Scottish Child Abuse Inquiry

Witness Statement of

Mary MULLIGAN

Support person present: No.

1. My name is Mary Mulligan. My date of birth is are known to the Inquiry.

Background

- I have a Bachelor of Arts, with Honours degree from Manchester University. Then I came to Scotland to work and train in Human Resources (HR) in British Home Stores in Glasgow. I then transferred to a store in Edinburgh and worked for Edinburgh Woollen Mill. I stopped work for a while to have children. I became a councillor on Edinburgh District Council, as it was known then, and later City of Edinburgh Council. I then entered Scottish Parliament when it was re-established in 1999 and was there until 2011. I represented the Labour party and my seat was Linlithgow. Having lost my seat, I then became employed by Christian Aid who are an international development agency. I worked for them in their Scotland office until 2020 when I took redundancy and effectively retired.
- 3. I've also taken part in various boards. I was a member of Donaldson's Board of Governors for a while and I was also a member of a housing board in Edinburgh and in Glasgow. I've done various other voluntary things since, for the Labour party and other organisations.

My role at Donaldson's School

- I joined the Board of Donaldson's and I am uncertain about when exactly I did join, but I believe it was 2012. I was a member of the Board for just over a year, I think, and then became Chair. That was a surprise to me as much as anybody. I was Chair for maybe just over a year before I left. I think that nobody else wanted to take on the role of Chair. I think I had been there for such a short time that I didn't realise the extent of the issues that were going on within the school.
- 5. I've also been involved in committees for so long that becoming Chair didn't seem so daunting in that there were a lot of professional people on the Board who had experience, such as lawyers, auditors and accountants. I believed we had a good balance of people and becoming Chair of the Board wasn't going to be as onerous as it was going to become.
- 6. There were a lot of Board members when I first joined. There was probably more than there should have been. There may have been fourteen or sixteen. I think by the end, there were fewer because we had a number of resignations over that period. My experience on other boards was that that was a lot of members. I took over the Chair role from Richard Burns.
- 7. There was a process for being appointed to the Board of Governors. Donaldson's had moved into Linlithgow from its original base at Haymarket in Edinburgh, probably around 2009. I know it wasn't very long before I joined the Board. At that time, I had met with them because they had come to Linlithgow, and I was still the MSP at the time. I was very impressed with the new building and with the team that they had in place. I'd met them several times when the school was actually being built because of the issues they'd had around planning and such. Not that they had any huge problems and West Lothian Council were very keen to have them. I got to know the school through that.

- 8. I've always had a role in housing, so when I had lost my seat, and was seeking work, I got in touch with people at Dunedin Canmore Housing Association and said if there was ever an opportunity to contribute I would be keen to play a part. They'd invited me to join the Board there, and on hearing this, somebody got in touch and said Donaldson's were looking for board members. I noted an interest and then met with Janice McNeill, the Principal of the Trust, Richard Burns, The Chair of the Board of Governors, and somebody else that I can't recall. We talked about me becoming a board member and what I could offer in terms of governance and support with the Board. Then, I got contacted by Richard to say they would like to invite me to become part of the Board.
- 9. At that time Janice McNeill was the Principal of the school. I think that was what her title was. She was the Principal of the Trust, she ran Donaldson's but there was also a Headteacher, Mary O'Brien, who was the Headteacher of the school as such.
- 10. When I was invited onto the Board there wasn't any training involved in becoming a board member. It was something that we tried to look at later on and about how we would support people to become part of the Board so they would understand what the role entailed.
- 11. The Board of Governors had regular monthly meetings where presentations would be made. They would be made by the Principal, including reports from the school, from the residence, issues that were likely to arise in relation to the running of both the trust and school. Donaldson's was still fairly new to its site in Linlithgow and they were still developing how the school would respond to the needs of the children that were coming to Donaldson's. I think it was also a time of change for schools that provide special education. Donaldson's was a national school and there was very much a push, probably starting in the Scottish Parliament but in more professional circles too, for children to be educated within their own local schools. Therefore, they were finding that they weren't getting the same numbers of children who were deaf applying to come to Donaldson's but were seeking to stay within their own local areas. I think it was a time of change in terms of that.

- 12. I think that more children were being given cochlear implants and it meant that it was possible for children to remain within their own schools or within their own areas. At Donaldson's they were looking at children coming to the school who maybe had additional needs, beyond being deaf, and they were thinking about how they could support those children. I think this was something that had started, probably at the turn of the century, and was coming through more so in 2012.
- 13. As part of my background in the Scottish Parliament, I had spent time on the Education Committee and I know we had been looking at whether or not special educational schools were actually the way forward. Then I moved on and don't know what the outcome of that was. When I became part of Donaldson's community I realised that was still the driving force.
- 14. My performance as Chair of the Board of Governors wasn't subject to regular external oversight and appraisal. I would have expected the Principal and maybe somebody else from her leadership team to sit down and talk to me about how I was fulfilling the role. It was a fairly difficult period for everybody because of the experience we had with regard to the leadership within the Trust and the school. Despite repeated requests to Scottish Government for additional assistance, they were reluctant to become involved in what was seen as an independent school.
- 15. It was very much a case of whether or not it would have been the norm to support and review the role of the Chair. It definitely didn't happen while I was there. With regard to the Board of Governors in general, we had a system in place where the Chair would meet with individual Governors and discuss how they had been involved as a board member. We would discuss any issues and where they felt they needed additional support. Often for members, things like finance were not something they had dealt with before and therefore when things got technical we would look for additional support in relation to that. If there was an issue around care then we would look at bringing in people to provide additional information in relation to how that was being developed. There were inspections of the school and the residence that took place on a regular basis by external inspectors. We were self-analysing. I had one-to-ones with

members of the Board, as I had with Richard Burns before I took over from him and became Chair.

- 16. We were autonomous as a Board. It was an independent school so it's not like a school that would normally be part of the local authority. I think that was very much how the Scottish Government officials that we spoke to saw it. They wanted any issues to be resolved by the Board of Governors and the management team. I think the inspections by Education Scotland and the Care Commission were very important in terms of making sure that things were happening in the way that they should be happening.
- 17. The Board of Governors were sometimes invited to events in the school like at Christmas. The school would put on a performance and we would be invited to that. There was no direct involvement with the children as a matter of routine, however there was a sub-committee of the Board of Governors that was responsible for maintaining liaison with the school's residence. That was where the children stayed overnight. That was seen as being an additional responsibility that maybe needed more expertise than just a general board member.
- 18. The sub-committee met regularly, I believe, with the head of the residence and they would report back to the Board of Governors about it. The sub-committee was made up of board members. These people were appointed to the sub-committee before I had joined the board. It was an on-going committee. I can recall who two members of the sub-committee were. It included Christine Roebuck, who had been a former member of Her Majesty's Inspectorate of Schools (HMI), and was thought to have some expertise. The second member I remember was Audrey Cameron who was one of the deaf members on the Board. She was a prominent member in the deaf community. I don't think the parent-governor was a member of the sub-committee, but I think there was at least another member if not more. They would meet with the head of the residence, Susan Hepburn, on a regular basis and report if there had been any issues. I don't think there were any issues. I can't remember there being particular issues at that stage that came back to us.

- 19. As to the culture within the school, my first impression was that it was very successful and they had managed the physical transition from Haymarket to Linlithgow very well. The children were settling in and the teachers were doing a good job. The leadership was fairly dynamic in seeking out a role for the school in terms of supporting children and young people and their needs. Taking that a step further, it meant that children beyond being deaf, but with other additional needs, were being brought in as well. The school seemed to be a happy place and the children were always excited when you did see them. They were working through a curriculum that meant there were regular events like the Christmas concert.
- 20. My first impression was that the school was fine. I maybe lost a little confidence in that when I got to know the school itself a bit more. The Principal of the Trust, Janice McNeill, and the Headteacher of the school, Mary O'Brien, were finding it difficult to know whose responsibility some things were. I was surprised to find that their relationship hadn't arrived at who was responsible for what and maybe things were not running as smoothly as they might have been. I was thinking this just before I became the Chair. I could see their interaction at a board meeting and realised from their body language that both people were being defensive. The Chair of the Board was Richard Burns at that time.
- 21. There wasn't any discussion between the Board of Governors about that strained relationship. I think the feeling was that they needed to sort it out and that the move had thrown up some issues. I don't know if that's true because I was never a board member when the school was in Haymarket. They were in their posts not long before the move was made. I think Janice was in post just before they moved and Mary was in post when they did move. I think the previous Headteacher was called Janet. I can't remember her surname. I don't think she moved with them and she took that opportunity to retire.
- 22. I think the feeling was that it would get better and it was all part of the transitioning and once people understood their roles, things would get better. I think at that stage there was a feeling that while their relationship was clearly quite tense, they were still doing a good job. There had been a Her Majesty's Inspector's (HMI) report just before I came

on to the board which hadn't flagged any concerns at that stage. I can remember, at my first meeting, there was the consideration of that report that had been carried out previously. I think the Board of Governors was thinking that these people were doing a good job.

23. As a Board member, the safety of the children and them getting the education and the support and care that they needed was always at the top of the agenda. What happened to them was the most important thing. There would be things happening in the school, and teachers would come along to give a presentation and tell us about things that were being developed or whatever. That in itself always seemed good and it was about adjusting to new circumstances. It was about ensuring that the children had an education plan, that was being carried forward and that they were being helped to reach their potential. I think the Board of Governors were content with that and felt that we were delivering what the school was there for. Therefore, its reputation would continue to be one of the flag bearers for how education for children who were deaf should be developed, as it had been for many years.

Personal influence

- 24. In relation to child protection, there was again the sub-committee that Christine Roebuck led. They were in the process of looking at a review of child protection guidance. At each board meeting there would be a discussion about how that was progressing and how that was being played out within the school. The discussion included that teachers were informed about any changes that had been developed through the headteacher. Her management team were working with the teachers to develop that aspect. So that was a regular report to the Board of Governors about how that was progressing and that continued. The sub-committee that Christine Roebuck led was working on that report at that time.
- 25. We, as a Board of Governors, didn't see how these things were being dealt with at the school. We were not present in the school each day. As a Board member you were dependent on the management team who attended the Board of Governors' meetings

and reported if there were specific incidents that took place or if there was something that we would be concerned about. I can't remember ever being in the situation where I thought they had lost control. If there had been incidents that were reported to the Board we knew that something had happened, and the children were being protected if necessary but also were being supported. If there had been incidents within the school they would be reported by the Headteacher to the Board. If it was considered serious, and had been reported to the Care Inspectorate, it would highlighted and then reported to the Board.

- 26. The thing to remember as a Board member is, I wasn't the expert in relation to the running of a residential school nor in child protection and I wasn't there every day. As a board member you were dependent on what you were being told. If there had been concerns, they might have come from parents and therefore we did have a parent-member on the Board who would regularly say if there had been problems with things like transport. Because children were coming from further afield, transport was an issue both in terms of making sure they were in school or got home, but also their safety while travelling. Transport was something that we discussed.
- 27. There were a couple of times I can remember the parent-member saying there had been problems with one of the transport providers. I can remember the discussion about it. He would raise issues that parents had told him about when he was bringing his own child to school. In some ways we depended on him to raise issues that didn't come through any other avenue, but it was rare that he was having to do that. It was maybe an issue that was being reported to the Board of Governors and he would add additional comments from the parents. That was probably the only way in which we would see the parents, except maybe, I think later on, when I became Chair we did actually have a meeting with the parents at one stage.
- 28. We had monthly Board meetings and they were held at Donaldson's. Both Janice McNeill and Mary O'Brien would be at those meetings, as well as sometimes Susan Hepburn from the school's residence. But because it was an evening meeting she would often be working, and she wouldn't always come. The Finance Officer, Helen, Greene, would always come to meetings and PZY

would come if there were particular issues that were being discussed that she was more involved in.

- 29. I think it was the period when we were considering extending the nursery. We were in discussions with West Lothian Council at that stage about opening the nursery for local children. That was seen as quite an event because it would mean that there would be children who didn't have additional needs, and we considered how relationships would develop between the children. It was seen as a positive move, particularly because the nursery had such a good reputation.
- 30. I probably feel that during my time as Chair we didn't make the improvements we might have been looking to do because there were other issues to deal with, in relation to the management team. In terms of the improvements, we were looking at going further in relation to bringing in children and young people who would benefit from coming to Donaldson's. We were also looking at some outreach work because there weren't going to be the same numbers of children coming, as had previously. We considered how we should reach out to children in schools around Scotland who might benefit from the expertise that the teachers had in Donaldsons, but actually didn't need to be there every day of the week. The outreach was one of the things that we'd hoped to develop and then look further at developing the role of Donaldson's for children who had other additional needs. I don't know if the outreach programme came about, it didn't while I was there. The outreach was supported by almost everyone, whereas the addition of children with needs beyond being deaf was resisted by some of the staff. I think it was the cause of the main tensions between the management.
- 31. In Donaldson's at Linlithgow there was less than one hundred children. Less than a quarter of the children were resident in the school. The building is very modern and absolutely right for the children that were there. It's at the top of the hill on Preston Road and not really as close to the train station as it might be, which was always sold as being important. It is a beautiful building, purposely built for the students as well as able to meet the needs of the young people that were resident.

32. It was financed by local authorities who would buy a place for a child there. Budgets are tight and therefore to do some of the things that they wanted to do, the Trust would need to raise additional monies. That was part of the Principal's role in that she was responsible to the Trust and the Trust raised money. The Trust received donations from previous pupils who wanted to donate and people who had a reason to donate. They would also do fundraising events as well to add to the monies that were paid by the local authorities.

Policy

- 33. We would discuss policy in relation to the care, including residential care, of the children, but there were guidelines as to how that should be provided and to ensure the safety of the children. Also, if they're spending four nights a week there, from Monday to Friday, you want it to be a happy place for them to be so there were discussions about how to keep it safe and make it fun. The staff did seem to be achieving that.
- 34. We would be aware of the training of staff and recruitment, the qualifications of staff and staff appraisals. We wouldn't be involved in carrying it out, but we would be involved in ensuring that it was happening and that the right procedures were in place to recruit staff and they were experienced and trained to ensure that continued. The head of the residence was responsible for recruitment. That was Susan Hepburn. My experience of her was that she was an excellent head of residence. The staff had a lot of confidence in her, as did the parents. They had to leave their children in her care. I think Susan was the one I had less contact with, and I think that was because she was seen to doing such a good job. She was respected and people had confidence in her. Both her staff and the parents. I don't know how long Susan had been in the role when I joined the Board of Governors, but she was well-established when I came onto the Board.
- 35. Generally, as a board member when you joined, policies in relation to staff disciplinary procedures, the process for dealing with complaints and allegations against staff,

discipline and punishment of children you assumed would be in place. There may be occasions when you review them. Often in relation to when the inspection reports came in, if there were issues raised, then you would review them and look at how to address them. You would correct them if there was a problem or look to improve where necessary. There was both a Board timetable of reviewing key policies and being reactive to inspections. I think that you would always expect within the Headteacher and Principal's reports there would be some mention of topics like curriculum development and child protection would always be reported on. If there had been a specific report from the Care Inspectorate or HMI, you would expect an initial report and then a follow up item on the Board agenda. You wouldn't as a board member be directly involved with those things but you would have an oversight of them from the Board of Governors and would expect that if there was a particular issue, that that would be flagged up along with a plan of how to resolve it and a review of whether or not that actually takes place.

36. Whistleblowing and record-keeping would only come up if there was an issue identified in an inspection report. In that sense the Board was very dependent on the management team with whom, as a board member, you would be liaising to keep you informed as to whether or not there were issues to be dealt with. The Board were dependent on the management team to keep it updated as to ongoing issues within the school and the residence, and how any issues that were highlighted would be addressed.

Strategic planning

37. The strategic plan for the school would come from the management of the school and the Board working together. The management of the school would then carry it out as they are the ones actively running the school and the role of the Board of Governors was to oversee that the plan was carried out. It was an ongoing process to ensure that the plan that was agreed was going to work for the school and would happen.

38. The protection of children would always be included within the strategic plan and in this case there was a recognition that there was a requirement to be sensitive to the individual needs of children with additional support needs.

Structure and recruitment of staff

- 39. I didn't manage any staff in positions of care and responsibility at Donaldson's. I wasn't involved in the recruitment of staff until after the suspensions of staff had taken place that I will discuss later on in my statement. Then I was part of the sub-committee that employed the Temporary Principal and then Laura the Principal that eventually took over, just before I left the board. The Temporary Principal didn't become the Principal.
- 40. References were obtained from former places of work for both the temporary and permanent replacement Principals. The references were expected to cover past experience and the ability to carry out the role that we were seeking. I don't remember speaking to any of the referees and I suspect that unless we had some concerns then we would have probably accepted the references as provided. The sub-committee would have been myself, Christine Roebuck, Graham Bucknell, who was the Vice-Chair, and I think that Tom Kerr, who was one of the board members, or Ken McDonald was the fourth member.

Training

41. I wasn't involved in training or personal development of staff or others at Donaldson's. As part of the development when I was Chair, we did have a special meeting and we were trying to develop the Board's role in relation to governance. We did have a session with the managers at that time, the Temporary Principal and the deputy head to look at how the relationship between the Board and the management should work. That was part of their training, but it was really a development opportunity for the Board of Governors, more so than the staff.

- 42. I don't specifically know anything about the training or personal development policies in relation to the staff that were there. I knew that they did have plans and there would be occasions when you would consider whether or not we were ensuring that training was taking place, and that everybody's training was up to date. I suspect that it's an ongoing process and I know it is for teachers in their ongoing development in relation to what is expected of them in their teaching role. It would be doubly so for teachers in Donaldson's, and not just the teachers, but also the carers who worked with them to ensure that they were up to date with what was being expected. That was an ongoing discussion that would be had. Not at every board meeting but definitely on a regular basis.
- 43. As far as I was aware, Donaldson's had sufficient appropriately qualified and trained staff at all times.

Supervision/appraisal/evaluation

- I wasn't involved in any supervision or appraisal or evaluation of staff at Donaldson's. The Principal would be evaluated and appraised by the Chair and a member of the Board. Because of the timing of things, neither Janice McNeill nor Mary O'Brien were in place long enough when I was Chair for me to have been involved in their appraisals. The interim-Temporary Principal was there for less than a year and because of the circumstances at that time, we were in very regular contact with her about what was happening within the school. The formal process didn't kick in and I suspect, I'm not sure at what stage it would have done for somebody who was seen as a temporary appointment.
- 45. Then, a new Principal was appointed and I was there for a very short period when she was in post. I think the appraisal and evaluation would be as most professional people would understand. This was in terms of looking at what had been set out as being their role over the year and whether or not that had been fulfilled. Also, looking at their plan for the year ahead and whether or not that had worked out as expected, what issues

had arisen in that period and whether or not they had been addressed and whether or not the individual had issues they saw as still needing to be developed.

46. At the time of Janice McNeill's suspension it was on the basis that an event had been flagged that didn't seem to have been responded to appropriately. Until we knew for sure that event had taken place, then you couldn't really judge whether or not Janice had acted properly or not. If it hadn't taken place she wouldn't have been expected to act. So, at the time, the suspensions were on the basis, not as the beginning of a disciplinary process, but of allowing an investigation into a possible act to take place. At that stage we would then move on and decide whether or not action had been taken appropriately. I think there were beginning to be complaints from teachers that had been reported about and a possible grievance had been raised. I don't know if the complaints and grievances would have led to a suspension, if it hadn't been for the other things. I think the combination of the issues, for my part, were why I agreed to move in that direction. I can't say if I would have done if that hadn't been part of the issue.

Discipline and Punishment

- 47. It was clear, as with any situation, there needed to be rules of behaviour and the rules were there for the benefit of everybody and they needed to be followed. I don't think I ever saw a written set of rules. I assumed there was a process whereby there were clearly rules within the school as to how the children should behave. Therefore, if those rules weren't followed then there must be responses to that. I don't know what those responses would be in enough detail to be able to include in my statement. I suppose from my point of view, I would know that there were rules and if they weren't followed there would be actions taken to correct that. The detail of which I didn't have.
- 48. I wouldn't have expected children to be physically punished or disciplined. For me it would have been an issue if I'd known it had happened.

49. I probably was aware that segregating children for periods of time was sometimes used to correct behaviours. This was partly in relation to safety and partly in relation to ensuring that a child or young person would understand that the actions they had done were unacceptable and they needed to be reconsidered. I would expect that to be done by the teachers who were present at the time. I think if it became more difficult or more serious, then there may be an involvement of the senior staff or Deputy Head or the Head. They would oversee that there were clearly procedures to be followed in relation to discipline and that those were carried out.

Restraint

- 50. I was aware there would be a formal policy or code of conduct relating to restraint. I was never aware of any individual circumstances where it was used. It would be a written policy. A restraint would always be seen as a final resort. I would be aware that restraint was an option, but I wasn't aware of it having been used.
- 51. I would understand that there would be training provided to teachers and members of staff in relation to restraint. I don't think we ever discussed training not happening, and I would have assumed it did happen. If that was part of the reports that we were looking at, then if we were made aware that it hadn't happened then I think that would have been an issue for us. As far as I felt that there were procedures, there was training to ensure that people understood those procedures and that they were taking place.
- 52. Matters like this would be discussed at board meetings if there were changes to be made. They would be discussed if there had been an issue, and then, as a Board, it would probably be part of the rolling programme where we would consider different aspects of the school. That was the point of having people like the Headteacher and the Principal attend the board meetings to update us as to how these things were progressing. I can't remember ever being aware that it wasn't happening. I can't remember ever hearing of a report where a restraint had been made, but I'm very conscious that it was some time ago. I just maybe feel that that's something I would have remembered because that is at the end of a process and is quite serious.

Concerns about the institution

- During my time on the Board, Donaldson's was not the subject of concern within the institution itself, or to any external body, agency or any other person because of the way in which children were treated. There were sometimes concerns with some of the children with support needs beyond being deaf and ensuring that the right provision was made for them before they came to the school. There had been some discussion about that, not after they were there.
- 54. One part of the papers sent to me by the Inquiry was a report from one of the parents, and I can remember her making a complaint about the way in which her son had been treated. It stands out to me because it was the one occasion when I was actually aware of somebody making a complaint.

Problems at the institution

- 55. I never had any concerns about the residence. I believed that children were being well cared for there and it was well organised and staff were well trained. I think the longer I was Chair, I was beginning have some concerns about the teaching staff being able to cope with the demands placed on them by some of the children who had additional needs. It was within the school where there were times when, particularly towards the end of my tenure, I was beginning to feel more uneasy about the staff coping. There were more reports being raised about the interim-Principal being approached by staff or parents. They weren't coming to the Board as such, but to her. Concerns about how the staff were able to cope with some children's behaviours. That was something I hadn't heard earlier on, but towards the end I was aware there were a few concerns. Those concerns at that stage were coming to me through the Temporary Principal.
- 56. I think the way in which the concerns were addressed was looking at giving additional support to the teachers, both in the classroom, looking at whether there were additional training needs. I know that the Principal was working with SNR

who was SNR at that time, to ensure that all training was up to date and that they responded to any issues that the teachers flagged where they felt that they were not able to cope in the circumstances in the way they would have wanted to.

57. After the Principal, Janice McNeill, was suspended, the temporary-Principal then started working with SNR who became SNR of the school and their relationship was fine. It was noticeably different from the previous relationship between the Principal and SNR.

Reporting of complaints or concerns

- If any child or other person on their behalf wished to make a complaint or report a concern there was a complaints process in place. That would go through SNR and the Principal and would only come to the Board of Governors, if, for some reason, it had not been resolved. I think that was why we saw so few, however the reason why I met with the mother of a child at Donaldson's was because I had met her previously in my role as the local MSP. She had been in touch with me directly. It was unusual for me to meet with a parent, because generally it never got to that stage. But because she knew who I was, then she had addressed it to me and I had felt that I couldn't not meet with her.
- 59. In cases of complaints or concerns it would normally be the Principal and the school who would deal with it. If it couldn't be resolved it would be up to them to bring it to the attention of the Board. We did have both a parent-member of the Board and also a prominent member of the deaf community. One of the things I learned when I joined the Donaldson's Board was how strong and well-organised the deaf community were in terms of supporting each other. Having Audrey there as a member of the Board was really important because there are the formal processes, and there's the informal processes as well that you hear from the community and you'd hear from the parents. So, you use that to support what you're hearing formally, and generally you would hope that if something was missed, that would help in terms of bringing that forward.

- In my role as Chair of the Board, that was the only complaint I personally received. I remember thinking how awful her situation was. We met in Donaldson's, I remember that. She told me much of what she recounted in her witness statement that I've been sent. She clearly had concerns for her son, both in the past and in the present, and therefore wanted to know what we could do. My role then was having listened to her to see what we could do to assist. I spoke both with SNR and with the Principal. I know that on a number of occasions after that, she was in discussion with SNR about whether or not things were progressing in the way in which she wanted.
- Reading her statement, clearly things didn't improve in the way in which I understood they would. I wasn't aware of that at the time. I was aware that she was again in ongoing contact with and my understanding at that stage was that they were working to try to address any issues, and I suppose at that stage I might have expected her to come back to me. I felt it was an ongoing process and I have to admit it's not my expertise as to how you would resolve such difficult circumstances. But I was content to see that a response was being made and actions were being taken. I'm sorry to say, having read the woman's statement, that I was maybe more optimistic about that than I should have been.
- and temporary Principal and left it with them to deal with it. The parent spoke to me not long before I finished my tenure as Chair of the Board. I spoke with her and then spoke with the two managers. I had other discussions, particularly with PZY, I think, as to the contacts she was still making with the mother to ensure that things were happening. I was aware that it hadn't been resolved but believed that they were continuing to make progress in resolving it. I felt that I didn't have the experience to say, you should do x, y and z, but things were happening and therefore there was still the opportunity that it would be resolved even if it didn't resolve overnight. I'd had a few discussions with PZY, and I know that a couple of times she'd had phone calls at weekends about concerns the mother still had.

- address those. I suppose I felt that while things were still happening that there was an opportunity for it to be resolved.
- 63. I didn't have any more conversations myself with the mother. She didn't contact me again. It was the only complaint that I was involved in personally.
- 64. Complaints that were not made directly to the Board of Governors would only be reported if they couldn't be resolved. They weren't reported to the Board as a matter of course. The ongoing overview of ensuring that there were procedures for complaints would have taken place. Again, that would be maybe quarterly or maybe annually, a discussion that we would have to see if we had the right processes in place for complaints to be made and to be addressed.

Trusted adult/confidante

- 65. I believed that the children would have had an opportunity to speak to another member of staff if that was necessary. I can't remember how that worked, but it was the kind of issue that we might have had an overview on, particularly for those children who were resident, but for all of the children, because of their additional needs.
- 66. I don't know if children in practice raised concerns in this way and I can't think of a time when it was reported that there had been an issue raised by a child or young person.

External monitoring

67. I was aware of inspectors visiting Donaldson's School in my time on the Board of Governors. I was aware that there had been an inspection not long before I came onto the Board. At one of my first board meetings the Governors were discussing the report that had come back from that. I was also aware that there were further inspections carried out later on, as I was leaving the Board. One of these inspections had begun

before I left and was delayed because of changes in personnel. It was around about the time the interim-Principal ceased being in post, and the new Principal was appointed and took up her post. At that stage I thought they would hold on until the new Principal had enough time to settle into the post. The inspection was delayed and so that was not released or published until after I had left the Board of Governors.

- 68. I read the inspection report that the Inquiry had included in the papers that were provided to me before I gave this statement. I was surprised that I had never been asked before it was published to add any comments, just because of my role. I'm being asked questions so many years later, but the report came out almost immediately after I had resigned my post as Chair of Governors and yet I was never asked for my view on things. I just find that surprising. I don't have any thoughts on why I wasn't asked.
- 69. I wasn't aware of the inspectors speaking with the children either individually or as a group, but I would have expected they did. My limited knowledge of education inspections is that they would always speak to the children. How they speak with children and young people would need to be appropriate for the age and communication skills of the child or young person concerned. I am not aware if Education Inspectors who inspect Special Schools have particular skills or experience relevant to those schools.
- 70. The inspectors didn't speak to the Board of Governors or myself as the Chair. I would have expected them to speak to the Board and I'm sure that for the one where I came in, just after it had taken place, I know that they had spoken with the Board. That would be a normal part of the process I would think.
- 71. The inspections happen normally every few years. There were only two that I was aware of happening. The one prior to me joining the Board and the one inspection I was present for but not the report publication. I think the second inspection had been brought forward because of concerns about the school at that time. There can be several years between inspections. I think that's the case generally for a Care Inspectorate report, but the Education Scotland report is still, even for a special school like Donaldson's, a number of years between inspections.

- 72. I understand there was feedback from the inspection that took place just prior to me coming on to the Board of Governors. That was being discussed at the Board as I came on. Generally, it was a good report but there were a few issues flagged up that needed to be addressed, as there often are. The discussion was around how the recommendations would be taken forward. I assume the inspection report that came out after I left the Board proceeded as it would normally. I also assume that they spoke to all of the people that they normally would. I'm surprised that I was never asked for comment.
- 73. I was on the Board of Governors when the issues from the first of the reports were discussed. I can remember the Principal making a report to us based on the inspection report. It was generally a good report so they were happy with that but recognised that a few things had been flagged up as needing to be taken forward to improve or to develop. The Principal would put forward a plan for how that would take place. The Board then would get the opportunity some months in the future to look at whether or not those things were actually happening. I can't recall now what those things were. The issues weren't major, it was ongoing development really. One of the prominent issues we discussed was that Donaldson's was no longer just a school for children who were deaf but also children who had additional needs. The discussion was often around how you made sure that those needs were being addressed and the care of those children was appropriate.

Record-keeping

74. I would be aware that there were records kept, in relation to children's attainment, and particularly for children with additional needs, there's often a specified plan for them. There would be records kept to ensure that that plan was being adhered to and whether certain staging posts were achieved or not. I was aware that teachers would have that and that the management, Headteacher and Deputy, would have an overview of that and again that's one of those things that might be reported regularly. You would get feedback to ensure that was happening.

- 75. I don't think I was in a position to judge the quality of the record-keeping. I wouldn't have sight of the records. I wouldn't know where those records were kept. I would assume they were in the offices of the Headteacher in the school.
- There would have been records kept of the complaint that was made directly to me that I passed on. I think if there were incidents, whether it was about behaviour or concern about care then records of that would be kept. The very nature of the Headteacher and the Deputy's role meant neither of them were teaching members, so their role was really to oversee that kind of thing. I had no reason to doubt that they were doing that and they were efficient at what they were doing. They would have been keeping a record, ensuring that if there were concerns raised again, as there were with this mother, then there would be a tale to be told as to what the complaint had been, what the decision had been as to how to resolve it and how that was taken forward. I would have expected that to have all been written down, but I would never have seen it.
- 77. As to the complaint that was made to me directly by the mother, I did continue to take an interest in it and continued to have discussions with PZY about the situation, and with Margaret Burnell, the temporary Principal. I didn't feel it was my role to check that it was all being recorded. I was more interested in what was happening than what was being recorded. I can only say I read the mother's statement to the Inquiry with some dismay and feeling that I should have done more.
- 78. I'm not aware of any changes in record-keeping when I came onto the Board of Governors from how it had been done before that time. Record-keeping was always seen as something that was important to do. I think it generally is in education, but particularly because of the additional needs there has to be a record of progress for the children and issues that are raised. I think it was an important part of what they were doing.

Abuse

- 79. I couldn't direct you to a definition of abuse that the school had that applied in relation to the treatment of children. I think for me, abuse is something that causes distress and is as a result of one person having power over another.
- 80. I did not see any behaviour I considered to be abusive taking place at Donaldson's.
- 81. Children at Donaldson's did not report abuse to me.
- 82. I could not be confident that if any child was being abused or ill-treated that it would have come to light at or around the time it was occurring. I could never say 100% that I would have known. I wasn't aware of any abuse and I didn't see any, but I couldn't say that was because it hadn't happened. I think by the time I was leaving the Board of Governors, that I was maybe beginning to understand more of the pressures that teachers were working with and that there wasn't always an answer for what happened immediately.
- 83. As to the children themselves, I was not aware of any teacher being involved, but I did hear recollections of children being aggressive towards each other and I also heard suggestions that these actions were not responded to as quickly as they should have been. Therefore I was becoming more nervous about how well situations were being handled. Part of the reason I left was that I was frustrated that I couldn't give that assurance to the parents. I felt at the time that I had done all that I could and that the school needed new people to take things forward.

Child protection arrangements

84. I understood that there would be additional training for teachers dealing with children with additional support needs. That training is ongoing and is very important for teachers in that situation, and as far as I was aware the nature of that was being handled and managed in the way in which it should.

- 85. That would be similar to the guidance and instruction given on how to handle and respond to reports of abuse or ill-treatment of children by staff, other adults or other children. There would be procedures in place that teachers would know and if they felt that there wasn't a procedure to respond to a situation, then that was one of the issues they would raise with their management team. I felt that was in place.
- 86. Quite a lot of autonomy was given to staff and managerial staff on how to handle these matters. The Headteacher has a lot of power within their school in terms of setting the ethos and developing that and ensuring that their staff adhere to it. That's really what you're asking the Headteacher to do. They are appointed because they can do that. Their professionalism in that role is much more important than the Board of Governors who are very much generalists and overseeing that that happens.
- 87. I think whatever a Headteacher sets out has to be reported to the Board. The child protection policy would be part of the plan. There are certain things that, in their professional capacity, would be essential and regularly updated. They would update the Board to ensure that those things were happening. The plan for the school is very important and the Board would consider that as part of their ongoing role. Partly that would be influenced by what had been in the inspector's report and the Board would oversee that that was happening. I think there is a close relationship between the Headteacher and the Board. Also the Principal and the Board, in terms of making sure those things are progressing. If they're not, and there are issues, then they would be addressed and a timetable for improvement would be set. I felt that those things were happening and there were sufficient members of the Board who had other experiences that could oversee that that was the right thing to do.
- 88. It would only come to the attention of the Board if there were issues. You would see it as being an update and more often than not that would be 'Yes, ok, everything's progressing' but one aspect needed more attention, but that would be flagged up by the management team who would say, 'We're still not quite making the progress we need to on this, but this is how we're going to address it'. You would expect them to have responses, if there were issues, as to how they would be addressed.

- 89. When I was on the Board or was Chair of the Board of Governors, I cannot recall any issues that need to be addressed as to child protection arrangements. There were no child protection issues reported to the Board whilst I was on it, apart from what we're aware of. My feeling is that there were still improvements being made and directives coming from Scottish Government, Care Commission, or the Inspectorate as to how to ensure safety and well-being, and therefore management would respond to those things. They would tell the Board if something needed updating and how they were going to do that and we would move on with that. I can't remember any issues being raised where we had particular concerns about an individual child or group of children.
- 90. Looking back at the mother's statement I now ask myself what could I have done that might have helped? Apart from that individual instance, then I'm not aware of any particular improvement that we needed to make other than as part of ongoing updates that would be flagged. I don't know if there is anything more I could have done for that mother in her complaint. I think that I shouldn't have let it continue, and maybe I wasn't demanding enough that something changed to make things better but I don't know what that would have been.

Allegations of abuse

91. I have never been the subject of an allegation of abuse or ill-treatment of a child or children who resided at Donaldson's when I was on the Board of Governors.

Investigations into abuse - personal involvement

- 92. I was not directly involved in any investigation by or on behalf of Donaldson's into allegations of abuse or ill-treatment of, or into inappropriate behaviour by staff or others towards children. I directed a parent towards SNR as described elsewhere in this statement.
- 93. In my time on the Board of Governors I didn't investigate any such allegations.

- 94. In relation to the complaint made by a parent, to myself, it wasn't reported to the police that I am aware of. I wasn't the first person the complaint was made to. The mother made it clear that she had raised this previously with the Principal and the Headteacher so I wasn't the beginning of the complaint.
- 95. There was a staff member who is referred to in the papers I was sent by the Inquiry and who was suspended following an incident that had happened outwith the school. He was dismissed at that time. I wasn't aware of anybody being dismissed for anything that had happened within the school. He was dismissed because of something that happened outwith the school with a child that wasn't a pupil at Donaldson's. His dismissal occurred during my time on the Board, just as I was about to become Chair. It was discussed by the Board of Governors because it had been raised with one of the Board members.
- 96. An incident was reported to a Board member that had occurred outwith the school and the alleged perpetrator was a member of staff at the school. It was stated that this had been known by other people and no action had been taken at that stage. The Principal was then asked to suspend that member of staff, pending an investigation and that was reported to the police. It was made clear that it was expected that it would be reported to the police and it was, by the Principal. This was some time after the alleged incident and this was part of the reason for her suspension, because it had taken so long for her to deal with it.
- 97. No member of staff resigned during my time on the Board of Governors because they were the subject of a complaint involving, or an investigation into, alleged abuse or ill-treatment of a child or children at Donaldson's school.

Reports of historical abuse and civil claims

98. I was never involved in the handling of reports to Donaldson's by former residents, concerning historical abuse.

99. I was never involved in the handling of civil claims made against the school by former residents, concerning historical abuse.

Police investigations/criminal proceedings

- 100. I did not become aware of police investigations into alleged abuse at Donaldson's during my time on the Board.
- 101. I have never given a statement to the police or the Crown concerning alleged abuse of children cared for at Donaldson's.
- 102. I have never given evidence at any trial concerning alleged abuse of children at Donaldson's.

Convicted abusers

103. I do not know of any person who worked at Donaldson's during my time on the Board who was convicted of the abuse of a child or children at the school.

Current condition of the school and future plans

104. I've had no involvement with the school since I left the Board of Governors. I met Helen Rice, the Clerk to the Board of Governors, a few months after I had left. I was asking her how things were and there had been huge changes by that stage and that was just a few months after. We always said we would catch up sometime after, but we never did. Apart from that I've not had any involvement with Donaldson's since I left the Board.

Letter to Christine Roebuck from a group of four senior staff dated 18 April 2013

105. This letter is in relation to sharing concerns and supporting each other in relation to the Principal, Janice McNeill, and the Deputy of Finance and Resources, Helen Greene. I couldn't say it was definitely the first indication of concerns about the Principal. I was advised of this letter by Christine Roebuck who was a member of the Board and she was also the lead person on the sub-committee that was particularly looking at the care of children. This letter was written before Janice McNeill was suspended. I think the letter was raised by Christine with Richard Burns, who was the Chair at that time. It was then discussed at one of the Board meetings where Janice took exception to it and said there were no grounds. Janice was present at the meeting of the Board of Governors when it was raised. I can remember a very tense meeting where there was a response from Janice to it.

Minutes of a special meeting of the Board of Governors held on 12 June 2013

106. There was then a board meeting held on 12 June 2013 and present were Richard Burns, Alan Biggar, Hazel Burt, Audrey Cameron, Tom Kerr, Jan Miller, myself, Kim Patullo, Christine Roebuck, Willie Rutherglen and David Wallace. In attendance were Helen Rice, Clerk to the Board of Governors, and interpreters. The meeting took place at the offices of HBJ Gateley in Edinburgh rather than in the school. There had been a question raised prior to this and it wasn't a complaint that had been raised by staff. It was, I think, during her visits to the school to go to the residence, Christine had spoken to some of the teaching staff who had said they were unhappy with the Principal and Chief Finance Officer. They didn't put it into a grievance at that stage and so Christine had mentioned it at a meeting prior to this one, in private. Sometimes, if things had to be discussed in private, the staff were allowed to leave the meeting and it was the last item on the agenda and Christine said that they had raised some concerns. I think at that stage Richard had said to her that if they had these concerns they needed to formalise it because they were serious. I think that letter was the follow up to it. Richard was the Convenor at this time.

- 107. At Point 6 it is noted that the Convenor had arranged a meeting with Christine and they had agreed the letter was too unspecific for immediate action to be taken and asked for Christine to find out more.
- 108. I became Chair of the Board shortly after that meeting, probably in the summer holiday period, in July.

A chain of emails between myself and Janice McNeill. They range from 15 July 2013 to 18 July 2013 and relate to the suspension of PWV

- 109. My memory of this is that Christine Roebuck had been in the school's residence and had then gone back to the staff room and had tea. Some members of the staff had raised concerns about Janice at that stage. The staff had made a complaint to Christine and she had decided to mention this in a discussion with Richard Burns. Richard's response was that we didn't have a lot of detail about it.
- 110. It was raised later at a Board meeting where Janice was present, not the one in June 2013, and at that stage Janice had refuted that there was a problem. Her response was that the problem was because those members of staff believed that Donaldson's was a school for the deaf and that there shouldn't be children there who had additional needs or weren't deaf. That was an ongoing source for antagonism between them. That was her saying the complaints were unfounded and this was because people had a different grievance, but this was how they were presenting it.
- 111. Richard then told Christine that if the staff wished to pursue this they would need to raise a grievance, and that was what they did at the meeting on 12 June 2013. That was why that meeting took place outwith the school. The school is wonderful and beautiful, but it is very open and when we were meeting people could hear what was being said. We felt that this was a sensitive subject and should take place somewhere outwith the school. That was why we met in the offices of HBJ Gateley.

- 112. That was when it was raised as an official grievance that staff had. At that stage we said it would have to be formally investigated and I can't remember who it was decided would take that forward. Following that, there was a further meeting and this took place outside of the school at Richard Burns's place of work at which disclosure was made by Christine Roebuck again, I think, having been told that there had been an alleged incident involving was and that nothing had happened about it. That then spurred people on to needing to deal with this at the same time. Then things evolved from there. I think that meeting in June 2013 was the final meeting that Richard chaired. I think I chaired the next one.
- 113. At the time I became Chair I was aware of the grievance against Janice O'Neill and had also heard the allegations involving PWV. The information had come from Christine Roebuck and I think there was a separate Board meeting called at which that was raised and a number of Board members raised concerns about how it had been handled. They thought it was a serious incident that should have been dealt with in a different manner to what it was. That was when I spoke to Janice about ensuring that he was suspended pending investigation and that the complaint should also be passed to the police to decide whether or not to progress it. I would like to point out at this time there were a number of Board meetings held in quick succession.
- 114. Janice had suggested in one of her emails that she had decided not to suspend but would tell him to work from home. I responded to make it clear that he had to be suspended. I think this happened over the summer period as well, and there probably wouldn't have been any children around anyway. Although he was responsible for the projects, so he may have been in contact with the pupils because some of them would have been planning to go to college. There was strong feeling that the suggestion he just work from home was not sufficient. It needed to be more formal than that.
- 115. PWV went to court and he was convicted. The case was heard in Falkirk Sheriff Court. I don't know what he was sentenced to. I know that Helen Rice, as the Clerk to the Board of Governors went to the court hearing so she could report back what had happened. I was still the Chair then.

supporting the older children who were looking to see what they would do after leaving Donaldson's, whether that was training at college or work placement. Sometimes, the young people would do day release and would go to college maybe a day a week while they were still at school to prepare for the transition. I don't think was a qualified teacher. I didn't really know him. It was a new position that had been created for that task. He was not an employee of the school prior to that job. He was there in that role before I joined the Board, so I don't know for sure. My understanding is that it was his first role in the school.

Letter from myself to Janice McNeill dated 19 August 2013

- 117. This letter informed Janice of her suspension. The main reason for her suspension was the way she dealt with the suspension of PWV . There was another Board meeting and I didn't see any reference to it in the papers I was sent by the Inquiry. It was at that Board meeting that it was discussed, and I can remember a couple of the Board members saying they couldn't understand why it had been handled in the way it had been. I think at this stage there was the first mention of public page and this was known about within the school. At that stage the Board members were expressing concern about failing confidence in Janice, because of the way in which she had acted on this. Therefore, given that by then he must have been charged and we had been told that by the police, although we didn't know everything that was going on. I think that made everybody very nervous and we decided at that meeting that we would seek to suspend Janice pending the outcome of the court case involving PWV . After that, a decision would need to be taken about whether or not there should be disciplinary action against her.
- 118. I think at that stage we may have been uncertain as to whether or not had a case to answer and whether it was going to go to court or not. I'm just trying to think of the timing of it. I'm trying to think why we didn't automatically begin disciplinary action against Janice. I think it may have been because we were uncertain whether or

was going to be charged. The feeling was, if he wasn't, and nothing had happened, then why would Janice have taken any action. When the police believed that they had enough to charge with an offence then the Board believed that Janice should have taken action before she did.

- 119. As a member of the Board of Governors we're not there every day, it's not like a workplace situation. We would have been aware of things happening on a regular basis while this was happening. Members of the Board were speaking at that stage and we definitely had a meeting between 18 July and 19 August 2013. It was holiday time and people were away, but I'm sure we did have a meeting. I remember a couple of the Board members being vociferous about how Janice should have taken action and some were saying we were not sure that there was action to be taken. That was the debate.
- 120. I don't know when Janice was aware of PWV page, but definitely by the time we had spoken to say we thought she should be suspended she knew about it. So, she knew prior to that conversation. I would be surprised if she hadn't been aware fairly soon after it, given the involvement of Mary O'Brien and the chat that went on within the school.

121. The letter itself states,

Following our discussion on Monday 19 August 2013, I am writing to confirm that, as of this date, you have been suspended from work until further notice pending additional investigation into various allegations. These allegations include:

- 1. Your failure to follow the School's Child Protection Guidelines regarding an allegation of sexual misconduct made by ... about PWV and and concerning her son It has been alleged that you were notified of the allegation but either did nothing about it or sought to suppress it.
- 2. That you were aware of the existence of staff concerns and complaints about photographs on employee PWV public ... page. You did nothing about this.

- 3. That you have bullied and harassed members of staff either in one to one meetings with another member of staff or where you and Helen Greene, Finance Director meet (sic) with a member of staff on their own (in two to one meetings) and created an intimidating environment.
- It was a follow-on from the staff grievance, because there was some discussion that part of the bullying of staff members was to make them not raise the issue about pww because it was clearly known about by more than one member of staff. I don't think it had been said not to raise it, but not to discuss it. I don't think anyone was saying to Janice that she needed to do something about it, I think some of the teachers were talking about it because it was known about and she was saying you shouldn't discuss this. But she did know about the issue and 'either did nothing about it or sought to suppress it'.
- 123. I think the staff would say there was more to their complaint than just bullying and harassing staff to tell them stop talking about what they knew about PWV

 However, I think the issue in relation to PWV

 was what made the Board include that in their letter that went to Janice.
- 124. The last allegation in my letter to Janice was that Janice, instructed Susan Hepburn not to report a residential pupil's complaint to the Care Inspectorate. The complaint was about the use of the residential pupil's bedroom for commercial activity at weekends. During discussions with Susan Hepburn, a suggestion was made that the same resident pupil should receive an inducement to drop her complaint, specifically providing funds for a school ball.
- 125. Until I read the papers I was sent by the Inquiry, I had forgotten that was one of the issues. I remember it being raised at a previous Board meeting and being told that it had been resolved and the young person was now satisfied that it wouldn't happen again. If it had happened. What it had signalled to me at the time was, and it was early on in my period on the Board, was that there was a tension between those who were

trying to raise money for the school to keep it going and those who wanted it to be kept enclosed as school for the deaf community.

126. One of the things they were looking at was using the residence for commercial purposes and I think there was unhappiness and it definitely wasn't supposed to take place during term-time. It was supposed to be reserved for a short period in the summer holidays only. I can't remember for certain now if it happened in term-time or if it was during the Christmas or Easter holidays. I think the fact that this happened was seen as a gateway to it happening more frequently and they didn't want it. I think it had been dropped with the reassurance that it wouldn't happen again..

Undated letter from Janice McNeill to myself

127. This undated letter was written by Janice in relation to her formal grievance against Donaldson's Trust and states,

Grievances were raised against me and handled out with the agreed Trust procedures. These grievances were not discussed with myself informally and I believe these were invited and encouraged by a member of the Board, contrary to good employment practice, and in contravention of the OSCR's guidelines on the role and responsibilities of Governors. I am further aggrieved that the disposal of the grievance investigation appears to have been suspended without proper written notice pending other investigations despite the Board being aware of the traumatic impact of such grievances on my wellbeing.

The only contact I have had from my employers since my suspension in July has come from the investigating team who are external to the Trust. I have received no pastoral support from the day of my suspension. As far as I know the Trust has not kept the suspension under review. Further, I was not advised that my post would be filled on an interim basis and I found out this information through a third party, as indeed with the publication of the Education Scotland report, with its associated media attention

once again. I believe the press statement issued by the Trust at the time of the suspension was prejudicial to a fair outcome.

I have raised during investigatory meetings, comments directed towards me by the previous Chair, Richard Burns. By asking about my age and my intention to retire, (as well as my health), I believe that Mr Burns has potentially discriminated against me on grounds of age.

I have still had no satisfactory explanation as to who – and why – both my emails and my Contract of Employment were hacked into, despite an external ICT review having been commissioned by the Trust. I have not yet had sight of the final report, and I am unaware if this issue has been raised with the Police or the Commissioner of Information's office to date.

I am happy to meet with yourself informally (with my EIS representative in attendance for support) to discuss the resolution to these grievances in accordance with stated procedures as detailed in the Trust's Grievance Policy. As an alternative I am prepared to roll these issues into the disciplinary procedures.

- 128. I can't recall how long after my letter to Janice that this one was written in response. But re-reading that, I find it quite difficult to place when that came in because we tried for a year to get Janice to come to a meeting. Every time we tried to arrange a meeting with her, and by that time it had become a disciplinary meeting, she would send us a sick note while she was suspended. We wanted to move on to the formal disciplinary procedure and we couldn't because it was deemed that Janice's health wasn't up to it.
- 129. The disciplinary procedure was around the issues that were in the letter I wrote to Janice on 19 August 2013. We wanted to meet with Janice to discuss the issues in the letter as to why she had not taken action and there was to be some look at whether or not the accusations of bullying could be substantiated. I can't remember how many times that we tried to schedule a meeting with her to progress this. This period was from her suspension in August 2013 to the time I left the Board.

- 130. It was interesting that she said in her letter that there was a temporary person put in place. That wouldn't have happened except we got to a stage where we could not have left the school without somebody in charge for any longer. We didn't have Mary O'Brien either, so it was decided we would take somebody on temporarily that had the professional ability to run the school. The role of the Principal was an overarching one and was more about the commercial side and the Finance Officer would assist with ensuring that was covered. I can't remember how many times we invited Janice to a meeting and each time were met with a letter saying her health was not good and her stress levels were such that she couldn't come to a meeting.
- 131. I don't know how old Janice was at the time, but I think she is around my age. So, at the time of her suspension, she would not have been close to retirement age. I don't know if she had a conversation with Richard Burns about retirement as she has suggested.
- 132. I also considered Janice to be a friend and I found this process to be very difficult. I got to know Janice whilst I was the MSP for the area and we had developed a good relationship and I never hid the fact form anybody that we had been friends and we were professional enough to deal with the issues in front of us. Thinking about why we did things and the way we did them, sometimes Board members would have different views about how strongly they wanted to act on things. I was very conscious that I had to respond to what the Board was saying, but also this was somebody who I was friendly with and trusted and so it was a very difficult situation and I often felt that I can understand why Janice was distressed by all of this. But I also felt that if she had allowed the process to take its course there might have been some way of resolving it that wasn't so awful. For whatever reason that never happened. She is talking about her raising a grievance saying we hadn't progressed it properly, but we hadn't been able to but I can see how she was resisting and that was making it harder.
- 133. As to the outcome to this process, I didn't have any contact with the school after the day I met Helen Rice soon after my resignation, and we just briefly chatted. She told me that Janice had been given severance pay as compensation for her loss and had

been allowed to leave. She didn't resign. There was an agreement made by both parties for her to leave after I had resigned from the Board. It felt like a sad outcome. She was somebody who had done a lot in education and in Donaldson's. Because we never came to an outcome when I was there, I don't know what had happened exactly. All I know is that there was an agreement that she would leave and there was compensation paid.

Email sent by the Governors of the Donaldson Trust from Christine Roebuck to lain Lamb of the Care Inspectorate dated 20 August 2013 regarding suspensions and CP issue.

- 134. The child protection issue referred to in my note to you and Kate Hannah is the one we discussed in our earlier telephone conversation. The young person was not a pupil at the school and the incident did not take place within the school. The investigation set up by the Board later identified evidence from the person's page where he had photographs of himself and former pupils of the person's in compromising positions. The Board took the view that this raised more concerns about the person's then current role in relation to the young vulnerable adults with whom he was working. The Principal was instructed by the Board to suspend him and she informed police.
- 135. I am aware of this document. It was Christine giving lain Lamb an update. Christine had a professional relationship with Iain Lamb because he worked in the Care Inspectorate and she was the leader of the sub-committee that looked at the care issues within the school. That was why she had contacted him. The board meeting had decided that Janice would be suspended on the day I went into school. I can remember it well because it was the first day back after the summer holidays and the children were arriving. Janice was not in the school, I think she was off sick but I know I had to phone her at home to tell her she had been suspended and I spoke to Mary O'Brien in the school that day.
- 136. The legal advice was that we then had to inform various people such as Care Inspectorate and Scottish Government. I can't recall who else, but there were two or

three bodies or individuals who needed to be informed of what had happened. We told them Christine had spoken with Iain Lamb and I spoke with Colin Spivey at the Scottish Government. I arranged for myself and Graham Bucknell to meet Colin Spivey the next day in St Andrew's House.

137. Graham Bucknall and I attended St Andrew's House, where we met Colin Spivey and a couple of other education officials present and we discussed what had happened regarding the suspension and why it had happened and what the next steps were. Over the next twelve months I had a number of occasions when I spoke with them, often asking for assistance because as a Board we were not in a position to be running a school on a day to day basis and we needed somebody to take on that role. We then had delays because Janice wasn't able to meet with us and Mary O'Brien eventually got to the stage of not wanting to talk to us and issuing sick notes. We took Margaret on in discussions with Scottish Government as a past Headteacher of a Special School who would be able to oversee the school on a temporary basis. It was temporary, she had retired.

Extract	from	dated	2013

138. I must have been aware that this article was being published in the newspaper because I gave a comment for it. I think we were relieved that there wasn't more coverage of it. I think there was also a piece in can't remember anybody else running with the story.

Letter from Mark Paxton, Investigating Manager from the General Teaching Council, to myself, in relation to the suspension of Janice McNeill dated 30 August 2013

139. I went to a meeting with the General Teaching Council (GTC) in Edinburgh to update them as to what the situation was. I don't remember receiving this letter, but I do remember going to meet them. I assume it was in relation to this issue. Mr Paxton said

they would deal with it as they saw fit and the school would go through their disciplinary procedures and we would keep them up to date with that.

Letter from Colin Spivey, Scottish Government, to myself regarding Donaldson's School draft action plan dated 5 September 2013

140. Fundamentally the plan needs to ensure that appropriate actions, policies and monitoring and review arrangements are in place around the culture, leadership and governance of the school.

The letter goes on to say, Clarity around who is responsible for delivery of actions and delivery dates for all actions. At present these are not recorded clearly against all actions. There needs to be absolute clarity about who is responsible, for example is an action allocated to HT/DHT to be taken forward by those acting up into those roles?

In discussions around the issues facing the school there has been consistent reference to potential problems with the culture of the school and whether this has led to staff being unable to air concerns and problems freely. This is a critical issue and needs to be addressed more fully and explicitly.

There needs to be a recognition that the competence of the board is a critical factor in addressing the issues that exist. Are the board confident that, collectively, they have the right set of skills to take the school forward, and if so how is this evidenced? Is there a need for the board to conduct a training needs analysis around their own development? We are aware that, when meeting with you last week, Lawrie Davidson, Care Inspectorate, offered to provide support to the board and this suggestion was received positively. If it is intended to take this forward this should feature in the plan.

In the meeting on 21 August between the school, Education Scotland and the Care Inspectorate, it was agreed that a comprehensive timeline of events up to this point would be provided. we have not received this yet. This should be submitted alongside the revised draft plan. ...we would like you to respond to these by Friday 13 September.

- 141. I don't actually remember receiving that letter at the time. I remember a number of meetings with Colin Spivey and he was very helpful. There was an issue raised about the Board and how they were handling issues which brought about further reflection on how the Board were operating. I, the Clerk to the Board and one or two other Board members organised an additional workshop weekend where we looked at the role of the Board, not necessarily in relation to what was going on at the time, but really trying to keep things going that wasn't just about managing a bad situation, but actually what the Board were about.
- 142. It was also looking to what new Board members would we need to recruit in the future as Board members left. What skills were missing and a complete review of how the Board was operating. There had been Board members leaving. Board members were on a rolling basis and were coming and going and we'd got to the stage when two or three were due to retire, and we needed to replace them. Richard was one of them and a couple of others who had been there for ever and we needed to bring in new members. At that stage on a Board, you would always look at what skills we were losing and did we need to replace them or were there other skills that we now needed that we hadn't had previously.
- 143. As part of the ongoing process of governance that the board would be expected to fulfil, we had a workshop weekend on that. That was looked on favourably. This letter sounds more like when things came to a head just before I left when Scottish Government seemed to be saying this has dragged on an awfully long time and you've not resolved it and its the board's fault. That was what Colin was saying that we needed to do x, y and z.
- 144. The letter is dated 5 September 2013 which is not long after the suspension. That is not the way I remembered it from then. I would have remembered that letter from later on. I felt very much that it was them protecting their position. I don't remember receiving it so I can't say for definite when it came in. My sense is that the relationship

was very supportive, but they never actually did anything and they never offered the support that I really wanted which was for them to help us to recruit a temporary position. In fact, we ended up doing that ourselves. But towards the end of my tenure, things started to change and I think that was their frustration that we hadn't progressed and dealt with the issues as quickly as we should have done. That is what I hear from that letter.

Email from Jane Renton to Kate Hannah, Bill Maxwell, Craig Munro, Mary Hoey, Terry Carr, Olwynne Clark, Deborah Heaney and Denise Brock dated 9 September 2013 re: Donaldson's

- 145. The email states, Colin Spivey of SG has been in touch to say that Mary Mulligan, Convenor of the Board of Governors (BoG) contacted him this morning. It seems that back in February there was an assault by one pupil on another which was investigated by police and also possibly internally in the school but BoG were not informed and knew nothing about it. The parent of the girl assaulted has gone to and this will be featured in the paper Colin is meeting solicitors this morning to consider the options open to Mr Since this provides further evidence of poor communication & governance in the school, it is likely that, "Section 66" will be invoked and another inspection will be required. If this is the case, we shall not publish the report from the inspection in May. Deborah, please take no further action with the report (which we were aiming to publish on 17 Sept) until you hear from me. And we'll need to consider the nature of the inspection along with the C1 a bespoke approach will be required.
- 146. The letter to myself from Colin Spivey was 5 September. I read that email in the papers sent to me. The email states the 'BoG were not informed' and 'Since this provides further evidence of poor communication & governance in the school.' I don't remember that being raised at all and I don't know what a Section 66 is. Then it says don't publish the report from the inspection, my understanding was that was the inspection in May. It had taken place and it was when Margaret Burnell was the temporary-Headteacher, so it would have been May 2014, not 2013.

147. The inspection as far as we knew had gone okay, but now they were thinking they must have missed something and therefore they were going to pull the inspection and re-assess. This was the one that was then published and was sent out to me by the Inquiry in the papers and it is more critical than the one we had accepted. I am not questioning the report, it does record the issues with which they had concerns but I'm not sure they had picked up those concerns when they did their initial inspection in May.

Joint inspection report between the Care Inspectorate and Education Scotland dated 3 December 2013

148. It states 'There have been important weaknesses in governance in the school and in communication between the Board, the school and the stakeholders'. I think it was mainly about that divide between the management who are there on a day-to-day basis and the role of the Governors. What they were saying was that the role of the Governors hadn't been sufficient to oversee some of the actions and I wouldn't dispute that. I suspect that's what prompted us to then go ahead and have the later workshop meetings where we looked at the role of Governors. That took place in early 2014. It was probably around Easter time.

Another copy of an email from Jane Renton to a number of people including Kate Hannah, Bill Maxwell, Craig Munro, Mary Hoey, Terry Carr, Olwynne Clark, Deborah Heaney and Denise Brock dated 9 September 2013 re: Donaldson's

149. This is written in relation to Colin Spivey having been in touch with me. I'd like to comment that Colin Spivey was never in touch with me, I was in touch with Colin Spivey. I think the nature of the situation was that I was probably a bigger bother to him than he was to me, because I would ask questions about what we should be doing

and how we should be doing it. Colin was always very helpful and very supportive, but they very clearly wanted to keep their distance.

Care Inspectorate and Education Scotland reports on inspections dated 29 July 2014 and 11 December 2014

- 150. The July report from the Care Inspectorate concludes 'We have agreed the following areas for improvement with the school and Board of Governors, continue to develop positive communications across the school and with the Board of Governors, establish stability and permanency of key leadership posts, further in-bed the positive steps made in leadership and in particular leadership of self-evaluation for improvement, continue to develop the quality of learning and teaching in all classes, ensure that systems and processes for safeguarding children and young people make a positive difference.' In the last point 'There has been good progress made in almost all the main points for action identified by the December 2013 HMI. However these are at an early stage and need to be in-bedded further'.
- 151. It's from different inspectorates. The Care Inspectorate are looking specifically if there are issues around care within the school. What I found interesting about that one was there was a point where it said we needed to develop the future vision for Donaldson's. I think that's quite telling because that was this bone of contention between the staff and the Trust. By 'Trust' I mean Janice and her team, as to whether or not the school would go down the road of taking in children with additional needs beyond being deaf.
- 152. If the school took in only children who were deaf it would shrink in size because children were going elsewhere, rather than attending a national school. The Care Inspectorate had picked up on that. I had left the Board by the time that report was published, but I was there when it began and was never asked for any comments. The report is quite negative and I'm not disagreeing with it.
- 153. The report goes on to say 'How well does the school improve the quality of its work.

 Since the previous inspection, senior managers and the Board of Governors have not

progressed the necessary improvements in activities ... and some aspects of provision have significantly deteriorated. The recently appointed principal recognises the seriousness of a number of aspects of practice, took immediate action and informed the appropriate national partners'. By Principal the report refers to the new permanent replacement. I don't know all the details of what happened, but it was starting to happen as I left and they brought in half a dozen people at least to support the school at that stage, recognising there was a problem. They were offering full-time support to allow the school to make some of the changes that had been identified and it was what we'd been asking for but hadn't received in terms of support from Scottish Government. That was what this inspection report had pointed out was needed and said it hadn't happened. I totally accept it hadn't happened, but the school ran for nearly a year with a temporary-Headteacher and Board members contributing way beyond what they should have done. I don't have educational qualifications, I think only Christine Roebuck and Audrey Cameron did, and Christine in particular was having to contribute much more than she should have. It was not an ideal situation.

154. There were a number of points given that the school was expected to improve upon quite a lot. When the inspection was begun I was still there, and the first time I saw the report was when the Inquiry sent it to me before I gave my statement. It is the most critical of the three reports, but it was never discussed with me and the points that they made I approached Colin Spivey to look for assistance but never got it. I'm not surprised at what's within that report and I think the Board will have acknowledged that there was a real need for a new way of acting. I don't have any issue with the report.

Letter to lain Lamb in relation to copies of documentation relating to concerns and complaints made in connection with staff members of Donaldson's School date-stamped 15 December 2014

155. I had left the Board of Governors by this date. The letter states,

'Dear Mr Lamb, ... We urge you to look into what happened to our daughter whilst in the "care" of Donaldson's staff members. Like so many other parents, we put our trust in the hands of Janice McNeill, Mary O'Brien and PZY Unfortunately our

concerns and complaints about PWV and and were "swept under the carpet".

We were not listened to then and our attempts since have been to no avail. We would like an opportunity to tell someone of the bullying tactics, verbal abuse and the lengths that all of those mentioned went to in order to protect one another. We want to ensure that no child, young person or family endure the distress that our family and others have experienced and we hope that the people responsible are held accountable and never have an opportunity to work with such vulnerable people again'.

156. It goes on to speak of a girl that was at Donaldson's. This was a family fromI was never involved in this issue. I wasn't aware of that at all in my time on the board.I just read the documents that the Inquiry sent to me.

A letter addressed to me dated 24 January 2014 that appears to be from the parents of the girl at Donaldson's.

- 157. They enclose a copy of a formal complaint made regarding a number of issues and concerns relating to their daughter's time at Donaldson's and in the letter they, 'urge you to consider looking into all these issues raised, as we feel this highlights how incidents of various natures were either ignored or inadequately dealt with'.
- 158. I don't recall that letter and I read it when I received it with the papers sent to me by the Inquiry. I kept trying to think if I could remember anything about it. I don't recall ever seeing that letter. It refers to a member of staff in the Life Skills department and I don't know if that was what was previously the title of the letter. It don't know if referred to PWV or not.
- 159. The parents first wrote to Richard Burns on 2 August 2012 in relation to the same matter, with a list of complaints or grievances with regard to their daughter's care at the school. There is a reply from Mary O'Brien to them dated 17 November 2011. I

don't recall Richard Burns mentioning it to me at all. There are a number of other documents in this section dated 2011 that go into more detail in relation to the matter.

160. I would remember something like that because it stands out, but I just can't recall it. It's all written down and well recorded so I'd have read it but I suppose that's what struck me about the woman who made a complaint to me directly about her son's treatment. What struck me about her was she was a very caring mother but found it difficult to get across what she was saying. I don't think she could have written something like that letter. It was more challenging for her, but I remember it well because she was able to tell me face to face.

Witness statement of PHW

- 161. This is the statement given to the Inquiry by the woman who spoke to me directly and she asked to see me in person. She said she had raised it with other people along the way, but it hadn't been resolved. Therefore, she had asked to see me. I met with her. It was also during the period when Janice and Mary O'Brien were suspended and I felt probably more of an obligation to meet a parent than I might have done previously, because there should have been procedures in place for that.
- 162. I was just feeling that because the leadership team was suspended at that time I felt more of an obligation to meet with her and also because she was stressing that we had met previously. My feeling would be that the more relevant people to meet with the parents would be the people who were dealing with their children on a day-to-day basis. After I had spoken to the mother, I then spoke with Margaret Burnell and PZY asking them to take action to deal with the situation. My understanding was that both were addressing the issue, but clearly not to a resolution as described in the mother's statement. By asking Margaret and PZY to take action was how I resolved it for myself at the time, but clearly that wasn't good enough because her son was still distressed by whatever was going on.

Leaving the Board of Governors

- 163. I can't remember the date I left the Board, but it was before December 2014. It was probably around September 2014. I had spent twelve months being much more involved with the school than I had ever envisaged. I had a full-time job at the time. Things were so desperate sometimes that I would get calls in the middle of the day, when I was at work and not readily available, with requests for advice. I understood that situation was far from ideal and couldn't go on.
- 164. When the final HMI report came in, when that was started, we seemed to get an influx of education officials and care officials. I attended one meeting that they held with the staff and they said how the staff were doing a great job and everything was wonderful and I had said I had recognised how much work the staff were doing but we still had challenges. I felt that we as a Board, the education officials and the staff, weren't on the same page in relation to that. I was at the meeting as a representative of the Board of Governors and I just felt that my being there wasn't going to be helpful for the future.
- 165. I felt the time had come for the Scottish Government to take responsibility for the school and resolve some of the outstanding issues. I was very frustrated that we hadn't been able to resolve the situation with Janice McNeill, both from the school's point of view and from her own, and also for Mary O'Brien. I felt that I'd spent twelve months trying to resolve this and I hadn't and I felt somebody else needed to take it on to the next stage. Knowing that we had just appointed the new Principal I felt it was a good time for me to go and somebody else to take it on.
- 166. A Board meeting was held with Scottish Government Education officials present. After the Scottish Government officials had left the meeting, I told the board members then that I believed that they needed a new person to help them move on to the next stage with what had been happening and that I would be resigned from the next meeting. I then put in a letter of resignation. I can't remember when that was and I can't believe now that I can't remember the date, but it was possibly around August or September 2014.

167. When I resigned as Chair, Graham Bucknall took over on a temporary basis for a few months. Then they decided they would need to pay someone to be the Chair because it was so much work. That was the first time they had done that.

Helping the Inquiry

168. I'm not aware of any direct applications made to me apart from the one from a parent referred to in this statement. I, in a very general sense, was aware that there are always concerns particularly about children whose behaviour can be unpredictable, maybe doing things that they shouldn't do, and therefore needing to be given additional care to guard against that.

Lessons to be Learned

- 169. One is making sure that there are sufficient, well-trained adults around the children to provide the care and education that they need. But that there is a way in which children, parents, anybody else they come into contact with are able to raise concerns and have those concerns responded to appropriately. Nothing is brushed under the carpet, but that things are taken head-on and rectified where they can be and procedures then put in place to ensure they're not repeated.
- 170. The role of the Board needs to be given more consideration so that you do have people who can through their experience support the ongoing work of, in this case, the school.

Other information

171. 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	14-	8 -	25	<u> </u>	 	 111111	 		