Scottish Child Abuse Inquiry

Witness Statement of

John CHALMERS

Support person present: No

1. My name is John Pearson Chalmers. My date of birth is 1952. My contact details are known to the Inquiry.

Qualifications and employment history.

- I left school to study science and finished up studying theology. I graduated university with a Batchelor of Divinity degree in 1978. I was ordained into the ministry in 1979. I was a minister for seven years in Renton, Trinity. I then moved to Palmerston Place Church, Edinburgh in 1986. I was in Palmerston Place until 1995 when I moved to a national role in the Church of Scotland, at their offices at 121 George Street, Edinburgh.
- 3. I spent the rest of my ministry career as Deputy Secretary of the Ministries Council, which has had various titles over the years, and finally I worked as Principal Clerk to the General Assembly of the Church of Scotland. During that time, I also served as Moderator of the General Assembly. During my ministry, I trained as a mediator and in conflict management.

- 4. I retired in 2018, when I was 66 years old. Since then I have done locum work filling in for ministers when they have been on holiday or when they have been ill.
- 5. I came on to the Board of Governors of Donaldson's School for the Deaf because I was the minister of Palmerston Place Church. The makeup of the trust deed at that time had ex-officio trustees, one of whom was appointed by the Presbytery of Edinburgh. It wasn't stated that it should be the parish minister of Palmerston Place Church, but I was that minister, and Palmerston Place Parish included the Donaldson's School campus within its boundaries. That is why the Presbytery of Edinburgh asked me to serve on the board of trustees of Donaldson's School.

Tenure on the Board of Trustees at Donaldson's School for the Deaf

- 6. Donaldson's School was an incredible place. It had huge, Playfair specifications. It was built as an orphanage. It was meant to be three storeys high but they ran out of money so they only built two storeys, then they were left with this empty loft space that became the inspection chamber for the matron. It was used as a prisoner of war camp during the second world war. It was a prospect for the Scottish Parliament.
- 7. I no longer have any records relating to my time with Donaldson's School. When I cleared out my filing cabinets, I shredded a lot of stuff, and it feels like I have shredded a lot of stuff in my head too. I spent a lifetime doing that with difficult cases. All of the disciplinary stuff in the church came to my desk. You couldn't live with it all in your head, so you dealt with a case, then shredded it in your head.
- 8. It must have been not long after I came to Edinburgh, possibly 1987, that I was appointed to the Board of Trustees of Donaldson's School. It was a very low key presence that I had. I think the name of the Chairman at that time was Bert, but I can't remember his surname. He had been pretty high up in the civil service.

- 9. I was quietly at the edge of the Board. I suppose I regarded the appointment, historically, as probably being one that was made for some pastoral reasons. Donaldson's School was an institution, and if you go back 150 years in Scotland, you always found the church involved in some way in its institutions. The construction of trust deeds at that time would always have ensured a church presence because that was the nature of public life in Scotland at the time.
- 10. At that time, I had more than a passing interest in people with learning difficulties. My sister had Down's Syndrome. I lived all my life in a world of trying to provide a level playing field for people who lacked opportunity. I wasn't just a minister who had been slotted into the Board, I had an interest in learning more about the challenges deaf people were facing.
- 11. The big debate at the time, which rattled on for a couple of decades, was the debate about the institutionalising of education for pupils with sensory deprivation or integrating them into mainstream schooling. I think I came on to the Board at a time when that discussion was starting to come to a head. I can't remember when it was published, but there was a report by Professor Shiela Ridell, on the way in which education would have to move from its platform within specialist schools, to a more integrated approach in Scotland.
- 12. I was also aware of discussions about the modernisation of Donaldson's School. Prior to my being there, Donaldson's had already built a more modern primary school, nursery, and a swimming pool. That made the old fabric of Donaldson's School look desperately institutional, and out of step with providing the kind of educational facility that these kids deserved. But, I became readily aware too that it was all right for hearing people to have a judgement on that issue, but you had to take account at that time of the emotional attachment that the deaf community had to Donaldson's. It was their flagship.

- 13. I became aware of these issues over a period of quiet years on the Board. I certainly never expected at any time to hold any particular office on the Board, I was just there as the church's representative.
- 14. I don't think I became vice-chair of the Board at Donaldson's until the mid 1990's. Ivor Guild was the chairman at the time. I took over as Chairman of the Board at Donaldson's in 1998. The term for a Chairman was four years, but I don't remember if Ivor's term was cut short. There will be minutes somewhere which will confirm that.
- 15. When I took over as Chairman of the Board at Donaldson's it was when they needed a new broom to sweep away the cobwebs out of the place, to put it colloquially.
- 16. I was the Chairman of the Board at Donaldson's when we received the ELRIS report.
 To be honest with you, up until that point, I had never been involved in meetings that led to ELRIS being appointed to provide a report.
- 17. I guess it is the case that prior to my appointment on the Board of Donaldson's, no references for me were required, and there were no pre-requisites for the role other than that I was a member of the Presbytery of Edinburgh which had an ex-officio place on the Board. Certainly it was different compared to practices nowadays, where you would advertise and look for a variety of skill sets on a Board of Trustees. Up until my term as convener I don't think the trust ever did that kind of fishing for people. I know that during my time, we started to look to fill certain roles, but I do not remember advertising for them.
- 18. Once I was on the Board at Donaldson's there was no induction training. Similarly, there was no induction training when I became Vice-chair or Chairman.
- 19. Prior to my being Chairman, I don't recall specific agenda items saying we all had to be present to learn about x, y, or z. But I do recall us instituting some elements of understanding the role of being a Trustee and understanding the operation of the various aspects of the institution.

- 20. I do recall sitting down with the Trust's lawyers. One issue that rumbled on for years was whether the secretarial aspect of the trust should continue to be served by an Edinburgh law firm, or whether it should have some sort of internal bursar. Other than those informal meetings with the lawyers, I cannot recall anything that could be considered to have been training.
- 21. There was no supervision of the role of Chairman of the Board at Donaldson's. There was no appraisal system to judge us on at that time. I never worked autonomously as a Governor or as Chairman of the Board of Donaldson's. During my time there was the response to the ELRIS report which had revealed all sorts of laxities in the system. Responding to that was a corporate action which led to the appointment of a new Principal. When you think about it, the appointment of a Principal for a place like Donaldson's School, is done in light of the challenges being faced at that moment. The deaf community would always have expected that the college would be managed at senior level by people who were fluent in sign language at the very least, if not deaf themselves.
- 22. The hard thing for a Board at that time to do was to appoint someone whose special gifts were not directly involved with deaf children. An educational psychologist with the capability to be able to move the place from its past laxities to a place where it could once again hold its head up high and say, 'We have reviewed in depth the areas where we are lacking, and with a managerial iron rod have made sure that these things have been fixed.'
- 23. These are my vague recollections, but it is clear from the paperwork that not everybody admired David Scott's approach to how he managed the school. That, as much as anything else, is what brought matters to a head and resulted in ELRIS being involved. It was a new Principal, a new broom that was able to sweep the place clean. I didn't make any decisions on my own in relation to that, either in co-operation with the senior management team or with the Board itself, because the Board had to be responsible for the changes that were being made at that time.

- 24. I would not say that I worked closely with Mr Guild while I was vice-chairman. I was unaware of some of the more serious allegations that were around, until it was possibly too late. I think the Board met quarterly. When I became Convener I was involved in those discussions. I would be in the school weekly, if not more but as a Governor before that, it was very light touch stuff. That's how it appeared to me.
- 25. There were always things on the agenda of the board which were or could have been described as high level. They always revolved around the same things. If it was to be a specialist school, what were the criteria for admission? How far could the Trust extend its remit? Its remit had always been understood as being to children who were deaf but in the world of complex analysis of disability, was it right to extend that to people with other communication issues?
- 26. Another issue on the agenda of the Board was that we had an ancient building, how do we modernise it? We kept pouring money into trying to modernise the interior. One of the big discussions at the time was, whether the new Principal should live on site to add to the general security of the campus. I remember that discussion and the financial implications behind it.
- 27. I also remember discussions all the time about whether it was time to relocate from the original site and go somewhere else. In fact, for better or worse, that became the principle, but not the only, objective of my time as Convenor. If I was responsible for leadership of any kind, it was to persuade all the parties that were involved that it was time to move to pastures new.
- 28. The interaction of myself, and the Board, with the pupils would be that we were invited to special events concerts, end of term services, sports days, et cetera. We would from time to time be invited, in small numbers, to accompany the Principal to a classroom to engage with kids as far as we possibly could.

29. A big miss would be the fact that Governors were never required to learn even some rudimentary sign language so it was always a very limited connection that the Governors had with the kids. There were one or two of the Governors who had children at the school in the past and they were conversant in sign language. They were regarded as the ones who would have more of a finger on the pulse.

The culture of Donaldson's School

- 30. It is difficult to separate the culture as you would see it now through the lens of 25 or 30 years of change in the whole world of trustee responsibility and the management of institutions like that. I can tell you that, in the light of having been a trustee of many different Trusts and knowing what effort goes into training trustees and appraising trustees now, there was nothing of that formal or detailed nature at Donaldson's at that time. I was convenor of the Assembly Trustees of the Church of Scotland for the first three years of its life. Right from the very start we had trustee guidance, we had a trustee buddy system, we had trustee training. At every meeting we had talk about high level vision, so the world has changed. I can look back and say, 'It was X and it should have been Y.' It probably is Y now that it is 2025. It certainly had gone from X to Y by the time I gave up my tenure. Maybe not all the way from X to Y, but it was on the way there.
- 31. On top of that there was legislation that was moving us to change. If I compare what Donaldson's was to the legislation which was in place at the time, then I don't think it would have been regarded as out of the ordinary. Was it as good as we would expect in 2025? Of course it was not, but you don't want to libel people who took on serious responsibilities and were very generous with their time in order to help. They may not have been as aware as they should have been that they were managing a system through a time of monumental change, in the way that children with special needs should be regarded, and what kind of opportunities they needed to be given.

- 32. Donaldson's building spoke volumes about where it had come from. When I first saw the bathrooms at Donaldson's, which were still there in the 1980's, they had something like sixteen baths in one room and a portal in the attic for someone to supervise bathtime. That's what matron would have done in the 1950's. While these bathrooms were no longer in use, we had to spend money removing them and changing the way those spaces were used. It wasn't enough to not use those spaces. They had to be ripped out in order to demonstrate that the world had changed and was changing. But the more money that the Board poured in, the more that needed to be poured in, which led to them eventually saying, 'This cannot be sustained.'
- 33. There was grant money coming from all sorts of sources. Then the Riddel Report came along and said that tap was going to be switched off. As governors we were not idle. We were responsible for the financial and economic viability of the place and it wasn't getting any easier. In that mix, the more hard-headed realists on the Board were up against the fact that whatever they proposed they would have to bring with them the deaf community, many of whom were of the view that the Donaldson building was their flagship.
- 34. At the prospect of moving campus, there were protest meetings and letters to the press. The Board were handling that stuff, and you may say now that the Board should have been far more aware of the possibility that there were children in the heart of this who might be exposed to abuse. We had, however, appointed senior people to senior roles and trusted that they were managing the day to day affairs of the school, such as educational, pastoral and social matters. What we saw, or what we were allowed to see, was the kids on their sports day, on a family outing, in a classroom, or at the swimming pool. If that's the lens through which you saw it, then you thought, 'They're pretty happy.'
- 35. Every practical decision we made was for the benefit of the kids, like tearing out the bathrooms, or what kind of accommodation we were going to provide for the kids after renovation. For instance, we knew for a long time that some of the children wanted individual rooms, but others didn't. They felt isolated with no one to communicate with.

- 36. The things that we were responsible for, such as putting in alarm systems that would alert deaf children to the possibility of fire, and evacuation, we were aware of all these things and were investing in them, and bit by bit trying to modernise the place in the belief that the buildings we inhabit affect where we are, who we are, and we were all aware that the culture of Donaldson's School was stuck in its history. The governors were certainly trying to do all they could to transform this inappropriate space.
- 37. It is hard to be anything other than impressionistic about Donaldson's reputation back then but we had to be conscious of the passion of the Donaldson's Former Pupils Association, which was always a group you had to consult before making any changes. I daresay their membership was not made up of people who didn't hold Donaldson's in high regard because these things are self selecting. If that was your litmus test, then these people were passionate about a place that had changed their lives. As I say, that Association wasn't made up of people who had gone to Donaldson's and been miserable.
- 38. In relation to compliance with legislative changes, when I was first introduced to Donaldson's School my son was three years old. I had been visiting, as a trustee, the pre-school group alongside Donaldson's Primary School. There were a couple of hearing kids in the nursery. It had been up until then an ambition of the school that if integration was important, it wasn't just that deaf kids had to be integrated into mainstream education, but if there was an opportunity for hearing children to be a part of the community at Donaldson's, then the best place for that was the nursery. So, my son went to Donaldson's Nursery for a year. If anything that was my closest view of the ethos of the place.
- 39. We were entirely satisfied with what we felt about one of our children being in the deaf nursery and learning to communicate in sign language at a very early age. That kind of integration wasn't something that I introduced. I think that when I visited the nursery, there was one deaf pupil with a hearing sibling who was there. We then suggested

that our son attend the nursery. We tried it, maybe for six months, before he went to school. It was a useful insight.

- 40. Further, in relation to compliance with legislative changes, I have vague recollections of fairly good HMIE reports, or that's what the Board were told. I cannot remember if the Board were provided with copies of those reports, but I would be surprised if they weren't. In relation to the inspections by HMIE, up until that date, institutions like Donaldson's school were not inspected by the Care Commission. They were only inspected by HMIE who probably had a category of their inspection that was about pastoral care and so on. HMIE were not homing in on the day to day care that was meant to be offered in these places. The ELRIS report was the prerequisite to bringing Donaldson's into the orbit of the Care Commission. It was the ELRIS report that rang alarm bells with the Board of Governors. Any previous reports must have been okay because they didn't ring alarm bells.
- 41. I inherited a moment when mistakes had been made, and the ELRIS report was dropped on our desk. It was a case of either addressing the difficulties not just one by one but simultaneously, or the place would shut. That was when I began to have regular meetings, week on week, to see to it that these matters were being addressed.
- 42. At that stage, I would describe my leadership style as supportive. We had appointed a Principal on the basis of getting the job done, albeit a difficult job. Someone who was going to tackle all sorts of people issues more than anything else and insist on a higher standard. But all the time, the new Principal was going to have to deliver a better service in a building that was not fit for purpose.

Routine at Donaldson's School

43. It would be fair to say that I was not involved in the day to day running of Donaldson's School. Consequently, I am not in a position to comment on most aspects of these arrangements. We are going back a long time, but in those days somebody with a full-

time highly responsible job couldn't take on the role of Chairman unless there was some kind of understanding that the place was being professionally managed and run, and that the Board was responsible for high level policy and vision.

Discipline and punishment

- 44. I did not have any influence on the use of discipline or the types of punishment used at Donaldson's School. There was an assumption that the people who were in senior roles knew what they were doing. And we are talking about the days before restraint systems like CALM. We are talking about years before behavioural systems were properly articulated. This was a context in which even the very best teacher of the deaf would say that aspects of touch and restraint are more difficult than they are in the general education sector. Teachers would be aware of that, but you certainly wouldn't be expecting pupils to feel threatened. I wasn't aware of any restraint methods that distressed pupils until the allegations were made against David Scott.
- 45. I would have presumed that senior managers would have been conversant with issues of the protection of children admitted to Donaldson's School from abuse or ill treatment. Each pupil had a social worker, someone who was responsible for their placement, for supervising that placement, and being in regular contact with the school. It's not to say that there weren't cracks in that system as well. We were quite clear that pupils with complex needs had to have team meetings to discuss their needs, for example, if they needed additional teaching support.
- 46. There was a knock-on effect that the local authority would have to pay for that additional teaching support. These kinds of things were discussed by Governors but they were not involved in discussing individual cases, but Governors knew that if you had a pupil with complex needs and team meetings happened, involving the social worker who had placed the child, and the education authority that was paying for it, they all had stretched budgets and were not necessarily able to put in place all that would have been ideal for each child.

Abuse at Donaldson's school

- 47. Regarding the issue of abuse and whether that was on my mind, it was to the extent that you walked around the facility and saw a bathroom with around sixteen baths and a peephole, you wondered, 'What was life like here decades ago?' Anyone who has any sense is going to say, 'What's in the DNA of a place like this?' and, 'Is a place like this going to be targeted by someone who wants opportunity to abuse children?' You think about these things, but you trust your judgement that you have appointed people who are above that.
- 48. Whenever allegations were made, they would be strongly denied with an explanation that the child was exaggerating or even making things up. You ended up in a situation where you had to put measures in place to investigate whether the allegations amounted to abuse. This is the nature of institutional life. In institutions like Donaldson's, up until that time, the assumption was that people wanted to work in these places for good reasons. The assumption was that the vocational nature of the work was such that they would be genuine. That is how most of us thought about these places before the likes of the Jimmy Saville case.

Changes brought in by me during my time as Chairman of the Board

49. Regarding the major changes brought in by me during my time as Chairman of the Board, I would need to go back and read the Elris report again. At that time we could see for ourselves the areas we had to deal with. We didn't wait for the Care Commission report which would follow eventually, but we did get a follow up report and we got five stars in a variety of areas from night care to daycare, for making sure that we were taking effective steps to protect children in a way that we hadn't been doing. I would be pushed to name specifically what we did and how we did it. It was a frantic period.

Policy in relation to child care

- 50. I was involved in, and responsible for, the policy relating to the care of the children at Donaldson's School. We were relying on professionals providing us with the templates of various policies. Were we well enough qualified to judge those? You could argue that with a lack of training we were possibly not. As time marched on during my time as Convenor, we got into the details of the changes that had to be made as a result of the ELRIS report. Then we were involved in more detailed expression of policy. However, I wouldn't describe that as having been the case in my earlier years on the Board, because at that time I was further away from the senior members of the Board whose role that would be.
- 51. In addition to the changes in policy that were made as a result of the ELRIS report there were changes to national policy over the same time. For instance, there was the introduction of CALM. I remember that being talked about and explained, and that being supported by the Board. I can think too of later discussions about night time supervision and staffing needs that were required in relation to a new standard. I remember those things, although not very clearly but certainly in my time as Chairman of the Board, both in the old building and at the new campus, I can remember discussing the economic knock-on effects of having to fulfil new requirements, or to put in requirements that weren't necessarily mandatory, but were desirable.
- 52. My memory is vague but certainly in the days of the new campus, there were written policies that were available. Back in the days of the old campus, I am sure that some of the policies were written but whether they were readily available in one place that Governors could put their hands on is another matter. That was in the days when fewer things were kept in one central store online. Paper copies that were produced may have been laid on the table, approved, and put in the filing cabinet.

- 53. There were policies on matters such as training, recruitment, child protection, staff appraisal, complaint procedure, and restraint. I can't be specific about when they were introduced, when they were developed, and when they were improved but they were certainly in place or Donaldson's would never have stood up to any kind of inspection by HMI or the Care Commission. Many policies were put in place during my time as Chairman of the Board at Donalson's School. That's not to say that there weren't rudimentary things in the past, but I don't remember seeing those. I know that my first year as Chairman was spent producing policies, one after the other.
- 54. In relation to the recruitment of Governors, we had moved to a point where we were needing to cover certain areas of expertise on the Trust. I don't remember advertising for such people but I do remember going to levels of thoroughness in the selection process. We had one Governor who came from the SQA. He was thorough. He was well briefed and was very involved with the new Principal in developing the standards that were required to meet the ELRIS report.
- 55. We had another Governor on the Board who had dealt with residential care. I can't remember who it was but we did have someone who came to us with residential care experience. That was how we recruited Governors when I was Chairman.

Strategic planning in relation to Donaldson's School

- 56. Certain things come along once in a generation. They are all consuming, and the decision to move the school from the Donaldson campus in Edinburgh to Linlithgow was the all-consuming issue that I had to deal with. There had been loose talk in the past about moving Donaldson's School and there had been loose talk about the Edinburgh campus being used for the new Scottish Parliament.
- 57. There were various discussions going on that possibly postponed us making the big decision to move. I am not saying it was an easy Board decision, but it was the Board that led it and did so with some opposition from the Donaldson's Former Pupils

Association and other elements of the deaf community who felt we were robbing them of their heritage. But given all the other challenges that we were facing and the need to deliver education to a much wider spectrum of people with communication difficulties, the move was inevitable.

- 58. Given the Riddell report and the reluctance of local authorities to send kids to specialist schools, partly because of the cost involved and because integration was the educationally correct choice we had to start thinking about the policy for entrance.
- 59. To that extent, relocation was driven by some active members of the Board, Alistair Salvesen being one of them. He was a big driving force for that. We visited other campuses where deaf children were educated. I visited Brighton with Alistair Salvesen, I was in Washington D.C. at Gallaudet University at one point. I visited there to see what was happening in deaf education in the U.S.A. I just happened to be there and managed to add it to my trip.
- 60. So, one way or another, it was Governors who drove the process. There were plenty of senior staff members who felt they were up against it all the time trying to deliver education in this inappropriate situation where among other things the heating was inadequate. There were various talks about building another school on the site, or whether it was time to get out. Governors were deeply involved in that discussion, and they were involved in the big decision about the kind of pupils we could support and what the economic implications of that were.
- 61. The potential for abuse did come into the strategic thinking. None of us were comfortable about the way that the building itself made it difficult to supervise both staff and pupils. It was a great place to escape from, if you liked an adventure. The provision of security, without locking people in, was always on our minds. It wasn't just from the point of view of pupils possibly harming themselves, but as a campus we had to guard against them being exposed not to rogue staff, but rogue members of the public. It was that kind of place. Even the gates at the front pillars couldn't be secured like the new campus is.

62. At the new campus you have to come in through a barrier, and you need a swipe card. If you were talking about putting those kinds of measures into the old building, you would be talking about miles of cabling and many thousands of pounds. We were up against huge challenges. The arguments we used for the modernisation and the move were that we could start to seriously address the risks, and we did. In relation to our risk register, I don't know exactly when we started it, but we had to keep a risk register. That wasn't something that anyone was considering in the 1980's.

Recruitment of staff at Donaldson's School

- 63. The Principal was regarded as the senior manager of each of the elements of the school, the primary school, the secondary school, and residential care. The Board took responsibility for appointing the Principal, and the Principal was responsible for the recruitment of staff.
- 64. Regarding my knowledge of the recruitment policy and practices at the time, my first experience of this was when we appointed Janet Allan through a very rigorous process. There was a shortlisting process and an interview process. We not only used Governors for interviews, but we also had some external input. My memory is vague, but there may even have been a second interview before appointment was made. References were pulled in. I can't remember referees being spoken to but I would have been surprised if they weren't because by that time, that would have been my own practice in my capacity within the church.
- 65. After Janet Allan retired, we recruited Janice MacNeill. Again, that was another rigorous process. I can remember struggling with the fact that there were highly qualified deaf applicants, but we were looking at not just what the culture needed, but what the context needed, because by that time the question was, 'Who is going to move the school from its original campus out to the new campus?' The die had been cast for that, and Janet Allan didn't want to be the person who did the upheaval of

relocating. She had dealt with the upheaval of bringing the school into the 21st century. The task of taking the school from where it was to the new campus required a different skill set, and that had to be combined with running the school.

- 66. As far as training the staff at Donaldsons' School is concerned, my recollection of that is very vague but I would have put that in the category of the Trust being plugged into the independent schools association, SCIS. We were provided with things that we thought were the up to date support and training for those who worked in the sector of providing education within a residential environment. We were a special school within that sector. The other schools would have been private schools of different kinds, but all facing the same conditions that were now part of the reality of a new Scotland, where the Care Commission was involved where they had never been involved before.
- 67. I know that SCIS had meetings, which I attended as the Chairman of the Governors of Donaldson's school, where we began to flesh out what it meant to be a trustee in the modern age, and the liabilities that you might have now that you never thought about in the past. Similarly, the Principal would attend meetings and they provided opportunities for in-service training for staff. We were also plugged in to educational psychology support from Edinburgh University, maybe Heriot Watt University too, but the Board was not the driving force for that as much as the Principal.
- 68. In terms of appropriately qualified staff, I think that as with many schools the bar kept getting raised and we expected people, if they didn't have the qualifications, to attain them. I would not be able to say at which points in time we were running with people who were not properly qualified according to what new legislation had been introduced. I couldn't tell you who we would have had to send on which course, but I was aware that the bar was being raised all the time. When it came to new recruits, the Principal would have to be convinced that the bar had been met, or if it hadn't been met, that it would be met in the course of the early part of their employment.
- 69. In terms of supervision, evaluation, and appraisal of staff I would be involved in the supervision of Board staff and the Principal. At the time, the supervision of the trustees,

which moved from very loose to being more rigorous, was partly the role of the Chairman of the Board, and partly the role of the Clerk. We had issues about whether the Clerk should continue to be a solicitor from an Edinburgh law firm or an internal employment within the college.

- 70. In the latter days of my Chairmanship, we used the opportunity of the move of campus as an opportunity to also move the culture from being supported by an Edinburgh law firm to having an internal Bursar who then began to keep trustee records, learning records, attendance records, and so on. Whether they were online courses that people were asked to do, or whether there were opportunities for learning that people could take up beyond the campus.
- 71. I think the school moved to the new campus around 2002 or 2003. It was around that time a Bursar was appointed.
- 72. My supervision of the Principal was a formal process. There was paperwork submitted in advance of appraisal meetings, and the review would include consideration of the paperwork and an in-depth interview with the individual. In my case that would be rigorous both in terms of the background against which we were operating, and in terms of the pastoral support needed for somebody who was rocking the boat. It was a time to be highly supportive.
- 73. I believe that in Janet Allan we had appointed someone who was highly focused and highly competent. She had come from Heriot's School in a pretty important role as an educational psychologist and manager in the school, and she brought all of that competence with her, and she did it without being a first or second language sign language user, which didn't make it easy for her. There were plenty of people who thought that they knew better than her, so she needed a bit of support. I was sorry when she decided not to lead the school into the new campus. That gave us an unknown quantity going forward.

Policy in relation to the discipline and punishment of children at Donaldson's School

74. I cannot recall any specific policy document.

Policy in relation to the restraint of children at Donaldson's School

- 75. Again, I don't remember handling a piece of paper that described such a policy. I do remember conversations with various staff, not least the Principal at that time, explaining to me as a hearing person or as someone who hadn't worked in the deaf world for thirty years of my life, that there were complexities around keeping pupils safe from themselves and others.
- 76. It was explained to me that the restraint policy in a deaf school might not be the same as in a non-disabled environment. Whether that conversation was a pre-emptive explanation for regular behaviour in the school, I don't think so but you could read that into it if you have got that kind of way of reading history.
- 77. These were conversations I had with David Scott and with others, such as the educational psychologist, George Montgomery, who was a very influential individual and Governor. George taught at Edinburgh University. He was the 'go to' person for all sorts of behavioural issues around deafness. He would be ready to answer questions about the complexities of dealing with deaf children. We were trying to elevate deaf education from the days when deaf children were not encouraged to have very high expectations of themselves. Remember, there is a street in Edinburgh called Dumbiedykes because that is where the first deaf school was. You never heard anyone talking about the deaf without adding, 'dumb' to it.
- 78. George Montgomery was on the Board. He was a campaigner for elevating education for the deaf to a new level, but cognisant of the fact that that was fraught with all sorts of contextual issues. He knew, along with the rest of us, that the population of

Donaldson's School year on year was becoming more and more complex. We weren't getting the full spectrum of deaf children in Scotland. We didn't get the high level performers, we were getting pupils with multiple challenges, because as a result of the Riddell report the high achievers had been integrated into local schools, which is where they should have been.

79. I don't know what policy was in place regarding restraint, I don't know how they did it. I know that there were challenges around it and I believe that people like George Montgomery and the Principal and Deputy that we had appointed knew the issues, and they knew how to deal with them.

Training

- 80. I really couldn't put dates or times on it, but I know that there was a point when everyone got CALM training. There was a point where we decided to join SCIS and that we would make sure the opportunities for training of the staff across the board would be taken. If there were national or international events being run by other deaf schools we made sure that our staff weren't deprived of those opportunities.
- 81. There would be a report about training and feedback by the Principal on a quarterly basis. It would have the headlines of what had been happening at the school and the training we had been involved with in a variety of areas. Sometimes we would be delivering part of the training because we were the experts in certain things. There may have been rogue characters on the staff we were not aware of, but there were hugely qualified and experienced individuals who were beyond the competence of any other people in any other institution that trained deaf people.
- 82. If there were restraints used, I would think there would be a report from the Principal. In Janet Allan's time, which was basically my time as Convenor, if there was an issue, she would phone up and say, 'We've got to deal with this.' But did David Scott pick up the phone in his time? I don't know, I wasn't the Convenor. Did he phone Ivor Guild to

say he was dealing with a situation? I don't know if he ever did. He may well have done if he had the same relationship with David Scott that I had with Janet Allan.

Concerns about the treatment of children at Donaldson's School

- 83. I wasn't aware of any grave concerns until that came about in the ELRIS report. I can't answer questions going back before that, when in a different era, time and culture maybe some things were suppressed. We know what institutional life was like in the 1950's and the 1960's, never mind what it was like in the 1920's and 1930's. I can't comment beyond what came up on my watch.
- 84. When I was the Vice-Chairman of the Board at Donaldson's I wasn't aware of the substance of the complaints raised in the ELRIS report, apart from last minute information about complaints and in the most general way of complaints about the accommodation, such as the difficulties that there were in making deaf kids feel at home in a place like the Donaldson building.
- 85. Regarding my knowledge of how the staff treated the pupils, the signalling that we got was of happy pupils, in a happy place. We saw them at their end of term services, at their prizegiving services, and sports days. The pupils were made aware that the Governors were in school on those days, but they acted as ordinary kids, they would come up and talk to you or give you a high five, but nobody sought me out to make a complaint, and these were events where parents were also present.
- 86. At these prizegiving services or sports days, I would make a speech saying what a good term we had and wishing everyone a good holiday, or I would stand up in front of a meeting of the former pupils and tell them what our plans were going forward, whatever they might have been. Through all of that and many encounters with parents and former pupils, I never got tales of people who had been abused, certainly not sexually abused. I play golf with a guy who went to Donaldson's School and we brought him onto the Board. He just thought the place was the best in the world.

87. Before allegations were made against David Scott, I don't recall hearing any stories about bullying at Donaldson's School, or about absconding. These kids were teenagers, so if they could get out on an adventure they would and it was impossible in a campus like Donaldson's to stop them getting to Haymarket station. When we heard stories of these things, we had panic moments, then we got them back. We talked about how on earth we could secure the place. But we didn't get stories of people running away because they hated being there. As far as I understood it, they were escaping for the day on an adventure.

Complaints from children about staff at Donaldson's school

88. The first thing I heard was when stuff came to light just before the ELRIS report, so I have no knowledge of what happened in the days when teachers may have controlled classes in a different way.

Persons children at Donaldson's School could talk to.

89. In my understanding of the framework which underpinned a pupil at Donaldson's School, then I would be looking for the presence of a parent, or a social worker from the sending authority to help me to understand how well the pupil is doing, how they had settled, and if Donaldson's School was the right environment for them. That's before the days when we had individual pupil learning plans. We had certainly moved into individually tailored plans for pupils, before my time as Chairman was up. This would involve looking at the holistic needs of each child, with the social workers and parents involved, because sometimes these pupils came from very complex backgrounds. Every child needed a comprehensive individual learning and care plan. That kind of thing moved from the informal to a much more formal thing in the 1990's and 2000's.

- 90. Regarding the Board of Governors' interaction with non-residential pupils there were a lot of pupils taxied in. I would have said the balance was always in favour of residential pupils. There was always one Governor who was a former pupil. At one point we had two former pupil Governors. There was the gentleman I played golf with and there was who was a high achieving deaf individual who interestingly didn't rate Donaldson's highly.
- 91. was one of the Governors who demanded higher standards of Donaldson's school but was less sympathetic to the fact that we couldn't afford some of the higher standards that he and we wanted. He would also be one of the ones who made it difficult to move campus. In spite of his criticism of what he thought Donaldson's was delivering or could deliver, he was attached to the place. Actually, I think his criticism was perhaps more to do with Scottish Government education policy rather than Donaldson's School, because that policy was one that had deprived Donaldson's School of so much of its income because of integration and money going in the direction of integrated education.
- 92. The role of an ex-pupil Governor on the Board was to be the person more able to take the pulse of the deaf community, whether that of the learning community or the parents community. It would be all the things that I was excluded from because I didn't have the sign language capability.
- 93. I was not aware of any other inspections. I remember when the Riddell commission was meeting. We had visits from them, spying out the land and seeing what was happening and what wasn't happening. I remember under Ivor Guild's chairmanship we commissioned a report by an independent consultant on how to deliver the future needs of Donaldson's school. I don't have a copy of that report now and I can't remember who wrote it but when I read it I remember thinking, 'There are no surprises in there, I could have done that myself for a whole lot less money.'

- 94. The Board did actively look at how it could address the complexities of its situation, both the delivery of education and upkeep of the school building. Then of course there were Royal visits. Princess Anne and Princess Diana are in the visitor books. They were taken round the school, which would have been another opportunity for people to have access to Governors and come forward to make complaints. Inspectors would be able to speak to the children in the same way. My recollection is that there would be someone on the inspection team who could translate if the inspectors didn't have someone who could use sign language.
- 95. All these things happened and we remained unaware of any possible underlying problems. When the time bomb went off, if that's a proper way to describe it, within the school there was a dispute about whether these allegations were or were not malicious. I recall being spoken to by inspectors. I don't recall the details. At the time of the ELRIS Report I became more deeply involved.
- 96. Before the ELRIS Report the concerns were for the staff and the pupils and how they could operate in the building. For instance, when we designed new bedrooms for kids, everyone was involved in that design process. The pupils were involved, the architects had been involved in the creation of accommodation for special needs people before, and the staff were involved in seeing how we could make it easier to stop pupils from putting themselves in harm's way. We were keeping tabs on all that sort of stuff. That was before I was Chairman.
- 97. Improvements from month to month, from year to year were always being considered. The Board, way before my time, took the decision to build a new primary school because there was no way you could have put primary school children in the old Donaldson's building. So, for decades before the same process was being ground through, in my time it became a really focused issue. The ELRIS Report was possibly the catalyst that was needed to not only change some of the systems within the school, but to bail out of the building itself.

Record keeping

- 98. When I started at Donaldson's school it was 'wodges and wodges' of paperwork that came for each meeting. There were minutes, proposals, accounts, projections of what projects were going to cost. They were all turned out by very efficient clerks to the Board. That was the front end of the work that I saw.
- 99. I don't recall when getting information about disciplinary matters relating to abuse became a necessary element of the Board's work. Early on, I don't remember seeing in the agenda or the minutes reference to particular disciplinary or complaint issues, but it certainly became part of the culture for the Principal to report major incidents, or even minor incidents, that might require some way of addressing either the physical or educational needs of the child, or that might if not handled properly have a reputational impact on the school. That became the norm.
- 100. I do have a memory of David Scott presenting to the Board, but not specific memories. I think he possibly operated at a time when if you reported to the Chairman, that would be sufficient.
- 101. The quality of the record keeping at Donaldson's School was probably commensurate with the times in which we lived. There was always a debate about whether information would be more useful if it had come from an internal source rather than being filtered through a clerk who was external to the school. The clerk, however, would be in the school two or three times a week and he would produce the reports of the education committee, the property committee, or the residential care committee and so on.
- 102. All these reports would come up to the Board, but all under the hand of the clerk, who must have known far more about Donaldson's School than most people and certainly more than most of the Governors. Through that paperwork the clerk would be doing the job that clerks had done for decades, which was to keep the Board informed.

- 103. I don't know if they had a definition of abuse at Donaldson's School. What is memory? What do you remember and what is assumed? I know that there is a timeline in which all of this got formalised. I guess it is the same timeline in which institutional life of this kind in Scotland, including all boarding schools, was moving towards putting into words what had sometimes been assumed, and formalising these things was a matter of evolution.
- 104. I can't speculate on what might have been considered abuse at Donaldson's School before my time. I can't begin to imagine what the nineteenth century Donaldson's would have been like, or even what it would have been like in the second half of the twentieth century, after the war.
- 105. My sister had Down's Syndrome and was in special needs care throughout her life, but I know that in the 1950's and 1960's that there was next to nothing provided to my sister. What was provided was provided by well-meaning volunteers whose intentions today we would no doubt be suspected and investigated before we let them open clubs and centres. The world has changed bit by bit and we know that it has not yet got to where it could be.
- 106. I don't have any memory from my time as Chairman of a policy document on abuse until the ELRIS Report. As with all change there were some people who were brought into it kicking and screaming. There were those who said, 'This is over the top.' and 'You don't trust us anymore' or 'You want to put definitions on things that can't be defined.' I don't remember such a policy, but that's not to say it wasn't there in some form, until the Scottish Government decided that such policies needed to be put in place to formalise these things.
- 107. Prior to the ELRIS report of 1998, I don't have any clear memory of any details of abuse coming across the desk of the Board. I am sure there were reports of very difficult pupils and there might even be in the records of the school reports of pupils who either had to be excluded or about whom the recommendations were that they should be in some other facility. But if I had seen reports labelled "abuse", I think that

would stick in my mind. Cases would be presented as really difficult management of pupil issues, and the Board wouldn't be surprised.

- 108. In earlier years you wouldn't be surprised because pupils with complex needs were disrupting the opportunities available to high performing deaf children who were part of the Donaldson's school community in those days. By the 1980's and 1990's those high performing deaf children were no longer part of the school because of policy changes in education.
- 109. As to whether abuse could have occurred during my tenure as Chairman of the Board of Donaldson's School, the school building was like a giant rabbit warren. There were places to hide, places to go, and places to spy on people. On one level it was a fascinating place, but on another level for a pupil with communication difficulties, it could be intimidating or even frightening. It was nothing like the two bedroom home in Dundee that pupils might have come from. It was a monstrous Victorian building.
- 110. I don't know how kids felt when their parents dropped them off for the first time. For some it must have been daunting. It is why the Board early on decided to build a new primary school because then it could introduce children to a facility away from home which felt normal. Over a period of time, children could be introduced to the idea that they were going to be going to the big school, and that would feel better than just encountering the big school from day one. However, that was in the days when if you were deaf from the age of five or six years old, you went on a continuum of residential schooling right the way through.
- 111. By the time the Riddell report was finished and the Scottish Government had adopted its integration policy we were getting pupils with more complex needs, but we weren't getting them at the age of five to eight years old, we were getting them as a result of the local education authorities saying that they couldn't handle those children in an integrated setting, so Donaldson's became their fall-back option and we got children at a stage where they were years behind where they could have been.

- 112. When a pupil arrived at Donaldson's School at the age of ten to fourteen years old, their needs had often multiplied. They went straight into the big building, rather than progressing through the primary school. Would they feel emotional separation from home? Of course they would, and the skills that were needed to deal with that were on a different level.
- 113. Some pupils needed one or two classroom assistants as well as their class teacher in order to help these children attain anything. If you are doing that work day in and day out, what do you feel like? How much contact time are you supposed to have with these children? These things were never regulated until much later. People in those roles needed support, a buddy to go to or someone to link up with, or maybe they needed a different kind of appraisal than a tick-box exercise.

The development of guidance to staff as to how children in their care should be treated, cared for and protected at Donaldson's School

- 114. Before I became the Convenor I can't say one way or another what the practicalities of what happened in Donaldson's School were in the early days. I just know that there was a point where child protection training became mandatory. Before that, I can't remember.
- 115. I would be surprised if mandatory training didn't happen before the ELRIS Report, but I don't know. I would have to have access to minutes and further information. In my own realm of work, the Church of Scotland implemented child protection training. I know that it has now grown into a significant part of the Church's life.
- 116. My recollection of child protection training at Donaldson's School is that it started around 1997 or 1998, and I would have been one of the first cohorts to be trained. Since then there has been layer upon layer of training, and refresher training. That would be my earliest recollection of child protection being a live issue on the agenda of Donaldson's school, because every organisation was being marshalled into that. I

would be surprised if Donaldson's school wasn't slightly ahead, and if it wasn't then it would be because either I didn't know about it, which was quite possible, or something for some reason wasn't actioned when it should have been.

- 117. If something wasn't actioned when it should have been, then I would need to know when it was meant to be actioned, and I would need to be furnished with data to find out if it was or wasn't actioned. Child protection was certainly a live issue by the time Janet Allan was appointed and it was a change that was sweeping through every institution. I can't remember what form the training took.
- 118. When child protection did become an issue, I can't say what form it took in terms of policy documents et cetera. The arrangements for child protection would have been reported to the Board by the Principal. Whether those arrangements were just given a nod of approval or whether they were scrutinised by the Board, I can't remember. I would be surprised if they were just nodded through.
- 119. George Montgomery was the Board member who was an educational psychologist and he was deeply involved in the development of support systems for deaf children. I can't imagine George not being all over child protection. John Hart had come on to the Board at Donaldson's School from the Scottish Qualifications Authority. He knew what was going on in the wider world of teacher training and child protection, so I can't imagine that he wasn't all over it as well. It wasn't as if at that time we didn't have people on the Board who would speak up when it came to their particular area of expertise.
- 120. The Principal would deliver reports to the Board of Governors. The Principal would be present throughout Board meetings and would only be asked to leave if there was a conflict of interests. That was another change in the way that the Trustees work. Every agenda now starts with a question about conflicts of interest. At that time the integrity of people wasn't questioned, and that people would speak up and leave the room if there was a conflict. That is another aspect of life that has been formalised, and rightly so.

121. If the Principal reported a particular matter relating to child protection to the Board, the Board might remit it to a smaller group to meet with the Principal and determine a course of action, that group might be given powers to action it, or they might be asked to report back to the Board. As far as I could see at the time, and as far as I can remember it, we were in a situation where that strategy had to work. Looking back, I suppose some things could have been improved, but it was a moment in time. Eventually somebody becomes responsible for these things and they do change.

Allegations of Abuse

122. I was never the subject of an allegation of abuse or ill treatment of a child at Donaldson's School. I cannot recall ever being involved directly in an investigation into ill treatment or abuse of children at Donaldson's School.

Complaints from children at Donaldson's School

123. I cannot recall any direct involvement, as a Board member, in relation to any complaint of a child at Donaldson's School.

Reporting of abuse at Donaldson's School

- 124. I was never in the position of having to report an allegation of abuse against a member of staff at Donaldson's School to the police.
- 125. Regarding the issue of the dismissal of a member of staff due to an allegation of abuse or mistreatment of a child, these questions never have a clear answer. When is a dismissal not a dismissal? When is someone negotiated out the door? Since it wasn't under my Convenorship, I am not entirely sure how and under what circumstances

David Scott's tenure came to an end. It would be very dependent on where you were sitting as to how you would describe it. This was nearly 30 years ago, and I can't remember if anyone else was dismissed due to allegations of abuse or ill treatment of children. It is part of my memory that I have shredded. I certainly can't remember names.

126. Regarding the issue of any members of staff resigning because they were the subject of an allegation of abuse or ill treatment of a child, again you are in the world of, 'Did they resign because of that, or were they asked to leave?' and I honestly don't know. Specifically during David Scott's case, I came to the fore as a possible Convener because I think I was seen as a safe pair of hands to follow on from what had gone on, what had happened or not, and how it had been handled. I was pretty well out of that loop. Other than in the course of being on the Board of Governors of Donaldson's School, I wasn't involved in the day to day running of the school.

Reports of historical abuse & civil claims

127. I was never involved in handling complaints from former pupils of Donaldson's School involving allegations of abuse. I was never involved in handling civil claims from former pupils of Donaldson's School. If there were such reports it would depend on the nature of the allegation as to whether it would go to the police or whether it would require an internal inquiry, but I have no recollection of something that I had to report to the police. If there was something internal to investigate, if it was against the Principal it would be carried out by the Board. If it was against another member of staff the investigation would be conducted by senior management and they may or may not have invited a Board member to be involved in that investigation.

Police investigation / criminal proceedings

128. I did, late in the day, become aware of police investigations into alleged abuse at Donaldson's School. I do not recall ever giving a statement to the police, or the Crown, in relation to allegations of abuse at Donaldson's School. I have never given evidence at trial regarding allegations of abuse at Donaldson's School. I can't recall knowing of any person who worked at Donaldson's School who was convicted of abusing a child or children at Donaldson's School.

Specific members of staff at Donaldson's School who are of interest to the Inquiry

129. I understand that the Inquiry wish to refer me to the names of certain staff of Donaldson's School for any comment I may have about them.

KNJ

- 130. I certainly recall the name, but it is just a name. The name probably sticks in my mind because there were questions about his particular style, or behaviour. If I am right in my recollection, I would have spoken about him in conversation with Janet Allan who was expressing some concerns about KNJ, but I never got involved in any investigation of him. I would have known KNJ, I would have met him at a classroom visit or an event. He is not a complete blank in my head, but did I know him well enough to know if I liked his style? Then the answer is no.
- 131. I must have seen KNJ with children but not in any way that sent warning signals to me, nothing that concerned me. I didn't see him disciplining a child. As far as him abusing children, I think that he was one of the ones that Janet Allan was concerned about. It was behavioural control, but describing it as abuse, I can't recall.

KNŁ

132. The name means nothing to me.

David Rutherford Scott

- 133. I did not know David Scott until he became Principal of Donaldson's School. I wasn't involved in the appointment of David Scott. He was a one-off guy. It is not fair to use colloquialisms about anyone but he was well educated on deaf matters and well connected in the deaf world. You might describe him as his own man, a 'diamond in the rough'. He was pretty confident about his ability to manage the school. If there were criticisms of him by the members of the Board of Governors, that would perhaps have been about his lack of educational ambition for the kids. I didn't get to know him more than that.
- 134. I do know that when he was accused of some bullying behaviour he vehemently denied it. He went out of his way to explain to the Board and others that he was in a position where he had to use reasonable restraint, and that it was no more than that. I wasn't involved in the investigation before that and I was left with the impression that reputationally the school couldn't put up with having him on staff anymore. So, I am very vague as to whether he was dismissed because of that, or because there was an allegation and the circle couldn't be squared, and he had to go. That happens in a lot of cases. That is how vague my memory of it is, but I do know that there was an allegation that resulted in David Scott's suspension and with the investigation that was to follow, David never came back to the school, and he felt very aggrieved. He let people know that he was aggrieved.
- 135. I did see David Scott with children. I thought that he had a good rapport with them.

 Most pupils liked him as a role model, as a senior figure. I didn't detect at any time that
 the pupils were afraid of him. They jumped to attention when he told them to, and

generally did what he told them to do. He was direct with them. Regarding discipline, I didn't see David Scott disciplining the children any more than telling children not to run in the corridor. I didn't see him telling children to report to his office for a dressing down, none of that.

136. I did not see David Scott abusing children and I did not hear of allegations of David Scott abusing children until the Highland case became a concern.

PWV

137. I have the vaguest recollection of PWV I couldn't put a face to him. No doubt I did meet him, but I couldn't say in what context. I didn't see him ever discipline children or see or hear of him abusing children.

PHY

138. His name means nothing to me.

PZZ

139. I can't put a face to that name.

PZY

140. I knew and had met PZY but I couldn't say if I ever saw her with children.

PTZ

141. I don't know that name.



142. That name doesn't mean anything to me.



143. No, I don't know that name.

Knowledge of staff

144. I think that my lack of knowledge of most of the people the Inquiry have referred to is indicative of the kind of contact that a Governor has with day to day performance and issues, as opposed to stepping back and being the policy maker. When we had that independent outside review of Donaldson's School, if I remember rightly, their recommendation was that the Board should stick to vision and policy and employ professionals to deliver.

Ivor Guild

145. I did two four-year tenures as Chairman of the Board of Governors of Donaldson's School. The second tenure involved the moving of the school. After that I said to them that I had done my stint. I don't think it was unusual for a Governor of the Board to serve two terms. I seem to remember the Chairman before Ivor Guild serving two terms and as I remember it, Ivor Guild served one term.

- 146. Ivor Guild was a bit of a mystery to me. He was a very influential Edinburgh lawyer who never owned a house, he lived in a terrific supporter of St Mary's Cathedral, of which my congregation was a close ecumenical partner. We got on well together. He was a partner in an Edinburgh law firm and a member at Muirfield golf club. He was highly respected.
- 147. Ivor Guild walked everywhere or got the bus. If you saw him going up to Donaldson's school he was very perjink and precise. He would walk for miles. He died around 2022 or 2023. When he retired as Chairman of the Board of Governors, he gave the school a substantial monetary gift. Ivor Guild was an extraordinary gent. If something had to be done by the law, Ivor would make sure it was done by the law. He lived by it.
- 148. Ivor Guild's style of leadership of the Board of Governors was very douce. He was in control of the agenda. He expected reports to be delivered on time and then dealt with methodically. That was the style in the 1960's and 1970's.

Documents relating to Donaldson's school

149. I have had the benefit of reading a number of the documents I was to be referred to before my meeting with the Scottish Child Abuse Inquiry, and that there are questions the Inquiry has for me relating to these documents.

The security of the building at Donaldson's school

150. This is discussed on page 3 of the HMIE report from 18/06/1998 (**SGV-001032016**). We spent thousands of pounds trying to prevent unauthorised visitors to the school and probably failed. We installed security cameras, and security systems. I can't remember the details of what happened when, but we were looking at the fire safety system as well as security systems. There was talk at the time of security systems that

invaded privacy just as much as Victorian matrons parading the top floor and looking through spy hatches.

- 151. The children at Donaldson's School weren't locked down or anything like that. It wasn't a secure unit, however security was difficult. Movements in and out were done with a book and a pencil, and it worked on the basis of pupils asking permission to go out and being given permission to go out. As I remember it, we tried to make that more comprehensive. We tried to make it harder to 'escape' without permission.
- 152. There always had to be a quota of staff on duty, depending on how many pupils were in residence and what split there was between male and female, and depending on what special needs needed to be covered. However, it was the fountain pen against a modern system with video entry and buttons to press to let people out or in. Putting a secure system like that into a building like Donaldson's school was nigh impossible.
- 153. Donaldson's building was iconic, but it wasn't fit for educating deaf children. It certainly was not suitable for educating deaf children when the roll dropped below one hundred pupils and kept dropping because kids were going to schools nearer home, as they should have been. It became less and less an appropriate place, and ironically the fewer pupils you were managing, the harder it was to manage them.
- 154. There were small numbers of pupils in different locations doing different things in the residence, the gym or the swimming pool. How do you put surveillance into that? For many years I dare say that institutions like Donaldson's School crossed their fingers and hoped for the best. Then one thing goes wrong and you have got to fix it with limited resources. I suspect that a good deal of Ivor Guild's donation to the school was used to put those systems in place, because otherwise the school couldn't have afforded them.

Financial management of Donaldson's School

- 155. It was a constant problem to manage the finances. Every year the Board's agenda was dominated by its application to the Scottish Government for funding. Every year the funding would either be frozen or it wouldn't increase as much as we had hoped it would be increased, and as a result we would have to increase fees to local authorities who were also being squeezed because council tax was not going up.
- 156. I dare say that the financial pressures affected staffing and in fact, we would probably also have had to assess pupils and say to their local authority, 'No, we cannot take that pupil unless you pay for a classroom assistant.' By that time we knew that if we wanted to keep people safe, and we wanted Donalson's School to do them any good at all, we could not do it without putting the resources into it, and the resources were being starved. I dare say that if you go to Donaldson's School today, the same things are on the agenda because comprehensive education of children with special needs is inordinately expensive.

Her Majesty's Inspectorate recommendations

- 157. The 1998 HMIE report recommended that the Board set up a sub-committee to monitor and evaluate the care and welfare of pupils. I think that happened under the Convenorship of John Hart. He was a very significant individual in the raising of standards throughout the school. I cannot remember the names of our Board members at that time, but there was somebody who had specific expertise in the world of residential care. I cannot remember her name. As Convenor, I was the person looking for people to oversee those key policies at the time, because I could not do it all. I was not qualified to do it all, and just like the Principal I was looking for people who were going to oversee the policy, improve it, and support the staff.
- 158. Finding the people to oversee these policies was done by word of mouth. There had been reports like the Riddell report which had consulted with people from different

areas of expertise. We were able to go back to them and ask them if they had anyone who would be prepared to serve in one capacity or another, or if not serve on the Board, to come and oversee a particular piece of work. We were entering into the age when fewer people wanted to serve on anything. Who would want to sit on a committee for the rest of their lives? You get people to do specific pieces of work and move on. I cannot remember which ones were which, but that is how work was done.

- 159. The man who succeeded me was a partner in Baillie Gifford investment managers and he was chosen to be brought onto the Board at the time when they needed someone who could read a balance sheet. In every area of school life we were trying to put people in place that could bring some rigour to our work.
- 160. The improvements that were made included child protection training. I remember that we got the City of Edinburgh principal officer on personal safety to deliver that training. The City of Edinburgh principal officer also supported the school in strengthening its child protection procedures and put in sound guidelines. All of that happened as a result of saying that we had to shake the place up from the foundations. We were doing that against an economic atmosphere that was working against us all the time.

Complaints process at Donaldson's School

161. I cannot recall specifically if there was a reporting process for children if they wished to make a complaint or report a concern. What I can recall is a serious shift, with the change in Principal, to a more open and transparent environment for everyone. That is what Janet Allan was very good at. She could be firm, but she was fair. She was transparent with her staff, and I think that if there was a criticism of David Scott it was that he was more authoritarian. It was his way or the highway. You can get away with that until something goes wrong, then you are more likely to be in a position of being challenged. Even if the challenges or allegations are malicious there will be someone who wants to get you for it.

- 162. Janet Allan was not like that, she was consultative and then decisive, so people knew where they were with her. If there was an area of weakness, we would sit down as a group, with a Governor present if needed, and we clearly identified what the weaknesses were and put in the second column what action we were going to take to mitigate the problem. If that had been David Scott, he might have done this on his own and presented his results to the staff. Maybe that is a bit subjective because I did not know David Scott well enough. I did not know his operating style as well as I did Janet Allan's operating style. If you are trying to be a barometer in a situation and gauge how a culture is changing, then that is how I would sum it up.
- 163. Any complaint from a child would not come to the Board of Governors. Back in the day it might have been dealt with in a meeting with the Chairman of the Board of Governors, or maybe the word of the Principal would be taken at face value, on the understanding that he was being open about the way a complaint had been made, but that it was resolved. The Board would accept that.
- 164. Another thing about the changing culture was the rise in the number of complaints. If you don't like something nowadays, you complain about it even if it is not justified. To begin with when that happened, most institutions just keep addressing things the way they had always done, but that wasn't good enough, it wasn't transparent enough. Many institutions had to be dragged kicking and screaming into the new culture. That is why we hired Janet Allan. In her previous position she had been addressing the issues we were facing. Some people did question her appointment, they said she did not know about deaf people, she did not speak sign language. But it was clear why we were appointing her, it was because a change in culture was needed.
- 165. Working with the deaf is not easy. It is a huge world you have got to learn to understand. A deaf person will tell you that being deaf is like being Gaelic. English is not their first language. Their first culture isn't the one that hearing people live in. They will also mention that we do not put road signs up in sign language, but we do put them up in Gaelic.

- 166. The identity of deaf people is something you have to get under the skin of and begin to understand. Deaf people are proud to be deaf. They need a different approach to that required for blind people, who need a different kind of support. The hearing world does not begin to understand the depth of people's identity in deaf culture.
- 167. We appointed an educational psychologist to bring about a change in the safety culture and the educational expectations of the college, but they were not a part of the deaf world. It was a bit like bringing someone from Kilmarnock to be the Lord Provost of Dunfermline. Understanding deaf culture needs to be part of what you understand when you start to investigate the rights and wrongs of what happens to deaf people. It takes great skill for a hearing person to be an effective manager within the deaf community.
- 168. I understand that at page 9 of the report it says that pupils were unsure how to make a formal complaint. Again, part of that is about the communication gulf that there can be. That is why we always maintained that we always had to have at least two deaf Governors. We also realised that people whose primary world is the hearing world, like David Scott even though he was fluent in sign language, are not universally trusted by the deaf community.
- 169. The nuance of communicating with the deaf community is quite particular too. I speak some French but if I was trying to converse with someone on holiday I might get the nuance wrong. It is ten times that issue in trying to converse with a deaf person when your primary language is English.
- 170. We had a Governor who was the parent of a deaf former pupil at Donaldson's School. She was opposed to the teaching of sign language because her daughter was a lip reader and her view was that the only way you could actually integrate deaf people into the hearing world was to teach lip reading. If a teacher grew a beard this Governor would want to buy the teacher a razor, because you cannot easily read the lips of someone with a beard. On the other hand, many in the deaf community would say that

teaching lip reading is like trying to teach a deaf person to be hearing, rather than recognising their language and culture and learning it.

- 171. So, you are living in a world where all these cultural beliefs are banging against one another and you ask the question, 'How does a pupil know who to speak to and how to speak to them?' You could set up a system in a hearing school and it could be failsafe because everyone is working in the same language and hearing the same thing. That is not the same for the deaf. Pupils were bound to come and say that they did not know where to go.
- 172. The reading age of deaf pupils is also generally behind hearing pupils, especially in Donaldson's School because the high achieving deaf pupils were at home in their own communities. It was a hugely difficult thing to do, to train enough people to gain enough trust to say, 'You can come through this door and we will spend all the time it takes to hear what you are saying.' when the word 'hear' means something quite different.
- 173. That's possibly what makes a David Scott a 'David Scott'. He might think, 'Let's cut through this and I will deal with it and I will do it.' But it's not just about getting things done, it is about building trust. Janet Allan came along and told her senior staff that they had to become the trusted cohort that shared the vision that they were going to turn Donaldson's into a place that was open and transparent and would take time to listen and learn something about the background from which each child came. Some of the children came to Donaldson's school and they did not want to go home on Friday night because nobody in their home spoke their language.
- 174. Regarding any memory I might have of complaints being recorded, action being taken and linking the complaints to child protection policy, post 1998 I would be made aware from time to time of potential issues, but I was never directly involved in dealing with a child protection issue. After the passage of time, I could not even begin to recall some of the allegations or incidents that would be reported to me in the course of conversation with Janet Allan. But I did know that we had established a different kind

of senior management group, with a different kind of outlook, and a different kind of availability.

- 175. That for me was the watershed moment. In relation to this period of history, if there had been something really serious post-1998 I was as confident as I could be that the system was set up to deal with it. Maybe I should have been more inquisitive about how the system was run pre-1998 but we were in a period of evolution of governance. Maybe the earlier regime was not as versatile or as ready for the changes that were in the air.
- 176. Regarding the suggestion of voluntary organisations offering professional support to pupils, that is not something I specifically remember. I do not know what the purpose would be behind that.

HMI recommendation for personal safety programmes for all pupils

- 177. We were always concerned to help pupils understand what systems were in place to keep them safe. Some of the systems were very practical, such as video cameras, or an alarm system built into the mattresses. Then there is the whole world of appropriate relationships and how you keep children safe. In a place like Donaldson's School we were always acutely aware of the fact that our pupils would register, on a scale, as being far more vulnerable than the average school population.
- 178. Our access to information and understanding about sexual health, mental health, things like that, was far more complex and could not be addressed by sitting down five, ten, or twenty pupils in the one room and having a discussion about it because of the complexity and breadth of needs that we were dealing with by that time. Hence there was the development of personal development plans for each pupil, which had to be developed in conjunction with their social worker or the sending authority.

179. There is far more to the safety and development of these kids than what happens to them from Monday to Friday inside Donaldson's School. There are taxi drivers bringing them to school, there are all sorts of opportunities and challenges, then they go home to wherever they live which may not be particularly secure or protective. How does a child walk the tightrope between finding a safe space in society or being easily led into some dangerous relationship, or use of dangerous substances. You cannot underestimate the difficulties associated with that in the context of Donaldsons.

Teachers being given guidance on appropriate curriculum and national guidance

- 180. This is about developing and implementing policies for improving the quality of learning and teaching, and pupil care and welfare. That sounds like the kind of thing a school could publish and give to everyone of its pupils. In the case of Donaldson's School, as it was developing in those days, you could have general policies but you had to have specific ways in which you provided a personal care plan for every pupil because of the huge differences in the narratives of their lives. That is not the kind of job you could say, 'We will complete that by the 31st of December.' Personal development plans are living documents.
- 181. That is the kind of thing that Janet Allan oversaw in the school system, that each pupil 'carried with' them a living document about how they should be catered for. Systems are not perfect and people are not perfect, so there would be clashes even amongst senior staff about some key aspects of an individual's care or about a general policy matter. When we got to Linlithgow, eventually with a state of the art learning facility, there remained contentious issues, for instance between the manager of residential care and the Principal, about how some aspects of life should be managed. There always will be these issues. Under Janet Allan's leadership, I think that Donaldson's school got to be as good as it could be in the old campus

Care staff gathering information from parents regarding family circumstances and medical history in order to care for children safely and appropriately

- 182. This is referred to at page 19 of the report and the early emergence of the individual pupil plans. It mentions something that I haven't mentioned up until now and that is the need, or possible need, for medical input. You are managing kids who are often on medication, some of it not necessarily prescribed for the best of reasons. This was a period of time when attention deficit disorders were being met with the likes of Ritalin and other drugs. So, the ideal was to have a case conference in which the holistic needs of the child were addressed, which is a matter of policy now in every school. In complex needs, where there may be threats at home, or threats of bullying and so on, there is the need to approach this work with all the people involved in providing the support base. It was all the more important at Donaldson's School. All of that was in place long before it got formalised.
- 183. The idea in the light of where we had got to, was to make that evident, transparent, and trusted. Maybe under David Scott it had got to the point where it was perceived as imposed and managed without the supportive discussion that would have made it more effective. That is not to say that it wasn't in itself quite effective, because David Scott was an able man.
- 184. I understand that there is a memo by Alistair Fox saying that the Governors of Donaldson's School had to accept responsibility for some of the deficiencies of the school. I think, generally speaking, that would be the case. There were Governors who took that harder than others. There were Governors who saw that coming. It didn't come as any surprise to the likes of Alistair Salvesen, and it didn't come as any surprise to me.
- 185. It is not until something goes wrong that you realise that the system wasn't in place or wasn't used. So, when you get a report like the one we got, there was no point in putting your hand up and saying, 'A big boy did it and ran away.' The buck stops here. It can't stop at that point unless the system below is working to greater effect. I think

at worst it was being blanked out and stuff was being glossed over. To what extent that was the responsibility of the Principal, or the Chairman of the Board of Governors, or the way in which they had developed their working relationship, we may never know.

- 186. I think that prior to the follow-up report being published in November 1999, there had been a year of intense workload and those of us who had proper jobs at the time as well, were really at the sharp end of this, working a second job to make sure it was implemented.
- 187. In Janet Allan we had a hugely talented individual who always committed systems and processes to paper, so you knew where you were and in a world that required all that paperwork it could be seen that the work was being done, that inspectors could come and inspect, and talk to the people who were implementing it. Those people were able to say, 'The wind of change has blown through here.'
- 188. That is why the inspectors were satisfied to the point of saying that they were not coming back just now. We were hugely relieved when that report came in. I dare say that some people were patting themselves on the back, but they had no great cause to do so. They were just doing what they were supposed to do.

Follow-up to 1998 Inspection (01/11/1999)

189. There was a follow up visit to the school by HMI which shows various concerns had been addressed (**SGV-001032910**).

Correspondence in relation to David Scott's conduct

190. In January 1995 it was alleged that David Scott had gone into both the boys' and the girls' dormitories while drunk. Papers I have seen with the reference DSD-000000029 include a record of events from David Scott's point of view, a letter to Highland Council

regarding the incident, a letter from the Chairman of the Board of Governors of Donaldson's School noting that the executive committee having completed an investigation had given Mr Scott a written reprimand and warning, and an internal memorandum regarding the position that Mr Scott found himself in, with an attached employment contract. I must have been in agreement with the outcome of that investigation. Trying to recall it in detail is quite another matter.

- 191. I think I was brought into it quite late in the day and was depending on other people's value judgements on how effective the investigation had been, and whether the sanction was appropriate. But at that stage we were dealing with a situation which was, 'He said, I said.' I had worked with the Principal and knew that he had a certain manner, and that his account was believable, and that in the circumstances of Donaldson's School as it was, where he hadn't necessarily made friends with every pupil, that it was also believable that while he had behaved inappropriately and placed himself in a position that invited complaint it was possible that the pupil had exaggerated the nature of the incident.
- 192. At the end of the day, I accepted the conclusion that David Scott had behavioural traits that he had to address, but that the boys had to know that he is the headteacher and was responsible for security. Was it a perfect outcome? There is no perfect outcome to these situations. Did I have a feeling at the time that this wasn't the end of it? Yes, because once you open up these kinds of issues there are often more to follow. Did I have a feeling that David Scott had burned his bridges? Probably. Did he deserve to have his career brought to an abrupt end at this stage? I didn't think so.
- 193. Following the HMI inspection in 1998 there was a memo dated 23rd June where Alistair Fox states that, 'Criticisms had been considerably watered down from the draft version of the HMI report which described Mr Scott as unsatisfactory.' And Mr Fox goes on to say that, 'A significant number of Governors are now calling for David Scott's removal as Principal.' I was aware of this memo (although I barely remember it) and of the disquiet among the Governors. There were a few Governors who were peacemakers who referred to the good that David Scott had done and that he

deserved a second chance. Others were at the point of saying that the situation couldn't go on. I think the concern that these points had been watered down left the Governors in a weaker position.

- 194. As it was, if they had the conviction to publish as was, then the Board of Governors would have been in a stronger position to come to an agreement with David Scott that his tenure was up. I am presuming that the report was watered down because no one publishes a report without letting the individual see the report and comment on it. I am guessing that David Scott must have said, 'You can't publish that, that's not true.' Or, 'That's just an allegation, where is the proof of that?' You can imagine that conversation happening in the background. As these allegations were in the draft, certainly there were hawks on the Board of Governors who knew that the college was stuck in a very awkward position if the leadership stayed as it was. What transpired, and I was not involved in the negotiation that removed David Scott, was a termination agreement.
- 195. There is an agreement contract between Donaldson's School and David Scott dated 14th October 1998. I don't think I saw that document at the time. I think I would describe that document as a compromise agreement. As I think I said earlier I couldn't recall to what extent David Scott resigned or was pushed or sacked. I don't actually remember how I felt about it at the time. Regarding why he was given a payment and a reference, he had not been found guilty in law of any misdemeanour. It did seem as if he was in an untenable position at Donaldson's school.
- 196. So in the presence of a not proven decision then the ground opened up for an agreement to part company, which as you know is sometimes accompanied by a compensatory payment that helps someone move from a very difficult place in their life, to hopefully a new place where they can reestablish themselves. Regarding the reference he was given, it is not the kind of reference that I would be flaunting.

Letters from M Gibson HMI of Schools, dated 2nd July 1997 and 8th December 1997

- 197. These letters raised issues for the HMI inspection and noted key meetings between Sue Hamilton, child protection officer, and Martin Henry, child protection co-ordinator. The HMI picked up on negative vibes at the school. David Scott is described as being very hostile to child protection issues and as going out of his way, in front of staff, to actively discredit or sidetrack relevant training.
- 198. As to whether the Board of Governors was aware of this at the time, I cannot be definitive in answering that question. I mentioned earlier the difficulties that institutions have in implementing change when it is imposed on them and you have lived in a particular way for so many years. I have mentioned already David Scott's style, so seeing that in cold print, and comparing his reaction to a new programme needing to be implemented in child protection to the reaction of Kate Clegg who was a depute at the time, it doesn't surprise me because David would be the kind of individual who would believe that his management of child protection would be as good as anything that the authorities could invent.
- 199. When it came to the previous memorandum regarding David Scott's having come to the end of his usefulness to Donaldson's school, reputationally, his boats were burned. It's a collection of small things, amongst them that attitude that, 'I am not wrong.' His objection would be, 'Why does it have to fit the pattern that has been imposed on us? We are doing it anyway.' Sometimes in leadership you have to say, 'I don't like your system, I could invent a better one myself, but I am going to have to suck it up.' David Scott was not the best at sucking it up when he had to get the thing done. We all do it in different parts of our lives, but whether what happened was a career ending offence is another matter. But when you put three or four attitudinal things like that together and you have reached a point where the institution needs someone who works with the system, not someone who works against it, then the time is up.

200. The Board of Governors were probably aware of those letters at the time, amongst other things. It was certainly something like that which turned several of the influential Governors into hawks.

Previous police investigation into David Scott

- 201. I understand that the Inquiry has information relating to a previous police investigation into a serious allegation made against David Scott concerning a female student in Lochgoilhead outdoor centre. I further understand that it has been stated that the Scottish Office education department were aware about it. I do not know if the Board of Governors was aware of that information at the time. At what point are allegations like that spent? Are you discriminating against someone on the basis of a rumour or unfounded allegation?
- 202. David Scott would be outraged to read that, because in his view it was unfounded and in his view it was proved to be unfounded and should not be referred to now. He might say that it had just been dredged up because the authorities had it in for him, and he might be quite right in feeling that, but I cannot remember if the Board of Governors were aware of that allegation at the time. The document disclosing this allegation is headed, 'Restricted investigation.' I don't know how widely that document was circulated. After all these years, I can't say that I saw it.
- 203. I understand that paragraph six of the same letter refers to allegations being made against David Scott by a female student who alleged that the head teacher came into her room very drunk one night and fell asleep on the bed. The document goes on to say that the allegation appears not to have been taken seriously by the Board of Governors if it had gone to the same or a sub-committee of the Board of Governors. It goes on to say that, 'There appears to be no procedure set in motion to investigate the alleged incident fully. Martin Hendry had been told that the Board were not keen to pursue the matter except in the case of one member who had decided to keep quiet because he has a child that he was keen to have placed in the school.' I have

absolutely no recollection of this whatsoever. I can't even think of who the trustee would be that decided to stay quiet. I have no recollection of this.

- 204. I understand the document goes on to say that, 'At a meeting, Martin Hendry had been told that a social worker from the East of Scotland association had concerns about tales of staff misconduct towards pupils, such as kicking children in the corridor.' The report that I heard was of some sort of restraining action in the corridor by David Scott. He denied that he kicked anyone but was simply dealing with a pupil who had to be restrained, and in the context of managing a hyperactive deaf pupil that it was appropriate. But in the allegation that has obviously become, 'He kicked me.'
- 205. That kind of story was going around, and that is one allegation that David Scott would vehemently deny and would speak to Governors about the fact that he was being wrongfully accused of something that was no more than restraining a hyper-active deaf pupil in the context of a deaf school, he denied kicking any pupil. If it had been more than that, and there was more evidence that it was more than that, then I think there were people on the Board of Governors at that time who would have had more to say about it as they were already concerned that David Scott was still with us, suspended, and damaging the reputation of the school.
- 206. The allegation continues in paragraph 13 where the writer goes on to say, 'Whilst nothing of a sexual nature is alleged regarding falling asleep on the bed, such an occurrence in a state school following child protection procedures would have almost certainly resulted in a temporary suspension from duties whilst the investigation proceeds.' I don't think the Board of Governors was aware of this. It might have been dealt with at the level of the Chairman, the senior Convenor, or something like that. As far as I can recollect it is not something that came to my attention in 1997.

Letter from M Gibson HMI of Schools (08/12/1997)

- 207. At paragraph five of this letter (**SGV-001033476 p.25 28**), M Gibson of HMI schools states, 'An issue which will need to be explored during our inspection concerns the role of the Board of Governors in managing the school. A minute of 2nd July from Mr Marquis suggests that they have not been pro-active in monitoring the work of the head teacher. They state that there was also a suggestion that the head teacher had been putting barriers in the way of the social work inspection service.'
- 208. That sounds like a true assessment of what was happening at the time, and when it came to appointing a new Chairman of the Board then I had to agree that we were moving into a new era of peer appraisal and appraisal of the Principal, and a job description that addressed all these shortcomings. Clearly, if I wasn't aware of this in 1997, in its detail, then the Board was one way or another not acting as it should or being prevented from acting as it should. It didn't have all the information in front of it. Some of that could just have been down to the way in which the relationship between Chairman and Principal had developed, and assumptions being made that things were okay when they weren't.

Alisdair Fox to Director of Education / Ivor Guild to DoE / Ivor Guild to Parents

209. At **SGV-001033476 pgs. 9-11, 4 & 1** there is a timeline of Mr David Scott and two other teachers' suspensions and includes letters from the Chairman of the Board of Governors to the Director of education. At page two of the HMI inspection report it is noted that, 'Pupils made a number of allegations to HM inspectors about the Principal and two members of staff who were subsequently suspended.' At page nine dated 7th May 1991 is a letter from Alisdair Fox to the Department of Education that states, 'Police had informed the Governors of the suspension of another teacher from Donaldson's school pending the outcome of ongoing police inquiries in relation to Donaldson's.' At page ten dated 13th May 1998 Mr Gill wrote to the Department of education stating that a former pupil of Donaldson's school alleged to police that a

member of Donaldson's staff had abused her sexually on various occasions in 1994. It is stated that the staff member had been suspended as a precautionary measure for the protection of pupils.

- 210. The page numbered one, dated 30th July 1998 is a letter to parents from Mr Guild informing them of the Principal and two members of staff being charged with assault by the police. Page four dated 26th May 1998 is a letter from Alisdair Fox to parents informing them of a further member of staff being suspended, and the reinstatement of another member of staff who had previously been suspended.
- 211. This is the build up to the end. Clearly there were shortcomings before it got to this. I do not know what Ivor Guild knew at the time, but I certainly wasn't fully informed. I got copied in to Alisdair Fox's letter of 7th May 1998 and realised the disquiet that was around. You could see that there was no way back after this, no matter what the outcome was. I do remember the Board of Governors tried to work on damage limitation, writing to parents to clarify what had happened, what had not happened and telling them not to worry and that everything was in hand. In actual fact, if you were one of the parents who got this letter, you would be alarmed and asking why you had not been told beforehand. It was a case of, 'You're damned if you do, you're damned if you don't.' when writing letters like this.
- 212. I have a recollection that the public facing side of the Board of Governors was in defensive mode, but privately it was in attack mode. They felt that the situation could not go on but if they were going to fix it and keep the community together, then in the short term they were going to have to tell the community that even if the Board had missed things in the past, they had it under control now. That's what these documents amount to, a committee trying to limit the damage, while taking steps behind the scenes to prepare for a clean sweep. To a few of the Board this would have been a complete surprise.

Memo from HMIE to McGlynn/Gibson re DI's comments

- 213. Within this memo dated 25/05/98 (SGV-001033476 pg. 6), HMIE talks about his discussions with police regarding their investigation. The DI says that his impression is that 'The BoG really had no idea what to do in light of the allegations and that he was of the view that, 'The Board members really do not understand their roles and responsibilities and saw membership as a status symbol in the Edinburgh community first and foremost.'
- 214. I have already described what Ivor Guild was like. Being the Chairman of the Board of Donaldson's School at the time would have been seen as a service to the community. Someone like Ivor being prepared to convene the Board, back in the day that would have been about fiscal responsibility, appointing the right people to run the institution, and keeping it all on the right side of the law. I do not think Ivor would ever see this role as a status symbol in Edinburgh, unless you were terribly unaware of the challenges that deaf people face in society generally. And Ivor Guild didn't need status symbols.
- 215. If you did not know about those challenges before you came onto the Board, you would soon find out. You would soon be tearing your hair out around the boardroom table I have described, where one Board member wanted everybody to lip read, another wants to use British Sign Language, and a third wants to use Signed English. Half of them want integration and want you to fly in the face of the Riddell report, and the other half endorse the Riddell report as being the way to go, and for the need to change the way things were done at Donaldson's School.
- 216. Someone like Ivor Guild had to handle these conversations. I remember the Board, early in my time, having instructed an architectural firm to build a model of a new Donaldson's secondary school. It was to be built behind the old Donaldson's building which would be turned into flats or something. This enormous model appeared in the middle of the boardroom table. Half the Board were enthusiastic, that was what they

wanted to do. The other half of the Board were saying, 'Over my dead body.' The Chairman of the Board had to handle meetings like that.

- 217. I remember Bert, the previous Chairman, cursing audibly at some of the contributions that people were making to the meeting, so I would say that it is not fair to see that role as a status symbol. You can imagine the author of this memo had met Ivor Guild, and made a snap judgement, but you don't judge a book by its cover.
- 218. Ivor Guild was a serious individual when it came to guiding the school, in the way that a Board guided in the 1970's and 1980's. What he maybe wasn't ready for, and what David Scott wasn't ready for, was a new culture of supervision that was coming to all institutions that dealt with children and vulnerable adults. They had lived a lifetime without that stuff and may not have been ready for this new world, but to say that Governors were only there because they enjoyed the status is simply not right.
- 219. I remember another Board meeting when we were still talking about the unsuitability of the building. Someone brought the model out again. The Board said in a heated moment, 'We want that model removed and destroyed.' They were right to destroy it because it wasn't the answer. The answer was to get off-site. The Board wasn't dealing with the issue because it was a fabric issue. The Board was dealing with it because it was a social, moral, and cultural issue about the education of vulnerable children. So again, I would challenge the idea that Board membership was a status symbol. But I would say that the personnel weren't ready for the finer details of a protection process that was coming to everybody.

ELRIS report 1st July 1998 Edinburgh & Lothian Region Inspection Service

220. I note that on pages 10 – 12 of the report (**CIS-000010489**), concerns are raised about sanctions being imposed on pupils, for example, pupils being sent to their bedroom all night, and a pupil getting nothing to eat one night because he did not clean his bowl.

Concerns were also raised about children being segregated from other children for periods of time as a punishment.

- 221. I really don't remember this stuff. I don't think at this time I was sufficiently involved to be over the detail of this. It is certainly timed alongside that more authoritarian leadership style of David Scott, which would no doubt filter down to how other members of staff dealt with discipline.
- 222. There is stuff in the DNA of Donaldson's that is hard to explain. If you live in an institution like Donaldson's was and you have leaders who demonstrate a style that was conventional in its day, then a certain culture filters through the whole organisation. Then you try to change that culture, that is when you realise how embedded those old styles have become. It is because of things like this, not just in Donalson's School but across the board, that a Care Commission comes into being, because no institution on their own will fix their culture by themselves. They need to be supervised, they need to have their feet held to the fire. That's why the Care Commission came into being and comes to every institution like Donaldson's School. This comes out of the old normal trying to develop the new standard.
- 223. Regarding the Board of Governor's involvement in punishment, the things I vaguely recall were if it got to the point of pupil exclusion, that would be reported to the Board. But day to day disciplinary matters were not something that was on the Board's agenda, it couldn't be. Justice delayed is not justice at all.
- 224. At that time, I am not aware of any physical punishment for children. Now, thirty or forty years later I don't remember anything like that being reported to me about Donaldson's School. If I did, I think I would remember.
- 225. I think I recall the Board being on the defensive about the Edinburgh & Lothian Region Inspection Service report. The Board had been looking at these issues, they had a complaints procedure. That is what institutions do when they are under a bit of pressure, they go back and say, 'This can't be the whole story, we have got a system

here. We have not been lax.' And of course, they did have a system, but it was inadequate, it was of its time, and it needed a review. The Principal at the time was quite comfortable to leave things as they were. That was the point that the Board at that time was prepared to show its teeth and prepare for real change.

Letter from John Chalmers regarding support of Janice MacNeill

- 226. This letter dated 2nd August 2014 (**GTC-000000413**) was from me although I was not on the Board at the time of writing, which expresses my support for the former headmaster, Janice MacNeill. Janice, as I understand it, was dismissed for failing to follow child protection guidelines.
- 227. I presume this was some time after she left and was looking for a general reference. I think that is the context of this letter. It may not be. My subsequent evidence at a hearing of the General Education Council when they threatened to remove her status as a teacher reflected the terms of the letter. I acted as one of her support references at the time. The outcome of that hearing was that she was acquitted, and her status was not removed.
- 228. I think I referenced earlier that when we moved the school to its new facility, there was a huge amount of structural and cultural change that required to go with it. There was a particular situation, between Janice and Neil Donald, the head of residential care. As I recall it, it was her view that his approach to running the residence was not flexible enough, and the state of their relationship was an issue within the school. I have no direct understanding of how their relationship deteriorated or the detail of what led to Janice leaving Donaldson's. Only a brief conversation with my successor as Chairman who referred to an incident that happened off-campus and there were questions about whether this matter was properly and timeously reported to the authorities. However, I could not begin to separate the actual facts of this from the gossip that surrounds it, so I am better not to speculate or comment.

- 229. I wrote this letter in the hope that, while, so far as Donaldson's was concerned, her career was over, there was still much to commend what she had done. We all make mistakes in life. Sometimes there are bigger mistakes than others. Sometimes they are mistakes that cost us our job but shouldn't cost us every ounce of our integrity. That was what I was attempting to do in this letter. The context was that she had lost everything that she had worked so hard for.
- 230. Janice made some remarkable changes to the place, but it ended up in a heap of dust for her. I wanted to support her. I think the last paragraph sums it up, 'I have the utmost confidence in Janice and her long and distinguished career should not now be allowed to be completely overshadowed.' I do not know if she was even found to have made a poor judgement call, if she did it was out of character, and, in any event she deserved credit for all she had achieved.

Timetable of Events regarding RBK

- 231. CIS-000010345 is a timetable of events involving the alleged sexual assault by convicted peer abuser RBK. The first incident was reported 7.01.02 to a care worker. A decision was taken to respect the abused girl's wish to remain anonymous and was not reported to the police. Further incidents of minor bullying and unacceptable behaviour in led to RBK. 's suspension and subsequent exclusion from the school.
- 232. I wish I could remember this better. In relation to how important this matter was, it is a sign of age that my memory is particularly vague in relation to this matter. So I suppose at the time I must have been thinking that this was being handled properly by the proper people, because Neil Donald the head of residential care was Janet Allan's right hand man in the matter of care and protection, so if the matter wasn't reported to the police at that time, there must have been good grounds for that, and I must have thought that there were good grounds for it, but I can't remember the detail of why I thought that...

- 233. It must have been in relation to her age and her assertion that she wanted her confidentiality to be protected, and that is very difficult. There are times when you can't just protect people's anonymity if the law has been so badly broken. It must have been something in the context or the circumstances of the person that outweighed the argument that notwithstanding her request it should go to the police, and at that time I was probably comfortable in the idea that if Neil Donald had that view, I wouldn't argue with it. Neil followed the principles of the school to the letter. So, I must have been comfortable with the recommendations that were being made by the people who were accredited to deal with this.
- 234. I can't remember RBK. I can't picture him. I am not even sure if I had direct contact with him at any time. I remember the name for sure, and I remember the case. I don't know if I was just confident in the management team that was dealing with it, so I agreed that this was the right way to proceed.
- 235. Matters escalated after RBK was excluded from the school and the police were involved. As I said earlier, until a matter reached the level of a pupil's exclusion, it wouldn't be discussed or reported to the Board. But I do remember it being a matter of gravitas, and the Board acknowledging that this was the only possible outcome.

Letter (Dated 15/05/02) to Commission for the Regulation of Care - from Principal, Janet Allan

236. **CIS-000010393** is a letter dated 15/05/02 from the principal of Donaldson's defending the school's handling of the report of rape in 2002. It's noted that the Scottish Commission for the Regulation of Care were concerned that the school had not immediately reported the allegation and that the meeting notes appeared to minimise the nature of the incident. The letter proceeds to give more context around each reported incident involving RBK.

- 237. As I have said, the complexity of the needs of these kids, their level of understanding of who they are and how they behave is often complicated and confused. If this kind of thing happened in the boarding house of any other school you would see such an incident in the light of highly articulate, well educated kids and you would handle it in accordance with that context.
- 238. If you regard such a situation in the context of Donaldson's School, you have to take into account how pupils with severe learning impediments have developed.

 RBK

 was impersonating what he had seen on the TV programme Chewin' the Fat and the rest of the pupils were saying that they didn't want anymore to do with him. But the carer who is looking after in residence sees a deeply disturbed individual who has a difficult background. That doesn't excuse the behaviour but it leads to decisions of wanting to give them a second chance, to learn from the experience and so forth. And if you throw them out, you are not throwing him out to an uncertain future, but to no future at all.
- 239. The place and culture of Donaldson's at that time was shrouded in this kind of difficulty. Situation ethics doesn't come into it. It's horrendous. It is easy for a protection supervisor to come in after the fact and say, 'You are a bunch of clowns. You didn't see this?' But they had never met RBK , they have never begun to understand the consequences of his actions when he didn't understand the consequences of his actions.
- 240. At the time the Board had to end of his learning career at Donaldson's but it knew that he was doomed to an uncertain future.

Letter from J. Roberts Chief Executive, Care Commission

241. **CIS-000010464** is a letter dated 03/12/03 from the Care Commission to the Scottish Executive Education Department providing a breakdown of ways in which the school

handled incidents involving RBK. The letter states, 'the Care Commission had grave concerns as to how the child protection incidents had been handled.'

- 242. My comment on this document is that you can see that the Principal was perplexed. She knew all the aspects of this, she could see it through two or three different lenses. She is at the end of her tether with it and immediately contacts the education and social work services in North Lanarkshire for advice and for some kind of input into what is the complexity of it all.
- 243. There is a counsel of perfection suggested in this letter which doesn't take account of the complexity of the circumstances. I am not making excuses for it but on the one hand we have a rogue individual from a rogue background, a confused individual from a confused background, a sad character from a sad background and on the other hand we have a school that has been trying for long enough to change and improve a pupil's life, to try to help them, and what happens is that all of that effort evaporates and the actuality is the pupil is excluded and sent back into a situation where they have no support and may well misbehave even more badly.
- 244. What RBK is doing now in society, we do not know. What we do know is that his inevitable exclusion meant the end of any support from the place that had invested more in his development than any place else. Remember the context, we are not talking about a school where there might be one pupil like RBK and fifty other easy to understand pupils. We are talking about a school situation where every single pupil had complex emotional, educational, and societal needs.
- 245. I understand that there appears to have been a concise inspection on 3/03/03 and a full integrated inspection with HMIE was due in February 2004. The concise inspection was marked as satisfactory.
- 246. I don't think I have a memory of the inspection due in February 2004. I don't remember the outcome of the full integrated inspection, which was presumably carried out unannounced. Clearly, we reviewed the policies and practices. The letter states that,

'The Care Commission officer is of the view that in this establishment it is unlikely that such a poor judgement would be made again.' It is easy to call it a poor judgement. It was a judgement based on all sorts of complex aspects of the case. As I remember it, it was a case that, at the time, didn't easily lend itself to an obvious or ready made solution.

Other information

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

Signed		 	
Dated	12 September 2025	 	