

Tuesday, 7 October 2025

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(11.00 am)

LADY SMITH: Good morning, and welcome back to our case study hearings in this part of Phase 9 in which, again today, we will be looking in particular this morning at provision of residential care for children at Donaldson's School for the Deaf, and then we'll move on to some other evidence this afternoon.

I just want to start once more by mentioning that, knowing that giving evidence isn't easy and can be distressing for many witnesses, we do our best here to afford everybody who's giving evidence an opportunity to do so as comfortably as they can, and that may, at times, involve making appropriate adjustments.

In the case of witnesses who are deaf, we've made such adjustments as we can to support communication with and by them, in particular, again, to help them give the best evidence that they can to us. You'll notice the layout of the room has been adjusted, for example.

Now, this morning the proceedings will be interpreted in British Sign Language, because we have a witness who's deaf, and also there may be members of the public listening to the evidence who are deaf. There may be some pauses to allow for interpretation.

Now, we've got two experienced British Sign Language

1 interpreters to interpret the evidence that's going to
2 be given by the witness who we'll be calling in a few
3 minutes. They'll swap, as usual, probably about every
4 20 minutes or so, according to what works best for them.
5 And they will be seated, again today, beside senior
6 counsel.

7 And when giving their evidence, the witness, who is
8 deaf, will also have the assistance of a deaf
9 intermediary, and the intermediary has his interpreter,
10 who's sitting just below me here, to assist.

11 Now as I've mentioned before, the deaf intermediary
12 is here, again, as an independent specialist in deaf
13 communication, so as to help the witness to understand
14 what's happening, and to understand and be understood
15 when giving evidence.

16 We will also again have British Sign Language
17 interpreters available in the public gallery, so as to
18 provide additional translation for the evidence of any
19 British Sign Language users there who are wanting to
20 follow this morning's proceedings, and
21 a British Sign Language interpreter again available in
22 the public gallery if anybody there wishes to speak to
23 a member of the Inquiry team, whether, for example, to
24 find out more about our work, or to find out whether
25 they're able to provide evidence to us, or indeed for

1 any other reason.

2 In addition to having support of our
3 British Sign Language interpreters and the intermediary,
4 our first witness today will be giving evidence from
5 behind screens. So before the witness comes in we will,
6 as usual, pull the curtains right across the room.
7 There's a curved curtain that goes round the seat for
8 the witness, and once the witness is comfortably seated,
9 the curtain right across the room will be opened up.

10 Now, I think I have one interpreter to swear in this
11 morning, is that right? Where is she? Oh, she's here,
12 yes, of course.

13 Could I ask you to stand up.

14 Ruth Edgoose, BSL interpreter (sworn)

15 LADY SMITH: Thank you very much. Now, do feel free to take
16 your seat again.

17 Now, I think we're ready for the witness to be
18 introduced. Ms Innes.

19 MS INNES: Yes, my Lady, the witness this morning has the
20 pseudonym 'Tim'. He attended Donaldson's between 1998
21 and 2002. Before 'Tim' comes to give evidence, I have
22 various documents to put on the screen, as 'Tim' has
23 convictions relating to his time at Donaldson's.

24 So if I can begin, please, with JUS-000000237. And
25 your Ladyship will see here that this is a conviction

1 from 200█. The conviction was in █ 200█ and
2 sentence was in █ 200█. And if we scroll down,
3 we can see that it was a plea to three charges, two of
4 indecent assault and one which is of unlawful sexual
5 intercourse.

6 And then at the bottom of the page, your Ladyship
7 will see that the court made a two-year probation order.

8 Just moving on to JUS-000000253, to look at the
9 charges that 'Tim' pled guilty to, because these were
10 amended from the indictment. If we could look, please,
11 at page 3 of this, your Ladyship will see that he pled
12 guilty to charges 1 and 4 as amended, and I will come
13 back to those two. In relation to charge 5, your
14 Ladyship will see the terms of the charge, of charge 5,
15 which were in respect of an offence of unlawful sexual
16 intercourse in respect of a girl who was also born in
17 1985, as 'Tim' was.

18 If we can go back in this to page 2, I think we can
19 see, on page 2, the amendment to charge 1, so that again
20 the terms of the charge were substituted by agreement,
21 and this is two occasions of indecent assault in respect
22 of a child who was born in 1987.

23 Then, finally, if we could look, please, at
24 JUS-000000235. If we look down to charge 4, this has
25 been amended in handwriting, and this is a charge of

1 indecent assault on one occasion in respect of a child
2 born in 1984. There are other charges on the indictment
3 and 'Tim's' pleas of not guilty were accepted in
4 relation to those other charges.

5 That's all I have to say by way of reference to the
6 conviction, my Lady.

7 LADY SMITH: Thank you. Thank you very much. Can we close
8 the curtains now so the witness can be brought into the
9 room.

10 'Tim' (affirmed)

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

13 'Tim', thank you for coming along to give your
14 evidence today.

15 Now, you're giving evidence from behind a screen,
16 and I want to reassure you that you can only be seen
17 by: the lawyers, who are sitting directly across from
18 you, particularly Ms Innes; the interpreters; the
19 administrative team at the back, if I may call them
20 that, these are the people that are making sure that the
21 technology is working; and also the intermediary, who's
22 sitting beside you to your right; and the intermediary's
23 interpreter, of course; together with your witness
24 support officer; and the two gentlemen who are to your
25 left, who are the stenographers seeing to the making of

1 a transcript of the evidence.

2 Nobody else in the room can see you, although there
3 are people there, and they will hear and have
4 interpreted for them, in the case of those who are BSL
5 users, the evidence as we go along.

6 Now, so far as your evidence is concerned,
7 I've already got your written evidence and it's in that
8 red folder in front of you. It's already evidence
9 before the Inquiry, and I'm really grateful to you for
10 helping me by providing it in advance. Let me assure
11 you we're not going to go through it word for word, but
12 there are some particular aspects of it that we'd like
13 to focus on with you, if that's okay.

14 A. Okay.

15 LADY SMITH: As we go along, I very much hope that you'll
16 find the interpretation provided, also aided by the
17 intermediary beside you, such as we're able to make
18 good, effective communication, but if at any time you've
19 got any problems with any of it, please let me know.

20 A. Okay, thank you.

21 LADY SMITH: And if you want to check anything at any time,
22 or we've not made ourselves clear, that's our fault, not
23 yours. So do make sure we understand that.

24 A. Okay, thank you.

25 LADY SMITH: 'Tim', I also know that giving evidence at all

1 is really tiring, and quite stressful, particularly if
2 you're being asked about things that happened a long
3 time ago when you were a child, and when things were
4 very difficult at times. Some people need a break at
5 times. I quite understand that. I'll take a break at
6 about midday anyway, but if you want a break earlier
7 than that, that's not a problem, you just need to let me
8 know.

9 A. Thank you, I appreciate that.

10 LADY SMITH: And finally, 'Tim', before I hand over to
11 Ms Innes, I want to assure you that there is no rush.
12 Do take your time answering our questions. I want you
13 to be as comfortable as you can when giving your
14 evidence, all right?

15 A. Okay. Thank you.

16 LADY SMITH: I'll hand over to Ms Innes now and she'll take
17 it from there. Thank you.

18 MS INNES: My Lady, I'm not sure if you wish to cover with
19 'Tim' that allegations --

20 LADY SMITH: I probably should just now.

21 MS INNES: -- may be put to him.

22 LADY SMITH: Yes, there's something that I'll cover just
23 now, 'Tim', but if you want me to go back to it later
24 on, I can do that again. This is not a courtroom, as
25 you understand. It's a public inquiry. But you do have

1 all the protections that you would have in a courtroom.
2 And that means that if you're asked any question, your
3 answer to which could incriminate you, you don't have to
4 answer it. It's your choice. If you choose to answer,
5 I expect you to do it fully, but you're perfectly
6 entitled to choose not to answer it.

7 Also, if you do answer it, as I mentioned a few
8 minutes ago, we have a transcript being made of the
9 evidence and that would be available at a later date and
10 you need to bear that in mind. But I hope that's clear.
11 If you're in any doubt at any time whether anything
12 we're asking you falls into that category, do ask again
13 and we'll confirm one way or the other, all right?
14 Thank you.

15 Ms Innes.

16 A. Okay, thank you very much, I understand that, thank you.

17 Questions from Ms Innes

18 MS INNES: Thank you.

19 Now, 'Tim', I'm going to start by referring to the
20 statement that you have given to the Inquiry, and it has
21 the reference WIT-1-000001675 and it's in the folder in
22 front of you. And I wonder if you want to start by
23 looking at page 17, which is the final page of the
24 statement.

25 A. Yes.

1 Q. And at paragraph 87, you tell us that when you were
2 providing the statement, when you met with the Inquiry
3 team on two occasions, you had the assistance of two
4 British Sign Language interpreters and the assistance of
5 a deaf registered intermediary. And you've also told us
6 that you signed your statement on 18 September 2025,
7 after your statement had been read out to you and
8 interpreted by the interpreters, is that correct?

9 A. Yes.

10 Q. And you say at paragraph 88 of your statement that you
11 have no objection to your witness statement being
12 published as part of the evidence to the Inquiry, and
13 you believe the facts stated in this witness statement
14 are true, is that correct?

15 A. Yes.

16 Q. Now, I want to go back to the beginning of your
17 statement. So I think, if you turn over the next page,
18 you will see the start of your statement there. And
19 you've told us that you were born in 1985; is that
20 right?

21 A. In 1985, that's right.

22 Q. And at paragraph 3 --

23 A. Mm-hmm.

24 Q. -- you tell us there that you lived with your family and
25 you remember your life with your family as being

1 a happy, normal childhood. You then go on to say:
2 'When I stayed with my family, I attended two
3 hearing mainstream schools.'

4 A. Mm-hmm, yep.

5 Q. How were you able to communicate in these schools? Did
6 you have somebody supporting you?

7 A. So they had a deaf unit in that school, it was full of
8 deaf students, so I wasn't mixed with hearing children.

9 Q. Okay. How did you find the schools that you attended
10 before you went to Donaldson's?

11 A. The first school was awful. There was a lot of, kind
12 of, bullying and fighting with the other hearing
13 students. It wasn't great. So when I moved to the
14 different -- the other hearing school, that was much
15 better. It seemed to be a little bit more respectful of
16 the deaf kids that were there. And, as I say, we had
17 that room where it was with the deaf children, but then
18 we equally mixed with the deaf children. So it was
19 a lot better -- the hearing children, sorry. And it was
20 a lot better.

21 Q. At paragraph 4 of your statement --

22 A. Mm-hmm.

23 Q. -- you tell us there that before you went to
24 Donaldson's, there was a woman called Val who came to
25 the house and asked you if you wanted to go to

1 Donaldson's, and you thought why not, because it's
2 a specific school for the deaf. You say that's why you
3 moved there.

4 A. Mm-hmm, yep.

5 Q. Do you know why it was that this lady was suggesting
6 that you go to Donaldson's School?

7 A. I can't fully remember what Val's role was at that time.
8 She came to visit me and helped me a little bit with my
9 homework, because I can't remember how long it would
10 have been, I got suspended from the hearing school, so
11 she was helping me with my homework and things like that
12 and she'd asked me to visit a deaf school and see if it
13 was something that I could go to, so I did, I agreed to
14 go and visit.

15 Q. And again, in the paragraph that you've just looked at,
16 you tell us that you went to Donaldson's for a visit
17 before you went to school for the first time.

18 A. Yes.

19 Q. What were your first impressions on that visit?

20 A. It was massive. I remember it being a massive school.
21 I thought it would be full of deaf children. And when
22 I went in, it wasn't full of deaf children, like
23 I expected it to be, but there was deaf, obviously deaf
24 children there. And I thought I would prefer to be in
25 a deaf school because I am deaf, I don't want to be in

1 hearing mainstream school, because it was problematic,
2 I would rather be in a deaf school.

3 Q. At paragraph 5 of your statement --

4 A. Mm-hmm.

5 Q. -- you tell us there that you were to stay at
6 Donaldson's Monday to Friday, and go home at the
7 weekends.

8 A. Yes, that's right.

9 Q. Is that what happened over the whole time that you were
10 at Donaldson's?

11 A. Yes, that's correct.

12 Q. Now, if we go over the page to page 2 and paragraph 6.

13 A. Yeah, okay.

14 Q. In that paragraph, you tell us a little bit about the
15 residence which was where you lived. Was the residence
16 in the main building at Donaldson's?

17 A. Yeah, it was in the main building, yes.

18 Q. Okay.

19 A. The same -- where the classrooms would have been, the
20 residence was upstairs.

21 Q. Okay, so the classrooms were on the ground floor and the
22 residence was upstairs?

23 A. So it was a square, the building, the class would be in
24 one corridor, the classes would be in one corridor, and
25 the residence was in the other side, it was like

1 a quadrangle, so classrooms on one side, residence on
2 the other.

3 Q. Okay. And you tell us that there were two units; is
4 that one for the boys and one for the girls?

5 A. Yes, that's correct.

6 Q. And were these all on the same floor?

7 A. Yes, it was all in one corridor, one floor, yeah.

8 Q. Okay. And were there different rooms within each unit?

9 A. So I shared rooms with some boys, so for example in one
10 room you'd maybe have four beds, so there would be four
11 boys in that bed and then in the next room it would
12 maybe be a little bit smaller, so there'd be three beds
13 in there and so on and so forth, it really depended on
14 the size of the room as to how many boys were in that
15 room.

16 Q. Okay. Did you always share a room when you were staying
17 at Donaldson's?

18 A. Yes.

19 Q. Now, if we can look on to paragraph 7.

20 A. Mm-hmm.

21 Q. So you tell us there that in the residence, it was rare
22 to have a deaf member of staff, most were hearing staff.

23 A. That's correct, yeah.

24 Q. How did you feel about that?

25 A. I can't say it really bothered me.

1 Q. Could the hearing staff all use sign language?

2 A. Mm, yeah, a little bit, I would say, a little bit. If
3 it was a new teacher that came in, they were very
4 difficult, because they obviously had to learn sign
5 language at the same time. So at that point, if it was
6 someone new, they'd maybe get an interpreter
7 temporarily, until they became a bit more proficient in
8 sign language.

9 Q. Okay. You've also told us in that paragraph that we've
10 just looked at that there were a lot of changes of staff
11 during your time at the school.

12 BSL INTERPRETER: Sorry, can I just clarify, are we still
13 talking about residence or just the school in total?

14 MS INNES: I'm not sure.

15 BSL INTERPRETER: Sorry, it's just so I can set it up.

16 MS INNES: No, no, it's fine.

17 So maybe if we break it down. Were there a lot of
18 changes of staff in the residence?

19 A. Yes, yes, there was.

20 Q. And were there a lot of changes -- sorry.

21 A. I wouldn't say it was very frequent, it wasn't like
22 a frequent change, there was the odd change. You know,
23 probably you'd find, after the summer holidays, you'd
24 come back and there'd be new staff.

25 Q. And were there a lot of changes amongst the teaching

1 staff when you were there?

2 A. I would say it's quite similar to residence. It was the
3 odd occasion, not very often, but on the odd occasion,
4 there was changes to staff.

5 Q. And you've also told us that the teachers on the
6 education side were hearing, but some of the support
7 staff were from the deaf community. Did the teachers
8 use sign language to teach?

9 A. The hearing teachers would use BSL, yeah.

10 Q. Okay.

11 Now, if we can move on to paragraph 9 of your statement.
12 You tell us there that after school finished, you would
13 go up to the residence and mix with the girls. Were
14 there areas like living rooms where you could spend time
15 together?

16 A. Yes, yeah.

17 Q. Okay. And were there any staff around supervising
18 during that time?

19 A. Yes.

20 Q. Okay.

21 A. Particularly if there was two or three -- more than two
22 or three children in one room, they would have a member
23 of staff stay in that room. If there was just one or
24 two, the staff would maybe nip in and out, because there
25 was a games room, so they would go and check the games

1 room. But any more than three or four, the staff member
2 would stay.

3 Q. And you tell us in the same paragraph that when it was
4 time to go to bed, the boys and the girls were separated
5 and a partition was closed?

6 A. Yes.

7 Q. Could anybody get through that partition during the
8 night, or not?

9 A. No, the doors was locked.

10 Q. Okay. During the night were there staff on overnight?

11 A. Yes.

12 Q. Did these staff stay awake or did they sleep in the
13 residence?

14 A. When I started school, there would be staff that would
15 do a night shift, so, as I say, awake throughout the
16 whole night. And then that did change, as staff shifts
17 changed. And I think in a few years' time, I can't
18 remember exactly how long, that did seem to change, that
19 all staff would go home and we would have one member of
20 staff from outside come in and do a night shift. So
21 prior to that, staff used to take turns in shifts,
22 whereas we had somebody specific for a night shift after
23 that.

24 Q. Okay. And then, if we go on to page 3 of your
25 statement, and in paragraph 12.

1 A. Okay.

2 Q. And you tell us there, as you've already mentioned in
3 your evidence, that in the residence, there were four or
4 five in one room, three in one room, maybe two in
5 another, and the staff decided who you would be with?

6 A. That's correct.

7 Q. And that you moved around, or that changed over time,
8 the people that you were with. How did you get on with
9 the other boys that you shared a room with?

10 A. I got on well, yeah, we were good friends, yeah.

11 Q. Okay.

12 And then at paragraph 13, you tell us there that
13 there was a separate bathroom, and it was private.

14 A. Yes, that's correct.

15 Q. Was that for you and the boys in your room to share?

16 A. So all the boys would share that particular bathroom,
17 and the girls then had their own bathroom. So
18 I remember there being four toilets and four showers and
19 four sinks, but all the boys would use that bathroom.

20 Q. Okay. And were the showers in cubicles that you could
21 close?

22 A. They were closed, yeah, yeah.

23 Q. Now, if we go on to page 4 and paragraph 15.

24 A. Yes.

25 Q. So you tell us there that, after school, there was a mix

1 of activities that you could take part in, for example
2 swimming, football or going to the park. Did you take
3 part in these sorts of activities after school?

4 A. Yes. Yes.

5 Q. And did you feel like you had enough to do in terms of
6 activities?

7 A. Yeah, I would say there was plenty, yeah, there was
8 plenty. It really depended on, personally, what I was
9 feeling, you know, there were certain things that I was
10 really wanted to participate in, and other things that
11 were maybe on offer that I didn't really want to
12 participate in. But they certainly had different things
13 Monday to Thursday that you could choose, so I would
14 say, yeah, there was plenty of activities to pick from.

15 Q. Now, if we go on to page 5 and paragraph 19. You say
16 there:

17 'I think to be honest I also kind of felt that
18 I never really wanted to go there in the first place.
19 For the first three to four years I was there it was
20 fine. It was normal. It came to my fourth year,
21 towards the end, and that's [why] I kind of started to
22 enjoy it less.'

23 A. Yes, mm-hmm.

24 Q. Why did you feel that you never really wanted to go
25 there?

1 A. 'Cause it just was the same children, the same friends
2 all the time. There was nobody new, it was really, you
3 know, it was like -- in primary school I remember there
4 being lots of different people coming and going, but
5 from S1 to S5/6 it was the same people that you were
6 mixing with, and yes, of course, as they left, your
7 friend group reduced. I just think it was just a huge
8 big building and there wasn't really enough of us to
9 fill it.

10 Q. And you've also told us in that paragraph that when it
11 came to your fourth year, towards the end, that's when
12 you kind of started to enjoy it less. Why was that?

13 A. 'Cause it was decided that I would be suspended from
14 residence, so I then became a day pupil, before
15 I finally got suspended from school. But I was
16 suspended from residence and became a day pupil.

17 Q. And when you were a day pupil, did you have to travel to
18 and from the school every day?

19 A. Yes, that's correct. By train.

20 Q. And how did you find that?

21 A. It was awful, just the early mornings.

22 Q. Okay. If we can move on, please, to page 6 of your
23 statement, and paragraphs 28, 29 and 30. So you tell us
24 there that you never got a visit from a social worker,
25 you didn't have a social worker. You didn't have any

1 visits from any psychologist or any psychiatrist. Were
2 there ever any meetings that you can remember about how
3 you were getting on at school?

4 A. I can't remember.

5 Q. Do you think it would have been helpful to you to have
6 had a social worker, for example, or not?

7 A. I just -- I can't remember if I had one or not.

8 Q. Now, if we look down to the bottom of the page, to
9 paragraph 32.

10 A. Yep.

11 Q. You mention that an example of a rule at the school
12 might be not fighting with each other. Were there
13 fights between children and young people at the school?

14 A. Oh yes. Yeah, a few times, yep.

15 Q. And what happened if a fight broke out? What would the
16 staff do?

17 A. Oh yeah, they would intervene and sort it out. It was
18 mostly teachers.

19 Q. And did the teachers intervene physically to separate
20 pupils?

21 A. It really depends if I was there and I saw what
22 happened. I couldn't really say. But ones that I did
23 see, I'd say it was mainly signing saying, 'Stop, stop,
24 you'll go to the headteacher', for any intervention that
25 I saw.

1 Q. Okay. And what was the punishment for fighting?

2 A. I don't know, I don't know.

3 Q. Can you remember if pupils ever missed out on activities

4 because they were being punished for something?

5 A. In residence, yes, I would say that happened. If you

6 had bad behaviour they would say that you wouldn't get

7 out and a member of staff would stay with you if you

8 didn't have good behaviour.

9 Q. Okay. And did that ever happen to you?

10 A. Yes.

11 Q. And how did you feel about that? Not being allowed to

12 go on an activity?

13 A. I was disappointed. Because if I have to stay, then

14 there was absolutely nothing to do. So I would be left

15 just to, I don't know, amuse myself, do boring things,

16 a little bit of art or something, and just very much

17 aware that everyone else was enjoying themselves

18 outside.

19 Q. Okay.

20 Now, if we go on over the page to page 7 and

21 paragraph 36. So at paragraph 36, you tell us about

22 staff members who were responsible for two or three

23 boys, and if any of the boys had a problem, they had

24 a designated member of staff to go to. And you say:

25 'You would know that that was the person that would

1 you go to if you had an issue with anything when you
2 were in residence. As pupils we always nicknamed that
3 person as "The Godfather".'

4 A. Yes, that's right.

5 Q. Okay. Did you have meetings with this person to talk
6 about how things were going at the school?

7 A. It would depend what year group you were in, so for
8 example, you'd be with -- so each year group you would
9 get a different 'Godfather', maybe because somebody left
10 or somebody new came in. So each year you would have
11 somebody different assigned to you.

12 Q. And did you find the 'Godfathers' that you had easy to
13 speak to, or not?

14 A. I mean, I don't really think I had any particular
15 feelings over it. They seemed quite normal. I could
16 engage with them.

17 Q. Okay.

18 Now, if we go on over the page at paragraph 40. So
19 you tell us there that you think it was other children
20 name calling and people calling you names, and then you
21 say:

22 '... one of the kids said to me I was going to get
23 sent home or something like that. At that point, that's
24 when I got upset and blew up a bit and then the staff
25 had taken hold of me and then got me on the floor. The

1 staff held me and held me onto the floor, just until it
2 calmed down.'

3 A. That's right.

4 Q. Okay. When you were being held on the floor, were you
5 being held face down or not, can you remember?

6 A. My face was on the floor, face down, on my chest, my
7 chest was in contact with the ground.

8 Q. Okay. And you say that:
9 'Stewart, along with another strong man, who was
10 a hearing "Godfather" ...'

11 Were the people who held you down. So two staff
12 members held you on the floor?

13 A. That's right.

14 Q. Can you remember whereabouts on your body they were
15 holding you, how they were holding you?

16 A. So they put my hands behind my back and held me by my
17 hands with my hands behind my back with me on the
18 ground.

19 Q. Now, do you have any idea how long that went on for?

20 A. I couldn't remember that.

21 Q. And you say in this paragraph that the headteacher was
22 there watching what was going on. Can you remember --

23 A. That's right.

24 Q. -- who that was?

25 A. Mr Scott, er -- Mrs Allan.

1 Q. Okay. How did you feel about being held down on the
2 floor like that?

3 A. I mean, I was nervous. I didn't want that to happen.
4 It wasn't what I had wanted to have happen.

5 Q. Okay.

6 And at paragraph 42 --

7 A. Mm-hmm.

8 Q. -- you talk about this incident again and you say that
9 it all happened very quickly. It happened out of the
10 blue and then after you say:
11 'I calmed down. I realised where it had gone
12 wrong.'

13 Did someone sit down with you after this and speak
14 to you about what had gone wrong?

15 A. I actually can't remember.

16 Q. Okay. And what do you think had gone wrong?

17 A. Again, I really don't remember.

18 Q. Okay. Now, if we can move on, please, to page 9 and
19 paragraph 45. You say there that there was a clear
20 system of knowing how to make a complaint and who to go
21 to. If you wanted to complain about something, who
22 would you have gone to?

23 A. Sometimes, if I was wanting to complain, I would
24 complain to the teacher. If it was really bad, I would
25 go to the headteacher. And also separately in

1 residence, it would be the Godfather if it was, you
2 know, something that had happened that I was concerned
3 about or you would go above that if it was something
4 quite serious.

5 Q. And how do you feel the staff dealt with any complaint
6 that you had? Did they listen to what you had to say?

7 A. It depended -- I mean, it depended what I was
8 complaining about, I guess. If it was just some small,
9 minor thing, you know, they'd be like, 'Oh, just ignore
10 them' you know, 'Don't bother with that'. If it was
11 something more serious then yeah, it would be dealt
12 with.

13 Q. Okay.

14 Now, can we go on, please, to page 10 of your
15 statement, and paragraph 50.

16 So you tell us there that Mr Scott was the
17 Headteacher when you arrived at Donaldson's and you
18 think when you first met him he seemed kind of normal:

19 'He was an older man at the time. He seemed fine.
20 I think that when there were troubles or any issues, he
21 could be quite strict and quite tough.'

22 What makes you think that? That he was strict and
23 quite tough?

24 A. Facial expressions, mostly. You would see the tough
25 facial expressions, but he would do that to kind of sort

1 things out, smooth things out.

2 Q. And I think we know that he left Donaldson's probably
3 not that long after you started at the school; is that
4 right?

5 A. Yeah, that's right. Oh, actually, I can't -- I'm not
6 sure of the timeline of that, but yes, uh-huh, yeah.
7 What the timeline was, I'm not sure.

8 LADY SMITH: 'Tim', what time of year did you start at
9 Donaldson's for your first term there?

10 A. It was the [REDACTED], started in the [REDACTED].

11 LADY SMITH: Thank you.

12 MS INNES: Now, at paragraph 51 of your statement you talk
13 about a woodwork teacher and a woodwork assistant.

14 A. Yes. Sorry, I'll just have a quick look at that.
15 Yeah.

16 Q. Okay. And you tell us there that they both left when
17 Mr Scott left. Do you know why it was they left at that
18 time?

19 A. Something to do with Mr Scott and abuse, I think.

20 Q. Okay.

21 Then you, at paragraph 52 -- sorry, back up to 52,
22 sorry.

23 A. Yeah.

24 Q. Okay, so there was the woodwork teacher, and you say
25 that he was a big, tall man, really tall. He was a bit

1 rough, and you know that he has passed away now?

2 A. Yes.

3 Q. And was he a hearing person?

4 A. He was hearing.

5 Q. Okay. And the assistant staff member, who you refer to

6 as having also passed away, was he deaf?

7 A. He was deaf.

8 Q. Okay. And you tell us a bit more about him over the

9 page at paragraph 53.

10 A. Yeah.

11 Q. You say that:

12 'The assistant member of staff was deaf and worked

13 with his wife. She worked in the kitchen, she helped

14 prepare the meals.'

15 You describe this assistant and his wife as nice people?

16 A. Yes, they were, yes.

17 Q. Okay. Did you come across them when you were at

18 Donaldson's?

19 A. Yes, I did, yeah.

20 Q. Okay. And did you come across the woodwork teacher?

21 A. No. No. No, I didn't meet him.

22 Q. Now, if we look down on page 11 at paragraph 56.

23 A. Yeah.

24 Q. Okay.

25 You say there that in 200█ you were convicted at

1 Edinburgh High Court of three charges, which you thought
2 involved two girls. You say that you've been told that
3 the Inquiry have been told that the charges involved
4 three girls, but you thought it was just two?

5 A. That's correct.

6 Q. Okay. And since this information has been shared with
7 you by the Inquiry, have you been able to recollect the
8 third girl involved?

9 A. I still can't, no.

10 Q. Okay. Now, if we can talk about each girl in turn, so
11 if we look, first of all, at paragraph 58, and this is
12 about a girl called PCY [REDACTED].

13 A. Yep.

14 Q. And you note there that one of the charges you were
15 convicted of was of an indecent assault involving
16 PCY [REDACTED], and you were asked how you were able to commit
17 the offence, and then if we go on over the page to
18 page 12 at paragraph 59.

19 A. Okay.

20 Q. You say at paragraph 59 that you don't know why -- well,
21 you don't know, you say:

22 'I had no choice but to say guilty because I was
23 being told the same story over and over. She was
24 underage. I was older and would never done anything
25 [with her] as she was underage. I had no support at the

1 time. My lawyer said it would be better if I pled
2 guilty as I would not be sentenced to a long time in
3 jail. If I pled guilty, which I did, my sentence would
4 be much less. This was what he advised.'

5 So I just want to break that down and ask you some
6 questions about this.

7 A. Okay.

8 Q. Can you remember the girl called PCY ?

9 A. Yes, okay.

10 Q. Was she in your year, or another year?

11 A. No, she was younger.

12 Q. Okay. And we know that you pled guilty to this offence.
13 Did you assault PCY indecently?

14 A. No.

15 Q. Okay. And why was it that you pled guilty?

16 A. The lawyer had advised me. He had given me two options
17 and said: 'If you say you're not guilty, you're going to
18 get a very stiff punishment, so you should say not
19 guilty, because if you say guilty, you're going to have
20 a jury, it's going to go to trial, I strongly advise
21 that you say you're guilty of this charge -- if you say
22 you're not guilty', I apologise, 'If you say not guilty
23 it's going to go to a jury.

24 I felt like I had no choice, that was my choice.

25 I'm sorry, could I have a break, please? I'm really

1 sorry, please can I have a break?

2 LADY SMITH: Yes, 'Tim', that's not a problem.

3 As I said, we can take a break at any time, let's do
4 that now and you can let me know when you're ready to
5 start again, thank you.

6 (11.57 am)

7 (A short break)

8 (12.19 pm)

9 LADY SMITH: 'Tim', welcome back. Are you ready for us to
10 carry on?

11 A. Yes, I am.

12 LADY SMITH: Thank you very much.

13 Ms Innes.

14 MS INNES: Thank you, my Lady.

15 'Tim', I just want to be absolutely clear about
16 something that you were telling us before the break, and
17 this is about the conversation between you and your
18 lawyer.

19 So I think what you're telling us is that your
20 lawyer said it would be better that if you pled guilty,
21 because you wouldn't get such a long jail sentence,
22 whereas if you were to plead not guilty, then the jury
23 would be involved, and it would be a long sentence, is
24 that what he said?

25 A. Yes, that's right, he advised to say guilty, because if

1 I said not guilty, it would then go to a trial, we'd
2 have a jury. If I said guilty then there would be no
3 jury involved.

4 Q. Yes, okay.

5 And did you feel like you had a choice, or not, as
6 to what to do?

7 A. Honestly, I did want to say not guilty. But I felt like
8 I didn't -- there was a lot of pressure. I didn't have
9 any support back then.

10 Q. When you say you didn't have any support, was there
11 anybody with you when you were speaking to the lawyer?
12 Any family member or friend, for example?

13 A. My mum and dad were there.

14 Q. Okay, and did you have interpreters involved when you
15 were speaking to the lawyer?

16 A. Yes, there was interpreters.

17 Q. Okay. Do you feel that you understood what was going on
18 properly?

19 A. No. Honestly, I was a teenager, I didn't fully
20 understand what was going on. I didn't understand what
21 court meant. I didn't understand what the processes
22 were. I had no idea what was happening. Very
23 isolating. I was only [REDACTED] at the time.

24 Q. Now, if we -- sorry.

25 LADY SMITH: Can I just be clear about your age at the time

1 of the trial, 'Tim'. I've got dates on some documents
2 here.

3 A. I was [REDACTED]. [REDACTED].

4 LADY SMITH: I wonder if you were a little bit older than
5 that when the trial took place.

6 A. I thought I was [REDACTED]. Was I [REDACTED]? [REDACTED]? I can't remember.

7 LADY SMITH: Well, 'Tim', in fairness to you, I need to
8 explain why I'm asking this.

9 A. Sure.

10 LADY SMITH: You see, I've got some documents that tell me
11 that in 200[REDACTED], the report was done to help the court
12 understand your circumstances before sentencing you.

13 A. Mm-hmm.

14 LADY SMITH: So that would mean you were probably [REDACTED] or [REDACTED]
15 at the time you pled guilty.

16 A. Oh, I understand what you're saying to me. 200[REDACTED],
17 I actually failed my driving test at that time,
18 I remember that now, yeah, and I passed in 200[REDACTED]. So
19 you're right, actually, yes, I would have been [REDACTED],
20 maybe?

21 LADY SMITH: Yes, well, 200[REDACTED], I think you would have been
22 nearly [REDACTED]. But [REDACTED] teens.

23 A. Okay, I'm not -- yeah, I can't -- yeah.

24 LADY SMITH: Okay, it's not really very important.

25 A. I've not got a great memory. I do apologise, I've not

1 got a great memory.

2 LADY SMITH: That's okay. But I think what you are at pains
3 to tell me is that when the events occurred that led to
4 you being charged, that those events took place when you
5 were [REDACTED] or [REDACTED]?

6 A. Yes, that could be. I understand what you're saying
7 now, yes, uh-huh, yeah.

8 LADY SMITH: I have got a clearer picture, thank you, 'Tim'.
9 Ms Innes.

10 MS INNES: Thank you, my Lady.

11 Now, can I ask you about another charge. We talked
12 about a charge in respect of a girl called PCY [REDACTED], and
13 then you pled guilty in respect of a charge of indecent
14 assault involving a girl called [REDACTED], and if you
15 look at paragraph 61 of your statement, this is on
16 page 12.

17 DEAF INTERMEDIARY: Which paragraph, sorry?

18 A. Okay, yeah.

19 MS INNES: So this is the charge that you don't remember
20 pleading guilty to, is that right?

21 A. That's correct, yes, that is correct.

22 Q. Okay. Do you know the girl [REDACTED] who's referred to?

23 A. I do, yes.

24 Q. Okay. And was she in your year at school, or
25 a different year?

1 A. Oh gosh, I can't remember that.

2 Q. Okay. And did you ever assault her?

3 A. No.

4 Q. Okay.

5 Now, the next girl that you talk about is KYG [REDACTED],
6 and if you look at paragraph 62 of your statement.

7 A. Yes.

8 Q. You tell us there that you pled guilty to a charge of
9 having unlawful sexual intercourse with her, because she
10 was under 16 at the time.

11 At paragraph 63 --

12 A. Yes.

13 Q. -- you say that she was [REDACTED] older than you. So
14 was she in your year?

15 A. Yes, she was, yeah. Same year, but [REDACTED] older.
16 I think her birthday was [REDACTED] and I was [REDACTED].

17 Q. And then paragraph 64. You tell us there, I think, that
18 you had been boyfriend and girlfriend, is that right?

19 A. Yes, that's right.

20 Q. And you'd had a bit of an on/off relationship?

21 A. Yes.

22 Q. Okay. And if we go on over the page to page 13 and
23 paragraph 66.

24 A. Yes.

25 Q. You tell us there that you agree that you did have

1 sexual intercourse with her. You think - you say:

2 'I think ...'

3 Do you think you were [REDACTED] at the time and she was the
4 same age?

5 A. Yes, yes, that would have been right.

6 Q. And you say that you were able to have sex in that
7 environment because you were together as boyfriend and
8 girlfriend; is that right?

9 A. Yes.

10 Q. Now, at paragraph 67 you talk a bit about the school.

11 A. Yes.

12 Q. So you say there:

13 'It was easy to find rooms in the school where we
14 could hide. There was no staff walking around. There
15 were no monitors in the school or anything like that.
16 Before we went into class, we planned to escape and do
17 this and do that, so that's how we were able to do it.
18 It felt like it was Donaldson's lack of care, really.
19 It's a massive school, it was an old building, so many
20 rooms, the doors were never locked. Sometimes you just
21 tried doors and find it opened, and other times you
22 tried doors, and they were locked. That's how we were
23 able to do that.'

24 A. Yes.

25 Q. So I think what you're telling us there is that there

1 were lots of hiding places in the school?

2 A. Yes.

3 Q. Okay. And then at paragraph 68, you say:

4 'Other people knew what was happening. Other

5 residents were also doing the same.'

6 A. Yes.

7 Q. So are you saying that other young people were also

8 having sexual intercourse with each other?

9 A. I mean, I couldn't say.

10 Q. Okay. When you say other residents were doing the same,

11 what do you mean?

12 A. So the pupils, children, would do the same, they would

13 do the same.

14 Q. And what do you mean by 'the same'?

15 A. I don't understand, I'm sorry.

16 Q. Okay.

17 DEAF INTERMEDIARY: The question is just reiterating: well,

18 what do you mean by 'the same'? Does it mean like --

19 what does it mean by 'the same'?

20 A. So I was in a couple, there were other boyfriends,

21 girlfriends, they would do the same.

22 Q. Okay. So they also hide, or go off to sort of hiding

23 places in the school together?

24 A. Yes, that's right.

25 Q. Okay. At paragraph 69 --

1 A. Mm-hmm.

2 Q. -- you say there:

3 'When we were in the residence, it was more

4 difficult, because there were more staff and more eyes

5 on you and we were all in one long corridor. But in the

6 school you could wander freely anywhere. There were

7 classes upstairs, classes outside and classes

8 downstairs. It was a big building.'

9 So was this sort of thing going on during the school

10 day rather than in the evenings?

11 A. Yes, through the school day, yes.

12 Q. Okay. At paragraph 70.

13 A. Yes.

14 Q. Okay, so you say there that there came a point when you

15 had somebody coming in, what they called assistant

16 staff, who were looking after you because your behaviour

17 at that time was awful. And you say:

18 'I was playing truant and then I would never turn up

19 for class. I would arrive late for class. I would go

20 and hide.'

21 Why were you behaving in that way?

22 A. I was just following what the other children were doing.

23 They would do the same. They're like, 'Oh, do you want

24 to come with me? We're going to go and do whatever' and

25 I would go, you know, just like a sheep, you know, just

1 following the crowd, doing what they were doing.

2 Q. And what did the staff do about you playing truant?

3 A. Nothing. Nothing. I mean it depends if I was out for

4 too long then they would come and look for us, if you

5 were out of the classroom for too long they'd come look

6 for you.

7 Q. And then you say in the same paragraph that we've just

8 looked at that between the third and fourth year you had

9 support staff with you all the time. Was that during

10 the school day, there was somebody with you at all

11 times?

12 A. Through the school day, it was only through the school

13 day.

14 Q. Okay. So what happened after school? Was there nobody

15 with you at that point?

16 A. No, no.

17 Q. And was this during a time that you were still living in

18 the residence or was this when you were just a day

19 pupil?

20 A. I was still resident in the residence at that time.

21 Q. Okay. And you talked also in this paragraph about the

22 support staff that were with you during the school day

23 and you said that they were great and they helped you.

24 How did they help you?

25 A. They just made sure that I was in the class, that, you

1 know, if I had an attitude, they would sit and talk to
2 me about that, try and kind of modify my behaviour, help
3 me with my behaviour, make me understand that there are
4 ways to behave and there are ways not to behave.

5 Q. Okay. And then if we look on to page 14 and
6 paragraph 72.

7 A. 72. Yeah.

8 Q. Okay. And you say there that:

9 'Nothing was done about KYG and [you] having
10 sex, even although people knew what we were doing.'

11 Did any staff know what was going on between you and
12 KYG ?

13 A. Oh, the staff didn't know, no. I mean the other pupils,
14 the friends, that kind of thing. Not staff. I think if
15 staff had known, that would have been a different story.
16 It was the others, the other pupils.

17 Q. Okay.

18 Now, at paragraphs 73, 74 and 75, you refer to --

19 A. Yeah.

20 Q. Okay, so this refers to other charges which you pled not
21 guilty to, in respect of a girl called KYG
22 and PCD, so other charges in respect of them, and
23 you pled not guilty to these other charges and those
24 pleas were accepted and I understand that you don't want
25 to answer any more questions about these charges; is

1 that right?

2 A. Yes.

3 Q. Okay.

4 Now, if I can move on, please, to page 15 and
5 paragraph 81.

6 A. 81, yes?

7 Q. 81.

8 A. Yeah.

9 Q. Okay, so you say in this paragraph:

10 'I left because they were all accusing me [REDACTED]

11 [REDACTED]

12 [REDACTED] I felt I was getting
13 a lot of pressure, I didn't feel like I had any friends.
14 I told the headteacher that I wanted to leave.'

15 So why did you tell the headteacher that you wanted
16 to leave?

17 A. I just said, you know, I explained to him that I was
18 [REDACTED], I had no friends and I just wanted to
19 leave and the headteacher said no, you're better
20 staying, because you need your Standard Grades back
21 then, Standard Grade exams, I said, 'No, I want to
22 leave'. So that's why I ended up staying.

23 Q. Okay. And who was the headteacher that you spoke to
24 about that, can you remember?

25 A. It was Mrs Allan.

1 Q. Okay. And then I think you tell us over the page that
2 you left when you were suspended?

3 A. Yes.

4 Q. And how did you feel about being suspended from the
5 school?

6 A. Well, they phoned my mum to say that I'd been suspended
7 [REDACTED].

8 Q. And what did you think about that?

9 A. I told my mum that I hadn't done anything.

10 Q. And after you left Donaldson's, did you go to another
11 school or was that the end of you being at school?

12 A. That was me finished.

13 Q. Okay.

14 A. I didn't go anywhere else.

15 Q. And if we go on to paragraph 84 on page 16.

16 A. Yes.

17 Q. You say there that in your time at Donaldson's:
18 'The main problem was a lack of supervision. The
19 school was far too big, with a small number of pupils.'

20 Why do you say that the main problem was a lack of
21 supervision?

22 A. I mean, when you think about going to class, there would
23 be teachers in the class, but when you get to your next
24 period, your next different class, there'd be no
25 supervision within that class, and that's how you could

1 just leave. You could just leave the class, 'cause
2 there was nobody there.

3 Q. And at the very end of that paragraph, you say:
4 'I am glad that school is now closed.'

5 A. Yes.

6 Q. Do you mean the old building?

7 A. Yeah, Donaldson's School. Yep, I'm glad that's closed.

8 Q. And why are you glad that it's closed?

9 A. I mean, just because of everything that happened with
10 Mr Scott, with the allegations against me, and the other
11 allegations that were going on within the school. The
12 deaf pupils had dropped significantly in number. There
13 was a lack of supervision.

14 Q. So when you were there, were there -- you described when
15 you went there originally, there were lots of deaf
16 pupils, but did that reduce over the time that you were
17 there?

18 A. Yes, it did.

19 Q. And how did you feel about that change?

20 A. I mean, I didn't really make much notice myself,
21 I just -- you just went to school. I had friends, so
22 I just went along, I didn't really think much of it.

23 Q. Okay. Did it make any difference to your experience at
24 school, do you think?

25 BSL INTERPRETER: Apologies, Ruth, make any difference as in

1 the pupil numbers?

2 MS INNES: The pupils who were no longer deaf, but coming
3 in.

4 A. Yeah, I mean there was the primary school, there were
5 new children coming into primary, but not into the
6 secondary.

7 Q. I see.

8 Now, paragraph 85 of your statement, you say there:

9 'I think it's important for children in the future
10 that the staff, that there's plenty of them, and that we
11 listen to children, and the supervision of children
12 today should be paramount.'

13 A. Yes.

14 Q. Okay, so I think that's your reflection, given your time
15 at Donaldson's, and what you've said about the lack of
16 supervision, is that right?

17 A. Yes, that's right.

18 Q. Okay.

19 LADY SMITH: 'Tim', I'd like to ask how you think more
20 supervision would have helped you?

21 A. Well, that would have meant that we would have stayed in
22 class, and that maybe staff would know what we needed,
23 for example, you know, maybe a child just wants to talk,
24 because, you know, obviously that you're in residence,
25 you're away from your family, so sometimes you just want

1 to talk to someone, and if there'd been people there
2 then that could have happened.

3 LADY SMITH: Thank you.

4 MS INNES: In terms of any sex education at the school, was
5 there sex education that you can remember?

6 A. In science, I believe there was.

7 DEAF INTERMEDIARY: Possibly clarify again, maybe. Can you
8 clarify the question again, please, maybe?

9 MS INNES: Was there sex education at school, for example
10 telling you about consent, or what would be appropriate,
11 or not appropriate, given ages of the other children,
12 for example?

13 A. No, we never got that. No -- no, we didn't get that.

14 Q. Do you think that would have been helpful?

15 A. Yes, yes, I do, yes.

16 LADY SMITH: 'Tim', what about contraception? Were you
17 taught anything about contraception?

18 A. No, no.

19 MS INNES: 'Tim', I don't have any more questions for you.

20 LADY SMITH: Thank you.

21 'Tim', I don't have any other questions either. But
22 I do want to thank you again for coming here this
23 morning, engaging with us in the questions that we
24 wanted to ask you, and doing so as carefully and
25 thoughtfully as you have done. I really appreciate

1 that.

2 A. Thank you.

3 LADY SMITH: I'm now able to let you go and wish you a safe
4 journey back home.

5 A. Thank you very much.

6 LADY SMITH: You just wait there and we'll close the screens
7 again, and take your time.

8 (The witness withdrew)

9 LADY SMITH: There are some names I'd like to mention before
10 the lunch break.

11 These are names of people who are not to be
12 identified as having been referred to in our evidence
13 outside this room. And they're all girls who were at
14 Donaldson's, and have been referred to. A girl called
15 KYG, one called PCD, one called, and
16 one called PCY. It is important that their
17 identities remain protected.

18 Now that's it for this morning, I think.

19 MS INNES: That's it for this morning and that concludes the
20 evidence in relation to Donaldson's.

21 LADY SMITH: Yes.

22 MS INNES: This afternoon we have Peter Doran, who was at
23 Harmeny and led the Doran Review, giving evidence.

24 LADY SMITH: And correct me if I'm wrong, Ms Innes, but is
25 this the last hearing at which we will be utilising the

1 assistance of the interpreters?

2 MS INNES: It is, my Lady.

3 LADY SMITH: I'd just like to put it on record, please, how
4 grateful I am for the skilled interpretation and support
5 they have given to us.

6 Also, to the gentlemen who's sitting over there, as
7 being the deaf intermediary, and his interpreter as
8 well, we couldn't have done this without them and I want
9 that to go in the transcript, please.

10 Thank you.

11 (12.47 pm)

12 (The luncheon adjournment)

13 (2.00 pm)

14 LADY SMITH: Good afternoon.

15 Now, we return to, I think it's other evidence,
16 including about Harmeny this afternoon, but really
17 rather more than that, if I've got it right.

18 Would you like to introduce it, Ms McMillan?

19 MS MCMILLAN: Thank you, my Lady.

20 Yes, your Ladyship is correct. The next witness is
21 Peter Doran. He was employed at Harmeny from 1996 until
22 2010. He initially worked as a team leader there, then
23 he was Head of Care from 1997 to 2005, and eventually he
24 was CEO from 2005 to 2010. He is also the author of the
25 Doran Review.

1 LADY SMITH: Thank you.

2 Peter Doran (affirmed)

3 LADY SMITH: I hope my first question is the easiest one
4 that we have for you this afternoon. How would you like
5 me to address you? I'm happy to use your first name or
6 your second name.

7 A. First name's perfectly okay.

8 LADY SMITH: Thank you for that, Peter.

9 And thank you for providing in advance of this
10 afternoon your written statement which is in that red
11 folder. It's been so helpful to me to be able to read
12 that in advance, as well, of course, as being able to go
13 back over your 2012 review document.

14 This afternoon we won't go through every part of
15 your statement, or, indeed, the review document, in
16 detail, but there are particular parts we'd like to
17 focus on, if we can. It's also your opportunity to flag
18 up anything you want to contribute, if we miss that and
19 you have a burning desire to tell us in the hearing
20 format.

21 If at any time you've got any questions, do speak
22 up. If you want a break at any time, do tell me.
23 I stop at about 3 o'clock for a short break anyway, that
24 gives anybody a breather, including the stenographers,
25 who have been hard at it all day. And if you, as I say,

1 have got any queries or concerns about anything, just
2 let me know.

3 If you're ready, I'll hand over to Ms McMillan and
4 she'll take it from there, is that okay?

5 A. Okay.

6 LADY SMITH: Thank you.

7 Ms McMillan.

8 MS MCMILLAN: Thank you, my Lady.

9 Questions from Ms McMillan

10 MS MCMILLAN: Good afternoon, Peter.

11 Before I ask you questions in particular about your
12 statement, just a matter of formality first. Can I ask
13 you to look at the back page of your statement, so
14 that's page 59, and the reference is WIT-1-000001674.

15 A. Sorry, I realise I've come in without my reading
16 glasses.

17 LADY SMITH: You need your glasses.

18 Are they easy to find or do you need to go and find
19 them?

20 A. They're in my jacket pocket, erm, they're in a little
21 pouch, there's two pairs. Sorry about that.

22 LADY SMITH: It's all right, we all do it.

23 A. As soon as I opened the page, I suddenly realised I'm
24 blind without them.

25 MS MCMILLAN: We'll wait a moment until you have your

1 glasses.

2 LADY SMITH: Peter, don't worry about that. I fully
3 understand about getting to the age that you cannot cope
4 with print without your glasses and then if you've got
5 those glasses on, there are other things that don't work
6 either.

7 A. I only need them for reading.

8 Sorry, I can confirm, I can see that is my
9 signature.

10 MS MCMILLAN: Perfect. Well, it says at paragraph 351, if
11 I read it out to you, and if you're able to follow it
12 you can let me know, that you have no objection to your
13 witness statement being published as part of the
14 evidence to the Inquiry:

15 'I believe the facts stated in this witness
16 statement are true.'

17 And it was signed on 16 September by you?

18 A. Thank you. Yes.

19 LADY SMITH: As you see, we can also bring parts of your
20 statement up on screen, and that's in a nice big font so
21 that might help.

22 Ms McMillan.

23 MS MCMILLAN: Thank you.

24 So turning back now to the first page of your
25 statement. And you tell us that you were born in 1954.

1 A. Yes.

2 Q. And you go on then to talk about your qualifications,
3 and your career, so I think initially you had graduated
4 with a Bachelor of Arts (Honours) Degree in Economics in
5 1975?

6 A. Mm-hm, correct.

7 Q. And then you initially did a lot of voluntary work with
8 the Birmingham Volunteer Bureau, and got an interest in
9 public and social policy at that time?

10 A. Yes.

11 Q. Then at paragraph 5 you tell us that you then did
12 a Master's in Social Work Policy and Practice?

13 A. I did.

14 Q. And that finished in 1980.

15 Turning over to page 2 of your statement,
16 paragraph 6, you begin to tell us about the various
17 positions that you have held. I think you indicate that
18 you initially began as an entry level social worker
19 until you went on to obtain various managerial positions
20 in Northern Ireland in social work?

21 A. Yes.

22 Q. At paragraph 9, you tell us that in 1984 you moved to
23 Edinburgh, and you took up a job as Principal Officer in
24 Edinburgh and Lothian Social Work Assessment Centre?

25 A. Correct.

1 Q. And I think you advise that this was the old Howdenhall?

2 A. It was, mm-hm.

3 Q. Skipping slightly further on in your statement, you tell
4 us then from paragraphs 10 to 13 about your time in
5 Howdenhall, before, at paragraph 14, confirming that in
6 1990, you and one other person, namely Lawrie Davidson,
7 became the first inspectors for children's services?

8 A. Correct.

9 Q. And you say that there had never been internal, or
10 external, inspections of childcare services before?

11 A. No.

12 Q. And then you go on to say that you had a short break
13 from your career, before ultimately, paragraph 16, where
14 you were looking for employment again and then you took
15 up a team leader position at Harmeny?

16 A. Yes.

17 Q. You say at paragraph 16 that you knew Harmeny had
18 a history of possibly well-intentioned but not very
19 high-quality childcare and education?

20 A. Correct.

21 Q. How did you know about Harmeny's history?

22 A. When I was principal of Howdenhall, we had some contact
23 with children who Harmeny couldn't cope with. I also,
24 in my time in the inspection unit, was aware -- I didn't
25 inspect Harmeny, but I was aware from networks and from

1 just my general understanding that there were changes
2 happening at Howdenhall, and I was really referring to
3 the period before Harmeny Education Trust was
4 established. I knew that KYN had had [REDACTED]
5 when the trust was formed, so my thoughts and comments
6 were based mostly on pre-Harmeny Education Trust
7 Limited, when Save the Children fund had responsibility
8 for the school. And at that time my understanding was
9 that well-intentioned but in some areas quite weak
10 provision of care and education.

11 Q. When you say in some areas quite weak provision of care
12 and education; do you know what areas?

13 A. Well, I think there were serious issues of control of
14 some children and young people. I knew from people who
15 had visited the school that at times it could seem as if
16 the children were running the establishment, rather than
17 the staff. I think the quality of education, and this
18 is not particularly just about Harmeny, the quality of
19 education in a lot of residential establishments was, in
20 my view, poor.

21 The curriculum could be interpreted in many ways,
22 but a lot of play activity, a lot of art activity and
23 not as much concentration on, you know, basic elements
24 of a full education, like language and mathematics, and
25 science. And it was general comments like that. Again,

1 probably well intentioned by a lot of people, but not
2 effective.

3 Q. So, these were the comments and your understanding,
4 I guess, of Harmeny before you went to take up a period
5 of employment there. When you arrived, was it as you
6 suspected, or as you had been describing to the Inquiry
7 there?

8 A. No, I think even in -- I don't recall how long KYN
9 had been in post before I went there, but it was clear
10 that some improvements had already been made and I think
11 my challenge was to take those improvements and develop
12 them as far as we possibly could with the resources that
13 we had at the time.

14 Q. And you tell us at paragraph 16 that, after being a team
15 leader for a period of six months, you were appointed
16 Head of Care from 1997 to 2005, and then CEO from 2005
17 to 2010?

18 A. Correct.

19 Q. Turning on to page 4 of your statement, and at
20 paragraph 22, you mention in that paragraph that you
21 went along to talk to Harmeny, I think this is the
22 Harmeny Education Trust at the time, and you got the
23 feeling that they were up for development and change?

24 A. Yes.

25 Q. What was it you went to talk to them about?

1 A. Well, about applying for the post. It was a post that
2 was below the level that I had been working at, but
3 I had been out of employment for a period of time,
4 looking after my four children, so I wasn't sure whether
5 I was going to be employable, first of all. And they
6 knew more about me than I did about them, and they were
7 keen to tap into whatever experience that I had to help
8 them continue what they had started. I think **KYN**
9 had started, and the Board had started, was a process of
10 improvement, not only to the care and education of the
11 children, but also to the physical environment, which
12 was pretty poor at the time.

13 So I saw it as a real opportunity, never expecting
14 to become CEO. I didn't have that aspiration. I was
15 happy just to be back in the world of care and
16 education. And within six months, the Head of Care at
17 the time left, and they asked me to take on board that
18 responsibility, and the rest of it followed.

19 Q. Now, you mentioned that the physical premises were
20 pretty poor. What do you remember about the physical
21 premises when you arrived?

22 A. Well, the school first of all struck you. It was a row
23 of six wooden huts. And very little ability to have
24 technology, even technology that existed at the time.
25 They were basic classrooms in a row of wooden huts. It

1 wasn't an environment, educationally, that I thought
2 said 'Welcome'. It was old, it was tired, the main
3 building, there were two flats on the first floor, and
4 there were two cottages in the grounds. The cottages in
5 the grounds were not that bad and at least they gave the
6 opportunity to create a sort of at that stage domestic,
7 homely, caring environment.

8 The two flats in the main building were just
9 unacceptable, in my view, to be deemed to be appropriate
10 accommodation. There was nothing particularly wrong
11 with it, but it wasn't anything like the environment
12 that I envisaged children and young people, who were
13 there by, you know, for all sorts of reasons, by many
14 different routes, it wasn't an environment that I would
15 have been happy to have my own children in. And that
16 was probably a benchmark I used professionally and
17 personally, in terms of measuring what we achieved as we
18 went along: would you place your own child in that
19 classroom? Would you be happy for your own child to be
20 studying that curriculum? Would you be happy for your
21 child to be cared for in the manner that children are
22 cared for? And if not, what would need to be different?

23 Q. So moving on then in your statement, at page 5, at
24 paragraph 25, you indicate at this point as Head of Care
25 that you had to do a lot of administrative work,

1 including management work and setting up policies, so
2 you were initially in the office a lot. What sort of
3 policies were you setting up as Head of Care?

4 A. Probably everything. There were some written papers,
5 but, in my view, they weren't policies that were
6 necessarily informing practice. So they may have been
7 available in a filing cabinet to show to somebody,
8 inspection or whatever, but to me policies are useless
9 unless they inform the practice on the ground.

10 So there was a real dearth of policies on key areas,
11 such as child protection, I mean I could list them.
12 There were a lot of personnel issues as well. So as
13 well as the professional policies for care and
14 education, and I had less input into the education
15 policies, because there was a Head of Education and
16 HMIe, they had access to that, but I was concerned with
17 the administration and management of the school. We had
18 over 100 employees, so personnel policies needed to be
19 developed. Safe care policies. Child protection.
20 I mean the list was endless.

21 But we set about small steps, making our way
22 through, and I was pretty clued up on what the national
23 guidance and regulations were. So, you know, we worked
24 within that framework to develop policies as and when we
25 could, to the point where I think we eventually had

1 quite a substantial and appropriate, you know, number of
2 policies. But most importantly, the staff knew what
3 they were, and they knew why they existed and, to the
4 best of my knowledge, we implemented them.

5 Q. Now, you then go on at paragraph 27 to say that as time
6 went on and the more competent the management team got,
7 the more time you were effectively able to have on your
8 own.

9 When you were first in that managerial position of
10 Head of Care, what was the management like?

11 A. Above or below?

12 Q. Let's start with above.

13 A. Well, above, KYN had come I think years -- about
14 years before I started. And he was an interesting
15 character, because he really was committed to doing
16 something with the school, so that the management above
17 was entirely -- and plus he acknowledged that his
18 background was education, predominantly. He had some
19 therapeutic experiences, but he knew that my area was in
20 developing therapeutic services for children and,
21 indeed, families, so I was given a lot of free rein to
22 basically identify what was needed, report to KYN,
23 and his role was to find the resources to make it
24 happen.

25 So in that sense it was a very positive management

1 culture. The board also were very supportive of change
2 and whilst there may have been resource issues at times,
3 I was impressed by the fact that it was a 'Can do, let's
4 find the resources', not, 'Let's not go there because
5 it's resource intensive'.

6 In terms of the staff below me, each of the cottages
7 had a house leader, team leader, the names changed over
8 time, and below them they had approximately four or five
9 residential staff, and some waking night staff. At that
10 time the school was a 40-week school, and that level of
11 staffing was barely adequate, I thought, you know, to
12 provide the sort of care and one-to-one attention that
13 some of these children needed quite often.

14 The team leaders were as effective as they could be
15 at the time, given their level of non-qualification and
16 non-training, there had been very little training or
17 push towards learning and development for staff, and
18 that was similar to the care staff below them.

19 But they were a team who were willing to work with
20 me and improve and, yeah, that's probably where we were
21 at. A real need for developing and changing a culture
22 to one of expectation of children and young people
23 achieving to the best that they could, and not simply
24 resorting to control or containment, and that was a huge
25 change. Again, it was a new language that they were

1 having to learn: what can the child do? Is what we were
2 looking to do. What can the child achieve? Don't come
3 telling me what they can't do or what they've been bad
4 at, I'm really not that interested.

5 Q. So, moving on again in your statement at page 6 and at
6 paragraph 33, you talk about the purpose of Harmeny,
7 part of which we have, I guess, heard from you today.
8 But you say that almost all of these children had
9 difficulties with communication and behaviours and some
10 of these children had quite significant mental health
11 problems that were likely to continue. At page 7 at
12 paragraph 34 you say that:

13 'Harmeny's role was to ideally reverse that.'

14 Can you expand on that further?

15 A. Well, by the time children came to Harmeny they had been
16 through multiple efforts to make them better, in
17 a rounded way, and they had failed. All of these
18 previous interventions had compounded, in some respects,
19 the feelings in the children that they were mad, bad,
20 sad.

21 Our intention was to do something different. There
22 was no point in doing what all of the previous
23 interventions had tried to do. There was no point in
24 punishing. There was no point in blaming. There was,
25 you know, we had to reframe that and hence, as you know,

1 later on I became very interested in strengths-based
2 approaches, which were predominantly aimed at
3 identifying even small things that a child could do, and
4 building on that, helping children identify their own
5 goals for their behaviours, for their learning, and
6 working with that.

7 So -- I'm in danger of losing the answer to your
8 question. Have I covered what you wanted, or do you
9 want something more specific?

10 LADY SMITH: You were explaining to us how Harmeny's role
11 was to reverse the situation you'd identified in the
12 children on arrival, and how you went about that.
13 I think you've probably covered it.

14 Ms McMillan, next question.

15 MS MCMILLAN: Yes.

16 A. In every aspect -- I'm using the same words again, but
17 we tried to reframe the child's story, so that they had
18 a sense that positive things could happen. One of the
19 phrases I often use with children and young people,
20 because they'd been moved from placement to placement:
21 'you ain't going anywhere until you're ready.' It was
22 a very simple message to the child: we're going to hang
23 in there with you, until there's something more positive
24 at the other end.

25 In some cases, that was a small number of cases,

1 fully back into main -- well, not a small number, but
2 a lesser number, back into mainstream schooling and we
3 established really good links with Balerno Primary
4 School and Balerno High School, Dean Park Primary in
5 Balerno, and they were incredibly cooperative because
6 when a teacher looked at the history of some of our
7 children, I imagine they weren't jumping up and saying,
8 'Oh, I'll have him'. But we were able to do that and we
9 were able to build slowly the child's confidence to go
10 back into a mainstream setting.

11 For some children, they progressed to secondary
12 residential education, and depending on how successful
13 we were with birth families, or, indeed, foster
14 placements, because some of the children were in foster
15 placements, which were hanging by a thread at times,
16 because there's no way of understating, the challenges
17 that some of these children and young people presented
18 were immense in terms of behaviour, in terms of just
19 their general functioning. So there needed to be huge
20 network of support around families -- birth families and
21 foster families, to enable them to be confident about
22 having the child back in their home.

23 So we worked as best we could with families we were
24 able to. Some children didn't have families, or
25 certainly didn't have families that were capable of

1 providing safe care, let alone quality care.

2 Foster placements, we did a lot of work to
3 recruit -- sorry, to find foster placements in
4 conjunction with the Social Work Department for some
5 children and young people and to support those foster
6 parents, to the point where the child could perhaps even
7 become a day pupil at Harmeny, if they lived within
8 travelling distance, and make that progression in
9 stages.

10 Q. And you go on to say at paragraph 38, I think, that part
11 of the family background, or part of the background to
12 changing from, moving to a 52 week, was really due to
13 the family backgrounds, and you didn't necessarily want
14 that child going to an unsuitable environment at the
15 weekend?

16 A. Absolutely. I mean, what happened was that the
17 children -- the school closed every second weekend,
18 completely. So the children would be home for the
19 weekend. I may have got this slightly wrong. But on
20 alternate weekends, some children would come back on the
21 Sunday evening. During school holidays, they would be
22 home for the whole period of that, be it a week,
23 a fortnight, or a summer break. And the transition from
24 home back into school and out was just too much for the
25 children and young people to cope with and sometimes

1 they were having to go back to not the best living
2 situations, simply because the school closed.

3 Now, when I went there first, I'd never experienced
4 school holidays, even though I'd managed residential
5 establishments. To me, it just was crazy that we didn't
6 have the provision to keep the children safe and secure
7 the whole year round, if needs be. Not because we
8 wanted to, but because we had that resource available.

9 So I was able to persuade the Board and KYN, and
10 they had all come from residential schooling that was
11 39 weeks, they looked forward to their holidays, like
12 all teachers did, I'd never the luxury of that, being
13 a social worker, or whatever. So to me it was fantastic
14 to think, 'Oh, I'm going to have the summer off now',
15 but then we were picking up the pieces.

16 So thankfully the Board and KYN were persuaded
17 to go, because it meant a massive recruitment, it meant
18 a huge investment in staffing, and there was going to be
19 a transition period before the fees, if you like, that
20 would come from all-year-round care, which had to
21 increase, maybe, would balance the huge investment in
22 staffing that was needed. So from having perhaps four
23 staff to a cottage, we went to 10, 11, 12. And over
24 four cottages that's -- you know, that's quite a big
25 investment.

1 But what it did do also as a -- well, what it
2 allowed me to do was to recruit a lot of staff who I had
3 observed, if you like, or interviewed, who I wanted. It
4 allowed me to expand the management team, so I was able
5 to bring in some senior managers who I had worked with
6 previously, or knew about the quality of their work. So
7 it had that side effect of allowing a huge change, and
8 a speeding up of the cultural change and the
9 expectations of education and training for staff. So it
10 was many-fold, in a way.

11 But most importantly of all it allowed those
12 children who didn't have adequate home arrangements to
13 not have to be put back into unsafe families.

14 Q. Thank you.

15 Now, turning to page 8 of your statement, I think
16 you've covered some of this in respect of the management
17 structure and staff, and you've spoken this afternoon
18 a bit about KYN [REDACTED] and his management style. You
19 also have mentioned there's SNR [REDACTED], and
20 at the time it was PNC [REDACTED]. What was his management
21 style like?

22 A. PNC [REDACTED] was SNR [REDACTED]. I mean, he acted as many
23 SNR [REDACTED] in mainstream schools would have done. He
24 was very supportive of his, mostly at that time, female,
25 teachers and he very much -- he was a champion of

1 education in the school. I should add that before
2 I came, education were more thought of. I mean, it had
3 the term 'school' still, Harmeny School, Harmeny
4 Education Trust also emphasised education, which most
5 people associated with classroom learning.

6 My sense of education was much broader, it was about
7 increasing the life chances of children, both socially,
8 emotionally and, in simple terms, education. So there
9 was a differential between the past, when care staff
10 were not valued in the same way that education staff
11 were. They were, like, the old-fashioned term was
12 'houseparent', which, you know, implies simply feeding,
13 washing, clothing. It doesn't give you a sense of the
14 real opportunities that existed for care staff to become
15 emotionally, appropriately emotionally, involved in the
16 development of children. And they needed training and
17 support to do that. They needed the skills to be able
18 to manage a therapeutic environment and ensure that
19 every engagement with a child -- excuse me, my throat is
20 a bit niggly today -- that every engagement with a child
21 was potentially positive.

22 So it took a while for there to be a better balance
23 between the perceptions of care and education and, you
24 know, it's like spokes in a wheel, if one's not working
25 right and one's not -- it's -- the whole system's not

1 going to work. And that did change and PNC became
2 better at acknowledging the role that care staff had in
3 the lives of children and acknowledged the improvements
4 in the education and training of care staff, so -- but
5 he was very supportive of his teachers, and if his
6 teachers had been hit, or had a really bad experience
7 with a child, he could, on occasions, be very much seen
8 as SNR who was going to be seen by his
9 teachers to be responding to the child as teachers would
10 expect SNR to do.

11 Q. Now, you move on at paragraph 46 on page 9 to indicate
12 that as part of, I guess, your role in shifting the
13 culture, you recruited a school social worker, and
14 I think she became the first child protection officer?

15 A. Yeah, actually there's a -- I'd forgotten, there was
16 a social worker prior, but she left just not long after
17 I started. Her name was Anita, and she had worked with
18 KYN in a residential school down south and she was
19 very, very good, but I can't remember why she moved on,
20 but she did, and then we recruited who I'm referring to.

21 Q. You say that Pauline, she became the first child
22 protection officer:

23 '... and then later with training we expanded this
24 so there were more people in-house who could do that
25 role.'

1 A. Correct, mm-hmm.

2 Q. And who in-house would do the role of child protection
3 officers?

4 A. Several of the care management team, which had expanded
5 by this stage to have a couple of residential managers.
6 Again, we changed the names over time, but residential
7 managers and assistant managers. So the residential
8 managers, in particular, were qualified and experienced
9 social workers, and were able to undertake the child
10 protection duties. And also, as we expanded and grew
11 the management team, more of the management team were
12 able to undertake the duties of a child protection
13 officer. But Pauline remained the designated child
14 protection officer.

15 Q. Now moving on, in that page, to paragraph 50. You talk
16 then about when you ultimately left, and you say that
17 the culture was so embedded that it would have been
18 almost impossible for anyone who was not genuinely
19 committed, dismissive, or had unhealthy attitudes, to go
20 unnoticed.

21 A. Yes.

22 Q. So why do you say that?

23 A. The reason I say that was that the staff teams became,
24 in my view, almost self-regulatory. If someone, and it
25 could be issues not to do with children, it could be to

1 do with rotas, or staff conditions, or, you know, and in
2 a big group of staff, there are always going to be those
3 who are unhappy about something. The teams themselves
4 would not be happy to have a disgruntled member of staff
5 moaning and groaning about strategic change or
6 management change or developments or policy
7 developments. So that was at one level.

8 In terms of childcare, there were several instances
9 where staff themselves raised even low-level concerns
10 about their colleagues, and I think that's what my point
11 was. Any individual who was acting outwith the
12 expectations would have been noticed and stood out and
13 would have been called out for that behaviour, and it
14 could be very low-level, it could be the way they
15 responded verbally to a child, it could be, you know,
16 an attitude that they expressed about a child, because,
17 you know, staff being human could revert back, depending
18 on their level of skill and experience and training, to
19 negative comments about children and their behaviour,
20 you know, 'He's just a little ...' whatever. That would
21 have been challenged by the staff teams. So that was
22 mostly my gauge.

23 However, it would be really arrogant and naive to
24 think that somebody couldn't have slipped under the
25 radar in terms of not best practice. But I was pretty

1 confident that that self-regulatory -- they didn't need
2 inspections, they didn't need management to come down,
3 they were doing it themselves with their colleagues more
4 and more.

5 Q. Now, on the next page of your statement, you talk about
6 models of residential childcare for children, at
7 paragraph 53 --

8 A. Mm-hmm.

9 Q. -- and you mention there is warehousing or
10 horticultural.

11 Can you describe firstly what 'warehousing' is, or
12 what you mean by that?

13 A. Yeah, I mean this is just one way of looking at it.
14 It's a very simplistic way of looking at it. It's much
15 more complicated than that. But warehousing, so
16 I linked that to Howdenhall, it had been a locked unit
17 up until about a year or so before I took over. And the
18 culture was one purely of containment. Staff walked
19 about, I had worked in the probation service, I've
20 probably been in most prisons or borstals in the UK at
21 some stage, and the culture of having a -- you know, a
22 bunch of keys and the power that comes with that, and
23 being mostly about containment, there was no -- well,
24 (a) there was no expertise or skill or very little of it
25 to do anything other than contain, maybe contain with

1 the best intentions or with good attitudes, but it was
2 about containment. A lot of services for older people,
3 mental health, similarly were more about containment and
4 not about growth and development. Growth and
5 development requires resources and a mindset.

6 So I mean one of my views, for example nursing
7 homes. Nursing homes, if they're run by staff who have
8 only ever worked in a hospital environment, will have
9 very high levels of safe care, medication
10 administration, they'll have all of that, because they
11 have been used to running a ward. What they won't
12 necessarily have is, right, are we just going to have
13 these older people sitting in the corner in a chair or
14 are we going to do something with them, regardless of
15 their level of dementia, or Alzheimer's, or whatever.

16 So the horticultural model is very much about, it's
17 the antithesis of containment. Safe care, obviously, is
18 the starting point. But then: what can we do to improve
19 the life chances of the children? Therapy's a big word,
20 but therapy can also include establishing trusting, warm
21 relationships. Caring, nurturing relationships. It
22 doesn't have to be sitting down or lying on a couch,
23 it's about the every day. It can be then supplemented
24 by psychotherapy or individual sessions with children
25 and young people. So that's a very simplistic way of

1 looking at residential care.

2 LADY SMITH: Peter, are you a gardener?

3 A. Pardon?

4 LADY SMITH: Peter, are you a gardener?

5 A. Am I a?

6 LADY SMITH: Gardener.

7 A. I'm a very poor gardener.

8 LADY SMITH: I just wondered why you compared this to

9 horticulture. I can see that it works as a comparison.

10 A. Yeah, it's not my definition, it's a sort of, it goes

11 way back in terms of literature, in terms of models of

12 residential care, so I don't know who would have coined

13 it in the first place, but it makes very easily

14 understood sense.

15 LADY SMITH: Yes.

16 A. And it makes sense when you're talking to staff of

17 different levels of ability and whatever. We either

18 contain or we grow.

19 LADY SMITH: Mm-hm, yes, I can see that, thank you.

20 Ms McMillan.

21 MS MCMILLAN: Thank you, my Lady.

22 And when you arrived at Harmeny and, I guess, took

23 up that initial role as team leader and then as Head of

24 Care, would you say it was more a containment role and

25 you were designing a shift towards that sort of

1 horticultural approach?

2 A. It wasn't absolute. It would be unfair. There was
3 psychotherapy input to the school. There were elements
4 of attempting, through just the day-to-day programmes,
5 of developing a more therapeutic approach. But it was
6 haphazard, inconsistent and it was -- you know,
7 an available session from a visiting psychotherapist
8 once a week was never going to provide sufficient
9 emotional support for children. That had to come from
10 everybody who was involved in their day-to-day care,
11 including the housekeepers and the gardeners and, well,
12 anybody who was coming into contact with a child needed
13 to have at least a basic understanding of what behaviour
14 -- where the behaviour of children might come from.
15 They needed to have some empathy for the experiences
16 that children had. They needed also to understand that
17 most of the aggressive behaviour that you see in
18 everyday life, let alone in residential settings, is
19 communication, where people have limited ability to
20 communicate their needs, or their feelings. It's much
21 more likely that they'll get angry and lash out if they
22 feel they are not being listened to, or not being
23 understood.
24 Q. So it was generally to have that full staff awareness of
25 those underlying behaviours?

1 A. Absolutely, it's fundamental. You know, if a child's
2 having a tantrum, it can be purely just frustration, or
3 annoyance or -- you know, our own children will do it
4 from time to time, or have done it. It doesn't
5 necessarily mean that they have deep, underlying
6 psychological issues, it just could be that they wanted
7 something at that time.

8 But for these children and young people, the vast
9 majority of time, the behaviour was understandable in
10 the context of the experiences they'd had, or lack of
11 experiences that they'd had.

12 Q. Now, moving forward again in your statement to page 11
13 and at paragraph 63, you begin to talk about recruitment
14 and I think we've already touched on part of this, this
15 afternoon, but you say there that there were some people
16 there who you thought needed to think about going into
17 another line of work.

18 A. Yes.

19 Q. Why did you think that?

20 A. Because their attitudes and values were not the
21 attitudes and values that I would have expected. You
22 know, the tendency to be angry at children for their
23 behaviour. To not understand the reasons for their
24 behaviour. A teacher once saying to me, 'That child's
25 not ready to be taught', and I'm thinking, 'what?' You

1 know, in other words the child wasn't coming in with
2 their pencil case ready to sit down with two feet on the
3 floor and be taught. And my answer would be, 'so where
4 are they going to go if they're not able to be taught,
5 or cared for, here?' We are -- not the end point,
6 I don't mean that in a negative way, but we are charged
7 with making a difference.

8 So some staff's attitudes, and I'm not talking at
9 the extreme here, and some staff, they didn't have the
10 ability, in my view, to undertake the training. They
11 had been recruited because they were good people, or
12 thought to be good people, well-intentioned. But what
13 I was aiming for, we're a national resource, working
14 with some of the most damaged children in the country.
15 We needed skilled, trained staff, and, you know, Mary
16 down the road might be very nice to the children, but is
17 she going to be able to still be nice Mary from down the
18 road but be armed with the educational skills to
19 actually make a difference to children? So I don't know
20 if that is clear enough for you, but --

21 LADY SMITH: Yes.

22 A. -- so it wasn't that I spotted anybody who I thought,
23 'Oh my God, get that person out of here, they're
24 dangerous', or anything. But attitude and values, it
25 goes through my statement. I can train people. I can

1 get others to train them. What's very hard to do is
2 change somebody's attitudes and values. If the
3 attitudes and values are right, we can do the training.
4 If the training's there but the attitudes and values
5 aren't there, then you're limited.

6 I use other professions as an example. Many of us
7 will have come across, for example, a doctor. And we
8 think not very healthy attitudes and values there, and
9 we choose to go to another doctor, or whatever. So it's
10 not linked to any one profession. If a doctor has
11 a stethoscope round their neck, that doesn't necessarily
12 mean that they're an effective doctor. It doesn't
13 necessarily mean that they'll be the right person to
14 intervene with my family, or whatever.

15 Similarly in residential care, good intentions are
16 fine but the doctor needs years of training to be
17 an effective doctor. In my view, residential care staff
18 and education staff also need significant training to be
19 able to deal with the day-to-day challenges of children
20 and young people, in terms of managing themselves and
21 managing their own emotions when being kicked or bitten,
22 or spat at, or whatever. But they also need to have
23 something more to -- how then do they create
24 conversations with children and young people that
25 there's learning from.

1 LADY SMITH: Peter, I also hear you, I think, as saying the
2 starting point needs to be not the old attitudes
3 redolent of there are children who are ineducable, as
4 they used to say, for example.

5 A. Indeed.

6 LADY SMITH: These children will never change, they will
7 never be able to be educated or change their behaviour,
8 whereas there are others that might be.

9 So you cannot progress a child if your attitude is:
10 this child will never do it, this child will never cope.

11 A. Absolutely. Sorry, he's a bad child.

12 LADY SMITH: Yes.

13 A. What does that mean?

14 LADY SMITH: But I think I'm picking you up, and I think
15 I got this from some of the discussion in your 2012
16 review, that your starting point needs to be to look for
17 any child's inherent skills and abilities.

18 A. Exactly, yes.

19 LADY SMITH: And just as, I suppose, if you were building
20 a wall, the foundation bricks you would look for would
21 be the good, strong solid ones and get those in first,
22 then try adding other bricks to your wall after that.

23 A. 100 per cent.

24 LADY SMITH: Is that the sort of feel?

25 A. 100 per cent agree.

1 LADY SMITH: Yes.

2 A. The starting point with solution-focused approaches, and
3 strengths-based approaches, is to first of all
4 acknowledge the past, but not to dwell on it.

5 LADY SMITH: Mm-hmm.

6 A. So these things have happened, these are factors which
7 have affected where you are today, how do you want
8 things to be different? What could be different? Even
9 small things that could be a starting point, as you say;
10 the foundations of a wall, and then over time and with
11 trust, building up an expectation of even greater goals,
12 bigger goals.

13 LADY SMITH: Yes. Thank you.

14 Ms McMillan.

15 MS MCMILLAN: Thank you.

16 Moving on in your statement to paragraph 67, I think
17 as part of your recruitment, to ensure that you had the
18 right people in the right places, you indicate at that
19 paragraph that, after quite an onerous interview, you
20 would also ask the children on their feedback --

21 A. Mm-hm.

22 Q. -- on the applicant. And why would you do that?

23 A. Well, because they were going to be caring for the
24 children. Now, obviously I did make -- I think I made
25 a comment about dress, for example. You know, so some

1 children and young people would say, 'Oh, I didn't like
2 her'. 'Why did you not like her?' 'Well, she had
3 a silly skirt on', or something. Whatever. So we had
4 to put their comments in context.

5 But in my view, and I've said this many times to
6 many different staff groups, children who we worked with
7 in Harmeny and children who I've worked with elsewhere
8 have what I call antennae that are 100 feet bigger than
9 any radio mast, or whatever, and because of their often
10 negative experiences, they can suss people out within
11 seconds, as we all do, every day of our lives. But they
12 have a heightened awareness, and just the way somebody
13 looks or doesn't look, the way somebody engages with
14 them, they can pick up on that, the most tiny nuances.

15 Again, in a lot of the training I did, what do we do
16 when we go to a social situation that we don't know
17 anybody, we scan the room and we think, 'Oh, I don't
18 think I'm going to go over there, but that looks quite
19 okay over there, those people'. We make those instant
20 snap judgments, so do the children in care and they work
21 out instantly whether or not you're going to be a good
22 guy or a bad guy. And I think that sort of feedback,
23 that purely impressionistic, 'what did you think -- how
24 was John when he came to the unit? What did he do with
25 you guys? How did he speak to you?' That's the sort of

1 feedback we got, and that was valuable because if the
2 children felt really uncomfortable with somebody, we
3 would have to go back and look at well, 'what was that
4 about?' But that generally didn't happen.

5 Q. Now, moving on again in your statement to page 14,
6 you're talking at this point in paragraph 79 about
7 people leaving Harmeny. But you indicate that if
8 somebody left under difficult circumstances:

9 'If there had been an incident that was proven after
10 an internal investigation or a disciplinary action had
11 taken place, then we would communicate that to future
12 employers.'

13 So did you always, kind of, exercise an air of
14 caution in writing any sort of references going
15 forwards?

16 A. If we were asked to provide a reference for a member of
17 staff who had left, at that stage we would have included
18 any concerns that we had, depending on the job that they
19 were going for. So, for example, if somebody left and
20 they were then going to work on a building site, not
21 that we would necessarily be asked for a reference for
22 a building site, but I'm purely making the point, it
23 wouldn't be relevant, necessarily, to indicate that they
24 had very difficult relationships with other staff, or
25 whatever.

1 But there were two strands. One is we were
2 required, if needs be, to notify the Social Services
3 Council if they were registered members of staff. We
4 certainly would have, and I can't think of an incident
5 where that happened, but I would need to have my memory
6 refreshed, but if somebody went into a similar work
7 environment and we were asked to provide a reference at
8 that time, we would have indicated any concerns.

9 Latterly, on the basis of our external HR people, we
10 went back to a very minimalist reference, 'Yes, so and
11 so worked here between such and such a time, they were
12 employed as ... and their duties were ...' and refrain
13 from any subjective comment about the person. But that
14 was in the later stages, and I think that was becoming
15 more widespread across HR departments.

16 Q. Now, skipping forward again, at paragraph 81 you
17 indicate that you introduced the CALM method to the
18 school.

19 You also indicate at paragraph 82 on page 15 about
20 the solution-focused brief therapy, which is
21 fundamentally a strength-based approach. So is that
22 what you've been talking about this afternoon?

23 A. Yes, that's the therapy base to the general
24 strengths-based solution, focused is a more general term
25 for it.

1 Q. And I think you indicate that you had undertaken quite
2 a lot of research before implementing that method at
3 Harmeny?

4 A. Yes, I mean, I had to take a lot of responsibility for
5 my own learning and my own professional development,
6 because it wasn't really available within the structure
7 of Harmeny. But I had really good links with academics
8 at Edinburgh University, and others, and then, through
9 contacts, went to a number of solution-focused seminar
10 sessions, got to know people in the UK who were skilled,
11 by this stage, practitioners, and then did further
12 training myself. And then, I suppose, the big move was
13 a psychologist, educational psychologist from Wales,
14 Ioan, I can't remember his second name, who I had met at
15 many conferences and training events, Ioan came and he
16 did a four-day training for the whole school, everybody.
17 And this was very much -- I apologise, my throat is just
18 getting the better of me.

19 LADY SMITH: Have you got enough water there, Peter?

20 A. Yes, I have, thank you.

21 LADY SMITH: We can get more if necessary.

22 A. I think when we get a break, I'll probably be able to
23 clear it.

24 LADY SMITH: Do you want one now?

25 A. No, no, I'm fine.

1 So this was a really important step, because it was
2 about changing the language of the school.
3 Solution-focused practice is primarily about the
4 minutiae of language and how communication between
5 people can either be enhanced or be a positive or more
6 negatively experienced. And the language fed in
7 alongside the culture of expectation, as we mentioned
8 a few minutes ago, of identifying strengths and building
9 on strengths, you know, what's the point of identifying?
10 Don't feed the weeds is another horticultural -- you
11 know, feed the flowers, not the weeds.

12 So that four-day training I also included the cooks,
13 the care -- the domestic staff. They weren't expected
14 to do anything other than become aware of what we were
15 attempting to do, because it would be noticed. So if
16 I'm walking across the playing fields, and a child
17 starts swearing, or cursing at me for whatever reason,
18 my response is going to be noted by anybody who's there,
19 be it -- it could be a cook, a gardener, whatever.
20 Traditionally I would have been probably expected to
21 give that child a right telling off, you know, take them
22 by the scruff of the neck and march them off to
23 somewhere. My approach would have been completely
24 different, and it would have been probably head turning
25 for traditional attitudes to what an adult's response

1 should be to ostensibly really naughty or nasty
2 behaviour.

3 So they needed to be aware that they would begin to
4 notice, in small ways, because it wasn't an overnight
5 thing, you know, you're not going to train a whole staff
6 group over four days, this had to be built upon week
7 after week after week after the initial event. But it
8 fundamentally just accelerated that cultural change,
9 which had started years, you know, several years before
10 that. But it was one of those moments that you knew
11 you'd gone to another level, and staff embraced it. In
12 fact --

13 LADY SMITH: So, Peter, if a child was out in the playing
14 field as you were walking across, and started cursing
15 and swearing at you, what did you do?

16 A. Well, if I was within talking distance, I might respond
17 by -- with humour, as well, so, you know, my accent, my
18 background, the fact that I may be balding a bit, the
19 fact that I had a beard, you can imagine the expletives
20 that would come with someone giving a description of me,
21 so you so and so and so and so ...

22 LADY SMITH: Yes.

23 A. And again, this is very sensitive, because you would not
24 want to be exacerbating the situation, but for example
25 if they left out in their description of me something

1 I'd say, 'You forgot about Irish, you never ...' you
2 know. It could be as simple as that, or it could be, if
3 I'm close to the child, more relevant to the therapeutic
4 approach, I would say, 'My God, you must be really angry
5 to say that. Something must have happened to make you
6 feel that strongly, you know, to swear at me like that',
7 and I would plead ... 'I've no idea what that was, but
8 I'd like to know'. It's that sort of a conversation.
9 Now, this is done on the hoof. It's not sitting down in
10 a therapy session, but that's what I was emphasising
11 about the language. The language is important in every
12 conversation.

13 LADY SMITH: But the language comes from the way you feel
14 about that child at that moment, so what's that?

15 A. I'm not entirely sure what you mean.

16 LADY SMITH: Well, the language which you say is on the
17 hoof, if you like, but it must come from the way inside
18 you feel about that child at that moment.

19 A. Absolutely, I mean --

20 LADY SMITH: What would it have been?

21 A. It's definitely having the right mindset to want to work
22 with these children who are going to be very
23 challenging, of course. But the training and the
24 language of solution-focused therapy, and, to some, it's
25 very, very detailed, and a strange language, first of

1 all. So when we were doing training with staff, we
2 would use a lot of personal situations, because it's not
3 just in work, it's in your personal life, in --
4 whatever. So if staff would come back for day two
5 training and saying, 'My goodness, I had a weird
6 conversation with my husband or my wife last night, they
7 said "What's happened to you?"'. They were responding
8 slightly different, in a slightly different way, after
9 having done even some basic training, and that
10 conversational change was staggering for some. And that
11 gives you a sense of how powerful the language can be.

12 LADY SMITH: Yes.

13 Peter, I promised you a break about now, so let's
14 take the afternoon break.

15 A. My throat will appreciate it.

16 LADY SMITH: You go take care of your throat, and then we
17 will get back to your evidence after that.

18 A. Okay, thank you.

19 (3.04 pm)

20 (A short break)

21 (3.15 pm)

22 LADY SMITH: Welcome back, Peter, are you ready for us to
23 carry on?

24 A. Yes.

25 LADY SMITH: Thank you.

1 Ms McMillan.

2 MS MCMILLAN: Thank you, my Lady.

3 Now, Peter, I'm going to skip forward in your
4 statement to page 28. And from paragraph 162, you talk
5 about discipline and punishment at the school.

6 You mention at paragraph 163 that the general
7 approach was not to think about disciplining, but to
8 think about strength-based approaches, which I think we
9 were talking about before the brief break. You indicate
10 at paragraph 164 that you didn't have punishments:

11 'We would sometimes separate the child from the
12 group, or the group from the child, if that was what was
13 needed.'

14 And then you go on at paragraph 165 to say you think
15 the withholding of pocket money may have been something
16 that was used in some cottages, but it would be for
17 a short period of time and not denied completely.

18 And then you indicate if a child was not allowed on
19 a trip, that would be for safety reasons and not used as
20 a punishment for being naughty. How would the safety
21 reasons or the withholding of pocket money be explained
22 to the child if it wasn't a punishment?

23 A. Um, good question. I think there was an awareness,
24 again, my memory's a bit hazy, and drilling down to the
25 detail of what happened in each cottage, it may have

1 been variable in different cottages, but I think
2 something that would have possibly happened was that
3 pocket money was withheld, say on the Friday until the
4 Saturday, or something like that, but not taken away,
5 not fines, or stuff like that.

6 I think it was just one of these low-level responses
7 that children would understand. My own children, if
8 they didn't get their pocket money, would know why. But
9 I'm not wanting to overstate that.

10 In terms of not going on a trip because of safety,
11 that would be very clearly explained, and the children
12 themselves would know that their behaviour, or their
13 attitudes at that particular time, were not going to
14 make it easy to include them in some activities.

15 But again, I would have thought that that was
16 relatively rarely needed.

17 Q. And on the occasions, perhaps, where a child, because of
18 safety reasons, wasn't allowed on the trip, what sort of
19 activities would that child do instead?

20 A. Oh, I mean, anything that was available within the
21 school. It wouldn't be a question of: you're not going
22 on the trip and by the way, you're not being allowed
23 your PlayStation, or your whatever, or TV. I'm trying
24 to emphasise, I don't want to keep repeating myself, but
25 the whole approach was not to concentrate on what the

1 child had done wrong, but to think about the next steps
2 as to, okay, how -- what can be different now? How can
3 this evening be different to today? Today, by all
4 accounts, was a bit of a disaster for you, or so it's
5 said, so how can we make -- and you were very -- clearly
6 very unhappy or angry during the day, what can we do
7 this evening that's going to make that different?

8 Q. Now, you move on at page 29 and paragraph 167 to talk
9 about if a child reacted in the classroom. You say that
10 the rest of the class was likely to be removed from the
11 class for safety reasons and then it was a case of
12 containing the child in the classroom until the
13 situation can be defused.

14 A. Mm-hmm.

15 Q. And you say that this was often better than removing the
16 child out of the room, because otherwise it would have
17 become a case of restraining rather than containing?

18 A. Mm-hmm. I think, reading back, if a child reacted in
19 a classroom, then the rest of the class was as likely to
20 be removed. It wouldn't be that the child, that, you
21 know, that would happen in every case. Again, a very
22 small number of incidents. I think that was in response
23 to a specific question I was asked when I was doing the
24 statement.

25 I think the theme that I would like to come out from

1 that is that the individual situation would be assessed.
2 What was most likely going to provide an opportunity for
3 a better outcome for the class, for the child, for the
4 staff involved, and it would be down to individual
5 judgment and decision-making. There wasn't a blanket,
6 by any means, approach of if somebody, you know, is
7 having a difficult, really aggressive time in class,
8 that this would happen. It would be dependent on what
9 was the most likely best outcome.

10 Q. And you go on at paragraph 169 to talk about a room that
11 was the support room and you mention it as an area that
12 would sometimes be used to take a child if they were
13 displaying extreme violence that needed a high level of
14 physical involvement. But you mention it was CCTV
15 monitored and detailed logs were taken if it was used.
16 Why was that?

17 A. As a protection for children and for staff, and
18 an ability to monitor.

19 My overall feeling about the support room was that
20 -- and this is with hindsight -- it was a good idea at
21 the time but it had some negative consequences.
22 Children going to the support room could, in some cases,
23 almost be expected by themselves to be more difficult.
24 It could exacerbate situations, even though it was being
25 used in the most appropriate way within all of the other

1 systems that existed to contain children. So for some
2 children, it had a very negative connotation. For
3 others, who would go and use it as a play space, or
4 a safe space, it wouldn't have had that effect. But
5 increasingly, towards the end of my time, it was not
6 being used, and we actually stopped using it completely.
7 I think, in fact, we ended up storing some of the
8 gardeners' tools in it.

9 You know, it just -- as the school and as practice
10 developed, some of these approaches, which were
11 well-intentioned, and I think very safely applied,
12 just -- they'd served their purpose. They'd done --
13 they were appropriate at that time, but they weren't
14 needed in that same way. And they weren't helpful. And
15 I was concerned about the perception of having such
16 a space, even if it was, you know, positively used, and
17 whatever. It still had connotations, whether you liked
18 it or not, of somewhere that naughty people went. And
19 if naughty people were put in a situation, that the
20 expectation of naughty behaviour might be exacerbated,
21 if that makes sense.

22 Q. Yes.

23 So turning forward then in your statement to
24 page 30, you talk at paragraph 171 about restraint. And
25 you indicate at the bottom of that paragraph that you

1 did see some instances of inappropriate responses by
2 staff in your early days there, which resulted in
3 a number of disciplinary actions.

4 A. Mm-hmm.

5 Q. Can you explain what sort of inappropriate responses
6 you've seen?

7 A. The only one I can really clearly remember was a child
8 lying on the ground on the football field, which was the
9 play area outside, you know, like a field beside the
10 school. And I don't know what had happened prior to it,
11 but he was lying on the ground and as the member of
12 staff involved walked past, he kicked out from
13 a lying-down position, and the staff member almost
14 instinctively kicked him back. I'm not minimising this,
15 because we did eventually sack that member of staff, but
16 if it had been on a football field with two adults, it
17 probably wouldn't have even been a yellow card, it would
18 have been a talking to. So it wasn't like a vicious
19 kick, but it was in the context of knowing that this
20 member of staff was also under pressure and was perhaps
21 finding it difficult to contain their emotions when they
22 were under stress, and they were going to be under
23 stress. So it was within that context.

24 It says that I did see some instances of
25 inappropriate responses. The other instances, I think,

1 would have been verbal, staff giving a row to a child,
2 or being very angry with them. That sort of level.
3 Not -- I can't think of any other physical intervention,
4 other than the incident regarding the kick.

5 Q. And the incident with the kick, was there
6 an investigation after that?

7 A. Yes, I mean it led to a disciplinary, and my memory was
8 difficult at the time when I was being interviewed --
9 I thought -- I wasn't sure how he had left, but we'd
10 actually sacked him.

11 Q. You move on at page 31 at paragraph 177, and you say
12 that when you were CEO you ceased to have any
13 involvement with using restraint and you did this
14 because there was nobody above you to line manage. So
15 why was it that you ceased having any involvement with
16 restraint?

17 A. Well, when I was Head of Care, I was within a management
18 structure, and I had KYN as SNR, as the
19 incident I'm sure we'll talk about evidenced. I just
20 felt it was inappropriate for me to have involvement
21 with physical restraint, because -- well, (a) there was
22 a significant team below me that I shouldn't have needed
23 to be involved. But also if I had been, apart from the
24 board of governors, there was nobody in the hierarchy to
25 investigate an allegation against me as CEO. So it

1 wasn't -- yeah, that's probably the best way of putting
2 it.

3 Q. Now moving off the subject matter of restraint and
4 moving to page 32 of your statement, you're talking at
5 this point about trusted adults, and involvement with
6 key workers. But at paragraph 186 you mention the
7 organisation that we've heard of called Who Cares? but
8 you indicate that they would come into Harmeny as
9 independent visitors and they became independent access
10 points for the children.

11 A. Yes.

12 Q. And how often would they come in and have input in
13 Harmeny?

14 A. I can't remember the frequency exactly, but it was
15 regular enough for the children to know them and to know
16 what their role was. And they were a national
17 organisation who were set up as a result of various
18 initiatives to promote the welfare or the wellbeing, of
19 children in care. So they became known to the children.
20 The children had their contact cards. They had the
21 ability to speak to them when they came on their own, or
22 they could access them by telephone, or whatever, and
23 they would also come and they would attend children's
24 meetings and they would have meetings with groups of
25 children. So, all in all, it was a very positive

1 initiative and it added another layer of opportunities
2 for the children and young people to express their
3 opinions.

4 The one thing I left out as well, I had completely
5 forgotten about it, we also instituted -- I also
6 instituted a pupil council and the children elected
7 their representatives to the pupil council. And the
8 pupil council would be able to raise any sort of issue
9 on behalf of the children and young people, and I could
10 be summoned to the pupil council to be held to account
11 for why we did certain things, or why there wasn't this,
12 or why -- whatever. It was a very healthy approach and
13 board members, I recall, on at least one occasion, going
14 to the pupil council and being almost held to account
15 for, you know: how come the minibus is old and decrepit?
16 It could be anything like that. It wasn't ever that
17 I remember, used to bring matters of an individual
18 concern, but it was again another layer of including
19 young people as fully as possible in the determination
20 of what their lives were like whilst they were in the
21 school.

22 LADY SMITH: And a way of showing the children you did want
23 to hear their voices?

24 A. Correct.

25 LADY SMITH: And they could express them freely?

1 A. Pardon?

2 LADY SMITH: They could express them freely, could they?

3 A. Absolutely, absolutely. And they weren't shy about
4 taking on people like myself. If I was summoned to the
5 pupil council I wasn't expecting necessarily that they'd
6 all be eating out of my hand. They would have their --
7 it could be we don't get enough of this, or we don't
8 get -- but they had no difficulty in expressing -- in
9 fact, one of the general comments would be that part of
10 the reason a lot of the children came to Harmeny was
11 they had no difficulty in expressing their feelings.

12 LADY SMITH: Ms McMillan.

13 MS MCMILLAN: Thank you, my Lady.

14 Skipping forward again in your statement to page 36,
15 where you're asked at paragraph 203 about your
16 understanding of the definition of abuse. And you say:

17 'The common understanding is physical or sexual
18 abuse, or inappropriate interference of any kind, but
19 there are many more.'

20 And you go on to explain your personal view is that
21 anything that was not helpful to a child was potentially
22 abusive.

23 A. Yes.

24 Q. And you say:

25 'It could be passive abuse by not doing enough.'

1 A. Correct. I mean, if you have read the Doran Review,
2 I was particularly struck in one of the case studies of
3 a child with multiple disabilities with another child in
4 a different -- of the same family, with similar
5 difficulties, but in a different school, and one was
6 allowed to take part in all of the activities, outings
7 and whatever, and the other one, on the basis of health
8 and safety claimed by the teachers in that school, was
9 not allowed to do any of these challenging and -- the
10 other school facilitated it and made it work and this
11 particular school took the baseline of it's too hard,
12 it's too difficult or it's too resource intensive.

13 To me, that is just as abusive as many other active
14 interventions with the child. Preventing a child from
15 doing something that every other child was able to
16 access. That's just an example.

17 Q. You go on to talk about reports of abuse at Harmeny, and
18 you mention at paragraph 206 that in terms of any
19 physical abuse, you only recall that happening in the
20 context of a child complaining about an injury following
21 a restraint.

22 A. Yes.

23 Q. And you say that this did happen from time to time.

24 A. Yes.

25 Q. Now I understand that you were shown some documents by

1 the Inquiry, and perhaps one in relation to a restraint
2 that you were involved in where the child indicated that
3 they had an injury after the restraint.

4 A. Yes.

5 Q. And I think you're aware from that particular document
6 that there was a full investigation into that?

7 A. Absolutely. I think the interesting thing about that
8 incident as well was that the team leader, who the child
9 spoke to first of all, saying that his arm was sore,
10 came to me and said, 'What should I do about this?' And
11 I just looked and said, 'Do exactly the same as you do
12 in every other situation, you report it'.

13 So I, if you like, subjected myself to that
14 disciplinary inquiry -- sorry, that investigation,
15 because it was the right thing to do. And I knew the
16 child extremely well. So anyway, that's by the by,
17 probably. But yes, there was a full investigation.

18 Q. And I think ultimately you have some reflections on
19 that, if you'll just allow me a moment. So turning
20 forward in your statement to page 50. And at
21 paragraph 302, you indicate that you perhaps shouldn't
22 have been alone with that child, and you shouldn't have
23 used a non-CALM hold, effectively?

24 A. Absolutely. I think it was a question of overconfidence
25 on my part, because I did individual work with this

1 particular young person, who could be incredibly
2 challenging, probably one of the most challenging in the
3 school, but my relationship with him was very, very
4 strong and I had been involved with previous situations
5 where he was perhaps being restrained by staff using
6 CALM holds and my presence and speaking to him could
7 de-escalate very, very quickly, and we would move from
8 a restraint to him coming off with me. So there was
9 an element of overconfidence, and when I was going
10 through that process, I had to accept that I shouldn't
11 actually have been left alone with him.

12 Q. And I think other than that, you have never been subject
13 to any other investigations or complaints --

14 A. No.

15 Q. -- into abuse of children?

16 A. No.

17 Q. Now, I want to turn to your report, and for the Inquiry
18 that's the reference INQ-000000215. And you discuss
19 this as well at page 54 of your statement. We can see
20 there from the report that it was officially called 'A
21 strategic review of learning provision for children and
22 young people with complex additional support needs'.
23 And I think you started the work in respect of this
24 report in around 2010?

25 A. Yes.

1 Q. At paragraph 328 of your statement, you indicate that
2 you were employed as an independent person by the
3 Scottish Government to carry out this review?
4 A. Yes.
5 Q. What was the purpose of the review?
6 A. If you scroll down to the beginning of, the right help
7 at the right place at the right time, it summarises more
8 coherently, I think, than I would be able do, what the
9 purpose of the review was and what the vision of the
10 review was.
11 But in simple terms, it was to review all of the
12 services. Learning provision was meant to be
13 an umbrella, it wasn't just about what happened in
14 a classroom, it was about how holistic services came
15 together to facilitate the development of that child.
16 LADY SMITH: Peter, can you just direct us again to where in
17 the review you were suggesting we should go. To the
18 introduction?
19 A. Just after the foreword.
20 LADY SMITH: After the foreword, then we get part 1 with the
21 introduction and key messages.
22 A. Yes.
23 MS MCMILLAN: Page 5.
24 LADY SMITH: Page 5.
25 A. Oh, here we go. There we go.

1 The second paragraph of -- if you're looking at the
2 same one in the introduction.

3 LADY SMITH: Yes.

4 A. 'The major focus of the review ...' et cetera, et
5 cetera.

6 Then that's broken down later on into specific areas
7 that we were wanting to focus on, and also spell out
8 some of the outcomes and the vision that we had for the
9 work.

10 LADY SMITH: Yes, and we have your vision, I think, at
11 page 7, just a little way down after the first two short
12 paragraphs.

13 A. Yes.

14 LADY SMITH: Yes.

15 MS MCMILLAN: What was not included in the review was
16 children that were educated at home, or children that
17 were educated in a hospital environment.

18 A. Yes, a very small number in hospital environments. But
19 we didn't address that area. And similarly, children
20 educated at home, it was just too far outside of our
21 scope, our ability to be able to include that. But
22 I think they were minor, relatively minor, exclusions
23 compared to the main focus of the work. The same
24 message, I think, particularly about children in
25 hospital, would have been given.

1 Q. At page 85 of the report, you, I think, list the input
2 that you had from a number of others that were involved
3 in the construction of the report, and the working
4 groups?

5 A. Yes, I mean it was a huge area. I joked often that
6 Maggie Tierney, who was the director in Scottish
7 Government at the time, who was Irish as well, so she
8 said to me in a very Irish lilt, 'Peter, we're going to
9 be doing a wee piece of work in Scottish Government'.
10 Well, that wee piece of work that she thought would take
11 about six months took two years and a huge number of
12 people that I needed to bring into the main project
13 board, to the working groups to get in, really, you
14 know, get our teeth really into a very complex and
15 controversial area.

16 The reason there's such a wide range in the members
17 was to be as inclusive as possible, because a lot of
18 these people were actually representatives of
19 organisations that weren't necessarily, I'm going to say
20 loosely, friendly to each other. You know, they were
21 often in adversarial positions. Local authorities not
22 wanting to pay for children's out-of-authority
23 placements. Yes. COSLA, psychologists, health. It was
24 a complex piece of work. And the more we got into it,
25 the more complex we realised it was. It was like

1 peeling onion skins.

2 So that range of expertise, and that
3 representativeness, including parents and parent
4 organisations, was really quite crucial in bringing
5 people along and ensuring that we were also using their
6 expertise. I wrote the report. I oversaw it. And
7 I led the report. But I couldn't possibly have
8 undertaken all of that country-wide work on my own. And
9 I also had the assistance of a lady called
10 Margery Browning, who I do credit, and Margery Browning
11 was a retired HMIE. She also was on the board of
12 Harmeny, and she was probably the wisest owl I have ever
13 come across in my working career and her input was
14 exceptional.

15 Q. I think you cover this at page 8 of your report, but how
16 was the work undertaken?

17 A. Different approaches. Some of it was going out and
18 talking to people. I held parents' events in Aberdeen,
19 Glasgow, Edinburgh, where I went personally and
20 structured the parents' meetings so that we got a real
21 sense of what they did. Visiting lots of
22 establishments. Talking to a lot of experts.
23 Academics. Talking to local authorities. Talking to
24 bodies who represented educational psychologists. Every
25 organisation, Social Work Scotland, HMIE. Anybody who

1 had an input would at some stage have been spoken to.

2 The working groups were structured around specific
3 areas, so a needs analysis was one. There were various
4 working groups. And the working group would then focus
5 on what they needed to be able to achieve their own sub
6 goals, if you like, subset of goals. And again, they
7 would use whatever methods to produce what they did for
8 me, which was each working group produced a report,
9 a summary, of their findings which are all attached to
10 the -- as addendums, to the main report.

11 So a very intensive piece of work, carried out by
12 a lot of people with a lot of expertise, and I was
13 simply the funnel for it to come and try and put it into
14 some cohesive report, that was also written in a way
15 that was accessible not just to professionals but to
16 parents and anybody involved with children.

17 And I think, personally speaking, I think that was
18 largely successful. The report was -- I remember the
19 last meeting of the project board, and the report had
20 been circulated to them a few days beforehand, and
21 myself and the senior civil servant were joking
22 beforehand saying, 'Have we got armour plating?', 'cause
23 I was expecting, because of the nature of some of the
24 recommendations, particularly around funding, that I was
25 going to need to have thick skin. And the report was

1 welcomed by everybody around the table, and I was sort
2 of taken aback. And I feel very proud of that, because
3 it made sense.

4 Q. And I think when you speak about the report, you
5 included -- there are key messages in the report, but
6 there are also recommendations. So for example, looking
7 at page 21 of the report, into 22, you have
8 recommendations, but taking recommendation number 5, we
9 can see that it's a consideration that there should be
10 a register of teachers with qualifications in meeting
11 complex additional support needs.

12 And I think recommendation number 6 is similar, but
13 in relation to care staff, effectively?

14 A. Indeed. I have not kept up with the group responsible
15 for overseeing what was shortened to be called the Doran
16 Review, after me, but I know that there's still ongoing
17 work to meet the recommendations, particularly around
18 the education of teachers. It surprises a lot of people
19 to know that teachers, even in specialist schools,
20 didn't necessarily have the training or expertise to
21 work with the pupils who they were working with.

22 So I know there's been a real drive across Scotland
23 to increase the training and learning development and
24 continuous development opportunities for teachers and
25 classroom assistants. A huge difference between having

1 somebody -- even simple things, like there's a lot of
2 technology used with children with very high, very
3 complex needs who perhaps have in some cases
4 life-threatening conditions that prevent them speaking,
5 or reading. The use of iPads, for example, and the
6 ability to use technology makes a massive difference to
7 these children and young people. There's not much point
8 if the teacher, or the classroom assistant, doesn't know
9 how to operate. So at many, many levels I saw the need
10 to really encourage specialist expertise in working with
11 a very diverse range of complex needs.

12 Q. And your recommendations, which are throughout the
13 report, do cover a vast amount of things from, for
14 example, technology to funding, as you've discussed,
15 because I think there was perhaps consideration about
16 the funding towards the grant-aided schools as well?

17 A. Indeed, I mean in that sense I was poacher turned
18 gamekeeper, or whatever the way round it goes, because
19 having been the head of a grant-aided special school,
20 I was making a recommendation that the funding for the
21 grant-aided special schools should end. Not that the
22 grant-aided schools shouldn't be potentially still able
23 to function, of course, but even in Harmeny, many years
24 before -- years before I retired, my objective was to
25 get Harmeny non-grant dependent. And we could easily

1 have achieved that. In other words, if what we're
2 offering is of quality, people will want to use it.
3 Authorities will want to use it. And therefore we
4 shouldn't have to rely on Scottish Government grant.

5 The big proposal there was to pursue a policy of
6 national commissioning that of course there were
7 services that were going to be needed at a national
8 level, but the seven grant-aided schools had emerged, if
9 you like, over time, there hadn't been a clear enough
10 identification of what each one would do, and the
11 commissioning group, which is still functioning, I think
12 they're struggling at times to -- I'm surprised that it
13 hasn't moved further forward. That report was presented
14 in 2012 and I know that in 2024/2025, deadlines for
15 various things have been pushed back, and I just feel
16 a wee bit disheartened that it seems to have gone into
17 the bureaucratic cog, and I think that was one of --
18 again, I'm not wanting to boost my own significance
19 here, but one of the things I think I was able to do
20 with the review was to cut through that bureaucratic fog
21 that can sometimes just feel like you're -- I used to
22 joke that when I came out of Victoria Quay, Scottish
23 Government headquarters, I would say to friends of mine,
24 'I think they were speaking Japanese again today,
25 I didn't understand a word that some of them were

1 saying', because there was a tendency to overcomplicate.
2 So I was interested in straightforward, understandable
3 language. I think because the review, this Inquiry
4 provided me with minutes of some of the strategic
5 commissioning group over the last year or two, I had not
6 been looking at these, I've got to be honest, and I read
7 them and I sort of held my hands on my head and thought
8 I remember what that felt like, you know, we need to
9 do -- and it's just, it's a personal frustration that
10 when something is so obvious, and there are so many
11 intelligent, well-paid people around a table, how can
12 they not make it work? Why do they complicate things?

13 Sorry, I'm going off on a wee bit of a tangent,
14 maybe, but all of the recommendations of the review,
15 I think there was 21, 19 of them were accepted by the
16 Scottish Government, three of them partially, not
17 because of the -- they accepted the principle, but some
18 of the recommendations as to how it would be
19 implemented, they had just needed to reword those, and
20 two of them they deferred to the local authorities,
21 because it was the local authority's responsibility to
22 implement those recommendations. So that in itself
23 I think was a commendation that all of the
24 recommendations were accepted, either fully or in
25 principle.

1 Q. And turning back to your statement, I guess you cover
2 this on page 57, but what do you think is the greatest
3 impact of your review?

4 A. I think raising awareness. Providing an impetus for
5 things like we've talked about, the attention to teacher
6 training, to the -- a lot of the teachers, who had been
7 specially, you know, trained to work with special needs,
8 or complex needs, whatever you want to call them, were
9 reaching retirement age and there wasn't a cohort coming
10 through to replace that expertise.

11 So I think that whole approach to teacher --
12 post-qualifying teacher training, and indeed including
13 it in the basic PGCE, placements being offered to
14 headteachers and deputy heads as part of their ongoing
15 professional development in special schools, so
16 mainstream/special, attacking that polarised position of
17 you're either supporting mainstream or you're supporting
18 independent schools. The reason the title is 'The right
19 help at the right place at the right time' is that the
20 right place should be identified because of the
21 children's needs, not because of political or
22 philosophical positions, or even financial positions.

23 And I think I was able to argue that in fact having
24 these -- keeping these polarised conditions,
25 perceptions, was actually at odds with GIRFEC, getting

1 it right for every child, and I think that debate, and
2 bringing that debate into the public, naming it for what
3 it was, which was a political or philosophical position,
4 not based on the needs of children, but based on the
5 views of local authority staff, or whoever, and I think
6 challenging that was really significant.

7 There are other aspects that I know have been
8 carried on by workstreams, but I think those are
9 probably two of the biggest ones.

10 And also acknowledging that there needed to be
11 strategically commissioned national services. That's
12 a challenge, as we now know, because they're still
13 working on it. But it was going to take away forever
14 the notion of competitiveness between local authority
15 and independent, or other providers, and, again, it's
16 back to that simple message. We want things to work for
17 the child, and their families. How do we make it work?
18 What are the barriers to making that work? And some of
19 them are our own entrenched attitudes and values. So
20 yeah, attacking that in public, a very controversial
21 area, I think was really important.

22 Also, sorry -- I don't know why I've not said
23 this -- representing the voices of parents and young
24 people is absolutely key to a positive view of that
25 report. Because even today, I mean I skimmed some BBC

1 website and I see, I don't know if it's in England or
2 Wales, but parents' groups up in anger about not being
3 able to achieve their placement requests for their
4 children with additional needs. In Scotland, some of
5 the stories that were shared with me by parents and
6 carers were just absolutely horrendous, I thought. You
7 know, their fight to have, get, basic information, one
8 parent summed it up, and I used it in the report:

9 'I used to cry, now I fight.'

10 In terms of wanting the best for her child. So
11 representing, speaking out on behalf of parents who are
12 faced with the bureaucracy of often local authorities
13 and systems, was really important.

14 Q. And I think you've indicated that you were ultimately
15 the author of a collective piece of work, but you've had
16 no sort of involvement in the implementation of it or
17 how it's been carried forward?

18 A. No.

19 Q. But you're still aware that they're still trying to
20 bring into force some of your recommendations today?

21 A. Yes. I mean the positive is that they've all either
22 been worked on or are still being worked on. My
23 frustration, I expressed earlier, was that perhaps there
24 could be a bit more impetus into achieving some of the
25 objectives.

1 MS MCMILLAN: Thank you, Peter, I don't have any further
2 questions for you.

3 LADY SMITH: Peter, nor do I, but I want to add my thanks
4 once more for you coming here this afternoon to give us
5 the help that you have done. It's been so valuable to
6 hear from you in person, I'm really grateful.

7 A. Thank you.

8 LADY SMITH: Thank you for all the work you have done in the
9 past, in your review, by providing your written
10 statement to us, and everything you've contributed
11 today.

12 A. If I may, can I just make a final comment?

13 LADY SMITH: Please do.

14 A. I mean, I would like to add my voice to everybody who
15 has apologised and expressed regret at what happened to
16 numerous children and young people in residential care.

17 And I just wanted that on a public record, that
18 I share that sense of apology. And whilst the children
19 and young people are rightly at the centre of our
20 thoughts, I also wanted to make a comment about the
21 positive work that's been done over the years by staff
22 and organisations in making differences to children's
23 lives. And my sadness, and sometimes anger, is that
24 that good work, that positive, life-enhancing work, is
25 completely overshadowed and possibly denigrated by the

1 horrific abuse that abusers have done.

2 So, you know, I'm not for a minute doing anything
3 other than wanting to at least acknowledge that I know,
4 personally, hundreds of children's lives have been made
5 and improved by the services, even if they weren't
6 perfect services at the time, and I also know the
7 commitment that numerous staff in these organisations,
8 you know, the commitment and the dedication to making
9 lives better, and I just think, whilst clearly the
10 horrific abuse has never got an excuse or -- and should
11 never be minimised in any way, I just felt the need to
12 be of some support to my previous colleagues and current
13 people who work in this profession.

14 So that's it.

15 LADY SMITH: Thank you so much, Peter, thank you for that,
16 and do feel free to go.

17 A. Thank you.

18 (The witness withdrew)

19 LADY SMITH: A couple of names have been mentioned this
20 afternoon and there are people who are not to be
21 identified as referred to in our evidence outside this
22 room and there was PNC and KYN.

23 And that takes us to tomorrow.

24 MS MCMILLAN: Yes, my Lady, tomorrow we turn to expert
25 evidence in the morning and the afternoon, my Lady.

1 LADY SMITH: Thank you very much indeed.

2 Well, I'll rise now and sit again at 10 o'clock
3 tomorrow morning.

4 (3.57 pm)

5 (The Inquiry adjourned until 10.00 am
6 on Wednesday, 8 October 2025)

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