
24 serious enough to report to the Board?

25 A. If I was going to suspend a child, because of whatever

1 they'd been doing. There was no requirement that I must
2 get Board -- at least as far as I was concerned, there
3 was no requirement that I must get Board approval before
4 I suspend, but before I did suspend, I would always run
5 it past either Bert Laidlaw or John Chalmers, who was
6 vice chairman.

7 If there was a major building defect that had to be
8 resolved, we'd run that through the -- past the
9 chairman, and then I was discussing with the architects
10 to see how this would be resolved.

11 When it came to the refurbishing of the residential
12 accommodation, the purchase of new furniture, bedding,
13 installation of new shower systems, that would all be
14 run past the Board. There would be a -- the architect
15 would give a ballpark costing figure, but I would then
16 explain why we wanted that, why we needed that, to
17 justify that expenditure.

18 Q. Okay.

19 Now you mentioned a couple of people there who were
20 on the Board, Bert Laidlaw, and at the top of the next
21 page, you say:

22 'I would say there was good communication.'

23 Did you feel that you had a good working
24 relationship with Mr Laidlaw?

25 A. Yeah, very.

1 Q. Okay, and you mention John Chalmers, who was the
2 vice chair. Did you have a good relationship with him?

3 A. Well, I think so, yes. Yes.

4 Q. We've also heard that there was a person called
5 Ivor Guild.

6 A. He took over the chair from Bert Laidlaw.

7 Q. And what was your working relationship with him like?

8 A. Very good. Ivor was a well-known solicitor in
9 Edinburgh, lived in the New Club. A very polite
10 gentleman, very involved in all sorts of other
11 charities, and he and I got on very well. I was very
12 sad to hear he died about ten years ago.

13 Q. Now, on page 7 at paragraph 32, you've been asked about
14 policies there, and you say there were no policies, as
15 such, at the time that you were principal.

16 'In hindsight there probably should have been but
17 I was trying to work the system as it was and improve
18 things as best I could.'

19 While you were principal, did you think that there
20 was any need for policies?

21 A. I don't think so. We didn't have any policies in
22 Hertfordshire for anything -- it was just pure common
23 sense people used.

24 Q. And can you remember the board, for example, suggesting
25 that there should be policies about anything?

1 A. Not at that time, no. No.

2 Q. Okay.

3 Now, if we move on to page 8, and paragraph 39, you
4 talk there about the staff's attitude to you as
5 principal, or perhaps maybe to the role of principal.
6 You say that their attitude was:

7 '... that the principal was the "boss" and he drove
8 the ship. This wasn't a position I particularly wanted
9 but [that's] how it was.'

10 Was the staff's expectation in relation to the role
11 of principal different to what you'd experienced before?

12 A. They still -- a lot of the staff still had the top-down
13 approach, and I would have been more happy with a flat
14 approach, where people can throw things into an idea or
15 suggestion and have that discussed, have that disagreed
16 with, have something else put in, but there was a kind
17 of feeling that: oh, we need to go along with him. But
18 I never insisted on any of that.

19 Q. Okay.

20 Now, at the bottom of the page, you talk about the
21 course that you did at Moray House. You say that you
22 did one-year Teacher of the Deaf training course at
23 Moray House during your time as a teacher at the
24 school -- so that was in the '70s -- and you say this
25 was a full-time course for nine months of the year, and

1 you took time out of teaching to do the course.

2 A. It was a secondment. It was a full-time secondment.

3 Q. And Donaldson's continued to support you financially

4 when you were doing that course?

5 A. Yes. But they also got a grant from Scottish Office --

6 Education Department to pay for a replacement teacher.

7 Q. Okay.

8 And you've told us already that, during this course,

9 there was no use of sign language. Was that the case

10 when you did the course?

11 A. Very much so.

12 Q. Okay.

13 A. The person running the course was at that time was very,

14 very anti sign language.

15 Q. Right. And did the course involve placements or was it

16 all theoretical teaching?

17 A. No, there were teaching practice placements.

18 Q. And where were you able to do that? Did you do that at

19 local authority schools or --

20 A. Schools for the deaf.

21 Q. Yes.

22 A. Which may have been local authority or may have been

23 independent, may have been other grant-aided, whatever.

24 Q. Okay. Can you remember where you did these placements?

25 A. I did one at Park House, which is in Ayrshire, and that

1 was run by Ayrshire County Council.

2 Q. Okay.

3 A. And I did one -- I did one in St Vincent's, which was

4 one of the church schools in Glasgow, and there was

5 a partially hearing school in Glasgow, a day school, but

6 I can't remember the -- I can't remember the name of

7 that now, but I could find that out.

8 Q. Yes, there was a Glasgow School for the Deaf.

9 A. I didn't do a placement in Glasgow School for the Deaf.

10 Q. Not there?

11 A. There was a Glasgow School for the Deaf, but there was

12 also a partially hearing school.

13 Q. Okay, and then there was St Vincent's?

14 A. Which covered the Catholic remit.

15 Q. Yes.

16 And you do talk in your statement about a memory of

17 being at St Vincent's and issues between the pupils,

18 observing issues between the pupils at the school. Do

19 you think that might have been when you were doing

20 a placement there or --

21 A. It could have been or it may have been another time, on

22 a visit for some reason, but certainly -- I certainly

23 saw that happen, yeah.

24 Q. Okay.

25 And can you remember anything else about your time

1 at St Vincent's, you know, what your impression of it
2 was, what the teaching of the deaf there was like?

3 A. Because the children were regarded as partially hearing,
4 rather than profoundly deaf, there was very little sign
5 there. There was very little need for sign there.

6 Q. Okay.

7 A. Compared to Donaldson's, there was -- the children had
8 a lot more hearing, a lot more useful hearing, over the
9 speech frequencies, which are a particular set of
10 frequencies, and these were the ones that were mainly
11 missing. So kids might be able to hear a door banging,
12 but they wouldn't hear the speech frequency.

13 It was a pretty scrubby building. It was set in
14 huts, basically, with corridors -- almost like an army
15 camp. It was very -- not a particularly pleasant
16 building. An old-fashioned building, 1920s/30s sort of
17 building, I think. It was all just huts.

18 Q. Is that definitely St Vincent's that you are thinking
19 about and not the other --

20 A. No, that's the other one, I think.

21 Q. That's the other one that you're talking about?

22 A. Sorry, I can't remember the name of that.

23 Q. Do you have any memory about what St Vincent's was like?

24 A. Just a Catholic school.

25 Q. Okay.

1 A. They signed there, certainly. The nuns signed with the
2 children there.

3 Q. Okay.

4 Now, if we look down to page 9 and paragraph 44, you
5 say there that a lot of the children at Donaldson's had
6 emotional issues as well as deafness, and you go on to
7 say that there was only about one psychiatrist in the
8 country who was experienced with deaf people, never mind
9 deaf children. And you say:

10 'It's a very difficult area and therefore we found
11 that there were virtually no services like that
12 available to schools. Counsellors also have to use
13 interpreters and that's a very unsatisfactory
14 circumstance for the counsellor.'

15 And perhaps also the person who's attending the
16 counselling, if they've got to have an extra person
17 who's hearing all of the information about them.

18 A. Well, there's a confidentiality issue that -- if there
19 was an interpreter in here, irrespective of your
20 particular confidentiality conditions of the hearing,
21 they wouldn't be able to refer anything that had
22 happened, that had been discussed between the deaf
23 person and themselves in their interpreting role.

24 Q. And so you're saying here that there was an issue in
25 terms of getting that external support at Donaldson's?

1 A. Yes, very much so. Very much so.

2 Q. And did you feel that that was something that the
3 children needed?

4 A. I think everybody in deaf education felt there was
5 a need for that, yes.

6 Q. Okay.

7 Now, over the page on page 10, at paragraph 48, you
8 mentioned, as you've said already in your evidence, that
9 you lived in a flat on site within the ground and first
10 floor of the main building when you were headteacher,
11 and obviously you lived in when you were a residential
12 childcare worker.

13 A. Not the same flat.

14 Q. Not the same flats, no.

15 Did you live in when you were a teacher?

16 A. No.

17 Q. No.

18 So when you were principal and you lived in this
19 flat in the building, did you feel that was a positive
20 thing or did you feel like you were always on duty?

21 A. You're always on duty, I suppose. The -- when
22 Bill Jeffrey retired, mid '70s, '76/'77, something like
23 that -- he had a house across the wall from the school.
24 When he retired, the next principal occupied that house,
25 and [REDACTED], and then the next

1 principal didn't want to occupy the house, and the next
2 one was me, and the Board wanted the principal to be
3 resident, but by which time they had sold the house. So
4 the house wasn't available, which was next door to the
5 school, and they spent a fair bit of money in converting
6 a part of the building, which was originally designed as
7 the principal's flat for 1848 when the school opened.

8 Q. Okay. So they used it again as it was originally
9 intended?

10 A. Yeah. Yeah.

11 Q. Okay.

12 Now, at the bottom of this page, at paragraph 51,
13 you say that there was no policy in relation to
14 discipline, and was that the case when you were there as
15 a teacher and a headteacher?

16 A. Yes.

17 Q. Okay.

18 And you say that, as headteacher, this caused a lot
19 of issues, because things would be referred to you from
20 the classroom to deal with.

21 A. Mm-hmm.

22 Q. And then if we go on over the page to page 11, at
23 paragraph 53, you say:

24 'Bullying of other children would merit a child
25 being disciplined, there was quite a lot of that

1 behaviour in the school and it annoyed me intensely.'

2 How did bullying evidence itself at the school?

3 A. Either people -- staff would see something happening, or
4 children would report something had happened.

5 Q. Okay. Did that involve physical fights between
6 children?

7 A. It could do.

8 Q. Could do, okay.

9 And what action did you take to try to eradicate
10 this type of behaviour between the children?

11 A. Well, we had discussions at staff meetings and things.
12 If it got beyond a certain level -- I'm not quite sure
13 whether that level was a solid level or not, it
14 varied -- but if it got beyond that level, then the
15 child might result in being suspended.

16 Q. Okay.

17 At paragraph 55, you say that:

18 'The only real punishment available to us was giving
19 a child a punishment exercise like lines or ... extra
20 homework ...'

21 So was that during your time as a teacher as well as
22 when you were principal?

23 A. Yeah. Yeah. Or not being allowed to go to recreational
24 swimming or something like that, not being allowed to
25 play in the football team or the basketball team for

1 a visiting game. There was very little you could
2 actually do to the kids in terms of punishment.

3 Q. Yes. You say:

4 'In the residency their punishment would be not
5 being allowed on "out" time.'

6 So what does 'out' time mean?

7 A. Well, going to town, or just going to the corner shop at
8 the bottom of the drive.

9 Q. Okay.

10 And at paragraph 57, you tell us that corporal
11 punishment wasn't in force when you were principal, nor
12 when you were a teacher. So when you were a teacher in
13 the '70s, corporal punishment wasn't being used?

14 A. I never used it.

15 Q. Did other staff use it, do you know?

16 A. Well, you wouldn't know because it tended to be done in
17 their own classroom.

18 Q. Do you know if there was a particular rule about it --

19 A. No.

20 Q. -- in the '70s? Okay.

21 At paragraph 58, you say:

22 'I think there was confinement of some sort used on
23 children but when I found out about it, I made clear
24 that it could not be used. When I refer to the term
25 'confinement', I knew it was about children not being

1 allowed out of the school grounds or being allowed to go
2 swimming in the school pool.'

3 So that sounds like children not being allowed to do
4 particular activities?

5 A. Yeah. Yeah.

6 Q. And did you stop that as a method of punishment?

7 A. I didn't because there was very little for the care
8 staff to actually -- very little hold that they had over
9 the kids. And use -- recreational use of the swim --
10 the pool -- I'll start again: recreational use of the
11 school swimming pool was one of those sanctions that
12 could be applied.

13 And that might be applied on -- on -- well,
14 particular -- different groups used the swimming pool at
15 different times, so it might be applied for -- if we had
16 a discussion on the Monday, it might be, 'Okay, tomorrow
17 it was your turn for swimming; you're not going
18 swimming' or 'You're not going for the whole week' or
19 'You're not going for the month', depending on what it
20 was. But these gradations.

21 It was one of the very few control mechanisms that
22 the care staff had.

23 Q. Okay.

24 And you refer to, having seen in the paperwork
25 shared with you by the Inquiry, that someone said they

1 had been locked in a cupboard, but there was nowhere
2 they could be locked in.

3 A. Yeah. I just -- I don't know of any cupboards.

4 Q. Okay. Or perhaps any lockable cupboards?

5 A. Well, yeah -- well, even cupboards in the main building,
6 where the residence was. Erm ... I can't think of
7 a cupboard.

8 Q. Okay.

9 Now, if we go on over the page to page 12, you say
10 at paragraph 59 that some of the children were quite
11 volatile and quite difficult to handle and, as you've
12 already mentioned, some of the children had emotional
13 conditions.

14 And then you say:

15 'The difficulty with deaf people is that they are
16 the only people in the world that can cut themselves off
17 completely. If they shut their eyes, you can't
18 communicate with them.'

19 So did some of the children do that?

20 A. Quite frequently.

21 Q. And when they did that, what did you do?

22 A. You have to wait until they open them.

23 Q. Okay.

24 And then you talk about -- you say here:

25 'At times like that, you had to put your arms around

1 the child in a cuddle type thing and sign to them to
2 calm them down.'

3 So can you tell us a bit more about that?

4 A. Well, that would have been an incident where
5 a particular child, for instance, had just gone
6 ballistic.

7 Q. Okay.

8 A. They're all over the place, they're all over this ...

9 So you would just hold them fairly gently, just
10 contain them. They've shut their eyes, so you can't
11 speak to them, so you just sit there, and that might
12 take two minutes or it might take 20 minutes, until the
13 kid's calmed down again, until they've opened their
14 eyes, until they were willing to look at you, until they
15 were willing to receive some communication from you, and
16 then say, 'Okay, let's have a chat now'.

17 That could take a long, long time, and it tended
18 to -- I mean, it didn't happen very often, but certainly
19 it did happen sometimes.

20 Q. And you say at the end of this paragraph this happened
21 about two or three times in a year, it wasn't common.

22 A. No, it wasn't common.

23 Q. And you don't think that you had to do that as
24 principal, but you did do it as a teacher?

25 A. Yeah.

1 It's as if the child had just gone berserk and there
2 was no way of calming them down until they had worked
3 that through their system.

4 Q. Okay.

5 Now, going on in your statement to page 13, and
6 paragraph 64, you talk about an incident when you were
7 on the teaching staff, when a girl had said that she had
8 been raped by another pupil at the school and the police
9 were involved, and I think you tell us that you acted as
10 this girl's interpreter --

11 A. Yeah.

12 Q. -- when she was speaking with the police?

13 A. Yeah.

14 Q. Were social work involved?

15 A. Not at that point that I can remember.

16 Q. Okay, and you say the police didn't do anything about it
17 and the charges were all dropped.

18 A. Yes.

19 Q. Can you remember why the charges were all dropped?

20 A. No, I can't.

21 Q. Okay. And can you remember if the incident had taken
22 place at the school or outwith the school?

23 A. It was outwith school buildings.

24 Q. But the perpetrator was another pupil at the school?

25 A. Yes.

1 Q. Can you remember if anything was done about the alleged
2 perpetrator? Did he remain at the school?

3 A. He did because there was no reason to suspend him 'cause
4 the rape -- the rape investigation didn't go any
5 further.

6 Q. Okay. And did the girl remain at the school --

7 A. Yes.

8 Q. -- can you remember? Okay.

9 And then at paragraph 69, you say:

10 'I don't think I regret anything around policies or
11 instruction towards staff around child protection
12 matters.'

13 So you've already said that there were no policies,
14 so there were no child protection policies at the time
15 you were there?

16 A. No.

17 Q. No, and do you think that there should have been such
18 policies?

19 A. Probably in hindsight, possibly, but, as I said before,
20 at the time of this alleged rape, in the '70s, I'm not
21 sure that any policies existed for any of that sort of
22 thing anywhere.

23 Q. What about later on, when you were principal? Do you
24 think that you ought to have had child protection
25 policies in place over that period?

1 A. We probably should of, simply because it was becoming
2 more fashionable to have these things.

3 Q. And you also refer to instruction towards staff around
4 child protection matters. Were staff given instruction
5 as to how to deal with child protection matters?

6 A. Yes.

7 Q. Did that apply when you were a teacher?

8 A. No.

9 Q. Did it apply when you were principal?

10 A. Yes.

11 Q. And what instruction did you give to staff in terms of
12 dealing with child protection issues?

13 A. It was -- I had a staff meeting where we -- to tell
14 staff to treat it as a valid statement, whoever was
15 making it, and to carry out initial investigations, and
16 then, if it felt that it was a serious thing, pass that
17 up the line.

18 It was certainly made clear that they weren't just
19 to ignore it, they were to follow it through.

20 Q. Okay.

21 LADY SMITH: So those were instructions given verbally at
22 staff meetings?

23 A. Yes.

24 LADY SMITH: Was that a regular thing, that you were giving
25 these instructions, or somebody was giving these

1 instructions?

2 A. It wasn't every staff meeting. It wasn't read out at
3 the beginning of every staff meeting like an intimation
4 in a church service, no, it wasn't. But the issue of --
5 I don't know if 'child protection' was ever mentioned as
6 a phrase, but the relationship with staff and children
7 and children and children was certainly brought up quite
8 regularly at staff meetings.

9 LADY SMITH: I was just wondering that if, as you say, staff
10 were told to treat anything said as a valid statement,
11 carry out initial investigations and then, if it was
12 felt it was a serious thing, pass it up the line, there
13 would have had to be something that happened to prompt
14 that being said at the meeting, would there?

15 A. It may have come up just as a general -- I mean, I don't
16 recall that, to be quite honest with you.

17 LADY SMITH: In fairness to you, David, you may have no
18 clear memory about this at all and, if so, we'll just
19 leave it there.

20 A. Yeah, yeah.

21 LADY SMITH: Okay, thank you.

22 MS INNES: Moving on to page 14 of your statement and
23 paragraph 76, you say there:
24 'Looking back, if any child had been ill treated at
25 the school, I would like to think it would have come to

1 light at the time of it happening, in fact I'm almost
2 certain it would. Somebody would have said something,
3 somebody would have listened, and the matter would have
4 been followed up, there would have been no other
5 option.'

6 What makes you almost certain that, if abuse had
7 happened, it would have been reported at the time?

8 A. Because somebody would have said something about it,
9 either a child or a member of staff.

10 Q. And is that the same in all your different roles? So in
11 your time as a residential childcare officer, do you
12 think abuse would have come to light at that time, if
13 people had allegations against members of staff?

14 A. Do I think what, sorry?

15 Q. Do you think that abuse would have come to light at the
16 time when you were a residential childcare worker if
17 pupils were making allegations against members of staff?

18 A. I don't know, I -- the regime was different then.

19 Q. Yeah. Okay.

20 And then when you were a teacher, do you think
21 things would have come to light?

22 A. I think they would have, yes.

23 Q. And then when you were principal?

24 A. I certainly hope it would have, yes.

25 Q. Okay.

1 And then over the page, at paragraph 77, you say:

2 'Abuse possibly could have occurred at Donaldson's
3 when I was there, but I wouldn't like to think it had.
4 We weren't patrolling looking for things happening,
5 [but] we could have missed something. It doesn't make
6 me feel very good if anything did occur.'

7 So your reflection is that potentially abuse could
8 have happened and you weren't aware of it at the time?

9 A. Potentially abuse can happen anywhere at any time.

10 Q. Okay.

11 Then, at paragraph 78, you go on to refer to
12 allegations that were made against you and ultimately
13 resulted in proceedings at Edinburgh Sheriff Court. You
14 say these came to light during a school inspection.

15 A. Yes.

16 Q. And who told you that there were allegations against
17 you? Was it the inspectors or was it somebody from the
18 Board?

19 A. I think it was the chairman.

20 Q. Okay.

21 And you say at paragraph 79 you think it was
22 Bert Laidlaw who was chair. I think it may have been
23 Ivor Guild by that stage, from what you've said.

24 A. Yeah.

25 Q. 'Initially they were going to wait and see what happened

1 but after three days or so they told me that I was to be
2 suspended ...'

3 And it happened just before the holidays in April.

4 And I think you've said you also had to move out of
5 your flat at that time?

6 A. Yes.

7 Q. Okay.

8 And at paragraph 80, you say that you resigned after
9 your suspension, so that was in 1998.

10 A. Whenever, yeah.

11 Q. Yes. And we understand that you came to an agreement
12 with Donaldson's in terms of which I think you received
13 a severance payment and you received a reference.

14 A. I don't remember the reference.

15 Q. Okay.

16 A. I remember -- well, yeah, there was a severance payment.

17 Q. I think we've seen evidence from Donaldson's that
18 an agreement was reached, a severance payment was made
19 and you were provided with a reference, and we
20 understand that after this, I think you tell us in your
21 statement that you went on to work, I think, at
22 Stevenson College; is that right?

23 A. Yeah.

24 Q. And what work did you do there?

25 A. I was a lecturer, working with -- in the special

1 education department, special education, working with
2 adults with learning disability, working with people
3 with mental health issues and working with students
4 trying to get into university on access courses.

5 Q. Okay, and how long did you undertake that work for?

6 A. About ten years.

7 Q. Okay.

8 Now, at the bottom of this page, at paragraph 82,
9 you refer to this HMI inspection, and you say this was
10 the first time that they had been in the school for
11 15 years.

12 A. Yeah, a long time as far as I'm -- it may not have been
13 15, but certainly a long time.

14 Q. Okay. And do you know why there had been that gap
15 before they came and inspected you or not?

16 A. No idea.

17 Q. And going on over the page, on page 16, at
18 paragraph 86 -- sorry, if we go back to paragraph 85,
19 you say that:

20 'During the inspection they did not sit me down and
21 ask me about the running of the school.'

22 They didn't speak to you about the aspects of being
23 the principal and managing the school?

24 A. No. No. They gave me some feedback on particular
25 classes they had observed or particular subjects, but

1 that was at the class or subject base only.

2 Q. Okay.

3 And you say that, technically, you weren't running
4 the school at that time, as you were working on the
5 fundraising. You say:

6 'I was still in the school in an office upstairs.
7 I chose to still have involvement in the school and
8 still lived in the school. In retrospect, I probably
9 should have distanced myself altogether for say
10 three years.'

11 Why do you think that you should have distanced
12 yourself?

13 A. Because I was getting pulled in different directions.
14 I was still getting -- even though Kate was acting up,
15 I was still getting pulled in different directions, and
16 because I was there, I was involved. If something
17 happened, I tended to be involved.

18 Also, Kate -- her salary was only for the day
19 school, not for the residential, I was still picking up
20 the residential allowance, and I couldn't think that
21 I could do -- I could take the residential allowance
22 without being in residence.

23 Q. And --

24 A. And the Board were quite happy with that. They seemed
25 to be quite happy with that.

1 Q. Is that why you say in this paragraph,
2 'I felt professionally [that] I couldn't do that',
3 i.e. distance yourself from the school?
4 A. Yes.
5 Q. In retrospect, you think that was a mistake?
6 A. Well, yeah, given all the things that you sent me about
7 what I'm supposed to have been done, definitely it was
8 a mistake, 'cause I wouldn't have been around for these
9 things to happen.
10 Q. Okay. And when you say the things that you're supposed
11 to have done, are you referring to the allegations
12 against you or are you referring to criticisms that were
13 made of the running of the school by HMIE, for example,
14 and ELRIS?
15 A. Both. Certainly the allegations. If I hadn't been --
16 if I wasn't in the school, I wouldn't have been doing
17 these things.
18 The running of the school as well, yeah. I said
19 to the HMI that I didn't think they should be speaking
20 to me because there was somebody else who had the
21 day-to-day running of the place, but they insisted that
22 I was the principal and they had to report that to me.
23 Q. And I think you're talking there, perhaps, about
24 paragraph 87, where you say that you were given the
25 final report and you had to make comments on it.

1 A. I was given the final report by meeting the fundraiser
2 outside the Barclay Church, and he handed over a copy of
3 it to me because I wasn't allowed back into school to
4 receive a copy. So I was given a copy outside the
5 Barclay Church in Edinburgh, by myself, and left to read
6 it by myself, and had no conversation with anyone about
7 it, and then asked to meet with the Inspectorate and
8 justify bits of it.

9 Q. Okay.

10 LADY SMITH: Were you allowed to keep a copy of the report
11 at that point?

12 A. Er, well, it was a draft report until we'd had the
13 meeting, so I suppose not.

14 LADY SMITH: All right, okay.

15 A. I mean, I had a copy of it in order to read it, and took
16 it home, yeah. But I certainly didn't have any
17 discussion with anybody about it.

18 LADY SMITH: So, sorry, who was it you met with outside the
19 Barclay Church?

20 A. The fundraiser, Stuart Armstrong.

21 LADY SMITH: Okay. Why there?

22 A. He chose that place. I've no idea.

23 LADY SMITH: Outdoors?

24 A. Yep. Yeah, in the street.

25 LADY SMITH: Right, thank you.

1 MS INNES: And then you had a meeting with two inspectors to
2 discuss what was said in the report?

3 A. Yeah, and that was in the offices of Anderson Strathern,
4 which was the official correspondent of the school.

5 Q. For the trust?

6 A. Sorry?

7 Q. For the trust, the official correspondent for the trust?

8 A. For the trust and the education -- the SOED, yeah.

9 Q. Oh, the Education Department, sorry, right.

10 And you say at paragraph 86:

11 'Ultimately, they didn't give a very good inspection
12 report. They went ahead and issued the report and most
13 of the categories were a failure. It was very difficult
14 for me as I hadn't been there for a lot of the time.'

15 And is that referring back to the fact that you were
16 engaged in assisting with fundraising and this project?

17 A. Yes.

18 MS INNES: Okay.

19 Now, my Lady, it's nearly 11.30.

20 LADY SMITH: A convenient point to break?

21 MS INNES: Yes.

22 LADY SMITH: I mentioned earlier, David, that I normally
23 take a break at this point in the morning. If that
24 would work for you, I'll do it just now. Is that okay?

25 A. Yes, sure.

1 LADY SMITH: Very well.

2 (11.29 am)

3 (A short break)

4 (11.47 am)

5 LADY SMITH: David, welcome back. Are you ready for us to

6 carry on?

7 A. Yes.

8 LADY SMITH: Thank you very much.

9 Ms Innes.

10 MS INNES: Thank you, my Lady.

11 If we can look on page 16 at paragraph 89, you speak

12 there about some records that were kept, and you say:

13 'I think our record keeping could have been better

14 and [it] wasn't as good as it could have been for either

15 children or staff. Children didn't have individual

16 files that staff could write things in ...'

17 And in retrospect, maybe you should have had that.

18 So over the time that you were there, including when

19 you were principal, children never had their own

20 individual files?

21 A. Not that I was aware of, no.

22 Q. Okay. Did you use daybooks or diaries to record any

23 information about children?

24 A. Staff kept records of work.

25 Q. Okay.

1 And what about in the residence, did care workers
2 keep records?

3 A. Not that I was aware of, no.

4 Q. Okay.

5 And then you say at paragraph 90 part of the issue
6 was that you were a grant-aided school and didn't have
7 the administrative support behind you that mainstream
8 schools had. Can you explain your thoughts in relation
9 to that?

10 A. Well, in a local authority setup, you normally have
11 education officers and advisers, and education officers
12 or advisers will give out information about various
13 policies and procedures and what the authority's
14 thinking is on particular things, and you have the
15 opportunity to discuss this. That didn't happen at all.
16 We got nothing from the Scottish Office. The Scottish
17 Office were managing the school, were funding the school
18 at very much a hands-off stance, and the governors were
19 managing the thing at a hands-off stance.

20 When I first started, there used to be -- for the
21 governors' meetings, there used to be a cream tea
22 produced, which the governors would consume in the
23 boardroom, and then whatever was left of that, it was
24 taken into the kids' dining room. So it was a bit like
25 Mr Bumble taking the leftovers to the bairns.

1 That didn't happen towards the end of my time there,
2 but certainly, like I was saying, to get it into the
3 20th century before the 21st, there were still things
4 like that going on, yeah, and everybody was very
5 deferential to the governors' visit. Maybe once
6 a month, a governor was supposed to visit round the
7 school.

8 Q. Okay.

9 A. And they got shown the new swimming pool or the new
10 thing, but they didn't actually do anything with regard
11 to education. They looked into classrooms and smiled at
12 the kids 'cause none of the governors could communicate
13 with them, which is why I was there quite a lot.

14 Q. Okay. And do you think that was something that there
15 should have been on the Board of Governors, that there
16 should have been members who, for example, could use
17 sign language?

18 A. Aye, there should have been. There was -- after a long
19 time, there was one deaf person on the Board, towards
20 the end. There was a parent on the Board, and there was
21 an Education Committee. But the Education Committee, as
22 far as I remember, was more concerned about the state of
23 the building and the state of the heating or the --
24 or -- they weren't asking about what was happening in
25 class.

1 Q. Okay.

2 A. I'm not sure whether they should have been doing that,
3 I don't know, but they certainly weren't.

4 Q. Were they asking about what was happening in the
5 residence?

6 A. Er, some did. They tended to have daytime visits, and
7 the residence was empty because all the kids were in
8 school. They'd have a wander round the residential
9 facilities and look at the decor and the new toilets or
10 something like that, but that would be about it.

11 Q. Okay.

12 Now, you go on in your statement to address some
13 questions that were put to you about other members of
14 staff.

15 So on page 17, at the bottom of the page there, the
16 name is blanked out there, but this person at
17 paragraph 96 is KNK.

18 A. Mm-hmm.

19 Q. And you note that he was employed as a technical
20 teacher, and in your statement you said that he was
21 there when you were on the teaching staff, but you
22 thought he had gone when you went back as principal.

23 I think our understanding is that he remained
24 a technical instructor at the school throughout your
25 time as principal. Do you remember that?

1 A. I don't remember that at all, because my recollection
2 was [KNJ] was working in the workshop.

3 Q. Okay.

4 A. But that may be wrong. I mean, it's 20-odd years ago.

5 Q. Okay.

6 And you say at the top of page 18 that you would say
7 that you knew him pretty well, and at paragraph 97, you
8 say:

9 'He was fine with the children. His communication
10 skills weren't top notch, but he could get his point
11 across. I never saw him disciplining or abusing any
12 children.'

13 Did you ever hear of any allegations being made
14 against him of abuse?

15 A. No.

16 Q. Did you have any concerns in relation to the way in
17 which he interacted with the children?

18 A. No. No.

19 Q. Then the next person at paragraph 98 who's mentioned
20 there is [KNJ], and you say he was there when
21 you were a teacher and as principal, and he --

22 A. Sorry, could we go back to the business about when you
23 first mentioned [KNK] and when he started.

24 Q. Yes.

25 A. Doing what -- could we just go back to that question,

1 please?

2 LADY SMITH: I think that started at paragraph 96, didn't

3 it, the references to him?

4 MS INNES: Paragraph 96.

5 LADY SMITH: Is it there, David, or do you want us to go up

6 to the next part?

7 A. No, we're there, I think. He was there on the teaching

8 staff ...

9 Yeah, by the time I returned as headteacher -- so

10 what's the dispute about the dates?

11 MS INNES: Well, our understanding is that **KNK**

12 remained an employee of Donaldson's right up until about

13 1998, so through your time?

14 A. 1998 is when I was suspended, yeah.

15 Q. But he was there in the 1990s, when you were principal.

16 A. Well, that conflicts with what's coming next with

17 regards to **KNJ**'s status.

18 Q. Okay.

19 So **KNJ**, I think you've just mentioned in

20 your evidence, he was a technical instructor, was he?

21 A. Mm-hmm.

22 Q. Okay. So is it your understanding that he took over

23 from **KNK**?

24 A. Yeah. Yes.

25 Q. Okay.

1 And in relation to Mr KNJ, did you ever have any
2 concerns in relation to his interactions with children?
3 A. Yes, there was one time when a parent complained about
4 him.
5 Q. And what was that complaint?
6 A. It was something -- it was something about him, KNJ,
7 showing -- showing inappropriate videos or something.
8 Q. Okay.
9 A. I think. I think. Again, I'm not sure. But certainly
10 I remember discussing with him that whatever it was,
11 that's not on. I don't understand when he would have
12 the opportunity to do that 'cause he was working in the
13 classroom, in the technical room --
14 Q. Okay.
15 A. -- and there wasn't a video recorder there. And the
16 person who was making the complaint was also a deaf
17 person who did not like KNJ. There was a bit of
18 antagonism between the two of them. And the person who
19 made the complaint had been badgering me, I suppose, for
20 a job in the school for a long, long time.
21 So I've no idea what was said between them, or
22 why -- where this came about and things, but I certainly
23 spoke to KNJ about what -- basically, 'What the
24 hell's going on here, what's happening?', and just to
25 make sure none of that ever goes on, 'You're not doing

1 that, you know your role in the school'. Yeah. So ...

2 LADY SMITH: So that's going back to the person who was

3 making the complaint being a parent; is that correct?

4 A. Yes, a deaf parent.

5 LADY SMITH: The parent was deaf?

6 A. The parent was deaf. He had two children at the school.

7 LADY SMITH: There was friction, you thought, between him

8 and KNJ ?

9 A. Very much so, yes.

10 LADY SMITH: And, further, he'd been trying to get a job at

11 the school and didn't?

12 A. The deaf parent had been trying to get a job at the

13 school, yeah, and he'd also been trying to get me to get

14 KNJ out of the school for a considerable period of

15 time.

16 LADY SMITH: Okay, thank you.

17 MS INNES: Now, the next person mentioned on this page at

18 paragraph 100 is a KKKU .

19 A. Mm-hmm.

20 Q. And you note that she was a PE teacher.

21 A. Yep.

22 Q. And at paragraph 101, you address some comments that

23 you've seen about her in the paperwork shared with you

24 by the Inquiry about accusations being made that she was

25 watching children in the showers, and you say that you

1 had conversations with her about her saying that she had
2 hassles getting girls into the showers.

3 A. Well, more hassle getting girls out of the showers.

4 Q. I see. And were there any concerns expressed to you by
5 girls about Ms KKU watching them
6 inappropriately in the showers?

7 A. No.

8 Q. No.

9 A. I mean, the situation that was, these were old common
10 changing room showers, basically a wall with four or
11 five shower heads, and then another wall which was the
12 showering area, and the lighting was fluorescent --
13 waterproof fluorescent lights which you couldn't flash,
14 and the only way of getting the girls out -- anyone out
15 of the showers was to go round, there was a wall, and
16 say, like, 'We're finished, come out', 'cause they
17 couldn't hear you. So in order to get anyone from the
18 shower, you had to go round the corner of the shower and
19 indicate it was time for them to come out.

20 Q. Okay.

21 A. And that was the only -- I mean, she complained --
22 she -- KKU mentioned it to me, and that's the
23 situation I've explained to you, and as far as I was
24 concerned, well, if the girls don't want to come out or
25 don't want to go in, just leave them to it; it's up to

1 them.

2 Q. And these communal showers, during your time as
3 principal, was there any discussion about removing them
4 or changing that?

5 A. They were the old changing rooms, the sports changing
6 rooms that were used.

7 Q. Okay.

8 A. The showers in the residence had been redone and were up
9 to date, the modern ones.

10 Q. Okay. So in the residence, were the showers, sort of,
11 individual?

12 A. Yeah.

13 Q. Okay.

14 A. But, of course, if you do that, with deaf people, you
15 can't have any conversation, 'cause you can't talk. If
16 we have showers here in individual compartments, we can
17 still shout across to each other. Deaf people can't do
18 that. They have to be able to see each other in order
19 to communicate. So there's an argument for having them
20 open and an argument for having cubicles.

21 Q. Okay.

22 Now, over the next page, page 19, and in
23 paragraph 104, there's a person that you mention in the
24 context of this paragraph called PZC --

25 A. Mm-hmm.

1 Q. -- who I think was an art teacher and also did some PE
2 classes.

3 A. Art teacher, yes, yes.

4 Q. What was he like?

5 A. Fantastic. Absolutely fantastic. He was one of the
6 most skilled silversmiths in the country and did really,
7 really good silver work with the kids, did fantastic
8 artwork with the kids. A swimming teacher -- fantastic
9 swimming teacher. Took the kids sailing in a Loch Long
10 boat in the school, out in Granton Harbour. Just
11 a great guy and a great teacher.

12 Q. Okay. Did you ever have any concerns about his
13 interactions with the children?

14 A. Absolutely none.

15 Q. Okay. Were any complaints made about him?

16 A. No.

17 Q. Now, you mentioned earlier in your evidence Mr PGJ ,
18 who was the senior childcare officer at the time that
19 you were a worker in the residence?

20 A. Yeah.

21 Q. Was he still there at the time that you were a teacher?

22 A. He was -- yes. Yes, he was.

23 Q. And did you ever have any concerns about his
24 interactions with children?

25 A. No.

1 Q. Okay.

2 A. The children were very fond of him.

3 Q. Okay.

4 So the Inquiry has heard evidence from more than one
5 source that Mr PGJ sexually abused children at
6 Donaldson's. What's your reaction to that?

7 A. I have no comment to make on that. To my knowledge, he
8 never did. But when he was on the teaching staff, I was
9 only in the residence one night a week.

10 Q. Yes. So when you were in the residence one night
11 a week, did you have to stay over --

12 A. No, no.

13 Q. -- or did you go in in the evening?

14 A. Just go in in the evening -- just do an evening duty.

15 Q. Okay. So did all of the teachers have to do an evening
16 duty at that time?

17 A. No, some chose to do it, and there were four people
18 required for the boys' side and four people required for
19 the girls' side, Monday, Tuesday, Wednesday, Thursday,
20 and then at the weekend, the shift pattern changed.

21 Q. Okay.

22 And had you ever heard of any allegations of abuse
23 being made against Mr PGJ ?

24 A. I hadn't, no. I'd be very surprised if there was,
25 but ...

1 Q. Okay.

2 If we go on, at the bottom of the page, of page 19,

3 you refer to a document that you were given by the

4 Inquiry, and then you refer at the top of page 20 to the

5 fact that you were prosecuted for physical abuse of

6 children in about 2000.

7 And you say at paragraph 108 that you were found not

8 guilty -- I think you were found not guilty of six

9 charges; is that correct?

10 A. Mm-hmm.

11 Q. And then in respect of one charge, a finding of guilty

12 was made, and the disposal was an absolute discharge; is

13 that right?

14 A. Yes.

15 Could I just refer the hearing to some comments of

16 the trial sheriff, who made at the time?

17 Q. Okay.

18 LADY SMITH: Are these notes that you made at the time?

19 A. No, they're the sheriff's notes, the sheriff's comments.

20 LADY SMITH: I get that. In your hand, are those notes that

21 you made at the time or are these notes that you've made

22 since?

23 A. I have made since.

24 LADY SMITH: Thank you.

25 A. The sheriff's comment was:

1 'The pupil was exasperating and provocative, had
2 a chequered educational history in which he had gone
3 from crisis to crisis. Mr Scott has gone out on a limb
4 for the boy who had later bitten the hand that fed him.
5 The sheriff had taken account of the very special
6 circumstances when deciding on sentence and at one time
7 she was considering sending the boy to the cells due to
8 his unreasonable behaviour in court.'

9 MS INNES: Okay, and these are notes that you've made from
10 your recollection of what the sheriff said?

11 A. These are notes that were recorded by the press at the
12 trial -- from the trial.

13 Q. Okay. And have you looked back at press reports to give
14 us that information?

15 A. Yes.

16 Q. Okay, thank you.

17 And are you able to tell us a bit more about the
18 context of the incident with this boy? You say that the
19 sheriff said that he was being exasperating, I think, so
20 what happened?

21 A. Exasperating not just on that incident; on all the
22 incidents that were discussed about him at the trial.

23 Q. Okay. So I'm just asking about the incident in which he
24 made a finding of guilty. What happened in that
25 incident, can you remember?

1 A. He was -- the whole school was in the hall, which is
2 a big hall, it was built as the school chapel. There's
3 a set of stairs going down, and the whole -- the staff
4 were standing on the stairs waiting. This was at
5 lunchtime, I think it was. And this boy was running
6 from one side of the room to the other. The hall was
7 oak panelled, and he was running from one side of the
8 hall, jumping on -- kicking the hall, and running back,
9 kicking the hall, running back, kicking the hall.
10 I tried to reach to stop him, and that's when I touched
11 him with my foot. It was the side of my foot and that
12 was it. But there were other people there.

13 Q. Okay.

14 A. But the decision was absolute discharge on that count.

15 Q. Okay.

16 Now, in the next part of your statement on this
17 page, at paragraph 109, you refer to allegations that
18 were made in about 1995 by two boys called PHJ and
19 PHK. And you refer to a document in which the mother
20 of PHK complains about an event where her son had said
21 that he was woken by a disturbance in his bedroom and
22 that he awoke to find you drunk in his bedroom.

23 In paragraph 110, you tell us a bit about the
24 background of the boy, and going on over the page, at
25 paragraph 112, you say that you've never abused him, nor

1 did you have occasion to sanction him for anything. In
2 relation to the incident reported by the mother, you
3 would say it's partly correct and partly incorrect. You
4 say:

5 'This was typical of him, I would say. He wasn't
6 wakened by a disturbance in his bedroom, he was wakened
7 by me meeting him outside the school at 11 o'clock at
8 night.'

9 So are you saying that when you got back to the
10 school, he was already outside the school?

11 A. He was outside the door -- outside the door of the
12 school on the way down the drive, yes.

13 Q. Okay. And you explain that he and another child were
14 coming out of the laundry door. You asked them:

15 '... where the hell they were going and told them
16 they were going nowhere [and] they were to return back
17 to the building. They went back up and I followed them.
18 I had a conversation with them in the sitting room area,
19 near to their bedroom ...'

20 So that would be in the residence?

21 A. Yes.

22 Q. And:

23 'PHK was most unhappy, saying he hated being at the
24 school, [and] he didn't want to be there. I was saying
25 it was because he was deaf, but he wasn't accepting of

1 that. I told them I would see them in the morning.
2 I then went and spoke to staff and also said we would
3 speak more about it in the morning.'

4 You say:
5 'On reflection perhaps I shouldn't have done that,
6 maybe I should have left it to the next day.'

7 So when you say you shouldn't have done that, what
8 are you referring to?

9 A. Well, because I had had a drink. I was -- I wanted to
10 make the point there to the staff: 'why are you allowing
11 children out at 11 o'clock at night?' And then I was
12 speaking to them saying: 'why do you want to go out at
13 11 o'clock at night?'

14 But I certainly did not find him in his bed -- in
15 his bedroom asleep. I found him on the side terrace,
16 ready to walk down the drive.

17 Q. Okay.

18 LADY SMITH: David, there are two points you've made there.
19 One is about making a point to the staff. Were you
20 reprimanding them?

21 A. Yes, I certainly was.

22 LADY SMITH: Are you telling me that, on reflection, maybe
23 you shouldn't have done that?

24 A. No, I'm telling you, on reflection, I shouldn't have had
25 the conversation with the boys --

1 LADY SMITH: With the boys.

2 A. -- after I'd had a couple of pints.

3 LADY SMITH: All right. So it's not that; it's you

4 shouldn't have had the conversation with the boys at

5 all?

6 A. Having had a drink.

7 LADY SMITH: Right, okay, thank you.

8 MS INNES: And then if we go on over the page to page 22,

9 and paragraph 116, there's reference to a complaint made

10 by PHJ, which is of a similar nature; however, he

11 says that a similar incident had taken place in the week

12 ending 16 December 1994.

13 And if we go down to paragraph 122, you say there:

14 'I don't remember the second incident reported

15 in December. I don't know what that is about. I don't

16 know why he would be saying that, I was flabbergasted at

17 that one.'

18 So just to be clear, did a similar incident take

19 place at an earlier stage or not?

20 A. It was only one incident.

21 Q. Okay.

22 A. With the two boys.

23 Q. Okay, and with them being outside, as you've described?

24 A. Yes, and they both shared -- they shared a bedroom.

25 Q. Okay.

1 And then you say at paragraph 124 that this was
2 reported to the Board of Governors and they carried out
3 a fairly exhaustive investigation which involved
4 interviewing you and the person that you'd been out
5 with.

6 'The Board came to the decision that I shouldn't
7 have done what I did and I agreed. I offered them my
8 resignation, but they advised [it] wasn't required.'

9 So did you speak to the chairman about potentially
10 resigning or was it somebody else on the Board?

11 A. The chairman and secretary. But that would be
12 Bert Laidlaw and Laurence Marshall.

13 Q. Laurence Marshall was the secretary?

14 A. Was the secretary.

15 Q. Okay. And you received a formal warning, I think?

16 A. Yes.

17 Q. And then you go on to another document that you were
18 shown by the Inquiry, which is a note of a discussion
19 involving -- if you look down on paragraph 125, it says:
20 'On page 53, paragraph 3 following a meeting at
21 Donaldson's School between Mr Marquis ...'

22 So I think he was an inspector?

23 A. HMI.

24 Q. Yes.

25 '... Dr Sue Hamilton ... a child protection officer

1 and Martin Henry ... a child protection
2 co-ordinator ...'

3 The memo goes on to say that:

4 'Both [Sue Hamilton] and [Martin Henry] complained
5 of picking up very negative vibes in the school. The
6 [headteacher], David Scott, was described as being very
7 hostile to child protection issues and as going out of
8 his way in front of staff to actively discredit or
9 sidetrack relevant training.'

10 Did you do that?

11 A. I didn't understand what Martin Henry was. I don't
12 remember Sue Hamilton at all. Never had a conversation
13 with her. And my view was that residential schools are
14 different from children's homes and don't need social
15 workers in them, and they wanted to -- they were
16 insisting, in very forceful, almost bullying terms that,
17 'We have a right to be here, we need to get in, we shall
18 get in'.

19 And I took exception to that, not because I didn't
20 want anybody to come in; they could have come in and
21 seen whatever they want. There's not a problem with
22 that. It was the way they approached me with it.

23 Q. Okay.

24 If we look down to the paragraph 126, you say:

25 'At that time and even now, I don't have an awful

1 lot of time for social workers.'

2 And why was that your view?

3 A. Because of the time that -- because of the experience
4 with Henry, who was social work trained; because of the
5 experience of Mary McGuire(?), who was a social -- newly
6 appointed social worker with the deaf at Albany Street;
7 and because of the newly qualified social worker who did
8 the interview with PHL [REDACTED].

9 Q. Okay.

10 A. And in addition to that, when I was working in
11 Hertfordshire, my mother fell and injured her head and
12 was in the Royal Infirmary, ward 20, in the old building
13 of Edinburgh Royal Infirmary. I came up from
14 Hertfordshire for a case conference meeting and, at the
15 end of the meeting said, 'What am I supposed to do? How
16 do I find a home or somewhere for my 80-year-old
17 mother?', and the social worker at the time handed me
18 a Yellow Pages.

19 Now, all of those things are not particularly
20 endearing to the profession that I have experience with.

21 Q. Okay.

22 And at paragraph 127, you say, as you mentioned in
23 your evidence a moment ago, as far as you were
24 concerned, social work had no place in residential
25 schools and they're not children's homes.

1 However, children were living in the school,
2 obviously they were residential --
3 A. Yeah. Yeah.
4 Q. -- is there not a place for social work involvement in
5 relation to the care of children?
6 A. At that time, I didn't think so.
7 Q. Do you have a different view now?
8 A. Depends on the quality of the social worker.
9 Q. Okay.
10 Then if we go on over the page, to page 24, at the
11 top of the page, you refer to the bullying attitude that
12 you mentioned a moment ago in your evidence, and you say
13 you told them, 'No, that we would discuss it', that went
14 on for about three or four months:
15 'In retrospect, for too long, and longer than it
16 should have done.'
17 You say:
18 'I accept it wasn't the best approach I took.'
19 A. Yeah. I stand by that, yes.
20 Q. Okay.
21 And then if we look down to paragraph 131 at the
22 bottom of the page, you say:
23 'Partly due to my attitude, I thought I would step
24 away from it and it was Kate who was pushing for it ...'
25 So that would be Kate Clegg?

1 A. Kate Clegg, yes.

2 Q. '... so I allowed her to deal with it. I felt it better
3 that she was left to carry on with it.'

4 So from what you're saying there, it looks like you
5 stepped back from involvement in relation to organising
6 child protection training.

7 A. Kate did all that. I said, 'Well, fine, you go and do
8 it, that's fine'.

9 Q. Okay.

10 And did you take part in the training, in terms of
11 receiving the training?

12 A. No.

13 Q. Why not?

14 A. I don't think I was offered it.

15 Q. Okay.

16 A. Or it wasn't convenient. I don't know. I don't know.
17 I know I didn't take part in it.

18 Q. Okay.

19 Now, if we go --

20 LADY SMITH: So just to follow up on that, David, am I to
21 understand that you didn't ask Kate to ensure that she
22 included you in this training?

23 A. I think ... I think at the time I was very busy on the
24 funding side.

25 LADY SMITH: Okay, thank you.

1 MS INNES: On page 25, at paragraph 132, you refer there to
2 something else that was said in the document, and you
3 say:

4 '... Sue Hamilton contrasts us with blind children
5 and the training [this is in relation to child
6 protection] that they were receiving and how could we
7 not do that. That portrays to me that she had no idea
8 about the difficult language implications of working
9 with profoundly deaf children. I feel it's a classic
10 example of "We've done it with the blind so we can do it
11 with the deaf". It just doesn't work like that, they
12 are two entirely different disciplines.'

13 So I think she was referring to material had been
14 translated into braille in terms of child protection?

15 A. I presume -- I don't know if it was into braille because
16 I wasn't given that information.

17 Q. Okay.

18 Were you trying to develop child protection policies
19 but having some issues in doing that in your context, or
20 not?

21 A. Not that I'm aware of, no.

22 Q. Okay.

23 Now, at the bottom of this page, at paragraph 135,
24 there's reference in that paragraph to allegations have
25 been made against you by a female student saying that

1 she had been raped by you at the Lochgoilhead Outdoor
2 Centre. And it says:

3 'Two students from the former Central Region were
4 interviewed but formal criminal charges were not brought
5 against the [headteacher] due to a lack of evidence.'

6 And if we go on over the page, at paragraph 136, you
7 say that you know who made that allegation and you
8 remember the allegation was made because two police
9 officers came to the school and spoke to you about it.

10 What was your response to the allegation?

11 A. I said it didn't happen.

12 Q. Okay.

13 And you say that after this conversation with the
14 police officers, you didn't hear anything more about it?

15 A. Nothing.

16 Q. And you talk at the bottom of the page, at
17 paragraph 140, about the trip to Lochgoilhead, and you
18 say:

19 'The plan was for me to do half a week and another
20 member of staff to do the second half.'

21 Were there other staff members with you?

22 A. There were other staff members at Lochgoilhead.

23 Q. I see. So --

24 A. It was an outdoor centre that provided outdoor education
25 to Edinburgh pupils. So there would be hearing children

1 out there, and we had a group of five or six, six or
2 seven kids who were joining that group, so there would
3 be Lochgoilhead staff --

4 Q. Okay.

5 A. -- and there may or may not have been teaching staff
6 from the schools from which they came -- these children
7 came.

8 Q. Okay.

9 So in terms of the children from Donaldson's, you've
10 got the Lochgoilhead staff and, for the first half of
11 the week, you're the Donaldson's person that's there,
12 and the second half of the week, it's Ann Bain, I think
13 you mentioned?

14 A. Yes. Yes.

15 Q. Okay.

16 And you say that it was about two weeks after -- at
17 the very end of the paragraph, it was about two weeks
18 after this that the police arrived to question you. So
19 it was quite soon after the trip?

20 A. Yeah. Yeah.

21 Q. Okay.

22 Were the Board informed about this allegation?

23 A. Not by me, to my knowledge.

24 Q. Why did you not tell the Board about it?

25 A. Because nothing happened about it. Nothing happened

1 with it.

2 Q. Okay.

3 A. And both the policemen who were there regarded that

4 there was nothing to this. That's what they said to me,

5 'There's nothing to this, doesn't appear to be anything

6 to this'.

7 Q. Why did you not think it was relevant to tell the Board

8 that even there had been an allegation but this had been

9 the outcome?

10 A. Because I didn't think there was anything in it. I knew

11 there wasn't anything in it on my part.

12 Q. Okay.

13 Now, if we go on to page 27, and paragraph 143,

14 there's a paragraph there mentioning a social worker

15 called Mary McLeod, who was a newly appointed social

16 worker for the East of Scotland Association for the

17 Deaf.

18 A. Yes.

19 Q. So I think that's the person you mentioned a moment ago

20 in your evidence.

21 A. Yes, yes.

22 Q. Okay, and there was an allegation made by a female

23 student that you had come into the school very drunk one

24 night, had got into her room and fallen asleep on the

25 bed.

1 Can you recollect such an incident?

2 A. No, I've said that in my statement.

3 Q. So you say at paragraph 144 you have no recollection of
4 that incident and, at paragraph 145, that as far as you
5 do recollect, the incident didn't happen?

6 A. Correct.

7 Q. Okay.

8 A. I also say the children all shared rooms, so there would
9 be other children in the room as well.

10 Q. Okay.

11 Then at paragraph 146, there's reference to
12 Mary McLeod saying that she had:

13 '... concerns about tales of staff misconduct
14 towards pupils such as kicking children in the school
15 corridors. Mary was reported as being of the firm view
16 that staff at the school have something to hide.
17 Visitors to the school find it very difficult to access
18 children without the [headteacher] being around. Mary
19 also reported to be of the view that many of the staff
20 themselves are "needy people" and that the [deputy
21 headteacher] lives in trepidation of the [headteacher].'

22 So I think that would be Kate Clegg?

23 A. Yeah.

24 Q. And I think you go on over the page, at paragraph 147,
25 to give your response to that, and you say that it's

1 absolute balderdash, what's been said in the paragraph.

2 A. Yeah. Yep.

3 Q. And at paragraph 148 --

4 A. Sorry, I also wanted to query how anyone can make

5 an assessment of the staff having been there two or

6 three times -- only two or three times.

7 Q. Okay.

8 And you say:

9 'I'm not aware of children being kicked in the

10 corridors.'

11 A. No.

12 Q. And did you restrict people coming into the school in

13 terms of their ability to speak to children?

14 A. No.

15 Q. Now, at the bottom of this page, at paragraph 151, you

16 refer to Ronnie Hill, who was the Head of the Lothian

17 Social Work Inspection Unit. So this is an organisation

18 who we sometimes hear referred to as ELRIS, I think, so

19 it's a social work inspection unit within the local

20 authority.

21 A. Yes.

22 Q. At the end of the paragraph, we see:

23 'The [headteacher] was reported to be extremely

24 resistant to the notion of ... Unit staff conducting

25 an inspection of provision.'

1 And then at the top of the next page you say that
2 you remember this and you were reluctant and it was
3 probably not the right thing to do.

4 A. In retrospect, probably, yes.

5 Q. Okay.

6 And we know that this body, ELRIS, started
7 inspecting schools based on a legal requirement to do
8 so.

9 A. I didn't know that.

10 Q. Okay.

11 A. They didn't tell me that. They said, 'We have to get
12 in, we can get in', but they didn't tell me why.

13 Q. Okay.

14 A. He wasn't a particularly -- well, facilitating person.

15 Q. Okay, and you say that you took a defensive attitude.

16 A. For that reason, yeah.

17 Q. For that reason, okay.

18 Now, you go on at the bottom of page 29 to refer to
19 certain allegations that were made to the inspectors
20 during the course of visits in, I think -- well, before
21 you were suspended, and you give your response to the
22 allegations that were made.

23 So there's an allegation made at the bottom of the
24 page by a boy, [REDACTED], and at the very bottom of the
25 page, we see it says:

1 'Mr Scott just loses the place and blows his top.
2 He's far too strict.'

3 Is that a correct assessment of you, do you think?

4 A. No.

5 Q. And then he goes on to say, 'I've seen him kick pupils'.
6 What is your response to that?

7 A. As I said in my statement, he would be standing on the
8 stairs.

9 Q. So if we move on to page 30 and see your response, you
10 talk about certain restrictions, and that's to do with
11 boys and girls going into their respective areas.

12 A. Mm-hmm.

13 Q. So when you're saying he would be standing on the
14 stairs, was that because he was accessing the girls'
15 area?

16 A. He would be around the area -- he would be in an area
17 where he wasn't supposed to be.

18 Q. Okay.

19 You say at the end of paragraph 156:
20 'There were certainly two or three times when
21 I caught him and bawled him out for being there.'

22 What do you mean by 'I bawled him out'?

23 A. Gave him a row.

24 Q. Okay.

25 A. But a row in sign language.

1 Q. Okay.

2 A. Which is why you have to -- the only way of expressing
3 intensity in sign is to either repeat the sign or to
4 enlarge the sign. So that's him saying me blowing my
5 top; I'm emphasising that this is not an acceptable
6 thing to do, just the same way as you would possibly
7 raise your voice with someone.

8 Q. Okay.

9 Just going back to what he says about -- so he says
10 'I've seen him kick pupils'; what's your response to
11 that?

12 A. Well, the only one that I say he may have -- I don't
13 know if he was with the rest of the school that day that
14 the court proceeding one came in.

15 Q. So the --

16 A. He'd probably be in the hall that day, I don't know.

17 Q. Okay, the incident that you've already described to us?

18 A. Yes.

19 Q. Okay.

20 And then if we go on to page 31, at the bottom of
21 the page, we see you begin to talk about discussion in
22 relation to a boy called [REDACTED], and if we go on to the
23 next page, page 32, just in the end of the list of
24 questions and answers, there's:

25 'When did Mr Scott kick a pupil? [Was it] this

1 year? [Was it] last year? Who was the pupil?'

2 And the answer was it's a boy called [REDACTED] from
3 [REDACTED], who's not here anymore.

4 A. Same case, same incident.

5 Q. Okay. So that was the boy who was involved in the
6 incident. Okay.

7 And then at the bottom of page 32, you refer to
8 an allegation made by a young person called [REDACTED], and
9 if we go on to page 33, she talks about being suspended
10 and that not being fair, and then she says that you hit
11 her twice. You jabbed her hard with your hand.

12 Did you do that or not?

13 A. No.

14 Q. And then she then refers to another girl called [REDACTED],
15 and she describes her picking up some crisps, and that
16 you kicked [REDACTED] on the bottom.

17 Did that happen or not?

18 A. No. No.

19 Q. No, okay.

20 Then at paragraph 171, you describe [REDACTED] as:

21 '... a bit of a "bolshie girl", there was a crowd of
22 them in the school. Not wanting to be too general,
23 adolescent girls could be difficult to work with.'

24 What sort of difficulties did you experience in
25 working in particular with this group of girls?

1 A. They could gang up against a particular member of staff
2 or another child. They could bully the other child, be
3 it boy or girl. They were a small gang, if you like,
4 and they behaved like a small gang dealing with other
5 people, be it staff or children.

6 Q. Okay.

7 If we go on to page 34, at paragraph 178, there's
8 a discussion with a young person called Graham, and it
9 says:

10 'A lot of pupils have problems here -- some bullying
11 goes on. David Scott has kicked boys. When a boy
12 kicked a wall David Scott kicked the boy.'

13 Is that the same incident?

14 A. [REDACTED], same boy.

15 Q. Okay.

16 Then at the bottom of the page, at page 34, you
17 discuss allegations made by a young person called PHL.

18 A. Mm-hmm.

19 Q. And there's reference to her saying:

20 'Yesterday Mr Scott hit me hard -- he punched me.'

21 And then she said that you punched her on the arm
22 and it left a bruise.

23 Then over the next page, you continue to set out
24 these -- well, you refer to the allegations, and then at
25 paragraph 182, you refer to a statement given to the

1 Inquiry by a social worker who was present at PHL's
2 police interviews.

3 And then if we move on to see your response at
4 page 36 and paragraph 192, your response is:

5 'I never abused her. She may well have got the
6 bruises from pupils as there was a lot of "fisticuffs"
7 going on.'

8 Can you explain that? So if you're saying there's
9 a lot of fisticuffs going on, how often was that
10 happening?

11 A. With PHL, very regularly, 'cause she was a very
12 unpopular girl. She used to tell lies about everybody
13 and she used to get up people's noses quite a lot.

14 Q. Okay.

15 And you refer to that at paragraph 193, and note the
16 social worker's comment that it was difficult for her
17 because she had no friends, and you say that was all by
18 her own making --

19 A. Yes.

20 Q. -- because she used to tell lies about people.

21 'I would go so far as to say she was not
22 a particularly nice child.'

23 Can you remember if anything was done to try to
24 address, you know, these issues and whether there was
25 any underlying reason as to why she had no friends?

1 A. There were underlying reasons at home, because she lived
2 in [REDACTED], which is [REDACTED], as
3 a day pupil, and because her parents had complained
4 about her behaviour at home so often and so regularly,
5 I said, 'Well, bring her into the residence for a while
6 and give her a bit of a break and see if that can help'.
7 That's the only reason she was in residence, because
8 I offered residence as a respite for her at home.

9 Q. Okay.

10 Was anything further done to try to establish the
11 root cause of these difficulties?

12 A. The class teacher, her register teacher, Jenny, she was
13 very involved with her.

14 LADY SMITH: What about staff in the residence?

15 A. Well, the staff in the residence were not particularly
16 happy when she came into residence because they had
17 experience of her as a day pupil.

18 LADY SMITH: Yes, I was wondering whether you were aware of
19 them doing anything to try and help her.

20 A. Yes, they would do. The Head of Childcare, Lucy, was
21 very concerned about that, and Maureen Gregg, who
22 I've mentioned before, was a psychology graduate from
23 Edinburgh University and she was working with [REDACTED] PHL [REDACTED].

24 LADY SMITH: Thank you.

25 Ms Innes.

1 MS INNES: And if we go on to the next page, at
2 paragraph 196, you say:
3 'I believe she is vindictive and that is why she is
4 saying those things.'
5 Is that referring to what PHL said?
6 A. Yeah. I mean, that's not a particularly nice thing to
7 say about anyone, but it's a dreadful thing to say about
8 a child.
9 Q. So why do you say that?
10 A. Because it was true.
11 Q. Why do you think she was being vindictive towards you?
12 A. She was -- because that's what she did.
13 Q. And then at paragraph 197, you say:
14 'If those things happened to a child, I'm not sure
15 if it would be abuse. If pinching is like nipping, it
16 would depend how hard it was done. If you're hitting
17 kids that's certainly abuse and if one caused injuries
18 that would be abuse.'
19 Going back to the pinching or nipping, would it ever
20 be appropriate to pinch or nip a child?
21 A. Well, children did it to each other.
22 Q. But a staff member doing that?
23 A. No, it wouldn't be.
24 Q. Okay.
25 And then you refer to your views in relation to the

1 social worker and you refer to the person having just
2 finished their social work training, and you say:
3 '... I don't think she understood the complex
4 relationships between children. A lot of children
5 fought with each other in school.'
6 A. That happens with all kids, yeah.
7 Q. And can you explain why you're saying that you don't
8 think that the social worker understood that these
9 things happened?
10 A. I think PHL was taking a loan of her, because she got
11 an ear to listen to, or she thought she had an ear to
12 listen to. She then retracted all that later on.
13 Q. PHL did?
14 A. PHL did. She signed the retraction document.
15 Q. Now, if we go down to the bottom of --
16 LADY SMITH: Sorry, just going back to that retraction
17 document, as you refer to it, were you aware of that at
18 the time?
19 A. At what time?
20 LADY SMITH: When these allegations emerged.
21 A. No.
22 LADY SMITH: How did you become aware of it?
23 A. In the documentation that was sent.
24 LADY SMITH: I see. Thank you.
25 MS INNES: At the bottom --

1 A. I wasn't aware of any of these allegations. Sorry.

2 Q. Sorry, I spoke over you there and I just want to make
3 sure that I didn't disrupt what you were saying.

4 So you said that you became aware of the retraction
5 statement in the documentation that was sent. Did you
6 say, 'I wasn't aware of any of the allegations'?

7 A. Yes.

8 Q. Okay, until you were given the information by the
9 Inquiry?

10 A. Yes.

11 Q. Okay. So this -- you weren't aware of it at the time of
12 around your suspension or that period?

13 A. No.

14 Q. No, okay.

15 A. So the stuff that came from the Inquiry was a bullet out
16 of the blue.

17 Q. Okay.

18 Going down to the bottom of page 37, or the second
19 half of the page, at paragraph 200, you say:

20 'Referring to my time at the school, we should have
21 been tighter than we were with documentation. It's [an]
22 easy [thing] to say thirty years down the line. It was
23 not a thing I was particularly into and I'm sure that
24 will apply to lots of other places.'

25 So in terms of reflecting back, one of the things

1 that you could have done better, you think, was do
2 better with documentation?

3 A. Yes.

4 Q. Okay. Is there anything else that, on reflection, you
5 think that you could have done differently?

6 A. Well, all I can say is I tried my best to make it as
7 hospitable a place and welcoming a place for the
8 children and for anybody who wanted to come in. If that
9 didn't work, then okay, I apologise for that, but that's
10 it.

11 MS INNES: Okay.

12 I don't have any more questions for you, David.

13 Thank you.

14 LADY SMITH: David, I don't have any more questions either.

15 Can I just repeat the thanks I gave to you at the
16 beginning for coming here and providing us with your
17 oral evidence in addition to the written evidence we
18 already have.

19 I'm well aware of the fact it can't have been easy
20 for you to do that and it can't have been easy for you
21 to bear with our questioning this morning, but I'm sure
22 you appreciate why we're investigating as we are doing
23 for the wider purpose of the best things for children
24 and for the future being achieved, we hope.

25 A. The best things for children has always been my main

1 concern, always, which is why I was in education to
2 start off with.

3 LADY SMITH: Thank you, David.

4 A. Thank you very much.

5 LADY SMITH: Do feel free to go now.

6 A. Thank you.

7 (The witness withdrew)

8 LADY SMITH: I think the next witness should be ready at
9 2 o'clock; is that correct, Ms Innes?

10 MS INNES: That's correct, my Lady. There may be some names
11 to be mentioned from the evidence.

12 LADY SMITH: Yes, I will get to that.

13 Turning to the names of people who are not to be
14 identified outside this room as having been referred to
15 in our evidence, this morning we've had: PZC [REDACTED],
16 KNJ [REDACTED], KKK [REDACTED], KNK [REDACTED],
17 KNK [REDACTED], we had PHJ [REDACTED], a girl called [REDACTED],
18 a [REDACTED], a girl called PHL [REDACTED], a boy called PHK [REDACTED],
19 and I think -- is that everybody?

20 MS INNES: Mr PGJ [REDACTED].

21 LADY SMITH: Oh, Mr PGJ [REDACTED]. I did have a note of him as
22 well, yes.

23 I don't think there was anybody else, but you can
24 remind me over the lunch break if I've missed somebody
25 and I'll mention them at 2 o'clock.

1 MS INNES: Thank you, my Lady.

2 LADY SMITH: Thank you very much.

3 (12.46 pm)

4 (The luncheon adjournment)

5 (2.00 pm)

6 LADY SMITH: Good afternoon, and welcome back.

7 We turn now to the last witness for this week, and

8 I will invite Ms McMillan to introduce him.

9 MS MCMILLAN: Thank you, my Lady.

10 The next witness has the pseudonym 'Derek'. 'Derek'

11 was employed at Donaldson's from 2002 to 2013 in various

12 capacities, including communication support worker,

13 [REDACTED] coordinator and as a classroom assistant.

14 Before 'Derek' comes to give his evidence in person,

15 your Ladyship may wish to see the conviction, which has

16 the reference JUS-000000281. Turning to page 6 of that,

17 'Derek' was prosecuted for an indecent assault on

18 a member of staff's son which occurred in October of

19 2009.

20 Your Ladyship will see that there was a trial.

21 There was only one charge on the complaint. The trial

22 was in January of 2014 and he was found guilty at the

23 conclusion of that trial at summary level.

24 LADY SMITH: Thank you.

25 MS MCMILLAN: He was ultimately sentenced, and the details

1 of that sentence can be found on page 4. That was for
2 a probation order of around two years which, as
3 a result, he was placed on the sex offenders' register.

4 LADY SMITH: Thank you.

5 MS MCMILLAN: Thank you.

6 So with that, my Lady, I think we can now call
7 'Derek'.

8 LADY SMITH: Thank you. (Pause)

9 Good afternoon, 'Derek'.

10 'Derek' (affirmed)

11 LADY SMITH: 'Derek', do sit down and make yourself
12 comfortable.

13 'Derek', thank you for coming along this afternoon
14 to help us with your oral evidence. As you know,
15 I already have your written evidence which has been put
16 into the Inquiry, and it's been really helpful to be
17 able to study that in advance. It means we won't be
18 going through it line by line or word for word; we'll be
19 able to focus on parts we're particularly interested in,
20 if that's all right with you. But, of course, if
21 there's anything that you want to talk to us about that
22 we're not going to, do feel free to raise that with me.

23 So far as practical matters are concerned, I usually
24 take a break at around 3 o'clock in the afternoon,
25 a short break, but if you want a break at any other

1 time, 'Derek', please tell me.

2 A. Yes.

3 LADY SMITH: It's not a problem. I do know that it's quite
4 a big ask that I ask somebody to come into this public
5 place and talk about matters which happened quite a long
6 time ago in some cases, and also about some things that
7 may have gone wrong in their life, and you'll appreciate
8 that that's something that we're looking at here in
9 relation to Donaldson's.

10 Also -- and I have mentioned this being a public
11 place -- it's a public Inquiry, it's not a court, you're
12 not in a courtroom, but you still have all the
13 protections that you would have if you were in court,
14 and that means if we ask any question, the answer to
15 which could mean that you incriminate yourself, you
16 don't have to answer it. It's a matter of choice for
17 you. But, of course, if you do choose to answer it,
18 I expect you to do so completely and fully.

19 And as you'll have realised that a record is being
20 made of the evidence, there's a transcript, so anything
21 you say will be available in the transcript at a future
22 date if necessary.

23 Does that all make sense to you?

24 A. Yes. Yes.

25 LADY SMITH: Let me know if you've got any worries about

1 that or doubts about that at any time.

2 Otherwise, if you're ready, I'll hand over to
3 Ms McMillan and she'll take it from there, all right?

4 A. Thank you.

5 LADY SMITH: Thank you.

6 Ms McMillan.

7 Questions from Ms McMillan

8 NEW SPEAKER: Thank you, my Lady.

9 'Derek', firstly, as a matter of formality, can
10 I ask you to have a look at your witness statement,
11 which has the reference WIT-1-000001671, and the final
12 page of that statement, which is page 35.

13 A. Yes.

14 Q. And we can see on that page, at paragraph 134, you say:

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

19 And it was signed by you on 5 September this year.

20 A. Yes. Yeah.

21 Q. Thank you.

22 Now, can I ask you to turn back to the first page of
23 your statement, and you tell us that you were born in
24 1971.

25 A. Yes.

1 Q. You go on at paragraph 2 to talk a bit about your
2 background, and initially say that you trained as a chef
3 until you had an accident at work.

4 A. Yep.

5 Q. And thereafter, from paragraph 3, you talk about your
6 qualifications and training, and you tell us that you
7 got your Level 1 and 2 in British Sign Language and,
8 thereafter, you got your Level 1 and 2 in Deaf
9 Awareness, along with a separate qualification for
10 teaching Deaf Awareness?

11 A. Yes.

12 Q. At paragraph 4, on page 2, you then talk about being
13 active at that point within the deaf community, and
14 initially you were at [REDACTED] College.

15 A. Yes.

16 Q. And thereafter, you tell us that you went to obtain
17 further qualifications in sign language from the SQA and
18 that was at [REDACTED] College?

19 A. Yep.

20 Q. You again tell us that, whilst at Donaldson's, I think
21 you then did further qualifications --

22 A. Yes.

23 Q. -- in British Sign Language?

24 A. Yes.

25 Q. At paragraph 6, you go on to talk in more general terms

1 about Donaldson's, and I understand that you were
2 employed there from around 2002 to 2013?

3 A. Yes.

4 Q. So you say at paragraph 6 that when you first started
5 with Donaldson's, it was a school for the deaf; that
6 changed over time and there were less deaf children
7 going in and more autistic children?

8 A. Yes.

9 Q. So was that something that you noticed?

10 A. Yes, through time.

11 Q. And the autistic children that were going to
12 Donaldson's, did they also have some form of hearing
13 impairment?

14 A. No. I think -- well, some of them did. I think some
15 did. But mostly the ones that I knew at that age didn't
16 have any hearing impairment.

17 Q. You say, at the bottom of paragraph 6, that when you
18 first went there, it was amazing?

19 A. Yes.

20 Q. What was your initial impressions of Donaldson's?

21 A. When I first went in, I arrived at about lunchtime, so
22 I had a meeting with the deputy headmaster at the time
23 or the deputy principal at the time, and it was just --
24 I was in awe, all these people signing and the kids were
25 signing, the staff were signing. I was learning sign

1 language and I was mixing with the deaf community, so it
2 was actually really nice to see it. And the building
3 was just amazing. I mean, it's a huge, big beautiful
4 building, and it was like -- yeah, walking up, it was
5 like seeing a huge castle.

6 Q. So this was the building at West Coates?

7 A. Yes, yeah.

8 Q. At paragraph 7, you begin that paragraph by saying there
9 was a split culture. Are you able to tell us what you
10 mean by that?

11 A. Yeah, I think there was a -- for me, you see where you
12 had the BSL, the British Sign Language users, deaf
13 children and staff who would mix, but then the ones who
14 weren't deaf, who were autistic and hearing, and they
15 were all separate at playtime -- breaks or lunchtime and
16 that. Although they had one common room, you could see
17 the difference there.

18 And, yeah, the -- for me, it was all looking at how
19 could that work, because a lot of young people, they
20 weren't mixing with each other, and you could see the
21 cultural differences there.

22 I knew a lot about deaf people and deaf culture, I'd
23 been part of the deaf community for about five/six years
24 at that point, erm, so I knew their proud history and
25 the fights they had for the recognition of BSL and how

1 BSL was a wonderful language for them, but then you see
2 these other young people who can't sign or can't even
3 communicate with these other young people, and that's
4 when I noticed the difference within the cultures.

5 Q. When you're talking there about noticing the difference,
6 was the culture that you noticed between children or was
7 it between children and staff?

8 A. Mostly children, the young people.

9 Q. You go on in that paragraph to say:

10 'A big part of what we had to do was to try and
11 break down the barriers.'

12 A. Yeah.

13 Q. And is this the sort of cultural barrier that you were
14 talking about?

15 A. Yeah.

16 Q. So turning on in your statement to page 3, and at
17 paragraph 8, you say that you sat almost in the middle
18 because you have hearing loss, and you were classed as
19 hearing and wasn't allowed to go to deaf staff meetings
20 because you couldn't produce a proper audiology report
21 to show your deaf level.

22 A. Yeah.

23 Q. And the difference didn't cause any issue, it was more
24 comments?

25 A. Yeah.

1 Q. So are you able to tell us what sort of comments?

2 A. There was a split between deaf staff and hearing staff,
3 and for things like getting interpreters or getting the
4 support, it was always harder for the deaf staff to get
5 it, and a lot of pressure was put on us as hearing staff
6 that could sign to sometimes fill in that space, and
7 that caused -- 'cause we're not qualified interpreters,
8 we were communication support workers.

9 I had an issue where I sat in the middle. I'd lost
10 most of the hearing on one side, and I'd asked at the
11 time, 'cause the deaf staff group had their own meetings
12 separate from the staff -- from the rest of the school,
13 and I asked if I could go to those, and they came back
14 saying, 'Well, can you prove you're deaf, or do you have
15 hearing loss, is there any audiology that could back
16 that up?' And at that time I felt, well, I don't really
17 want to have to constantly prove myself. I have this
18 hearing loss. I thought I was entitled to be there.

19 Erm, but it turns out that never, ever happened.
20 I never went to deaf staff meetings after that or
21 I didn't go to any deaf staff meetings before that,
22 so ...

23 Q. And the deaf staff meetings, would they be carried out
24 at the same time as staff meetings for hearing staff,
25 for example?

1 A. Yeah. Yeah.

2 Q. And would there ever be any meetings where both hearing
3 staff and deaf staff were there together?

4 A. Oh, yeah, a lot. Most of the meetings were -- like, for
5 example, the first day back after the summer holidays,
6 all the staff were put together and there would be
7 interpreters there.

8 A few times there's been meetings called and there
9 was no interpreter, and they would ask us who had some
10 level of sign to step in. So we would talk to the deaf
11 staff and say, 'We know we're not interpreters and our
12 signing may not be pure BSL what you need', but -- so
13 they were asked to compromise a lot of the time with
14 meetings, but it was a case that they either hadn't
15 booked interpreters or the meeting was very short notice
16 and they couldn't get interpreters. But a lot of
17 meetings were together.

18 Q. Now, you go on in that paragraph to say that:
19 'Within the culture, that was seemingly a no-no and sign
20 language had to be taught by deaf people.'

21 Can you tell us a bit more about that?

22 A. I was asked to do some BSL training, teaching for
23 Level 1, or access course, it was called, and a lot of
24 the deaf staff had told me at the time that really it
25 should be deaf people teaching sign language. It's

1 their language, they understand it better. But the
2 problem was the college at the time couldn't get staff,
3 erm, so I agreed to do the access course, which was very
4 basic. I think it was like a 16-week course. But that
5 became a thing because the more I'd done teaching, the
6 more I was getting comments from staff that it really
7 should be profoundly deaf BSL users that do it.

8 I completely understand that and I -- and if there
9 was enough people doing it, I would agree, but the
10 problem was a lot of the jobs that were coming up
11 weren't getting filled with people 'cause -- or it was
12 hearing people, and I understand there was more hearing
13 people out there teaching sign at one point, erm, and it
14 just seemed to be a bit like the hearing people were
15 taking over.

16 But, again, I'll agree there was -- it should be --
17 I'm not saying it should be taught only by deaf people,
18 but the best people to teach their language is the
19 people who use it every day.

20 Q. Now, moving on to paragraph 9, you talk in this
21 paragraph about the attitude of staff to children and
22 the relationship with children, but you mention towards
23 the end of that paragraph that:

24 'With any of the staff I worked with, it was always
25 about encouraging the young deaf people. [And] it

1 wasn't about certificates and getting high grades but
2 about getting them ready for going out into that big
3 hearing world outside.'

4 From that particular comment, would you say that
5 there was more of a focus on readiness for the outside
6 world than academia for the children?

7 A. It depends, 'cause the school was split into two
8 sections. You had the mainstream part of the school,
9 where they worked through, like, S1, S2, S3, S4, 5 and
10 6, and then you had the other parts where we had Skill
11 Starts. So these were young people who didn't fit into
12 the curriculum, and they would get trained up to then go
13 into Life Skills. So there was two separate areas.

14 So I know the academic teachers and young people
15 were doing the same as -- or that other young people in
16 Scotland were doing at the time, but we also had another
17 strand going off, which was more SQA-based modules.
18 But, again, it was about independent travel, independent
19 cooking, budgeting. So it was less academia and more
20 life skills, if you want.

21 Q. Now, you move on in your statement then to talk about
22 your time at Donaldson's, and you tell us that it was
23 through your teacher at [REDACTED] College that you got
24 a job at the school.

25 Are you able to tell us a bit more about how you

1 were recruited?

2 A. Well, when I spoke to the teacher then, she was -- I'd

3 mentioned -- at that point I was working at [REDACTED]

4 College, and it was -- everything was a year contract,

5 and I was saying I was looking to see what was coming up

6 next, and she'd mentioned there was possibly some work

7 at Donaldson's looking for communication to support

8 young deaf people at mainstream college, and she asked

9 me would it would be okay to put my name forward and my

10 contact number, and I said yes, and then the school

11 contacted me from that.

12 Q. So when you say that the school contacted you from that,

13 did you have to provide a CV or go through

14 an application process?

15 A. Yeah, they contacted to see if I was interested, and

16 then could I put a statement of interest in and send my

17 CV in, which I did, and then I had a meeting with the

18 deputy principal and we went through an interview and

19 I had to bring my disclosure documents and all that kind

20 of stuff along.

21 So there was a formal process, but it was just that

22 it was originally started by word of mouth through

23 someone else.

24 LADY SMITH: So at that time, you must have been about

25 31 years old; have I got that right?

1 A. Oh, yeah, I think so. Yeah.

2 LADY SMITH: Around 2002?

3 A. 2000 -- yeah, yeah.

4 LADY SMITH: Yes. Thank you.

5 MS MCMILLAN: So I think initially you were contacted,

6 offered a job and then, a few days later, received

7 another phone call to say did you want a different

8 position.

9 A. Originally I was only going to be doing communication at

10 the colleges, 'cause they had -- there was going to be

11 three days a week, 'cause we had some students who were

12 going to [REDACTED] on a Thursday, Tuesday/Thursday, and

13 one young man who was in [REDACTED] going to the college there

14 on a Monday, so I would only be employed for those three

15 days. But then they came back and said would I mind

16 working with the Life Skills, the post-16 students on

17 the days that I wasn't out doing calls -- so the job

18 slightly changed over a couple of days.

19 Q. And I think you say that it was slightly higher than

20 a classroom assistant, but Donaldson's had never had

21 a communication support worker before, so they basically

22 banded the role up.

23 Were you the first person then to hold this position

24 within Donaldson's?

25 A. As far as I know, that's what I was told, 'cause when we

1 were talking salaries, they had stated the salary for a
2 classroom assistant and I'd said that would be fine, but
3 I had travel to take into account and extra time, and
4 I was told by the deputy principal at that time that
5 they'd never had a communication support worker who was
6 specifically there just to go out and do communication,
7 and they would have to talk over and come back with some
8 sorta idea. 'Cause I know what I was getting as
9 a salary at [REDACTED] and I knew going to Donaldson's
10 was a comedown in terms of salary levels. So, yeah,
11 that was it.

12 So as far as I was led to believe, I was the first
13 one, so I don't know if that's true or not.

14 Q. And what specifically did this role involve?

15 A. It involved me meeting with young people at their
16 college and basically signing for them, whatever was
17 happening in the class at the time, being the
18 communicator for the tutor or the teacher. Erm, and for
19 the young boy in [REDACTED], it was a case of picking him up
20 at home, taking him to college, supporting him through
21 the day, dropping him back at home at night, and the
22 other two days, the young people travelled themselves
23 from Donaldson's to [REDACTED]. I would meet them
24 there -- well, I'd meet the one boy there in the
25 morning, and then in the afternoon I had him plus

1 another student. So the one was doing -- he was doing
2 media studies in the morning and then childcare in the
3 afternoon.

4 Q. And you go on to say at paragraph 12 that you expressed
5 some concern as to how you would cope with the role
6 because you didn't know if you had the sign language for
7 it, and I think you ultimately agreed to give it a try
8 for around three months.

9 So were you concerned that perhaps you lacked the
10 interpretation skills for the job?

11 A. Yeah. Yeah.

12 Q. Turning on to page 6, I think you tell us at
13 paragraph 15 that you then asked for the course
14 materials upfront so that you could go to the staff in
15 Donaldson's and ask for help with some of the signs.

16 A. Yeah.

17 LADY SMITH: You said page 6; are we talking about page 5 --

18 MS MCMILLAN: Oh, sorry, page 5 -- page 5, yep.

19 A. Page 5, yeah.

20 LADY SMITH: And it's paragraph 15?

21 MS MCMILLAN: 15.

22 LADY SMITH: Thank you.

23 MS MCMILLAN: So was this in order to be able to perform
24 that role better?

25 A. Yeah. This is where the deaf staff was actually really

1 valuable, because I could take something in to them and
2 speak to them and say, 'Well, this is -- I'm not sure
3 what the sign for this is or how I'd put that across',
4 and a lot of the deaf staff would help us to make sure
5 that I got it, because the young boy was a BSL user and
6 not sign-supported English, so -- yeah.

7 Q. So at paragraph 17 then, you go on to talk about your
8 role a bit more at Donaldson's, and you say that for the
9 first two years, it was only deaf children you worked
10 with, and you worked in the Life Skills department.

11 What did the Life Skills department -- what did your
12 role there involve?

13 A. Er, well, again, it was taking them to college and work
14 experience, so --

15 LADY SMITH: Sorry, Ms McMillan, which paragraph?

16 MS MCMILLAN: Sorry, this is paragraph 17 on page 5.

17 LADY SMITH: 17, thank you.

18 A. Right, yeah.

19 Erm, yeah, so in Life Skills, my position in Life
20 Skills was, again, similar to before, as communication
21 support worker. When they're in the first year at Life
22 Skills, they went to a local college, so it would have
23 been [REDACTED], [REDACTED] and [REDACTED] or [REDACTED]. When they're
24 in the second year of Life Skills, we put them in
25 a college nearer to their home. So that involved me

1 then driving to wherever they lived each week to do
2 a one-day course, or wherever they go to college there.

3 And then also during their time in Life Skills, we
4 would try and get them some work experience. So that
5 could be one day up to three days a week, depending on
6 the company, and that would involve me going in, doing
7 some Deaf Awareness training with the staff at the
8 company, sometimes going with the young person all day,
9 sometimes doing some travel with them. Part of my role
10 then was to make sure that they could travel
11 independently back and forward to work experience.

12 If they were in their second year, I would then work
13 with them in their home area, looking at independent
14 travel, erm, hopefully to either enter college or work
15 experience in that area.

16 Q. So the Life Skills department, was that ongoing while
17 they were still a pupil at Donaldson's?

18 A. Yes.

19 Q. I think you then go on to tell us that you were -- in
20 2007, you were seconded to the Royal National Institute
21 for the Deaf, where you became a basic skills officer
22 for a year, and then in 2008, you came back to
23 Donaldson's and, by 2009, they had developed the
24 [REDACTED] coordinator position because of the work that
25 you had done in your secondment.

1 Are you able to explain the role of the [REDACTED]
2 coordinator?

3 A. When I came back, I had a meeting with the principal and
4 the headteacher for -- to bring me back into Donaldson's
5 'cause it was a year's secondment, and one thing that we
6 noticed when we were talking was there was a huge gap in
7 the support that young deaf people was getting. They
8 were maybe getting sent on to positive destinations
9 straight from school, so they were maybe going to
10 college or into a work placement, but it wasn't lasting,
11 and then once they were getting to sort of 19, there was
12 no support.

13 LADY SMITH: So that's the support after they have left
14 school.

15 A. Yes, yes.

16 LADY SMITH: Particularly in that early period when the
17 outside world is so new to them.

18 A. Yes. Yes.

19 So what we were finding was when I was working
20 with -- I'm not going to correct you, but it is the
21 Royal National Institute for Deaf People. We don't say
22 'the deaf 'cause it is labelling. So when I was working
23 there, I was working specifically with 21 to
24 24-year-olds, and I was getting all this information
25 that they maybe left school and started college, but

1 within a couple of months, they'd fell out of college,
2 or they had got a work placement and it only lasted
3 a short time. And one of the biggest problems we had
4 was there was no deaf awareness within the colleges,
5 there was no communication support worker --
6 communication put in place for them.

7 Erm, sorry, what was the question? I've blanked
8 again, sorry.

9 MS MCMILLAN: So it was just really to ask you more about
10 the role as a [REDACTED] coordinator.

11 A. Right. So what we -- myself and the principal and the
12 headteacher spoke about was there was this massive gap
13 in the market where we could probably put something
14 together to try and help young deaf people when they
15 were over that age and left school and out in their
16 community. We also realised then that communication was
17 a huge thing and it wasn't happening all the time.
18 Because they were coming to, like, for example,
19 Donaldson's, they weren't based -- and they were
20 travelling too far, they actually weren't in their home
21 community very often, so they hadn't built up
22 a community relationship, or a lot of young deaf people,
23 even within their family, their families didn't sign or
24 had very little communication with them. So there was
25 issues there, that when you met up with a young deaf

1 person, after -- you'd maybe meet them in Edinburgh or
2 something like that, they would just offload because
3 somebody could sign who could understand 'em. And we
4 had a lot of young people who were in rural areas, so
5 there wasn't a big deaf community.

6 So, yes, part -- what we decided with the [REDACTED]
7 role was we would try and build a role that supported
8 young people, not school children but young people, into
9 more positive and hopefully long-term employment or
10 education.

11 Q. And I think you mentioned that that then initially
12 developed into what was called the [REDACTED] project?

13 A. Eventually, yeah, at the very end. 'Cause what we did
14 is we had tried the [REDACTED] projects, and we
15 contacted a group of young deaf people and said like,
16 'Tell us what you need, what's missing?', and they were
17 coming back saying, 'Well, we can't mix with people in
18 our area 'cause they don't know sign' or 'We don't know
19 how to mix'. They were coming back saying there were no
20 opportunities, social opportunities. We had the deaf
21 club in Edinburgh, which was really busy, we had the
22 deaf club in Glasgow, but if you didn't stay within
23 those areas, there was nothing else for you.

24 They also spoke about things like keep going for job
25 interviews, how -- they'd maybe get taught some of it at

1 school, but they weren't confident enough. So what we
2 used -- what we did initially was apply for some funding
3 from -- it was something like Tesco Foundation or
4 something like that, to try and get a project just put
5 together working on breaking down communication between
6 young deaf and hearing people and trying to build some
7 sort of communication within the communities, and then
8 that then led to them telling us -- 'cause all the
9 projects we did, the young people then they helped us
10 plan the next ones.

11 So they would say to us: well -- one of the big
12 things that came up was when the driving theory came in,
13 and they're like, 'We don't know how -- our reading
14 skills aren't good enough', so we ran projects on
15 driving theory 'cause that's what they wanted to do. Or
16 one of them was the Scottish Government was doing work
17 on the UNCRC, the United Nations Convention on the
18 Rights of the Child. So we done work with the young
19 people, both in the school and out of the school, and
20 actually made a DVD. So we got a group of young deaf
21 and hearing people together and they made this DVD which
22 went out across schools and that in Scotland.

23 So, yeah, it was -- the projects all started really
24 small then built into something, it was really big and
25 was really popular. But, again, as I say, what the aim

1 was, we had to think about: where was it going to go,
2 'cause there'd come a point when they had to stop with
3 us and we had to make sure there was something else in
4 place.

5 So a bigger part of my work was actually going into
6 places like colleges, social work departments, work
7 placements and making sure they were deaf aware and
8 holding them -- if they agreed that they would take
9 a young person in and that there would be communication,
10 not the first time, straight after the holidays we'd get
11 a message from the young person saying, 'I've turned up
12 today and there's no signer'. So my job then was then
13 to phone the college and say, 'Right, we agreed this and
14 this was all set up'. So, yeah.

15 But, again, for me, it was all about empowering
16 young people, and especially the young deaf people I was
17 working with.

18 Q. So you talk a bit more in detail about the projects at
19 paragraph 20 on page 6, and you say that, 'If we had
20 a project', you planned it and would sit with
21 Mary O'Brien, the headteacher, or Janice MacNeill, the
22 principal, and go through what the plan was for the
23 week.

24 So are you able to explain what your role was in the
25 project, what Mary's role would be in the project and

1 what Janice's role would be in the project?

2 LADY SMITH: Let's just take these one at a time, 'Derek',
3 because I know it's hard to follow otherwise. Let's
4 start with Mary O'Brien, her role.

5 A. So if it was involving young people in the school, Mary
6 was the headteacher, so we only ever -- I only ever
7 really -- if I was doing projects, it tended to be 17 to
8 18-year-olds that we had -- if they were doing
9 residentials, they had to be 17 -- 16 at least to come
10 to one of the residentials. So my job was to sit with
11 Mary, look at what we were planning to do and how it
12 would tie into what the school was doing, and also what
13 we used -- if I needed a manager on site at the time, it
14 would either be Mary would pop in, PZY might
15 pop in, Janice might pop in, 'cause they were line
16 managing the project.

17 So if I had a project -- so, for example, when we
18 were doing the UNCRC one, I went to Mary and says:
19 'We've got funding from the Government, we had to do
20 this project on the rights of children, we wanted to
21 involve the school kids, we wanted to involve local
22 groups of hearing children, or young people.' And,
23 yeah, Mary would be involved in that, so she would help
24 us timetable it and make sure we had access to the
25 people that we needed and the support that I needed.

1 If it was Janice that was involved, if we were doing
2 a project that was more [REDACTED] -- [REDACTED],
3 if you want, so for example if we were doing -- we
4 made -- we done a second residential, looking at
5 breaking down communication in the community. So Janice
6 would be the manager of that one because it didn't
7 really involve so much the young people in the school;
8 it was older deaf young people, maybe 21 to 24, with
9 local -- or hearing young people.

10 So it depended, the age and what the project was
11 actually aiming to do, who sort of line managed it.

12 LADY SMITH: And these were residential courses, were they?

13 A. Not all the time, no.

14 LADY SMITH: But that one, for example, you said it was
15 a residential course.

16 A. Yes. Yeah.

17 LADY SMITH: Using Donaldson's premises?

18 A. Yes.

19 LADY SMITH: Thank you.

20 A. Sometimes we would take them away. So we went to
21 Kielder, we went to Newcastleton. So we would actually
22 build it into -- it became about making young people
23 comfortable with young people and breaking down those
24 barriers.

25 Erm, and we done a lot of work with local groups.

1 So I would get -- myself or somebody would go and do
2 some sign language training and we'd do some Deaf
3 Awareness training with the young people, and then we'd
4 go away on what we call a working weekend or
5 a working -- it was mostly at a weekend where we had
6 specific goals we had to achieve, but again there was
7 also leisure time for activities and stuff where they
8 could work together and, sort of, break down those
9 barriers in communication.

10 LADY SMITH: Good.

11 MS MCMILLAN: And I think you do tell us that you ultimately
12 coordinated and supervised the project but --

13 A. Yes.

14 Q. -- you had line manager influence from various people?

15 A. Yes. Yes.

16 Q. When you went on those residential courses, would it be
17 Donaldson's staff that would accompany you?

18 A. Mostly, yeah. So we used to put a call out. When we
19 were doing residentials, we would put a call out to
20 staff, asking staff if they wanted to work for overtime
21 or -- I'm not sure how the contracted bit of it worked,
22 but a lot of the projects, we had teachers who came
23 along, we had some support staff who came along. And
24 then, my job -- I suddenly got another person working
25 with me, 'cause the workload was getting heavier, so I

1 had -- originally I had, erm, Kay was working with me,
2 employed to work with me, and then that changed over the
3 time. We had different people come in, depending on
4 what funding we could secure for projects coming up over
5 the next year, depending on the level of staff we
6 needed.

7 Q. So moving on in your statement, you say at paragraph 23
8 that -- you talk about just in general your line
9 manager.

10 A. Yeah.

11 Q. Who was your line manager?

12 A. Again, it depended what I did. When I started, it was
13 Steve Kelly was my -- he was the deputy principal, so he
14 was my line manager, but then whatever job -- 'cause
15 I actually started as a communication support worker,
16 then, stroke, classroom assistant, then was
17 communication worker, then was seconded to RNID, then I
18 was [REDACTED]. So I had various jobs through my time
19 and depending what -- when it came to the end, the
20 [REDACTED] stuff, it was depending on the project who
21 would then be the line manager.

22 LADY SMITH: You've just mentioned quite a number of roles.
23 Can you remember how many different roles you fulfilled
24 in your time there?

25 A. So technically when I started I was classroom assistant,

1 and then that quickly changed to classroom
2 assistant/communication support worker. Then it was
3 communication support worker. Then it changed to the
4 secondment to the RNID, where I became the basic skills
5 officer. When I came back to Donaldson's, I came back
6 as a communication support worker, and then we developed
7 the [REDACTED] coordinator's post.

8 LADY SMITH: That's six different jobs.

9 A. Yes.

10 LADY SMITH: And the [REDACTED] coordinator post was the
11 last one you fulfilled, was it?

12 A. Yes.

13 LADY SMITH: Thank you.

14 MS MCMILLAN: Now, you talk on that page as well about the
15 general staff structure outwith your role, and you say
16 that when you started, you had a Board of Governors, the
17 principal was the boss and you had three deputy
18 principals.

19 Did you have much interaction with the Board of
20 Governors in your particular role?

21 A. No, never.

22 Q. And you say that when you started, Janet Allan was the
23 principal and when she left, Janice MacNeill came.

24 A. Yes.

25 Q. At paragraph 25, you say that:

1 'When Janice came along, people compared their styles?'

2 A. Yeah.

3 Q. What was Janet Allan's style like?

4 A. Janet Allan was very hands-on. She knew most of the

5 young people. She would go into the residence and spend

6 time with them, getting to know them. She would come

7 round during breaks. She would be kicking about the

8 dining room. So she was very hands-on with the young

9 people, where Janice was more business-minded. And

10 I think 'cause when Janice came in, they were moving the

11 school at that point, I think that was the focus they

12 gave Janice, was let's get the school moved. So it was

13 less hands-on than what Janet was.

14 Q. And from your own perspective, whose style did you

15 prefer?

16 A. I don't know if I preferred a style. I liked the fact

17 that Janet was very hands-on with the young people and

18 they all knew her, but I liked what Janice was doing

19 with the school and her focus for the future. Because

20 by this point, I had come into the [REDACTED] sides of

21 things, and was really keen on not just supporting young

22 people within Donaldson's, but how do we support that

23 bigger.

24 Q. Now, moving on in your statement to page 8 and at

25 paragraph 30, you talk about the school dealing with

1 volunteers:

2 'Volunteers would apply to the school and the school
3 would do Disclosure Scotland checks.'

4 So was it your understanding that if a volunteer was
5 in the school, that the appropriate background checks
6 were carried out?

7 A. Yes.

8 Q. And in your particular roles that you had, did you often
9 work with volunteers?

10 A. Only in the projects, if I needed -- 'cause I -- one
11 of -- the planning part of the project was looking at
12 what staffing we would need for certain activities. So,
13 for example, usually if we had a residential at
14 Donaldson's, on the Saturday night, we had a games
15 night, so there was a bit of mind games and physical
16 games, so we'd need quite a lot of staff and volunteers
17 in. So I would say that, 'I would want to do this and
18 this is my recommendations I would need for staffing or
19 volunteers.'

20 Q. And moving on to page 9 of your statement, paragraphs 31
21 and 32, you're talking about managing others in your
22 role. But particularly at paragraph 32, you say that
23 there was a lot of pressure put on you to run the
24 projects, but then everything had to go to one of the
25 senior managers.

1 A. Yeah.

2 Q. How did that work?

3 A. Well, my job is to -- I would work with the young people
4 and find out what they wanted to do next, then I would
5 put the plans together with the fundraiser and we would
6 sit and produce a document on what we would like the
7 next project to be.

8 I would then have to go and speak to -- depending
9 about the project, whether it was going to involve the
10 school or just young people -- older young people,
11 I would speak to either Janice or Mary and talk about
12 what the idea was, and then they would sit and go
13 through the document page by page to make sure that risk
14 assessments were done and everything was in place. But
15 they ultimately were the line managers for it.

16 I did ask and, I mean, I'll be honest with you,
17 I did say that I felt as if I was taking on loads and
18 loads of work and not getting a pay rise and that, and
19 what they did tell me was, 'If you had more
20 qualifications' -- which they eventually did, they
21 started the process of getting me more qualifications --
22 then I might in the future be able to do managing, but
23 at the moment I didn't have management skills or that
24 the --

25 LADY SMITH: You mentioned fundraisers that you worked with.

1 A. Yeah.

2 LADY SMITH: Is that because typically the projects you were
3 doing were going to cost quite a bit of money and you
4 needed an injection of outside funding?

5 A. Yes. Yeah. They had -- Donaldson's had their own
6 fundraiser, so we would go to the fundraiser and we
7 would say that we want to do a project on this, and she
8 would start looking to see what funds are out there. So
9 I think there's a directory of organisations that funds
10 various things. And then we would come up with a draft
11 of a proposal, and then it was her job then to send it
12 out to various companies, and then they would come back
13 and say, 'Well, we would fund it but we want this in
14 place or can you explain this a bit more'. So there was
15 always a process to go through.

16 So if we were planning projects for next -- very
17 seldom we got money quick, so the projects that we
18 planned now wouldn't happen for about another year, and
19 that would give us time to find some funds, because that
20 was very clear that we had to find funds that no young
21 person would ever be out of pocket. So they never paid
22 for the courses, they never paid for the transport. We
23 paid everything to make sure that they were getting full
24 access.

25 LADY SMITH: Yes.

1 MS MCMILLAN: You mentioned there that you were, I think,
2 perhaps taking on quite a lot of work. Did you feel
3 supported by the senior management team?

4 A. Oh, yeah, if I needed appointments or if I needed to
5 speak to them, I had no issue getting -- getting support
6 from them. If I had issues or if I was worried about
7 something or something I wasn't sure about, I couldn't
8 just go and chat with them and walk in, I had to make
9 an appointment. But, yeah, I generally felt supported,
10 but I just felt as if it was getting more and more that
11 was left to me to do, me to do, and I did question then
12 about things like salaries and taking on extra
13 responsibilities.

14 Q. Now, moving to the bottom of this page at paragraph 33,
15 you talk about some of the training that you had, and
16 you mention that, after the summer holidays, there were
17 child protection and safeguarding training. So what did
18 that involve?

19 A. Erm, usually Mary -- the headteacher or Mary would do
20 a session on any of the changes in the law, how you
21 would report, how you would interact with a young person
22 who had disclosed something to you, what you could and
23 couldn't do as a member of staff, what was the next --
24 who was the child protection officer, what was the next
25 port of call. So you got trained in that at the start

1 of every -- straight after summer. And that was
2 a whole-school thing, we all went to that kind of
3 training.

4 Q. You talk about, towards the bottom of that paragraph,
5 that training was done during the rest of the year, but
6 you say that you would get emails saying that there was
7 a new policy or something had been changed or updated
8 and it would be put in a folder for you to read.

9 Did staff read the policies, as far as you were
10 aware?

11 A. As far as I know. The problem I had was overall in my
12 time in Donaldson's, I was lucky if I was in the school
13 one day a week. I was out 90 per cent of the time. Up
14 until the very last year, I was out at least three or
15 four days a week in communities. So I wasn't -- we had
16 an agreement where, where possible, I would have to come
17 into the school in the morning if I could travel to
18 where I was going, or come in at the end of the day just
19 to touch base. But, again, I would get an email saying,
20 'We've updated this policy or this is a new policy, make
21 sure you read it', so -- because a lot of my stuff was
22 done remotely.

23 LADY SMITH: So, hang on, are you telling me that you
24 couldn't get access to the policies unless you were
25 actually in the building?

1 A. No, no, obviously I wasn't in the building most of the
2 time, so I didn't always know -- so, like, Mary or
3 Janice would email us saying, 'Have a look at this
4 folder, there's a new policy that's been updated.
5 'Cause if it had been another in-service day -- because
6 I wasn't -- I didn't have a school contract, so I didn't
7 get all school holidays and things. So my holidays
8 might have clashed when they were all doing their --
9 like, in-service days. But I would get access to --
10 remote access to the folder.

11 But it was more to make sure that I was getting --
12 keeping up to date, 'cause the teachers would have
13 meetings and the support staff would have meetings about
14 once a month, which I couldn't attend 'cause I wasn't in
15 the school.

16 LADY SMITH: Were you able to access emails when you were
17 not in the school?

18 A. Yes, yeah, I was given a phone.

19 LADY SMITH: But, as you say, you were busy doing all these
20 jobs outwith the school premises at that time.

21 A. Yeah.

22 LADY SMITH: So was it that you didn't have the time to sit
23 down, read not just the emails but the links that gave
24 you access to all these policies? Would that have to
25 wait?

1 A. No, no, I could -- I would read them and get them, but
2 I wasn't -- for example, if there was a support staff
3 meeting, and they were saying, 'Right, you have to look
4 at this, this and this', I wasn't there. So then they
5 would email and say, 'This was discussed at the support
6 staff meeting, go and check these out now', and as I
7 say, because I wasn't there to go, attend the meetings
8 personally.

9 LADY SMITH: Okay, thank you.

10 MS MCMILLAN: And if you got an email about a particular
11 policy update, would you try your best to read that
12 update --

13 A. Yes.

14 Q. -- and familiarise yourself with the new policy?

15 A. Yep.

16 Q. Now, moving on in your statement to page 11, you begin
17 to talk about the children that were at Donaldson's, and
18 you talk about -- at paragraph 39 -- that:

19 'Parents or local authorities, if the child was
20 under the care of social work, requested that the
21 children be placed at Donaldson's.'

22 But I take it that you wouldn't really have anything
23 to do at all with the placing?

24 A. No.

25 Q. And you say at the bottom of that paragraph that:

1 'Most children stayed until they were 18 and came to
2 Life Skills for those last two years.'

3 And I think that's what you have been telling us
4 about.

5 A. Yeah. Yeah.

6 Q. Moving to paragraph 42, you say that there were -- this
7 is where you mention the food.

8 A. Yeah.

9 Q. You say:

10 'There was a lot of complaints from staff and
11 children about the food when [you] first started.'

12 What were they complaining about?

13 A. It had no taste, it looked bland, it was -- it wasn't
14 very appealing. And as I'm a chef, as my first job.
15 So -- yeah. But young people and staff -- I mean, it
16 wasn't the most exciting food; it was basic food.

17 Q. And then you go on to say that ultimately I think there
18 was a new chef that was brought in, things improved, but
19 you talk about, in West Coates, that the children
20 would -- no, in Linlithgow, sorry, the children would
21 often cook for themselves?

22 A. Yeah.

23 Q. Or together at night. So was this a change -- you say
24 that you loved the idea of that; why was that?

25 A. In old Donaldson's, they went down to the dining room

1 and had their meal -- the chef had prepared the meal and
2 they would just go down as a group. In the new
3 Donaldson's, each of the residences had their own
4 kitchen and the staff would -- the chef would prepare --
5 train the staff on what they were doing for meals, and
6 then the ingredients would be delivered during the day
7 and then the staff would cook with the young people. So
8 they were learning cooking skills in the residence.

9 Q. I suppose, to an extent, that would have fitted in with,
10 I guess, your role of trying to prepare the children for
11 life after school.

12 A. It meant that -- so, for example, at that time, I think
13 the new -- if you think of Curriculum for Excellence had
14 came in and things were changing. It was less academic
15 and more getting qualifications for doing things. And
16 it meant we could then work with the residence staff or
17 say, well, the young people are cooking, so if they
18 found a certificate that related to cooking, we could
19 then try and see if the young people had met the
20 criteria for that.

21 But, again, it was about taking responsibility,
22 'cause there will come a time when they're not going to
23 be at home, they'll have their own place, and even if
24 they're learning some basic -- even kitchen safety was
25 a big thing. So, yeah, I loved the idea of -- they did

1 do it in West Coates. The senior pupils, not all the
2 time, but every so often we would have -- maybe one or
3 two of them would cook a meal for a couple of members of
4 staff and a couple of friends in one of the mezzanines,
5 but that wasn't a regular -- well, it wasn't every
6 night, but it happened to the senior -- the more senior
7 students. But in the new place, the staff and the young
8 people done the cooking.

9 Q. And then you move on to talk about the sleeping
10 arrangements, but you say at paragraph 44 that the
11 difference between West Coates and Linlithgow was that
12 they were different children.

13 What do you mean by 'different children' in that
14 particular paragraph?

15 A. Most of the young people I worked with in West Coates
16 were young deaf people. It seemed to be just before we
17 moved out and moved to Linlithgow, there was a lot more
18 hearing and autistic children within the high school, so
19 that -- that -- the dynamic changed there.

20 Q. And you mention that the first year that you started at
21 Donaldson's, at paragraph 45, they were short-staffed in
22 the residence at West Coates and they asked a few
23 classroom assistants to volunteer to do a few hours in
24 the residence.

25 Were the classroom assistants then trained to do the

1 work in the residence?

2 A. Well, we got some basic what to do. Basically what
3 happened was if they were short, we would go in and just
4 be an extra body in the room, and the residential staff,
5 they dealt with everything; our job was just to be
6 there.

7 But, yeah, it was just a couple of times they were
8 either short or they'd maybe they got some funding for a
9 one-to-one worker for somebody, and until that worker
10 was in place, they would need somebody else in.

11 And again, you always worked with the residence
12 staff, so you were never left to yourself with the young
13 people. There was always a member of the residence
14 staff there and you with a couple of young people. So
15 you were just an extra staff member there.

16 Q. So would you, if you were fulfilling that role then,
17 take the lead from the residence staff workers?

18 A. Yes, yeah.

19 Q. Now, you move on in your statement to talk about
20 visitors, and that's at page 15, skipping forward
21 slightly. And you say that parents and families
22 visited.

23 Were parents able to drop in or was it something
24 that would normally be pre-arranged?

25 A. As far as I know, it was pre-arranged. They couldn't

1 just turn up.

2 Q. And was this at both West Coates and at Linlithgow?

3 A. As far as I know, yeah.

4 Q. And you say that once or twice parents would take their

5 children out for dinner, but they weren't allowed in the

6 residences?

7 A. Yes.

8 Q. You go on to talk about the professional visitors and

9 reports, and you say that every child had an annual

10 review. And you mention at paragraph 58 that they were

11 big meetings.

12 A. Mm-hmm.

13 Q. Would this be something that you would attend?

14 A. When I became [REDACTED] coordinator, yes. Before that,

15 it was usually their tutor teacher and maybe the

16 guidance teacher or the post-16 principal teacher. But

17 when I became [REDACTED] coordinator, we made

18 an agreement that part of my job would be working with

19 them and their families, getting them -- building up

20 over the years to get them ready for leaving. So

21 I would be involved then at that stage. But not when

22 I first started in Donaldson's, no.

23 Q. Now, moving on again in your statement, you talk from

24 paragraph 59 about really the role of [REDACTED] and

25 I think we've covered that in your evidence.

1 But you mention at paragraph 60 that parents were
2 offered training in BSL, but very few families were
3 fluent.

4 A. Mm-hmm.

5 Q. Did parents often take up the opportunity to learn BSL
6 when the school provided it?

7 A. That I couldn't say. I don't know.

8 Q. And then you go on in that paragraph to say that in
9 Donaldson's, you had a total communication policy.

10 A. Yeah. I've been thinking about it 'cause I can't
11 remember if that was a policy we had in Donaldson's or
12 one that we developed just for the projects. 'Cause
13 I know when we were looking at [REDACTED] projects, one
14 of the things we made it quite clear is no young person
15 would be denied access because of their communication
16 needs, and I can't remember if the total communication
17 policy was just for projects or it was something in
18 Donaldson's, to be honest.

19 Q. So you go on and explain that further and you say:
20 '... so if a child decided they were just lip
21 reading, we would speak and let them lip read.'

22 A. Yeah.

23 Q. So what was the purpose of the total communication
24 policy?

25 A. I think it was to show that communication wouldn't be

1 a barrier to accessing the services.

2 We know that young people -- or by this point, the
3 school had various forms of communication. We had young
4 people who were profoundly deaf and BSL users, we had
5 young people who used sign-supported English rather than
6 BSL, we had young people who were lip readers, we had
7 young people who were hearing, we had young people who
8 were hearing autistic, so we had to try and change our
9 style.

10 Now, thinking back, on hindsight, I always wonder,
11 how did that work, because if you have four different
12 young people in a room and they've all got different --
13 it was -- it was a bit of a nightmare at times, trying
14 to make sure communication was suitable for everyone.

15 Q. From your knowledge of the school then, if you've got
16 children who are communicating in different ways, were
17 children separated in the way that they were
18 communicating or were they all --

19 A. No. No, you could have mixed -- and I think that was
20 one of the biggest things now, looking back, I wonder
21 how did that work. I know in the projects, I would
22 maybe have to repeat something three or four times,
23 three or four different ways, and that was a bit of
24 a drag at times, because young people just want to get
25 on and do things, but when you were having to take three

1 or four different processes to doing it -- and we always
2 done that with our volunteers. It wasn't always
3 the case that all the volunteers had to have sign
4 language training. That wasn't the case. We had some
5 volunteers that came in who were very specific in
6 working with young people with autism, so they would --
7 'cause I had no training in autism at all. So I --
8 working with young deaf people, I was comfortable with;
9 working with the autistic side, I -- it was a new thing
10 for me. So ...

11 Q. And you've obviously described that I guess the
12 children's needs had changed over time during your role,
13 so when you say that you had no experience of working
14 with children with autism, was there any training
15 provided for staff to adjust to that change?

16 A. I don't know about staff in general, but I know I didn't
17 get any training.

18 Q. And did you find the change in the children's needs then
19 to be challenging in your role?

20 A. Sometimes, yeah, if I was doing projects, I would always
21 have to try and think ahead on how I'm going to get the
22 point across to our deaf young people with BSL, and at
23 the same time with children who don't use BSL. So the
24 training became -- the planning became a bit harder, the
25 more young people -- but right up until I left, most of

1 the young people I actually worked with were deaf.

2 Q. Just moving on in your statement again to page 17, at
3 paragraph 63, again you're talking here about the
4 [REDACTED] project that you were involved in, and
5 I think you say at the heart of that was the young
6 person identified what they needed.

7 A. Yeah.

8 Q. You go on to say in that paragraph the project carried
9 on supporting young people after they left school, and
10 I think this is something we've touched on this
11 afternoon, but you mention that you would keep in
12 contact with the young person and their family for
13 a year or more after they left.

14 So why were you keeping in contact with them for
15 that period of time?

16 A. By this point, we'd already had plans with the young
17 people. So maybe we went to one of the big meetings and
18 we said, right, we'll contact the local college and
19 we'll set up a placement or -- and my job was to make
20 sure that the college then followed through on what they
21 agreed, or sometimes social work had agreed to put some
22 training in, maybe independent travel training. My job
23 then was to make sure this had happened so the young
24 person was ready.

25 So we always said that year they left Donaldson's

1 would be to make sure things that we had agreed before
2 they left was in place for them when they were there.

3 A lot of the time, they weren't. It was either the
4 college couldn't get funding or the work placement had
5 fell through, or the young person just didn't feel
6 confident enough to go. So we just sorta kept contact
7 with the families just to see if there was anything
8 else.

9 And that's where we realised that when you go over
10 that sort of 19-year-old stage into the 20-year-old,
11 there was a huge amount of young people who weren't
12 being supported, and that's where the [REDACTED]
13 projects were aiming to develop up into.

14 Q. And from your experience in that particular role, were
15 the young people that you were working with happy to
16 maintain that connection with you and Donaldson's?

17 A. Yes. Yeah.

18 Q. Were there ever young people that might have said --

19 A. Oh, yeah, yeah, there was a lot -- well, not a lot, but
20 there were some young people that said, 'No, I don't
21 want to be involved, I've left school, I'm finished with
22 school, that is it'. So that was their option.

23 Q. Moving on to page 18 of your statement, you begin to
24 talk about discipline and punishment at the school, and
25 you say that the behaviour in Donaldson's deteriorated

1 after the move to Linlithgow.

2 So can you firstly tell us what the behaviour was
3 like before the move to Linlithgow?

4 A. I don't recall as many incidents for, like, calling for
5 CALM staff or -- when we were in West Coates.
6 Generally, I've never had an issue -- I've never had to
7 put a punishment on a child or detain a child or
8 anything like that, 'cause it wasn't my job. I didn't
9 have the authority to do that with the young people.
10 But a lot of the time, if there was things like
11 detentions and that being given out or -- it was always
12 the support staff that had to man that, and being part
13 of the support staff, sometimes they would say, 'Well,
14 could you sit with this young person during lunch 'cause
15 they've got a detention', or something.

16 That just seemed so escalate when we got to
17 West Coates. It just seemed to be more and more. And
18 then you would constantly hear calls out for
19 CALM-trained staff to go to such and such an area, and
20 that was something we never heard a lot when we were in
21 the old Donaldson's, but it seemed to escalate more when
22 we got to the new Donaldson's. But, again, by that
23 point, there was a whole change in the young people
24 coming into the school.

25 Q. And I think you do indicate at the bottom of that

1 paragraph that you constantly heard them calling for
2 CALM staff who were trained in de-escalation and
3 restraint. I understand that that's not something that
4 you were trained in.

5 A. No. I got offered training right at the start, but I've
6 got [REDACTED] injuries, so I've had five operations [REDACTED]

7 [REDACTED]
8 [REDACTED]. So when I joined Donaldson's, I told 'em that, and
9 then, when I did join as a member of staff, I spoke to
10 the CALM coordinator and he's like, 'It wouldn't be
11 advisable for your own health and safety for you to try
12 and ...'. So my job basically was I got trained at
13 Level 1, which was trying to defuse a situation, then
14 getting -- if there was other young people there,
15 getting them out to safety and ...

16 Q. And how often would you have to use that training?

17 A. I've used it once.

18 Q. You go on to talk about the sort of hierarchy for
19 punishment at paragraph 67, and you say that if it was
20 serious enough, it would be escalated to Mary O'Brien,
21 PZY [REDACTED] or PZZ [REDACTED].

22 So what sort of things would be escalated, what sort
23 of behaviours?

24 A. Erm, damage to property, the building, or if a young
25 person -- if they kicked off and it might have been

1 a case of other young people were put in danger.

2 Erm, some young people would just refuse to work,
3 and the teacher would deal with that. But if it was a
4 case of they were damaging the building or running out
5 or -- running out the classroom and bolting away, then
6 it was a bit more serious.

7 Q. And you mention there that it wouldn't go to the
8 principal because Janice MacNeill was dealing with the
9 business side of this.

10 A. Yeah.

11 Q. Were there ever any incidents that you were aware of
12 that Janice MacNeill was involved in?

13 A. No.

14 Q. You go on at paragraph 68 to say, as you have done,
15 about discipline being detention, and you say that you
16 never saw any children being physically disciplined.

17 A. No.

18 Q. At paragraph 69, you say that you didn't discipline any
19 children, but teachers filled out a form as a record of
20 discipline measures. So where were the forms kept?

21 A. Online in the shared staff area, there's a shared
22 folder. We had an intranet and in there, there was
23 a policy folder, and within there, all the policies and
24 forms and that were all in there.

25 Q. Does this include, for example, completed forms?

1 A. No. No, it was the template and then the forms would be
2 completed and sent to either Mary, PZY, PZZ.
3 LADY SMITH: So were these forms all completed
4 electronically and sent electronically rather than hard
5 copy being filed?
6 A. No, I think they were a hard copy. Most people would
7 print them and write them.
8 LADY SMITH: Ah, right, thank you.
9 A. I don't recall anywhere you could save them. I don't
10 recall that having a place on the intranet for that,
11 so ...
12 MS MCMILLAN: And I think you indicate that you don't
13 actually know where the physical forms would be kept?
14 A. No.
15 Q. You mention in that paragraph a daily bulletin that
16 would come to the staff.
17 A. Mm-hmm.
18 Q. And would this reference any of the incidents for which
19 a form might have been filled out?
20 A. It didn't mention any details, but it maybe said, 'These
21 three young people have detention'. So that was as much
22 as you knew. There was no information in there about
23 why, where, when, how, so ...
24 MS MCMILLAN: My Lady, I'm conscious of the time.
25 LADY SMITH: Is that a convenient place?

1 MS MCMILLAN: Yes, thank you.

2 LADY SMITH: I mentioned earlier, 'Derek', that I would
3 normally take a break at about this time, and if it
4 works for you, I will do that now. We'll just have
5 a brief break. Thanks.

6 (2.59 pm)

7 (A short break)

8 (3.10 pm)

9 LADY SMITH: 'Derek', welcome back.

10 A. Thank you.

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

12 A. Yes, yes.

13 LADY SMITH: Thank you.

14 Ms McMillan.

15 MS MCMILLAN: Thank you, my Lady.

16 Now, just at page 19, at paragraph 70 of your
17 statement, you begin to talk about restraint, and you've
18 already made reference to the CALM method. You say that
19 you never restrained a child at Donaldson's, and I think
20 you'd mentioned that because of your injuries.

21 A. Yes.

22 Q. You mention at paragraph 71 that you saw children held
23 to calm them down and someone standing in front of them
24 so they could communicate with them. How would the
25 child be held?

1 A. I think -- I can't remember how they did it. They do it
2 in such a way that their hands are on the outside, so if
3 a child pulls -- they can't, for example, pull back.
4 But usually there'd be somebody, if it was a deaf child,
5 signing frantically in front of them to get them to calm
6 down, 'cause obviously they need their hands to
7 communicate, so -- but, again, sometimes it was just
8 a case of holding them down. But that was only if it
9 escalated to the point where they were actually maybe
10 kicking or thrashing or putting themselves in danger or
11 putting other people in danger.

12 LADY SMITH: Did you say there'd usually be a deaf child in
13 front of them?

14 A. No, a deaf person, sorry.

15 LADY SMITH: A deaf person.

16 A. No, sorry, a deaf -- there'd be a signer, somebody who
17 could sign.

18 LADY SMITH: A signer in front of them. Thank you.

19 A. Yeah, sorry. Yeah, yeah. Sorry, my mistake.

20 LADY SMITH: No, that's all right, don't worry.

21 MS MCMILLAN: And you move on in that paragraph on the next
22 page to say that the problem is when you hold a deaf
23 child's hands, then they can't sign, so that was a last
24 resort.

25 A. Yep.

1 Q. So how would the child communicate with a staff member
2 if they were being held in such a way?

3 A. I have no idea. I never witnessed that getting that
4 far, so ...

5 Q. When you say you'd never witnessed it getting that far,
6 so what is the furthest that you witnessed with
7 a restraint?

8 A. I usually -- if it was getting to the point where it was
9 really kicking off, I would leave the room. That's what
10 we were told -- I had to protect myself and protect
11 young people. I've never actually seen a -- we were
12 taught -- we were shown how they restrain, but I've
13 never actually been in a room while a child's been
14 physically restrained with their hands, so ...

15 Q. And at paragraph 74, you indicate that you were
16 questioned by the Head of Care, Neil Donald, and the
17 principal because of your views on restraint and you had
18 said to be against it.

19 Did you hold any particular views on restraint?

20 A. No. We were always taught that restraint was a very,
21 very, very last resort and it was there to make sure
22 that the young person's safe and the people round about
23 them are safe, but this thing had came up one day and
24 I was just asked what was my views on restraint.

25 Q. And what were your views?

1 A. If it was needed, it was needed. But, again,
2 I understood, because we were trained, that -- the fact
3 that it was not a first resort; it was a very, very,
4 very last resort, so ...

5 Q. And I think you indicate at the bottom of that paragraph
6 that you never saw any excessive restraint.

7 A. No.

8 Q. Now, moving to the next page of your statement at
9 page 21, at paragraph 77, you talk about complaints, and
10 you say that complaints were received. The food was
11 constantly complained about, which I think we've
12 discussed, and parents would complain about bullying.

13 Are you able to explain that further at all?

14 A. No, it was -- we were told during some of our training
15 that the -- the training at the start of the year or --
16 that complaints had come in from parents about bullying.
17 They never went into any details, but said that
18 complaints had been received. I never received any
19 complaints, so I never dealt with anything like that,
20 so ...

21 Q. So when you say that complaints were received about
22 bullying, was it staff bullying children or was it
23 children bullying other children, do you know?

24 A. I think it was more about children bullying children.

25 Q. And when you say it was more about children bullying

1 children, were there complaints, as far as you were
2 aware, about staff bullying children?

3 A. Not that I know of.

4 Q. You move on in your statement at paragraph 79 to say
5 that -- you talk about an incident where a young person
6 raised a concern with you when you were signing for the
7 science teacher. Can you tell us more about that
8 particular incident?

9 A. Yeah, so we had a new science teacher who didn't have
10 any sign, so I was doing communication support, and
11 I think the young person was in the Life Skills unit at
12 the time, so they used to go once a week for an hour for
13 science, and I think the science teacher had said
14 something like, 'Oh, you're looking awful tired this
15 morning', and he came back saying, 'Yeah, because I was
16 dragged out of my bed', and then that sparked the
17 science teacher to say, 'Right, okay, you were dragged
18 out of your bed?', and then the conversation went fae
19 there, so we had to then report it.

20 That was my interpretation of what the young person
21 was signing to me at the time.

22 Q. And who did you report it to?

23 A. It was actually the teacher that reported it, so --
24 'cause the disclosure was actually to the teacher,
25 through the signing -- this is where it can sometimes

1 get complicated, 'cause people think that if you're
2 interpreting or signing for somebody, you're actually
3 only saying what they're signing and people think you're
4 the one that's actually saying it, so that can be quite
5 confusing at times. But this time it was a case of the
6 science teacher had raised the issue or raised it as it
7 had happened and it had been mentioned in the class, and
8 it was through a -- she couldn't sign at the time, so it
9 was through the communication support worker, and it
10 came up that way.

11 Q. So once the staff or the teacher had reported it, were
12 you then involved in further meetings about it?

13 A. I was just asked if I -- by Janet Allan, I think it was,
14 was the principal at the time, what my role was and what
15 I had interpreted across.

16 Q. I think you say in your statement that you had a meeting
17 with Janice MacNeill.

18 A. Janice MacNeill, sorry. Janice MacNeill, yeah.

19 Q. And were you aware if there was any other outcomes for
20 that or what happened?

21 A. No.

22 Q. Now, you go on in your statement then to talk about
23 abuse, and at paragraph 81 you say that you did not see
24 behaviour of any kind that you considered to be abuse
25 taking place at Donaldson's?

1 A. No.

2 Q. And you say that, looking back, you're not confident or
3 you really don't know that if a child was being abused
4 or ill-treated, it would have come to light at or around
5 the time it was occurring. Why do you say that?

6 A. Again, it's one of these -- I wasn't sure exactly what
7 this question -- it felt very hypothetical. It's like,
8 'Let's make up something', and I wasn't sure on what was
9 completely meant by that. But, looking back on it,
10 I don't know how a young person would -- I know how they
11 would complain, I know how they would put a complaint
12 forward, but I just found this question really hard,
13 I wasn't sure. 'Cause there's a couple of times that
14 I've met with staff to go over my statement and stuff,
15 and it was the one thing I wasn't 100 per cent sure
16 about.

17 Q. So if abuse was taking place at the school, are you of
18 the opinion that it would have come to light?

19 A. Yes. The children had guidance teachers, teachers,
20 support staff, the residence -- residential key workers,
21 social workers, so there was a load of people there that
22 could have supported the young person.

23 Q. Now, you move on then at paragraph 84 and mention that
24 child protection was a huge thing.

25 And at paragraph 85, on page 23, you say that there

1 was guidance and instruction on how to handle and
2 respond to reports of abuse or ill-treatment of children
3 by staff, other adults or other children. And is that
4 the training that you'd mentioned that you would receive
5 at the start of the term and the policies?

6 A. Yes.

7 Q. And you mention at paragraph 86 that:

8 'Anything we felt was the slightest form of abuse or
9 ill-treatment had to be reported.'

10 A. Yes.

11 LADY SMITH: Can I just take you back to paragraph 85.

12 You say from the end of the second line:

13 'We were told things like you couldn't interview the
14 child because they're only allowed so many interviews by
15 law.'

16 A. Yeah, there were some --

17 LADY SMITH: What was that all about?

18 A. Part of the training was a child could only be
19 interviewed, like, three times and we had -- if a child
20 came and disclosed to us, we had to make sure that we
21 weren't interviewing them, because then -- I don't know
22 the legal side of it, but --

23 LADY SMITH: This is beginning to make sense, okay.

24 A. Right. What we were told is if a child was disclosing
25 to us, we had to make sure that questions were open, we

1 weren't asking leading questions. We had to try not to
2 ask questions that's going to put words in the child's
3 mouth, and again we had to be aware that, as this goes
4 on, they will be formally interviewed, so we had to be
5 careful that we didn't overstep the mark when it came to
6 what they were telling us.

7 LADY SMITH: Okay, so rather than go into interview mode
8 like that yourself, what were you supposed to do?

9 A. We were supposed to reassure the child that what they
10 were doing in telling somebody was the right thing to
11 do, let them know that we couldn't keep secrets so it
12 would be escalated up into the next level, and just
13 listen to what they say, and then we would take notes on
14 what they say and then get in contact with the child
15 protection officer.

16 LADY SMITH: Thank you.

17 MS MCMILLAN: Now, you move on in your statement at
18 paragraph 87 and you say towards the bottom of that
19 paragraph that:

20 'In the residence there was an organisation called
21 "Who Cares?" and every wall had a poster with
22 information about how children could contact them.'

23 If a child has communication needs, for example
24 a deaf child who may have difficulty understanding the
25 English language, how would they have been made aware of

1 an organisation like 'Who Cares?'?

2 A. So they were -- as far as I know, the key worker would

3 have explained to them what Who Cares? was, but we also

4 have relay interpreters, so we could get an interpreter

5 online where the child could talk to them in private.

6 'Cause there was areas set up specifically for children

7 making contact at home, so there was video areas and

8 that, so if they needed an interpreter and they wanted

9 to do something, a member of staff would support them.

10 LADY SMITH: And I wonder if, in that paragraph, you meant

11 not that the organisation Who Cares? was part of

12 Donaldson's --

13 A. No, no.

14 LADY SMITH: -- but there was information about

15 communicating with them.

16 A. Yeah, 'cause Who Cares? was an outside, independent

17 agency, and we only ever seen that in the residence, we

18 had never seen anything like that spoke about in the

19 school, and I always found that really strange because

20 ... yeah.

21 LADY SMITH: Thank you.

22 MS MCMILLAN: Why was it you found it strange?

23 A. Because it's like saying if anything is going to happen,

24 it's only going to happen in residence, whereas not all

25 our young people stayed in residence, so what happened

1 to the young people who didn't get access to that
2 because they weren't residential?

3 Q. Now, I'm going to move on to page 25 of your statement,
4 where you begin to talk more specifically about
5 allegations of abuse.

6 And you say at paragraph 92 that you have not been
7 the subject of an allegation of abuse or ill-treatment
8 of a child or children who resided in Donaldson's when
9 you were there.

10 A. Yes.

11 Q. And you mention at paragraph 96 that you were asked if
12 you became aware of any police investigations into
13 alleged abuse and you knew about alleged abuse before
14 you started at Donaldson's. And you mention an incident
15 with Principal David Scott who was under investigation
16 for kicking a kid in the gym hall.

17 How did you become aware of that incident?

18 A. Before -- it was actually before I started with
19 Donaldson's, when I was mixing within the deaf
20 community, and I was saying to people, 'I've been
21 offered a job at Donaldson's' and the first thing they
22 says is, 'Did you hear about ...' So it was through the
23 deaf community that I actually heard about it, so ...

24 Q. Now, moving on then to page 26, I just want to ask you
25 about some certain staff members that worked at

1 Donaldson's.

2 And you firstly mention KKW. She was
3 a PE teacher. What was she like with the children?

4 A. Okay. Yeah. She got on well with them. The boys loved
5 the football and KKW was really keen for them to
6 take part.

7 But again, I don't see -- I was only in Donaldson's
8 maybe one day, two days a week, so I didn't see how it
9 actually -- I don't know how their classes went or the
10 PE class -- I never had to sign at a PE class or
11 anything like that, so I can only go by what I generally
12 picked up.

13 Q. And you say at paragraph 101 that she seemed fine with
14 them and you didn't see her disciplining children.

15 A. No.

16 Q. And then you go on at paragraph 102 to talk about
17 someone called PHY and that he was
18 a residential care worker. Are you able to describe
19 what he was like?

20 A. He was one of the deaf members of staff, so a lot of the
21 young deaf children, they looked up to PHY because
22 they could see him progressing on and working in the
23 school, and he understands some of their needs in terms
24 of communication, 'cause I think he went to a deaf
25 school himself, so ...

1 Q. And you mention that at paragraph 103, on page 27, that
2 you didn't see him disciplining children and you didn't
3 see him abusing any children.

4 A. No.

5 Q. And then just moving on to paragraph 106, you mention
6 a PZY [REDACTED], and I think we've discussed that she was
7 SNR [REDACTED]. How would you describe her?

8 A. When she came into Donaldson's, she was really keen, she
9 was really -- I mean, she learned to sign really quick,
10 she wanted to get to know the young people. She would
11 listen to the young people. But, again, she was strict
12 as in she would give out the punishments if need be.

13 Q. And I think you say that you saw her with the children
14 and if they answered back then she would get them into
15 trouble?

16 A. Yeah.

17 Q. So what do you mean by 'get them into trouble'?

18 A. So if they were being -- what's the word? --
19 disrespectful or not following the rules, they would get
20 a detention or something along those lines, just to
21 sorta say that that wasn't acceptable behaviour.

22 Q. And then turning over to page 28, you talk at
23 paragraph 109 about someone called PHZ [REDACTED]?

24 A. Yeah.

25 Q. And you mention that he first came in as a temporary

1 substitute teacher and at first he worked in Skill
2 Start.

3 A. Yeah.

4 Q. You say in that paragraph that he was task-oriented.

5 A. Yes.

6 Q. So what do you mean by that?

7 A. So in Life Skills, the young -- for example, when I --
8 not so -- I don't know how he worked in Skill Start
9 'cause I wasn't in Skill Start, but when the principal
10 teacher of post-16 went on long-term sick, he took over
11 Life Skills, and it was a case of sitting the young
12 people down every day and just doing SQA, SQA, SQA,
13 paperwork after paperwork, and that wasn't the way we
14 worked in Life Skills. It was about getting out and
15 about.

16 So, for example, when a young person turned 18 when
17 I was there, we would normally go out for a meal. That
18 was cancelled because they had to do their SQA stuff.
19 And they were sat classroom style, where Life Skills was
20 about not being in a classroom. Because, like,
21 Donaldson's had its uniform, but when you were in Life
22 Skills, you didn't wear uniform. You were classed as
23 a young adult, you were get ready to leave. But when
24 PHZ came in, it was a case of, 'I want all these
25 certificates done within the year', and it was just

1 certificate after certificate after certificate. So it
2 was always sitting down at a desk, where we never did
3 that in Life Skills.

4 We would sit them down at a desk if we were doing
5 stuff, especially near the end of the year, but it
6 wasn't a regular thing the way that PHZ taught it.

7 Q. And how was he with the children?

8 A. Okay. He was light-hearted. But, again, PHZ couldn't
9 sign, so he was relying on other people. So either --
10 I don't even know who worked on Life Skills at that
11 point. I know I was in and out but, again, there was
12 other staff there.

13 Q. And you do say that you didn't see him disciplining
14 children, and you didn't see him abusing any children?

15 A. No.

16 Q. Now, I'm going to move on now about allegations that
17 have been made to the Inquiry about you.

18 So starting at paragraph 111 on page 28, I think
19 you've been informed that someone that we know by the
20 name of PFY made a complaint about you, and you say
21 at page 29 that the nature of the complaint was alleged
22 indecent sexual proposition between 2006 and 2011.

23 And is this someone that you remember, at this
24 particular time?

25 A. Yeah. Yeah.

1 Q. What was your role with him?

2 A. When he was in the school, he was part of [REDACTED],
3 so -- and then part of his transition, just when he
4 would be 17, was we transitioned him into the local
5 college in his area and he stayed in [REDACTED], and then
6 we -- after he left, he was one of the ones that fell
7 out of college and we didn't really see him for a couple
8 of years, and then when the project started, it was
9 a case of recalling all of the students to see if any of
10 them wanted to be part, and we'd spoke to his mum and he
11 was very isolated, so we decided to try and build him
12 back into the projects. Unsuccessfully.

13 Q. Now, you mention at paragraph 114 that the allegations
14 are from a time when he was within the [REDACTED]
15 project, and there are two trips that he talks about to
16 Ayr and Edinburgh.

17 Now, you indicate that on one of those trips, that
18 you shared a room with him. Why were you sharing a room
19 with him 'cause I think he was maybe about 20 or 21
20 years old?

21 A. We had risk assessed -- I spoke to his mum, and PFY [REDACTED]
22 didn't really have an understanding of boundaries. So,
23 for example, if we would go to a shop, he would go
24 behind the scenes -- it's not the first time he has
25 walked into a jewellers and walked behind the counter.

1 So he wanted to attend -- at that point, a lot of
2 young deaf people were attending a monthly night out in
3 Edinburgh and his mum was quite keen, and he was quite
4 keen, to go, 'cause we were trying to rebuild his
5 connections but we couldn't -- when we risk assessed and
6 spoke about it, we weren't sure he would be safe enough
7 to leave alone in a hotel room, and then that's when we
8 came up with the best thing to do would be to get a twin
9 room, and then that way, if he's up and about during the
10 night, I'm there, I can hear it. And that was the
11 reason, that was the only reason we did it that way.

12 Q. Obviously, the allegation was one of alleged indecent
13 sexual propositioning. Is this something that you did;
14 did you --

15 A. No. No.

16 Q. Have you ever done that with a former pupil?

17 A. No.

18 Q. Or pupil?

19 A. Nope.

20 Q. And then you go on, on page 30 at paragraph 116, to say
21 that you did not sanction or punish him and you did not
22 abuse him?

23 A. No.

24 Q. And you don't know where he got the allegation from?

25 A. No.

1 Q. And you were interviewed by the police about this
2 particular allegation?

3 A. Yes.

4 Q. And you tell us at paragraph 119 that you never heard
5 anything from the police after the interview.

6 A. No.

7 Q. Now, turning on to page 31 of your statement, you were
8 also provided some information that was given to the
9 Inquiry by someone called 'Mary' in relation to her son,
10 and you indicate that 'Mary' was the only parent to
11 shout and scream at you at meetings because of your job;
12 do you remember why she was shouting and screaming at
13 you?

14 A. Yeah, we -- part of the job I was doing was to teach
15 young people about the United Nations Conventions on the
16 Rights of the Child, and I was to look at the 22
17 Articles, and explain what the Articles were and what
18 their rights were as young people; and what was
19 happening was the young man was then going home and
20 saying to his mum, 'I've got the right to say no for
21 food, I've got right to say no for this, I've got the
22 right to say no for that'.

23 So when I met mum, I'd came in at the end of a -- I
24 think it was like an assembly or something, she then had
25 a go at me by saying that I had no right telling her son

1 he had rights because he didn't understand 'em -- and I
2 totally agree that there has to be understanding, but
3 I was -- again, it was a young boy with autism, and
4 I could only work with him the way I knew how to work
5 with him, and she says that she was having huge issues
6 with him refusing to eat at home because his right says
7 he didn't have -- he had the right not to do that. So
8 I completely understand why she got angry, but that was
9 the reason that it ...

10 Q. So in your particular role -- so if a pupil perhaps has
11 that difficulty understanding a particular concept, did
12 you feel qualified to adjust the programme?

13 A. We tried, 'cause when I done the training with that
14 group of young people -- 'cause when I actually worked
15 with this young man, it was probably nine others in the
16 group. I worked with their classroom assistants at the
17 time and they were helping me, because I wasn't always
18 sure what they did understand and, if they were showing
19 an indication they had understood it, I just assumed
20 they understood it.

21 So, yeah -- plus, as I say, I've never been trained
22 to work with young people with autism so ... but it was
23 part of the funding package, that all young people --
24 I think it was over the -- in high school, had to be
25 with the UNCRC training.

1 Q. Now, you move on at page 32 to talk about a conviction
2 that you have, and the Inquiry has heard evidence that
3 this was an indecent assault conviction that involved
4 a young man in Falkirk, but who was not a pupil of
5 Donaldson's and had not attended Donaldson's School --
6 A. No.
7 Q. -- but had a connection because his mother was a teacher
8 there.
9 And you indicate at paragraph 126, that the mother
10 challenged you in school about it. Was this after --
11 the weekend after the incident had occurred?
12 A. Yeah, it was after -- I think was like four or five days
13 after it, 'cause we were off for the October break and
14 then it was when we came back into the school.
15 Q. And were you aware if the school knew anything about?
16 A. Not as far as I know.
17 Q. You said that you spoke to your union representative.
18 Was that after the mum had spoken to you?
19 A. Yeah.
20 Q. And if we've heard that there were perhaps rumours in
21 the school about the incident, were you aware of the
22 rumours?
23 A. Nope.
24 Q. You indicate in that particular paragraph that you heard
25 nothing until four years later?

1 A. Yeah.

2 LADY SMITH: The incident occurred in 2009, is that right?

3 A. Yes.

4 LADY SMITH: That was during the period in which you were
5 employed by Donaldson's?

6 A. Yes.

7 LADY SMITH: Thank you.

8 Ms McMillan.

9 MS MCMILLAN: Thank you.

10 Did you, as a result of perhaps being confronted by
11 the mother and speaking to your union representative,
12 did you think maybe that you should have spoken to the
13 principal or a staff member at Donaldson's?

14 A. I did. When I spoke to the union, I asked them what
15 I was to do and they were like, 'Just hold fast and
16 we'll get back to you if anything is to be done', and
17 I never heard anything. I did ask them again a couple
18 of months later and they were saying that they -- as far
19 as they were concerned, nothing had came of it, so ...

20 Q. Then turning to paragraph 129 on page 33, you ultimately
21 tell us that you were fired for gross misconduct because
22 you got convicted for indecent assault. You mention in
23 that paragraph that you got a phone call from
24 Janice MacNeill.

25 Do you know when you received that phone call? You

1 mention there --

2 A. No. The original phone call came just before the start
3 of the school term, so it would have been round
4 about August 2013, I got a phone call one evening to say
5 that she had been directed by the Board of Governors to
6 suspend me under investigation.

7 Q. And how did you feel when you received that particular
8 phone call?

9 A. Shocked. I had no idea then, then when she -- I said,
10 'Have I done something wrong?' And she's like, 'It's
11 nothing to do with the school, it's nothing to do with
12 any of the children at the school', but it was something
13 that possibly happened four years ago, and that was the
14 first I'd heard of it, so ...

15 Q. And as far as you were aware, I think you mention at
16 paragraph 129, that it had recently come to the school's
17 attention that something had happened years ago and the
18 Board of Governors were obliged to investigate?

19 A. Yes.

20 Q. So the instruction to suspend you, at that point, who
21 did you think it came from?

22 A. The Board of Governors.

23 Q. And I think the Inquiry has heard evidence that you were
24 perhaps quite distressed about -- during the course of
25 that phone call?

1 A. Yes.

2 Q. And I think ultimately then, as a result of your
3 conviction, then you no longer worked at Donaldson's and
4 that brought to an end your term of employment?

5 A. Yeah.

6 Q. Now, you move on then in your statement at paragraph 132
7 to talk about the lessons to be learned, and you say
8 that:

9 'One thing that I'd say was missing was
10 an independent person in the school who the children
11 could talk to. I think that's key and we didn't have
12 that.'

13 A. Yes.

14 Q. So why do you think that is key?

15 A. Because young people -- if you look at the -- like, the
16 Who Cares? in residence, they have an independent person
17 they could talk to; they didn't have that in the school.
18 Plus, in the school, if a young person was being
19 interviewed or spoke to, there wasn't always a qualified
20 interpreter there. People like myself, who were
21 communication support workers, were then put in that
22 position to be that interpreter and I think that then
23 would make a young person nervous, 'cause it's another
24 member of staff they're talking to, whereas I think we
25 need a whole independent inquiry -- not inquiry, an

1 independent organisation where young people can approach
2 and know that they're not ...

3 'Cause I personally -- I mean, I've now got a degree
4 in psychology and I always have a psychology head on,
5 and I think it must be really daunting wanting to
6 disclose something but then it's a regular face that you
7 see every day. So you're trusting that they're going to
8 do it right, but then it might be that fear factor, 'If
9 I say something, that's a member of staff'.

10 So I think, personally, that there should be
11 a completely separate organisation with -- what did we
12 call it? Open communication or full communication needs
13 met for young people to access, not just in residential
14 care but every day there should be an organisation that
15 they can go to where they're not going to see
16 a face that -- 'cause even if you're a classroom
17 assistant, your authority is higher than the child's and
18 they might not open up because they'll be worried about
19 if there's a backlash or something.

20 So, personally, I think there should be like the
21 Who Cares? organisation, but there all the time, not
22 just for residential.

23 MS MCMILLAN: Thank you, 'Derek'. I don't have any further
24 questions for you.

25 A. Thank you.

1 LADY SMITH: 'Derek', I don't have any other further
2 questions for you either. I just want to thank you
3 again for coming here this afternoon and answering our
4 questions as openly and fully as you have done. It's
5 been so good to hear from you in person, in addition, as
6 said earlier, to having your written statement.

7 So feel free to go and, I hope, have a restful time
8 for the rest of today. You've earned it.

9 A. Thank you.

10 (The witness withdrew)

11 LADY SMITH: Very well. A few names I want to mention. You
12 will recognise them, I think, from me mentioning them
13 before, but there are people who are not to be
14 identified as having been mentioned in our evidence
15 outside this room: PZY [REDACTED], PHY [REDACTED],
16 KKW [REDACTED], PHZ [REDACTED] and a boy called PFY [REDACTED].

17 Thank you.

18 MS MCMILLAN: Thank you, my Lady. So that concludes the
19 evidence for this week.

20 On Tuesday, we will commence at 11 o'clock with
21 a final witness for Donaldson's. Thereafter, we will
22 have evidence from Peter Doran, Harmeny, who led the
23 Doran Review; and on Wednesday we will have expert
24 evidence followed by witnesses from the Mental Welfare
25 Commission.

1 LADY SMITH: Thank you very much.

2 Well, I wish you all a good weekend and I'll rise

3 now until 11 o'clock on Tuesday morning.

4 (3.40 pm)

5 (The Inquiry adjourned until 11.00 am

6 on Tuesday, 7 October 2025)

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