

SEVENTEENTH DAY.

TRIBUNALS OF INQUIRY (EVIDENCE) ACT, 1921.

TRANSCRIPT OF PROCEEDINGS  
AT THE PUBLIC INQUIRY

into

INCIDENT AT DUNBLANE PRIMARY  
SCHOOL on 13th MARCH, 1996

before

THE HON. LORD CULLEN

on

THURSDAY, 20th JUNE, 1996

within

THE ALBERT HALLS,  
DUMBARTON ROAD, STIRLING

.....

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APPEARING:- THE LORD ADVOCATE (The Rt. Hon. The Lord Mackay of Drumadoon, Q.C.), Mr. IAN BONOMY, Q.C., Advocate Depute, with Mr. J.C. LAKE, Advocate, for the Crown;

MR. C.M. CAMPBELL, Q.C., with MS. L. DUNLOP, Advocate, for the families of the deceased children, the families of the injured children, the children absent from class, Mrs. Harrild and Mrs. Blake;

MR. A.T.F. GIBB, solicitor, Edinburgh, for the representatives of Mrs. Mayor (deceased), and the Educational Institute of Scotland;

MR. M.S. STEPHEN, solicitor, Glasgow, for the Association of Head Teachers in Scotland, and Mr. Ronald Taylor (Headmaster);

Mr. M.S. JONES, Q.C., for Stirling Council and Others;

MR. J.A. TAYLOR, Solicitor Advocate, Edinburgh, for the Central Scotland Police;

THE DEAN OF FACULTY (Mr. A.R. Hardie, Q.C.) with MR. G. KAVANAGH, solicitor, Hughes Dowdall, Glasgow, for individual officers of the Scottish Police Federation, and Lothian and Borders Police.

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THURSDAY, 20th JUNE, 1996.

SEVENTEENTH DAY.

DEREK ROBERT PENMAN,

EXAMINATION CONTINUED BY MR. LAKE: Mr. Penman, we were considering yesterday the first of the clubs and taking them in alphabetical order, and first was the Alloa Club. Perhaps it would be easier to give an over-view if we were to deal with things in chronological order referring to the charts which you will see as C(ii) in H(v). Do you have that in front of you? - Yes, sir.

Do you see on that chart the first club run in time order is described as Rover in 1981. Which club does that refer to? - That refers to the Dunblane Rover Club that Hamilton operated at the time. That was the first club that he started.

Were there any details of clubs held prior to 1981? - There was reference in documentation recovered from the Scout Association which refers to a Rover Group, I believe that was in 1978, but the first mention, the 1981 mention, was from documentation recovered from Central Region. That was the date when that club started.

Is there a Scout Association reference to Stirling Rovers prior to that date? - Yes. It would appear he also ran a club in 1978 by the same name that met in the Territorial Army premises in the industrial estate in Dunblane, and the date was 1981 reference and the let was Dunblane High School.

While a club may have existed prior to that date that is when it started having lets? - That is correct.

BY LORD CULLEN: I think what one witness referred to, he called Forth Valley Rover Scouts. Does that ring a bell with you? - It hasn't featured. I understand there was confusion or concern expressed in the late 70s and early 80s by the Scout Association, allegedly by the Scout Association, over confusion with the name "Rover Group".

I/

I understand that. The club I am thinking about was supposed to be a club held at the High School in Stirling in the late 1970s. Is that in fact the same thing as the one that is on your list?

- I don't recall any mention of that particular club. Certainly the Dunblane Rover Club, as it was termed then, and there was mention of the name of Bannockburn in documents which also had reference to Dunblane Rover Group. He was obviously using the term "Rover Group". He did have a group that he took at various schools.

EXAMINATION CONTINUED BY MR. LAKE: Where did you first come across mention of Dunblane Rover Group in Council records? - The earliest recollection was 1981 under reference to a memorandum which was sent by Community Education to the Director of Education which was a report on Hamilton following concern that had been raised.

Are you aware of how that club was publicised by Hamilton? - From our researches, we actually recovered two newspaper articles in respect of that club. He had been obviously using the Club Section of the Stirling Observer at the time to advertise or publicise the events he was holding.

If I could just refer you to documents in the second folder, D45 and D46. Do you have D45? - Yes.

Which newspaper is that taken from? - Taken from the Stirling Observer dated 21st April, 1982.

Is there reference to a Rover Group within the right-hand column? - Yes. It has been circled in pen. It is giving information about a meeting to take place on April 22nd at Dunblane High School, gave some information about activities, and in this case asked the parents who may be interested in sending their children to contact Hamilton, and it offered phone numbers and also the address of the shop.

Was mention of various activities included there, and did it also say that the children should bring shorts and gym shoes?

- Yes.

Looking at document 46, can you say which newspaper/

newspaper this is taken from? - Again that was taken from the Stirling Observer.

Which date have you given for that? - Yes, it is 19th May, 1982.

Again it is under the heading "Rover Group"? - Yes. A small part of the Club Column of the newspaper, this gives information about a boating trip that had taken place using Hamilton's boat. He had obviously taken some boys out on an outing at Loch Lomond.

While you have the document in front of you can you refer to D42. What is that please? - It would appear to be a flyer or a note printed by Hamilton sent to parents. There has been a note appended to the top of it.

That is the one that begins, "Hamilton is a suspected"? - Yes. The document itself would appear to be the copy of a note that has been appended. I am looking at the document backing sheet, and the Production reference tells me this came from the Crime Intelligence source.

The date of that flyer is what? - The date of the flyer is 15th November, 1981.

You mentioned a memorandum in 1981 by the Regional Council expressing concern regarding the lets by Hamilton. You will be aware of what the Regional Council did about the let? - Yes. Initial concern was raised in 1981. From recollection I think they wrote at that time to take no action although in 1983 the lets were suspended in relation to Hamilton.

And what was the response to the lets being suspended? - It resulted in a complaint by Hamilton against the Council for suspension of the lets and a complaint to the Commissioner for Local Administration in Scotland which subsequently transpired found in favour of Hamilton and the authority reinstated the lets.

Did parents of children attending the club play any part? - At the initial time of the suspension letters and a petition were sent in support of Hamilton to the local authority.

In/

In that flyer, reference D42, you see it is headed "Dunblane Rover Club" with T.W. Hamilton designated as the principal leader? - Yes.

Did you obtain any information regarding other people involved in the Dunblane Rover Group? - Around that time, 1983, there was concern raised that the Dunblane Rover Group did not have a committee, and a condition by the local authority saying that they wanted to meet with the committee to reassure themselves a committee existed. As I understand it, a meeting took place around 1983 with the Education Sub-Committee where certain members were present -- I think the witness Anderson at that time was involved as Secretary of the club.

Can I refer you to D53 amongst the folder of Productions. What is that? - That is a letter sent by Hamilton to the Director of Legal and Administration Services for Central Regional Council dated 24th February.

This gives details of the committee members halfway down the first page? - It does.

Were you able to verify whether in fact those peoples were members of the committee? - People were spoken to, and although some of them admitted some slight involvement with him some people said they were in fact not members of the committee.

Did any of them confirm that they had sat on the committee? - Yes. Initially the witness Anderson said that she had for a short time been involved as the Secretary, and from recollection I think the witness MacFarlane also said that she for a short time was involved with the boys' clubs.

What is the name of the club given on the heading of that letter? - The type on the letter is "Dunblane Boys' Club".

The final one which I referred you to is headed "Dunblane Rover Group"? - Yes.

Are you able to tell if that is a new club or in any way related to the previous one? - It is difficult to tell when clubs were operating. There is suggestion Dunblane Boys' Club came about as a result/

result of Hamilton agreeing to drop the name "Rover" from the title. I think in view of the concerns that had been expressed by the local authority earlier that there was some confusion with the Scout Group, I think the name "Rover" was dropped from the title.

Did you find any reference to Dunblane Rover Group after reference commenced to Dunblane Boys' Club? - I can't recall from memory.

Can I refer you back to your chart, C2. The first item there is a Rover Group which is shown as running from 1981 to 1982 and then nothing thereafter. In the third line there is reference to Dunblane which picks up in 1983 and runs until 1996. Are these the two clubs you have just been referring to? - Yes. I would say it is one and the same club, and where the Rover Club would be changed to Dunblane Boys' Club it would continue and I would imagine it would be the same club. It would be the same club meeting in the same premises and the name was changed.

BY LORD CULLEN: Can I ask you one question in connection with that: would you look at the fact sheet. You have shown the Rover Group as ending in October, 1983 but you show the boys' club as beginning in October, 1985 and there was a two year gap. Now, is that for a particular reason? - Looking at this and looking at the chart I suspect what happened, there has been mention of Dunblane Boys' Club in correspondence probably around 1983, and again from memory, the lets were terminated and the correspondence continued. Although the clubs were not actually in operation he still corresponded back and forward with the Region, and I think what from memory has happened there is he changed the name of the club, he appeared still to have the club although the club was not meeting because the lets were suspended, and when these lets were eventually reinstated.....

So the dates you have shown in this C1H, they are really meant to denote periods of non-activity? - Yes, sir.

EXAMINATION CONTINUED BY MR. LAKE: So when did the Dunblane Boys' Club resume? - From the chart it is shown as October, 1985 until March, 1986.

Are/

Are you aware why it resumed in 1985 after the gap?  
- I understand that it resumed as a result of the lets being reinstated by Central Regional Council to Hamilton after the finding of maladministration by the Commissioner of Local Administration in Scotland.

Were/

10.20 a.m.

Were you able to uncover whether further lets were granted by the Council to permit the Dunblane Boys Club to conduct its activities? - I understand that other lets are through research, were recovered which showed activity at the club.

What premiss was this club held at? - It was held at Dunblane High School.

Was it ever transferred to any other premises? - Not to my knowledge.

Were you able to uncover any details of insurance for the club? - I was aware there were insurance policies held with the General Accident Group at some period during these boys clubs.

I refer you to document D55 in the folder? - Yes. This is in fact an insurance document from General Accident in relation to the insurance policy that was held by the Dunblane Boys Club per Thomas Hamilton. It expired in December, 1988, being effective from December, 1987.

Do you see what the premium payable in respect of that policy was? - The premium payable would seem to be £185.50.

Returning to the second page of that policy, which detailed the cover, do you see at the foot of the typewritten text a heading "Special Endorsement 1"? - Yes. That is a clause which states that "The indemnity granted by this policy does not apply in respect of injury to participants in ball games".

You have said that was one of the activities which it was anticipated Hamilton would be carrying out in his boys club? - Indeed, that is correct.

Turning through the pages, on the fifth page of that do you see what is described as a Certificate of Employers Liability Insurance? - Yes, sir.

What period is that in respect of? - It runs from the 5th December, 1985 until the 4th December, /

December, 1986.

Again looking a further two pages forward from that, is there again a special condition tagged on to that? - Yes. Again this is an exclusion from the insurance. It states "The indemnity granted by this Policy does not apply in respect of injury to participants in ball games and/or gymnastics". Again these were activities undertaken by Hamilton at the club.

Were you able to find any details of insurance for boys clubs held by Hamilton for years other than those I have mentioned? - Again from the correspondence recovered this to my knowledge is the only insurance details recovered.

You referred earlier to the initial publicity for the Rover Group being by way of newspaper articles. By what other means did Hamilton publicise these clubs? - He tended to produce "flyers" which were distributed round the local primary schools, given to head teachers and asking them to distribute them. It is also known that he on occasion posted "flyers" through the doors of dwellinghouses in the local area.

Could I refer you to document D56, please? - Yes.

I think that is a letter dated 14th October, 1991 from Hamilton, designated Group Chairman, to the Chief Executive of Central Regional Council? - That is correct.

Looking at the first paragraph, what is Hamilton requesting? - He is making a request for the Committee to grant permission for leaflets and posters for children to be distributed within the schools, advertising his clubs.

What is the response to that request? - I seem to recollect we recovered a draft response that declined this request.

Did Hamilton have any assistance running Dunblane Boys Club? - It is shown that the witness Boal had given him some assistance in running the club, and it also says here that for a period the witness Smith was also an assistant.

Without/

Without mentioning the names of any person, were any complaints received in respect of the activities of the Dunblane Boys Club? - Yes; in 1994 a letter of complaint was received by the Rector of Dunblane High School concerning a parent who had complained about Hamilton instructing their children to change into swimming briefs during the club, and also to photograph these children.

If I could refer you to document D57A, do you see that is a memorandum from Detective Sergeant Moffat to Detective Superintendent Ogg regarding that complaint? - Yes, that is correct.

Was the club closed down following that complaint?  
- No, it appears the club was allowed to continue.

Was the club still continuing in March of this year?  
- Yes, it was.

BY LORD CULLEN: Which club are we talking about in 1994? - This was the Dunblane Boys Club that ran from Dunblane High School.

EXAMINATION CONTINUED BY MR. LAKE:  
Returning to your chart C2, between the Rover Club specified there in Dunblane you have made reference to the Bannockburn Club, which I think you have said started in 1983? - Yes, this is shown on chart C1 as commencing around May, 1983, and shown still to be in existence at March, 1996.

I think that is dealt with at page 19 of the report we are referring to? - Yes.

When did you say that club commenced? - It is an estimated date of 27th May, 1983. This relates to the first mention of the club in documentation we recovered as a result of our inquiry.

Was that documentation which the club is mentioned? - It was in the form of a letter from Hamilton to parents, albeit written on Dunblane Rover Group headed paper.

If I could refer you to that letter, which I think is D15 -- have you got that? - Yes. This/

This is a letter dated 27th May, 1983. It is a letter on Dunblane Rover Group headed paper, with printed above it and slightly obliterated "Bannockburn Rover Group", and it shows Hamilton as the principal leader.

Yes? - It is a letter to parents, stating that Mr. Adamson has been giving classroom talks in an effort to discourage pupils from attending the group.

Who was Mr. Adamson? - He was the headmaster of St. Ninians Primary School at that time.

Are you aware what sort of comments Mr. Adamson had been making? - I think it was alleged Hamilton was not a responsible leader, and he was concerned about the organisation of the club and also about the number of accidents at the club.

Was the Bannockburn Rovers Group affected by the action of the Regional Council in 1983? - Yes; effectively the Regional Council terminated all lets held by Hamilton, which I understand were the ones in Dunblane High School and in Bannockburn High School.

Did the Bannockburn Rover Group resume at all after the ban had been lifted on the lets? - We were unable to find any mention of the club from the period of the termination of the let up until or round about 1992.

What did you find in 1992? - There was a let form which showed that Hamilton had applied for and had been granted a let of Bannockburn High School from the 8th September, 1992.

If I could refer you to document D18 within the folder.....? - Yes.

Is that the application you are referring to? - It is, yes.

You see there heading 4 is details of the approximate number of persons who will attend per night? - Yes. It is shown as 20 primary school boys and two leaders.

And/

And that was the first mention you could find of the Bannockburn Group after the lets had been cancelled? - That is correct.

So that on chart C2 there was little evidence of any Bannockburn Club between the periods 1983 and 1992, for nine years? - Yes.

Were any complaints -- without mentioning any names -- made regarding the Bannockburn Group? - Yes; in December of 1994 a parental complaint was received, again in respect of Hamilton taking photographs of the boys.

Are you aware of any action being taken in respect of the group following that complaint? - The complaint had been referred to the Family Unit, and had been investigated by Detective Sergeant Moffat, as far as I am aware. From memory, the lets were not terminated.

Was that club still running in March of this year? - Yes, it was.

Did Hamilton have any assistance in running that club? - I understand he was sometimes assisted by the witness Boal.

The next clubs referred to on your chart are Lynburn and Dunfermline. We can see from the chart that the Dunfermline club takes up exactly when the Lynburn Club left off. Is there any link between the clubs? - This is an example where he started off using one name for the club. He started with the Lynburn Gymnastics Club. That club was held at the Woodmill Centre. He also operated a club in Dunfermline, which shared the same name. There is some confusion between the Lynburn Gymnastics Club, the Lynburn Sports Club and the Dunfermline Sports Club: it appears they are all exactly the same.

These are different names for the one club? - Yes. The names vary considerably.

If I could refer you to the section of your report dealing with the Lynburn Gymnastics Club, which is at page 52, when did the Lynburn Club start? - From our records it was the 22nd February, 1985.

On/

On what basis is it said that the class started on that date? - I understand we received information from a letter we recovered in which Hamilton states the club was officially formed on that date for a trial period of 20 weeks.

If I could refer you to a letter, D88, which is written in response to a matter to which we will return, do you see that is a letter dated 11th September, 1985 addressed to the Scottish Amateur Gymnastics Association, and is written by Hamilton? - Yes.

In the first paragraph of that he gives the start-up date for the club? - Yes, that is correct: that is the 22nd February.

What is the title of the club at that time? - He refers to it as the Lynburn Gymnastics Club.

Were you aware of any complaints being made regarding that club? - Yes. Our earliest recollection shows that on the 3rd September, 1985 a letter was sent from the Social, Legal & Welfare Rights Services, which is a Legal Advice Centre in Dunfermline, where a parent had made a complaint in respect of Hamilton alleging negligence and cruelty at one of the camps that had been operated by him.

Do you recall the nature of the complaint? - Yes; it was alleged the children had been attending the 1985 summer camp and had been left unsupervised for long periods of time, had only been given a very small amount of food to eat and had been denied warm clothing by Hamilton.

If I could ask you to look at D89.....? - Yes, that is a letter we had recovered, dated 3rd September, from the Rights Office in Dunfermline.

Is that the complaint you were just referred to? - Yes.

What action was taken in respect of the club following that complaint? - I understand in this instance it was referred to Fife Regional Council and was investigated by the witness Baxter, who was employed in the Community Education Department: /

Department: but the matter does not appear to have been reported to the police.

You see in that letter of complaint it is addressed to Mr. Baxter, and that is at Woodmill High Schyool? - Yes.

Was that the venue from which the club was conducted? - Yes.

Was it the only venue from which the club was conducted? - No, I understand they also met at the Dunfermline Centre. There were two venues in Dunfermline. I am sorry, it was Queen Anne High School was the other venue.

Was that two different clubs or the same club meeting at two different places? - It is the same club. With Hamilton, he tended to form them in the same name, and they met in different venues.

The use of the Queen Anne High School comes about at the same time as the use of the Woodmill Centre? - I am trying to find out from the notes I have.

Can/

10.40 a.m.

Can I refer you to a document, just to be clear about the venues used, to document D90 in HV. I think the first part of that is a compliments slip. What is attached to the compliments slip? - It is a letter from Thomas Hamilton.

What date is that? - Dated the 16th September, 1985.

Who is it addressed to? - Addressed to the Dunfermline Centre.

I think in the first paragraph we see some reference to Lynburn Gymnastics Club being informally formed on the 22nd of February 1985 for a trial period of 20 weeks, do you have that? - Yes, I do.

It says that the club catered for a total of 107 boys between the Woodmill Centre on Fridays and the Dunfermline Centre on Mondays? - Yes, that is correct.

It seems at that time that the club was split between the Woodmill and Dunfermline Centre without any reference to Queen Anne High School? - That is correct, from my recollection a let was held by Hamilton at Queen Anne High School but whether Queen Anne High School and Dunfermline Centre are one and the same I am not entirely certain.

I would refer you to document D64, what is that? - It is an application for a school let that had been made in the name of Dunfermline Boys Sports Club and signed by Thomas Hamilton.

What is the name of the premises which is sought to be let? - It is seeking to let Queen Anne High School.

That is a distinct reference to Queen Anne High School as opposed to the Dunfermline Centre? - Yes.

What was the period he was seeking the let? - Every Monday from August 1991 to June 1992.

Did you find any evidence that the club had/

had been held in Queen Anne High School prior to that date? - No, I could only go on again the documentation that had been recovered from various sources and from Hamilton's own records.

Turning to consider that part of the club that was being held at the Dunfermline Centre can I refer you to document D92 in the folder? - Yes.

Do you see that is a letter from Mr. Baxter to Mr. Somerville, the Senior Assistant of Recreational Education at Fife Regional Council and the letter is dated the 20th of January, 1986? - That is correct.

Do you see in the middle of the paragraph of that letter it states "It appears that the numbers taking part have dropped substantially, the maximum is now 25 and the class at Dunfermline Centre appears to have folded"? - Yes, I see that.

So if the club originally started at two venues, the Woodmill Centre and the Dunfermline Centre, it seems that the Dunfermline Centre dropped out for a while and a let was taken in Queen Anne High School? - Yes, that would appear to be the case.

Did Hamilton have any assistance running these two clubs, the Lynburn and Dunfermline? - I understand for a period of time he employed a witness Armstrong who was a physical education teacher.

And when was that person engaged to assist the club? - From the letters it would appear to be from 1988; she left after a year when she became uncomfortable with the manner in which Hamilton conducted his club.

Were there any further complaints received in respect of the Lynburn Gymnastics Club or the Dunfermline Boys' Club? - If you bear with me I think.....

Page 39 of your report is the section for Dunfermline? - Thank you -- at the Dunfermline Club there were various items of correspondence recovered which relates to it; there was correspondence in 1990 which concerned, in this case, it was a letter sent/

sent by a parent who had mentioned the financial costs incurred in sending the child to the club.

Were the complaints in respect of how Hamilton treated some of the children? - In 1990 there was an instance where Hamilton had failed to allow a boy access to the club on the basis of him being physically too big which had resulted in a letter of complaint being sent to Fife Regional Council.

Was any action taken following upon this complaint?  
- The complaint was investigated by the witness Somerville and I think correspondence was exchanged between Hamilton and Fife Regional Council concerning the Equal Opportunities Policy of the Council and asking him to review his own policies in the light of this.

Was the club stopped at that time? - No, the club was still permitted to continue.

Was the club still continuing in March of this year? - No, in June 1992 following an incident at the Dunblane High School a residential camp was being held by Hamilton on that occasion and officers from Central Scotland Police came across three young boys who had apparently walked out of the residential camp dressed in pyjamas and had phoned their parents asking to be returned home. When the information was conveyed to Fife Regional Council involving Fife Constabulary and also the Reporter to the Children's Panel at Fife as a consequence the lets held by Hamilton which, I understand at that time, were Woodmill and Queen Anne were terminated.

BY LORD CULLEN: Can I ask you to look at your report page 52, the top of that page you have got certain dates for commencement and ending in the case of the Lynburn Gymnastics Club; is that ending date correct? - No, that is clearly an error.

It looks as if it might be 1986 rather than 1996? - That is correct, it will be effectively the same date as the termination of the Dunfermline club.

Well, did one stop and the other followed? - Again this is difficult to say -- the last mention perhaps is February 1986, that would be the/

the last mention.

So that really means 1986 rather than 1996? - Yes.

Armstrong, was that a lady? - Yes.

She was helping, in fact, the Dunfermline Boys' Club rather than Lynburn? - Yes.

Because she is in 1988? - Yes.

EXAMINATION CONTINUED BY MR. LAKE: Moving on in date order the next club is held in Falkirk and I think reference to that starts on page 42 of your report? - Yes.

At what venues were the Falkirk club held? - It shows here that it was held at both Graham High School and for a period of time Falkirk High School.

If I refer you to document D58? - Yes.

Can you say what this is? - That is a letter that has been typed sent by Hamilton and headed "Falkirk Boys' Sports Club"; it is dated the 21st of May, 1987 and it has been sent to Mr. Mike Watson who was a Youth and Community Officer at Central Regional Council.

Do you see in the first paragraph there he refers to having the use of both Falkirk High School gymnasium on Wednesday evenings and Graham High School gymnasium and games hall on Monday evenings? - Yes.

"Both up to the 1987 summer holidays for a trial period"? - Yes.

Was the club conducted at both these premises? - It would appear from the contents of this letter that he did use both.

I think in your report at page 42 you indicate that these clubs were rather intermittent rather than continuous? - Yes, it is shown here as a period of 1986 to 1988 for the Graham High School and then again the Graham High School from 1991 to 1994 and Falkirk High School there is shown as September/

September 1995 to March, 1996.

So on the chart where it says no information in respect of Falkirk in fact there was no club being held there at all? - There was no evidence of any club being held.

Why was no club held during that period, are you aware? - I understand that the let held by Hamilton was terminated in respect of this in favour of an activity held by Central Regional Council.

Had there been a complaint prior to that let being cancelled? - There was a letter of complaint received on the 20th of June in respect of a child who had suffered a broken wrist while being at the boys' club where it was alleged that Hamilton had offered no first-aid and considered the wrist to be badly bruised and on the 29th of August 1988 the Council contacted Hamilton to advise him that the let had been cancelled in favour of the Education Department.

What is the next reference to the club being conducted in 1992? - In July 1992 it would appear that Hamilton distributed literature to a primary school in the Falkirk area with a view to promoting his club at Graham High School.

Is there any evidence at all of the club being run at Falkirk for the period 1988 to 1992? - No, again I am relying on various sources to try and piece together but there would be no mention made of the clubs at that time.

Did Hamilton have any assistance with the running of the Falkirk clubs? - I understand that the witness Jones who was actually a parent who had taken his children along to the club helped Hamilton out and I understand latterly he took over the operation of the club which I think continued up until March, 1996.

I think the next club you refer to on your chart is that held at Linlithgow and from the chart it appears to have had quite a sort duration? - That is correct, it appears to have operated from April, 1988 until June, 1989 and was held at Linlithgow Academy.

I/

I think there is reference to that at page 47 of your report? - Yes.

What evidence did you have that the club started in 1988? - I understand that we recovered an application for the use of the premises which had been made by Hamilton to Lothian Regional Council.

If I could refer you to D75? - Yes.

Is that the application you refer to? - Yes, it is and attached to the application is a registration for the youth group which was made by Hamilton in respect of Linlithgow Boys' Sports Club.

I think we have heard evidence in respect of this club that there was or there were complaints made in May 1989 and that subsequently the let was cancelled following an event in which Hamilton had various substances poured over him, were you aware of that? - Yes, it involved a witness Haggart regarding a complaint that had been made regarding Hamilton and the previous summer camp which had come to the attention of Lothian Regional Council and had been publicised, as a result the let held by Hamilton had been terminated.

BY LORD CULLEN: There were complaints about the club itself? - Yes, there was also a complaint which had been received from a parent via the local MP.

I think I am only concerned with the nature of the complaint? - It was reported that Hamilton took children to do exercises without their tops on and to keep it a secret from their parents.

EXAMINATION CONTINUED BY MR. LAKE: I think that the next club referred to in your chart is simply under the name of Alva; is that a reference to a club known as Menstrie, Alva and Tillicoultry Boys' Club? - Yes.

I think that is referred to in page 56 of your report? - Yes.

What was the venue for that club? - It was Alva Academy.

When did Hamilton first apply for a let at/

at these premises? - The let appeared to be from the 15th of March, 1989, that was the first application.

If I could refer to D95? - Yes, it is a copy of the let application to Alva Academy, this time the application had been made in the name of the Boys' Sports Group Committee seeking a let which was granted on the 15th of March, 1989.

You referred there to a committee; did you discover any evidence there was, in fact, an entity such as the Boys' Sports Club Group Committee? - No, again this was an example where Mr. Hamilton had over-stated the entity of the Boys' Sports Group Club Committee; from research it would appear that this was done at a time when Local Authorities were looking for evidence of a committee and it would appear that there was no committee but I think it was an attempt by him to bring the various groups under the one umbrella of the Boys' Sports Club Group Committee.

Before/

11.00 a.m.

Before continuing on with the Alva file, can I refer you to documents starting at D30. What is that? - That is a letter dated 19th January, 1989. It appears to be a standard letter entitled "Parents Supporters" and it is a letter from Hamilton advertising his Boys' Sports Club Group Committee. It would appear that he is seeking assistance on his committee.

If you look at D31 that appears to be a statement of account for the committee in respect of the period from 1st August, 1990 to 31st July, 1991? - That is correct.

D32, a statement of account from 1st August, 1991 to 31st July, 1992? - Yes.

D33, a statement of account again in the name of the committee for the year following on from that? - That is correct.

Let us look at D34 please. You see the first page of that is a memorandum to the Director of Education. Could you look at the document attached to that? - Yes.

What does that appear to be? - It appears to be a Minute of an Annual General Meeting that had been held by Hamilton for his Boys' Sports Club Group Committee and the Minute also details persons who were present.

When does it say the meeting was supposed to have taken place? - The meeting was alleged to have taken place on Sunday 8th August, 1991.

The persons Minuted as having attended were Mr. Hamilton, Mr. Brown, Mrs. Watt, Mr. McDonald, Mr. McDonald again, Mr. Gillespie, Mr. Robertson and Mr. Smith? - That is correct.

Have you spoken to any of these people? - I understand the enquiry was that Mr. Hamilton obviously is himself, Mrs. A. Watt is Hamilton's natural mother and denied any involvement with the boys' club. I understand that people were traced and denied having ever been to a meeting. Some people couldn't be traced and I understand one person is deceased.

Have/

Have you spoken to anybody who said they were at the committee? - From recollection I understand the Minutes would appear to be a fabrication -- no person had been at the meeting.

Was that committee entirely different from the one referred to in 1983 where in fact persons did recall having formed a committee in respect of the Dunblane Club? - The one in August, 1983, persons actually attended at the Regional Council premises and had a meeting with Councillors and were Minuted as having been present.

Turn to the application for premises at Alva in D94. You see that Hamilton makes reference to his qualifications? - Yes. He said he holds a BAGA Grade 5, which is the British Amateur Gymnastic Association qualification.

How much does he state he is going to be charging persons who attend this club? - He states he will be charging 30p.

I think when we considered the finances of the club yesterday it was apparent Hamilton had been charging on the whole either £1 or £2 per person to attend? - It had been fairly typical -- in the application it says a nominal charge but in reality the money was more likely to be £1.

Any idea why that.....? - I understand the Region have guidelines which relate to the cost involved for participants and when they reach a certain level that makes it a commercial venture rather than voluntary which would affect the payments he would have to make for the premises.

The date for the commencement of the let again, what is that? - 15th March, 1989.

How did Hamilton publicise that club? - In March, 1989 Hamilton wrote to the Director of Education seeking permission to distribute information round the primary schools in the area.

Was he granted permission? - No, he wasn't.

I refer you to document D97? - This is a letter which has been sent to Hamilton by an Assistant/

Assistant Director of Education dated 21st March, 1989. He states it is not the policy of the Council to allow head teachers to distribute publicity material on behalf of private individuals.

Were any complaints made or received in respect of the Menstrie, Alva and Tillicoultry clubs? - Yes. We learned in March, 1995 a member of the Alva Primary School Parent/Teacher Association was informed by two or three unidentified parents they had concerns about Hamilton's boys' club. These concerns related to lack of supervision at the club by Hamilton.

What action was taken in respect of those complaints?  
- This witness states that she informed the police at Tillicoultry regarding her concerns. However, from our own researches after the incident we were unable to establish any record of this complaint having been made and the identify of any officer whom she had spoken to.

Presumably there is no reference to any action having been taken by the police? - That is correct.

When did the club cease? - The club would appear to have ceased in March, 1995.

Is there any evidence why the club ceased? - No. I don't appear to have any further information on that boys' club.

Would that time coincide with the date you have given for the complaints that were investigated regarding the club? - Yes. It is probably the last reference that we had.

I think in your report you refer to assistance having been given to this club by Ian Boal? - That is correct. That is shown in the report.

I think in fact we heard from him yesterday he had assisted at certain other clubs but not this particular one. Is it possible this is an error in including him in relation to this club? - It is possible. The methodology adopted was to look at the correspondence we had and also the statements that had been obtained, and I am not certain/

certain but it is possible Mr. Boal may have made reference to this club in his statement and that was taken as being an involvement in this club, but it is likely there has been a mistake.

I think in Mr. Boal's statement he said he was informed by Hamilton that he ran a club at Alva High School? - If that is the case there has perhaps been a misinterpretation in the report.

The next club we have reference to is Stirling Boys' Club. On the chart you show it starting in April, 1989? - That is correct.

When did it start? - Shown as having started in May, 1989 at Wallace High School.

Has that any connection with the Stirling Club? - There is also reference to the same club having met at Stirling High School, which commenced in June, 1991.

Dealing with the one held at the Wallace High School, how was that club publicised? - It would seem to be advertised by Hamilton by means of flyers which he distributed locally.

I refer you to D98? - Yes. That is the flyer that was distributed, and there is an enrollment form.

How long was the club held at Wallace High School last? - It would appear to have run until he applied to renew the lease which was on 14th September, 1992, and on that occasion the Regional Council declined the renewal on the basis that the premises had become fully booked.

In relation to the club held at Stirling High School, when did it start? - Again from our research it would appear to have commenced on 16th June, 1991 when Hamilton applied for and was granted a let.

Have you any indication of when that club ceased to run? - It has been shown as an estimated date, June, 1993.

Why was that estimated on that date? - I am just checking the summary to see if there is any reference/

reference to it. I don't see it in the summary. It may be because the last reference we have to the club is a let or lets from the summer of 1992 to summer of 1993. That date may just be the last record we have of lets which is why the club was considered not to have met after that time.

You have no evidence to indicate it existed rather than evidence to indicate it terminated? - Again we were relying on documentation we recovered, yes.

The next two are Alloa and Lornshill. I think those clubs were run attached to one another? - Yes, it would appear they were.

We heard some details about the Alloa club yesterday. the details regardig the Lornshill Club were given at page 50 of your report. Again the date from the club started is? - It is shown as having commenced on 28th October, 1992.

Although not exactly the same the Alloa Boys' Club also commenced in October, 1992? - Yes.

I think there is reference within document D87 to the club. Could you refer to that? - Yes, this is a letter dated 13th October, 1993 again headed on Boys' Sports Club Group Committee letter-heading. It would appear to be a letter that was sent, distributed to parents in the Fishcross area, which was an area of Alva, and it is advertising clubs which were formed recently according to the letter meeting at Lornshill and also at Alloa.

In fact it refers to them being one new club meeting in Lornshill on a Monday evening and Alloa Academy on a Saturday morning? - That is correct.

The tone within the second paragraph of that letter seems to be referring to complaints or comments that had been made by a mother of a child living in the Fishcross area? - That is correct.

Seeking to refute these complaints? - Yes.

In your chart this is shown as a club which terminated in May, 1994. In the summary it is indicated/

indicated probably as having been an estimate? - Again I think this is the phase where the last information we were able to recover would have been from the lease which was terminated around that time.

There is nothing definite to indicate it did terminate on that date and there is no evidence to indicate it continued? - That is correct.

On the chart you show another club being held in the same period as Alloa and Lornshill and this is one held at Denny. When did that club start? - Again the date recorded as having commenced was 28th September, 1992.

Where was that held? - This was held at Denny High School.

If I refer you to D37 amongst your Productions? - Yes, this is a copy of a let application which was made by Hamilton in the name of the Boys' Sports Club Group Committee for the premises at Denny High School, and the date on the lease was 2nd October, 1992 until the end of June, 1993.

There is reference there to persons attending being 20 children and two adults? - Yes.

The charge per week as being 20p? - Correct.

Were there complaints made in respect of this club? - Yes. In November, 1992, not long after the club had commenced, a number of parents had cause to write to Hamilton, to Denny High School Board, and also Central Regional Council, complaining about the conduct and the running of the boys' clubs.

I think we have already heard some evidence regarding these complaints. Did these result in the lets being terminated? - Not that I can recollect. I think the let was allowed to continue. Enquiries were made within the Regional Council.

In fact, if you refer to document D38? - Yes, /

Yes, this is a further application for the let of educational premises made by Hamilton for Denny High School which on this occasion was lodged from 9/1/93 until the end of June, 1993.

I refer you to a document which is D39. What is that?

- It is again a letter that has been typed on Boys' Sports Club Group Committee notepaper by Hamilton dated 8th February, 1983, headed "Interim Progress Report for Boys' Sports Club".

Who is it addressed to? - Addressed just to "Dear Parent". It would appear to be a sort of standard letter that had been introduced.

You see under the heading "Membership" it gives the total attendance for the club? - Yes. it says the total number enrolled according to this record is 74 boys.

Is there an average attendance on a Friday? - It shows over 20 boys.

Is there an average attendance for the Saturday morning? - It shows only eight boys.

Is there under the heading "Complaints" on page 2, what does Hamilton say under that heading? - He says "In respect of the management of the club there were no complaints".

Was that borne out by the evidence? - Again looking at the dates of this, complaints had been received in November, 1992 from parents addressed to the School Board.

Is there under the next heading "Discipline", he gives a list of actions taken in respect of boys attending the club? - Yes, that is correct, he lists certain actions taken and the particular boys who received these actions.

On/

11.20 a.m.

On the final page of that do you see a heading halfway down "Problems with Parents"? - Yes.

Which seems to give certain views justifying his position in relation to certain complaints? - Yes. There were two problems he recorded. On one occasion there was a different of opinion with a parent who was opposed in principle to competitive sports and games. The second reason was that the parent couldn't accept or did not want to accept that their son was capable of misbehaving.

Could I refer you to document D40? - Yes.

What is that? - That is a letter on Boys Sports Club headed paper, dated 16th February, 1993.

That is just eight days after the previous document we have been referring to? - Yes. He appears to be making some adjustment in respect of the Denny Boys' Sports Club, which he claims were made in favour of the parents.

In paragraph 1 he talks about the weekly fee now being up to £1.50? - That is correct.

That would accord with what you said in respect of the charges to the boys being increased considerably above the amount stated in the application forms? - That is correct.

Were further complaints received regarding the club after this particular date? - Yes. In May of 1993 a parental complaint was received by the Central Scotland Police Family Unit which again concerned Hamilton taking photographs of a boy in a locked gymnasium when he was wearing swimming trunks.

What action was taken following that complaint? - That complaint was investigated by Detective Constable Taylor. Certainly it was reported to the Procurator Fiscal.

When did that club cease its operation? - The/

The date we have is the 17th January, 1994.

On what basis did you come to that date? - That was from a letter which Hamilton had written to Detective Chief Constable McMurdo, in which he was outlining complaints against the police and members of the community, which he said had resulted in withdrawal of support for the Denny Boys Club, and stated that he was closing the boys club from effect from 15th January, 1994.

LORD CULLEN: We will now take a short break for 10 minutes.

After a short adjournment:

LORD CULLEN: Mr. Lake, can we now resume our quest?

EXAMINATION CONTINUED BY MR. LAKE: I think we were about to move on to Balfron, which on your chart is given as being a club of very short duration. This was referred to in your report at page 17. I see it states the venue was Balfron High School and that the club commenced on 6th April, 1993 and ended shortly afterwards, on 30th June, 1993; is that correct? - That is correct.

And the basis for the determination of that period has been taken from the document D12 within the bundle? - Yes, that is correct. That is an application for let submitted by Hamilton.

And those dates are the dates for which the let is sought, in the table in the centre? - Yes. 20th April to 30th June, 1993.

On the form do we see some of the familiar details, qualifications, number of people attending and the charge to be made? - Yes, that is correct.

Could I refer you to document D14? What is that?  
- This is a letter from the Chief Executive of Central Regional Council addressed to Thomas Hamilton.

Yes? - Hamilton had posted "flyers" advertising/

advertising this new club and had named certain individuals as being a contact for him. These included the Chief Executive of the Region, and he was asking him to withdraw this reference.

Is D13 the "flyer" you are referring to? - That is correct. It also quotes Mr. Michael Forsyth, MP, and Inspector Mike Mill at Dunblane Police Office and other members of the Regional Council.

Is that form dated 19th April, 1993? - That is correct.

Did both the Chief Executive and Mr. Michael Forsyth object to the use of their name on this flyer? - Yes, that is correct; as did Central Scotland Police.

I think you note on pages 18 and 19 that the headmaster of Balforn High School, Mr. Fleming, became aware of concerns regarding Hamilton? - Yes, that is correct. He was made aware of concerns about Hamilton that were circulating, and he effectively ensured that the premises were fully booked thereafter, which precluded Thomas Hamilton and his boys club.

So by that method he was able to stop the club continuing any further in Balforn? - Yes.

The next one, which is also one of short duration, I think, is Callander Boys Club. You report on that starts at page 27? - That is correct. It shows the club as having met at McLaren High School in Callander, commencing 31st March, 1995 and ending 21st April, 1995. Those dates were obtained from a let application that had been submitted by Hamilton. That was the only documentary evidence we had, although we received evidence from the janitor that showed the club only ran for three weeks, and was suspended after the third week when only one boy turned up.

The final club is the one held at Bishopbriggs? - Yes.

That is referred to at page 23? - That is correct.

I/

I see there that the venue there was Thomas Muir High School? - Yes.

And over the page you note that subsequently there were applications made for premises other than merely Thomas Muir High School; is that correct? - Yes, we recovered documentation which showed an application for Kirkintilloch High School.

This is another example of the same club being held at two different venues? - Yes.

When did the Bishopbriggs Boys Club commence?  
- The club was first advertised by leaflets in September, 1995: the date we have here is of it having commenced on the 26th July, 1995.

If I could refer you to D21 in the folder? - Yes. This is effectively an application for the let of Kirkintilloch High School, which was for the boys sports club group committee.

And that has got a date in July, 1995? - Yes; 26th July, 1995, signed by Hamilton.

And it gives the commencing date as being the end of August, 1995 on that form? - Yes, and ending in June, 1996.

In/

11.50 a.m.

In the summary contained on page 23 of your report you actually state that the commencement date is the end of August, 1995? - Yes.

I think you note at the foot of page 23 and here you will see is the usual pattern of attendance, it starts with 70 children being in attendance and fell back to 16 boys? - Yes, that would be fairly typical.

Above that you note that Ian Boal assisted Hamilton in running this particular club? - Yes.

At the foot of page 25 of your report you refer to complaints having been made and you see that records a mother of a boy who had attended the club saying that her son had been shown a gun and had been offered a certificate 18 video? - Yes, that is correct, a complaint had been made by a parent at Bishopbriggs Primary School and the headmistress there.

I think we have heard while proceedings were started in respect of this complaint nothing had been concluded by March of this year? - Yes.

Were these all the clubs you were able to ascertain in respect of Hamilton's operations? - Yes, but again we were relying on documentation that we had recovered from various sources and also witness statements.

Is it correct to say over and above the boys' clubs there were various summer camps and training courses run by Hamilton? - Yes, he appeared to have a series of residential camps held in the Loch Lomond area where the boys at his boys' clubs attended and latterly residential training courses held at Dunblane High School.

Look at page 59 of your report; I think you note a camp in the summer of 1985; were you able to discover any details of the camps prior to that date? - No, not from the records recovered.

BY LORD CULLEN: We have heard some evidence suggesting that they were highly numerous for/

for that year but can you confirm that at all? - I think there is witness statements making reference to outings, Press coverage going back to the early 80s, 1978 making reference to taking children to Loch Lomond and boating outings which would be the first formal mention of summer camps we have recovered.

EXAMINATION CONTINUED BY MR. LAKE: You were able to find that summer camp had taken place in 1985? - Yes, there was a letter that a complaint had been made by the Rights Office in Dunfermline, a complaint had been made by a parent protesting about the treatment that Hamilton had given to a child at the camp there.

Is it possible that camps had been taking place in earlier years but there was no record of them because there was no complaint? - Yes.

That would fit with the newspaper article in regard to the Dunblane Rover Group regarding outings and boating outings to Loch Lomond? - Yes.

I think we have heard already about a complaint made in respect of the 1985 camp; did you have any details of a summer camp being held in 1986? - No, again we recovered no correspondence about an 1986 camp.

You don't know whether or not a camp took place in that year? - Apparently one did but no correspondence was recovered.

Were you able to discover whether there had been anything in 1987? - Yes, we recovered documentation which was a circular to head teachers from Hamilton advertising the 1988 summer camp and makes reference to the success of the 1987 summer camp.

Have you been able to discover whether there were any complaints in respect of the 1987 camp? - It would appear from the information we have in the references from these advertisements for the 1988 camp there was no reference to any complaints.

We have heard quite a bit of evidence about the 1988 camp and complaints that existed in respect/

respect of that; do you see on page 61 of your report you note that this was held at Inchmoan Island in Loch Lomond, do you see that?  
- Yes.

In the third paragraph, information to parents about the camp, it would be restricted to 12 boys supervised by three adults, do you see that? - Yes.

The cost of the camp is given there in the fifth paragraph as being £40 deposit and a further £85 payment? - Yes.

That was for a two week camp? - Yes.

What was the cost for a one week camp? - £70.

The next paragraph refers to the safety equipment, do you see that? - "Hamilton stated that transport to the island would be by boat and there was a British Standard lifejacket provided for each boy for the said boat journey".

We have heard in some detail about complaints that were made by parents about that camp and investigations that were carried out by Constables Gunn and Duncan and the follow on from that in terms of police investigations and complaints regarding the police made by Hamilton. Were you able to recover any information regarding the 1989 camp? - Yes, we recovered correspondence from Hamilton to the witness Scott who, I understand, is the owner of Inchmoan Island seeking permission for his camp.

Was he granted permission? - No, it would appear that the witness Scott had received information, he received a complaint that people objected to Hamilton holding the camp and he decided there wouldn't be any camp.

Did Hamilton hold a camp in 1989? - Yes, it would appear that the camp moved to Milarrochy Bay in Loch Lomond.

I think you note at the end of that section of the report there were no incidents reported regarding the 1989 camp? - That is correct.

I/

I think under the heading "1990 summer camp" you note that very little is known about that camp other than one complaint regarding a boy who developed a chest infection while he was at the camp? - That is correct.

On page 64 of your report you refer to the 1991 summer camp which again was held at Milarrochy Bay in Loch Lomond; how many boys attended that camp? - Hamilton made reference that he would be supervising 15 to 20 boys.

Were you aware of how many actually attended? - Sorry, I can't find it in the body of the report.

On page 64 about two-thirds of the way down you refer to 20 summer camp contracts were filled in by parents? - Yes.

Again I think you go on to refer to complaints made in respect of Hamilton's behaviour at that camp and follow up action that was taken by the police? - That is correct.

Were you aware or have you been able to discover whether or not a summer camp was held away from the Dunblane/Stirling area after 1991? - No -- sorry, there is no camp in the Loch Lomond area after the 1991 camp and it would appear subsequently that Hamilton changed the format of this to a residential sports training course and this was held at Dunblane High School.

On page 66 of your report you refer to the 1992 course that was held at Dunblane High School? - Yes.

In the second paragraph you note that 21 parents had completed application forms in respect of that? - Yes.

And in the third paragraph you note that there was certain correspondence by Hamilton which took a harsh line indicating that he was to stand in "loco parentis" to the boys? - Yes.

At the end of this page and going on to the next page you summarise the incident in which three boys ran away from the camp one evening and were/

were picked up by parents in Dunblane? - Yes, that is correct, this effectively terminated the lets by Fife Regional Council.

Notwithstanding the fact it terminated the lets within Fife you have noted there is thereafter a subsequent camp held in 1993 also held at Dunblane High School? - That is correct.

Were there any complaints regarding this camp? - No information of any complaints received.

Page 68, you note there is a 1994 course held again at Dunblane High School? - Yes, that is correct.

You note there that there is some difficulty regarding the operation of a let which initially had excluded Sunday morning? - Yes, there was difficulty with the let in that part of the premises which was going to be used by another group that Hamilton had objected but I understand that the camp still took place with some 18 boys attending.

What did Hamilton do when he was told he wouldn't be able to have the whole school on a Sunday morning? - From my recollection he protested to the Authorities, in particular to the Chief Executive and he wrote to the Commissioner for Local Administration for Scotland and Michael Forsyth, MP.

How did the Regional Council respond to that complaint? - From memory the Chief Executive resolved the matter of the let and the Commissioner for Local Administration for Scotland took no action.

Are you aware of any complaint having been made in respect of the 1994 camp? - No, there was no evidence of any complaints.

At the foot of page 68 you refer to a summer camp being held in 1995 again at Dunblane High School? - Yes, that is correct.

It says he had arranged for a Mr. Thomson to help in carrying out that camp? - That's correct.

Was there any complaint regarding that camp?/

camp? - No, it didn't appear there were any complaints made at that time although certainly the Regional Council wrote to him seeking information from him about the number of helpers who would be attending his course.

What reply did he make to that? - Hamilton replied in an ambiguous tone giving details of the help that would be available.

I think in the second-last paragraph it says Mr. Thomson noted the camp was reasonably well run? - Yes.

Although "He did maintain though that Hamilton could change from praising the boys one minute to treating them in a military fashion the next"? - Yes.

Although you don't note that in the report I think you have had a chance to consider certain other documents regarding the camps run by Hamilton? - Yes.

Could you refer to DDH359, I think a copy of that has been made available to parties; what is that? - It is the original application for the let of Educational premises by Hamilton dated the 18th of December, 1995.

Now/

12 noon

Now what premises is it in respect of?

- In respect of Dunblane High School for the purpose of a residential sports training course which was to run from 7th April to 13th April, 1996.

That would be during the Easter school holiday? - That would appear to be the case.

The time it is expressed to run from is 1.00 p.m. on Sunday, 7th April, 1996 to 6.00 p.m. on Saturday 13 April? - That is correct.

You noted that has been signed by Hamilton on the 18th December, 1995. The part relating to the decision on that has been left blank? - Yes. From the code above "DDH359" it would indicate this document was in fact recovered from Hamilton's premises, and that would tend to suggest it had been completed by him and had never been sent.

The second document I would like to refer you to is DCF113. I believe this was referred to yesterday in relation to the evidence of Mr. Forsyth. You see in the first page that is a letter dated 11th February, 1996 from Hamilton to Michael Forsyth at the House of Commons? - That is correct.

And attached to that there are a number of other letters? - Yes.

I refer in particular to the letter dated 18th August, 1995 attached to that. Do you see that is a letter addressed simply to "Dear Parents"? - Yes.

And it is signed by Thomas Hamilton? - Yes, it is.

On the second page of that letter at the end of the larger paragraph you see Hamilton notes "In relation to the 1995 course it was the 74th camp. It was attended by 25 boys" and he says, "It is possibly the best and most productive event in the history of my group"? - Yes, I see that.

Looking on through these letters, can you find the one dated 24th July, 1995. It is headed "Boys' Sports Club Group Committee"? - Yes.

You/

You see dated 24th July, 1995? - Yes.

Signed by Hamilton and addressed "Dear Parents"? - Yes.

Do you see at the foot really he says, "Thank you for your support in this event. The dates for the next course are 28th June, 1996 to 11th July, 1996"? - That is correct.

So we might presume from that that Hamilton had anticipated running a summer camp in the summer of this year? - Indeed.

In respect of the various complaints that were made to the police I think you stated there were a number of them involving photographs having been taken? - Yes.

Did you recover any of the photographs that had been taken? - Yes. I understand that a search of Hamilton's home following the incident at Dunblane recovered a large number of photographs.

Did these photographs depict anything indecent? - I haven't personally examined the photographs, although I understand there was nothing of an indecent nature in them.

CROSS-EXAMINED BY MR. JONES: Could you look at the J(i) bundle please. If you turn to two documents, D1 and D52. D1 is a Central Regional Council memo dated 27th October, 1981 from the Youth and Community Organiser to the Director of Education; have you got that? - That is correct.

You see in the first paragraph the Youth and Community Organiser there says, "I refer to the above and your recent enquiry seeking further information. I can confirm that Mr. Hamilton has an official let of Dunblane High School gymnasium processed through normal channels, i.e. Jim Gardiner and the school Council Clerk. He has also previously had a similar let at Borestone Primary School". You see that? - Yes.

If you turn to D52, that is the Ombudsman's report. If you look at paragraph 3 on page 2 of that, the Ombudsman refers there to, "The complainant was formerly a leader in the Scout Movement./

Movement. He left them in 1974 and soon after formed a locally organised boys' group which catered for boys ages about 9/16. By 1983 there were about 70 boys in regular attendance". And in the final sentence, "The group had the use of Regional Council school and recreational premises from 1980". You see that? - Yes.

Have you found any information firstly that showed the use of Regional Council premises at any time before 1980? - No. Again I am relying again for information on the documentation we had recovered and in the main that was lets and reference to witness statements.

We did hear that some time in the 70s Mr. Hamilton ran a club from the Duckbarn Centre in Dunblane which I understand is a TA Hall? - I understand it is. That information came from witness statements.

Going on, I think the position is that to all intents and purposes Dunblane Rovers' Group ceased its activities when the lease was terminated in 1983; is that right? - That would appear to be the case.

And it never re-emerged? - Not under the same name, no.

Could you look at your own bundle which is D53 in H(v). We have seen this earlier as an attachment to the Regional Council Sub-Committee Appendix of an agenda of a meeting, and this appears to be a letter from Hamilton and Mrs. Anderson to the Director of Administration and Legal Services at the Regional Council dated 24th February, 1984; is that right? - That is correct.

If we go to the second page of that, do we see that under the heading of "Membership" is a sub-heading -- perhaps it is a different heading altogether -- "Differences Between Dunblane Rover Group and Dunblane Boys' Club"? - Yes. These differences are then listed.

I think it says "(1) The committee has agreed to disband Dunblane Rovers' Group; (2) The committee has agreed to form Dunblane Boys' Club and (3) The committee has agreed a new Constitution as requested."?/

requested."? - Yes, that is correct.

As you said earlier in evidence, Dunblane Boys' Club started up after the meeting in 1983 with the Regional Council. Did you mean to say 1985; is that right? - That is possible, because there was some confusion about the period when the lease terminated and there was correspondence on the basis of the boys' club. There were meeting back and forward -- 1985, that will be correct, it changed to Dunblane Boys' Club. There was a period of activity with correspondence but clearly the clubs didn't operate.

That's right, Hamilton was writing, but there was no activity actually taking place in the schools? - That is correct. He was writing under the auspices of the boys' clubs.

If we go back to J again, turn to D78. This is a report on the second page, a report of a meeting of a special sub-committee of the Education Committee held on 4th September, 1985? - Yes.

And we can see on the next page just reading below the list of attendees from Dunblane Boys' Club a list of specific points that were raised at the sub-committee; you see that? - Yes.

And you see that the third is, "During the period since the let for Dunblane Rover Group was terminated had the committee made any attempt to find alternative accommodation in Stirling, Dunblane or any other area". Do you see that? - Yes.

Then if you go over the page do you see there is the response to (3), "The club had been given the use of Dunblane Rifle Club premises which they had used previously but they had discontinued the use of the premises as they were not suitable for their purpose and also too expensive. The club's main activities were concerned with physical fitness, indoor football for which the games hall and gymnasium of Dunblane High School were very suitable". You see that? - Yes.

Now, keeping that with you and going back to the letter of February, 1984, you will see there is a list of names of members of the committee. I am not sure I caught your evidence on this earlier but I/

I want to be quite clear what we know about the committee. Are you able to say that any of the names given there were not on the management committee in February, 1984? - Again going from recollection and statements that were obtained I seem to recollect that Catherine Anderson admitted to having an involvement as Secretary and Evelyn MacFarlane certainly admitted having some involvement in assisting with the boys' club.

I am really interested to know whether you found any evidence of anybody who was not a member of that club whose name is put here? - From memory I honestly can't recollect, although I do recall some members said they were not committee members. In fact some of the witnesses I recollect said they couldn't recollect having attended even the meeting at the Regional Council.

That's a slightly different point. I am just wanting to be clear that what we have in the Minute of the meeting as the list of attendees -- Hamilton, Mrs. MacFarlane, Mrs. Anderson, Mr. Anderson, Mr. Williams and a solicitor, whether you found anybody who was named as being on the committee in February, 1984 who said as a matter of fact they were not on the committee? - Sorry, I can't recollect offhand.

You were asked some questions when camps were run. If you look at your own bundle and turn to D4. This is a letter which is undated but it is headed "Dunblane Rover Group". You see that? - Yes.

And this appears to be signed by Hamilton and it is addressed "Dear Parents"? - Sorry, I may have the wrong reference.

D4/H(v)?/

12.20 p.m.

D4/H(v)? - I have got it now, sir.

This is signed by Hamilton and addressed "Dear Parents", and it is addressed "Woodcraft, 49 Cowane Street"; is that right? - Yes.

So that would date it some time prior to October, 1985? - Yes.

It is headed "Dunblane Rovers Group", so this indicates it would come some time before 1984? - Yes.

This is giving parents the opportunity to enrol their sons into the Rovers, which it says is "A club for boys 10 to 16 years. However, boys can only be enrolled between the ages of 10 to 13 years. At present we are 12 boys under strength, and we must fill these places this Thursday"? - Yes.

"We meet on Thursday evenings, 6.30 to 9.30, at Dunblane High School for physical training, games and training in mapping and compass, first aid, camping, cooking, boating, hillwalking, etc."? - Yes.

That would seem to place it pre-the termination of the let in the summer of 1983; is that right? - Yes.

Do we see there is a reference to meetings at Dunblane Rifle Range on Fridays? - Yes.

And he goes on "The Rovers have been active for six years, and have perfected a system of training for boys", and then there is a reference to the activities? - Yes.

And the next sentence says "Running a disciplined club as we do it's sometimes as popular as school and homework, and it takes forward-looking parents to encourage their boys to attend. On the other hand, boys become very excited about their training and are often lost because their parents decide to use the club as a punishment, i.e. a bad school report means you're not getting to summer camp"?

camp"? - Yes.

So here is a reference to summer camp, presumably some time prior to the summer of 1983? - Yes.

And in the second last paragraph "We have no membership fee, only camp fees, which are very reasonable"? - Yes.

Then "Our equipment is first class. Camping is usually at Loch Lomond, and is combined with water activities, hillwalking etc. All members must be good swimmers, well behaved and of good temperament". Do you see that? - Yes.

Can I ask you to look back at the file J(i) and turn to D21? Have you got that? - Yes.

Now, these are 22 letters from parents dated around or about October, 1983 to the Regional Council; is that right? - Yes.

If we look at the first of those -- I don't want you to name her, but this is a lady who has written a typed letter. Do you see that? - Yes.

At the beginning she says "Dear Sir, It saddens me to find out that this very worthwhile job Mr. W. Hamilton, Principal Leader of the Dunblane Rover Group, has for the time being been terminated due to some complaints. My son, who is a member and has been a member for the past four months, really does enjoy his Thursday meetings. He has been on day trips and an eight day holiday with Mr. Hamilton and a group of boys from the Rover Group": do you see that? - Yes.

So here there appears to be a reference to a camp or some residential course in October, 1983? - Yes.

Finally can I ask you to look at your report again, at page 76, please? Have you got that? - Yes.

You will see that in the second paragraph you refer to your chart C, which we looked at/

at yesterday, I think; is that right? - Yes.

And you say "With each boys' club, Hamilton would normally state on the let application form that the boys were being charged 20p or 30p to attend. This would be followed later by Hamilton advertising on circulars that the cost was £1 for each boy to attend"? - Yes.

"The reason for this may have been that normally a charge is waived for lets to educational establishments, but if the Education Department were aware of the charges and profits made they could make a charge to Hamilton"? - Yes.

I would like to understand a little more about the source of this passage. Can you help us by showing us the let applications that you have in mind that were then followed by circulars showing a different cost? - Offhand it is difficult. I seem to recollect early this morning there was identified the Denny Boys Club, where a let application showed a nominal figure and a "flyer" advertised £1.50.

I'm interested in the dates that one sees on the let applications: the early applications I think give figures of 20p, 30p or 50p, but the later let applications mention fees of £1 or thereabouts. I want to be clear whether there is a consistency in dates between the let applications and the "flyers"? - It is part of the report. This part is an overview of all the lets among all the local authorities. I think we found there we had lets showing nominal charges, letting forms, but he was charging more than that, £1 or whatever.

But you can't help us with any examples of that? - Short of going through the let applications and the "flyers". Off the top of my head I couldn't pinpoint them specifically. Denny seems to figure in mind, which was referred to this morning.

If you could find that, perhaps that would be a good example. I think you will find Denny starting at D38? - If I could refer to page 30 of the summary, the second last paragraph on that page makes reference to a weekly fee according to the/

the let application form D37 of 20p, and it had risen within five months to £1.50 each.

You are referring now to D37, which is a let application in which he shows that the charge to be made is 20p; is that right? - That is correct.

And what you are referring to at page 30 is a letter dated February, 1993, D40? - Yes. D40 is the letter making mention of a number of adjustments, which shows that the weekly fee was £1.50 and not the 20p which had been shown in the let application.

RE-EXAMINED BY MR. LAKE: When you were talking about the member of the Committee of the Dunblane Group, are you saying that you were aware that everybody that was listed was a member of the Committee, or is it simply that you cannot recollect whether or not some of these people were members of the Committee? - I cannot recollect off the top of my head without referring to the specific part of the summary. I do recollect that some witnesses could not recollect being Committee members or being involved with the Committee. Even those who attended the meeting in 1985 had a recollection of attending the meeting -- sometimes not -- but were unable to recollect their involvement as Committee members.

You said at least one person confirmed being a Committee member? - Yes, the witness Anderson stated for some time she was the secretary: indeed there is correspondence showing that she was. I also recollect a witness Evelyn McFarlane made some mention of being involved in the Committee in some capacity.

Did anyone ever deny it? - Off the top of my head I cannot think of anyone.

GORDON DAVID JEYES (45), Sworn:

EXAMINED BY MR. LAKE: I am presently Director of Education with Stirling Council.

Stirling/

Stirling Council has been in existing only since 1st April of this year? - For operational responsibility yes, that is correct; but obviously it had its shadow year.

When did you commence your responsibilities regarding to being the Director of Education? - Late August, 1995.

Prior to that what was your employment? - I was employed by Strathclyde Region, the post being Divisional Assistant Director of Education, with operational responsibility for the Argyll & Bute Division.

Before I consider questions of school security and the vetting of persons I would like to look at measures that have been carried out at Dunblane Primary School since the 13th March, 1996. I think I am right that measures have been taken to increase the level of security at the school? - That is correct.

What measures have been taken? - Obviously in Central Region in the immediate aftermath of events certain measures were taken to offer reassurance, such as the placing into all of the classrooms a telephone, increased janitorage, the installation of a CCTV camera. In addition, since Stirling assumed responsibility we have reviewed security, introduced a signing-in system for all visitors for visitor identification, and there has also been discussed with parents most concerned, with technical and emergency services and also with the police, and we are currently installing an integrated security system for the main building at Dunblane, with ancillary locks for the other buildings.

You referred to closed circuit television. What areas will actually or are actually covered by the closed circuit television? - The school grounds are monitored. That would be primarily the responsibility of Central Scotland Police, because it is one of their cameras; it has not been specifically put in by the Education Service. It would be operating to review the school grounds, and would be monitored at Randolphfield.

Was that installed after March of this year?/

year? - Yes.

You refer to increase in the janitorial staff. How many people were employed in that capacity prior to March of this year? - One.

How many are employed now? - Two.

What is the benefit to the school of having the second person employed? - Clearly there are advantages in terms of increase surveillance, not least in terms of the health and security of the youngsters, to make sure those potentially vulnerable are given immediate support.

Yes? - There is also a number of occasions when there has been increased interest in the school and the individuals around the school, and the janitor himself was at the school and was directly involved that day.

Yes? - It was felt therefore appropriate to provide additional assistance. This is mainly in the sense of an extra presence in terms of playground supervision and the additional duties to assist the janitor.

Have any additional duties been formally allocated to the janitor since March? - I don't think it is necessary to do this in a formal way. There are more duties arising from the situation Dunblane Primary School finds itself in since the 13th March, so these duties are carried out now by the janitor and by a temporary assistant.

What are the additional duties? - Increased pupil surveillance, and the fact that there is an opportunity to discourage visitors and to make sure that reception arrangements are discreetly and effectively carried out in terms of ensuring the prime health and safety consideration that a head teacher or someone delegated by him should always know who is in the building at any one time.

You mentioned reception there. What were the arrangements at the school for reception of persons prior to March?  
- Prior to March I couldn't comment, because it was not a school for which I had operational responsibility. This would only/

only be reflecting from general knowledge and a knowledge of practice in terms of reception arrangements and signage, which can vary much from school to school.

What are the various things you might find in reception in a primary school? - To a certain extent it will be a function of the design of the school, and an increase in the numbers of visitors, adults and parents, in a school will have increased much over the years.

Yes? - In some of the Victorian buildings we have, finding your way to the office might not be the most straightforward activity, so clear signs as to what a visitor should do, depending on the size of the school and how often parents and others visit the school. That may also be determined by whether or not there is a pre-five facility, because clearly where there are nursery facilities there is the likelihood of more parents being in and out of the building during the day.

Yes? - Some schools do certainly have signing procedures and badges, but I am not aware that Dunblane prior to March 13th had such a system.

We will return to the issue of reception later. In considering the janitorial assistance you referred to, you said a second janitor has been brought in as a temporary assistant? - That is correct.

For how long is it envisaged he will be at the school? - It is necessary for me to provide a service which as best as possible meets the needs of parents and pupils in Dunblane, and taking account of the situation there. But of course as of yet I have no budget provision for this additional expenditure in terms of supervisory assistance, school helpers, additional teachers and janitors. It is incumbent on me to keep it under regular review. I think we could be in for a long haul, and that the school will need support for a particular period.

Yes? - Clearly, since we are in an area of unforeseen expenditure, it would not be possible for me to declare an idea for a fixed period. We are keeping it constantly under review.

You/

12.40 p.m.

You referred there to assistance being provided to meet the needs. Is it fair to say that this is just to meet the particular needs of Dunblane Primary School and its particular circumstances and that in your view that that need will not be provided long-term? - That would be correct.

You referred to a phone having been installed in each class room? - That is correct.

Does that mean therefore that the phone lines into the school have been increased or is it just more phones leading into the one line? - The number of lines into the school was increased.

How many are there there into the school? - I am not aware exactly how many, I know it has been increased by several.

You referred to a signing in procedure; how did that operate? - Reception desk at the main entrance to the school which is manned and all visitors are asked to sign in and give the time and are given a visitors badge and obviously on exit their departure is noted.

What arrangements are in position for the school being aware that a visit is likely prior to their arrival? - Well, clearly in terms of reception there is still the potential up to the point of arrival at the reception desk for it being a parent visiting the school, a member of staff visiting the school so in that sense I can't say that notice is necessarily going to happen and therefore it is important that the reception desk is manned.

So the reception desk is to deal with effectively unannounced visitors? - That is correct.

How do they deal with someone arriving at the school unannounced? - Well, all visitors to the school are asked if they can be assisted and asked to enter their names and their business in the school in the book for that purpose and this will be.....it may well be that somebody is known and hasn't/

hasn't got on the visitors' badge and asked where they are going to in the school and then that would be confirmed in terms of their business.

And after a person has checked in at reception and indicated their business they would be directed where to go to speak to a person or carry out whatever is required? - If it is appropriate but clearly in terms of daily life of a school it would be a matter for the head teacher to judge so unless it was something that had already been agreed because it wasn't going to interfere with the teaching and learning it would be referred to a member of senior management of the school, the head teacher or his other senior colleagues; you wouldn't be operating a school in terms of unannounced visitors, whatever their purpose, directing them to a class room, that wouldn't be normally the case.

Who mans the reception desk? - The reception desk is manned by the janitor although I believe in recent weeks there has also been a community policeman on the premises working with the children; it is not so much a security measure as it is just work in the general terms of reassurance.

Is that seen as being a long-term measure or something that would be required to be adjusted? - It would be adjusted; I am sure there will be long-term measures in the way that we will work with community complaints in Dunblane but his presence in the school is short-term but once the integrated school system is completed there is an ability to focus accesses to the people more readily and in a more controlled way.

Before referring to the integrated security system and the management of access, still dealing with the reception desk, during what hours is that manned? - During school hours.

Is any use made of the school after hours? - Yes.

Is the reception desk provided during that period? - Not always although the janitor is on duty at all times.

I think at the outset of the Inquiry you saw/

saw aerial photographs of Dunblane Primary School which indicated as well as the main buildings there were a number of outlying huts?  
- Yes, that's right.

This reception desk applies only to the main entrance to the main building? - That is correct.

By what means are you able to channel persons towards the main entrance away from other entrances to class rooms? - At the moment that is by signage and by direction but clearly the existence of huts is an example of the complication of the security system and action has been taken on that in temporary measures but as the new primary school in Dunblane opens in the autumn it will site the redevelopment and it is hoped that with part of that refurbishment of Dunblane Primary School that the needs of the people and the number of classes will be accommodated within a single detail.

How have the huts been taken account of within the present arrangement? - I do have to point out that although there has been considerable discussion with regard to these increased security measures by locks that are not fully in place it is envisaged that as part of the integrated system that key pad locks would be used within the hutted accommodation were such to remain.

How would access be obtained once the key pads were fitted? - By the appropriate code.

Who would have that code? - The code would be readily available so in terms of the security measures it is far from ideal but in the circumstances of a spread site there is no other option immediately available but it is important to look at it in terms of its temporary nature because it is not envisaged that these particular steps will be needed in the long-term; it is my understanding that the main reason for the former Council deciding to build a second school was because of the pressures in the building and the unsatisfactory nature of having a school ringed by temporary accommodation.

BY LORD CULLEN: Are these separate buildings equipped with a phone now? - Yes.

Does/

Does the phone enable communication to be made between them and other parts of the school or is it only for an external purpose? - No, it can be used internally and also if people wish to phone in.

EXAMINATION CONTINUED BY MR. LAKE: Is it envisaged that the children will be aware of the codes for this building or is it staff members only? - For the hutt accommodation I am sure it will be necessary for the children to be aware of the code which is why I pointed out from a security point of view it is far from ideal.

I think you also said that outside there were a large number of potential access points to even the main school building; what measures have been taken to ensure the security of these entrances to the building? - That has been done by trying to create a single access point which can be the set pattern of the school and can be accessed by members of staff with electronic keys and that the capacity to do that can be set for the rhythm of the day so by being operational people are being supervised in the playground or intervals and at lunch time and there are security measures built in and it is computer monitored so that people are aware of which key has been used and so on and so forth and the time of access to the building.....it is a straightforward manner to programme it within the system.

So just to be clear about that, what is envisaged is that there is only one main access to the school? - That is correct, and other doors are being reinforced in terms of fire doors which will have a panic bar egress that will be alarmed and the janitor will be able to monitor the comings and goings both through a computer monitor in his room and with a gadget which will operate at a mile radius so he can go about his duties.

If a person was to gain access to the school by means of any doors other than the main entrance then one would require an electronic key? - Yes, the main entrance would require an electronic key during school hours; for visitors to the school like myself access would be by means of a buzzer.

How would the children have access to the school? - The children would have access to the school/

school at the beginning of the day because the children would be received at the door; if there was children attending the doctor or the dentist and the children were coming later the children would have to buzz.

Is it envisaged that the children arriving at the start of the day would be able to gain access through all the doors or merely the main entrance? - The main entrance.

Even at the start of the day? - That could be primarily a matter for the head teacher to determine the way in which the school should operate; it can be programmed separately in the light of my experience it is envisaged that Mr. Taylor and his staff.....what we have to remember is it is a new system which offers security and reassurance to people but it does not inhibit the school from being a warm and welcome place that parents are part of.

These are the means for controlling the ways for getting into the school; I think you said there is going to be a fire access bar if people wish to get out? - Yes, in terms of an electronic door, it is simply a button beside or inside and would be simply operated by pupils. Similarly if there is any flaw in the electricity supply at any point the system is automatically shut off and it will be linked to the fire alarm and when the fire alarm goes off the system automatically opens.

Within this system are there any measures in place to prevent a person being accessed through a window on the ground floor? - I can't think of any.

Is this a system which you just described as the integrated security system? - In the sense it has been monitored and we are gaining information about the benefits of it.

What is the proposed timescale for implementation of the security system? - It is being introduced at present; it has been found necessary to strengthen some of the doors; it began in late May and is taking place at present.

At what time do you envisage that it will be/

be complete? - It will be complete at the end of term.

What is the cost of installing this integrated security system? - £24,000.

Is it proposed that this integrated security system be extended to other primary schools managed by Stirling Council? - I do feel it may be for Stirling Council to evaluate the effectiveness of the system and its effect on the life of the school but certainly it has been put in with a view to learning lessons but whether or not it would form part of the way forward for school security elsewhere. Clearly in any consultations with staff and School Board about this these issues will be determined at the end by the sums available by the Scottish Office; it is my understanding that the Secretary of State is considering some specific action in this area and it seems a sensible way forward because there are discussions with the School Board, school security.....

Is what you are saying that there are no present plans to install the same system throughout your control of Stirling Council? - There are no funds to extend the system. Clearly in choosing to gain further information about school security will at some time recognise a need, a particular need, for reassurance in Dunblane is what it has come to.

We heard in evidence that the primary school in Dunblane is one of the largest primary schools in the Region or even Scotland; does that require that the cost is more extensive than for other schools? - I think that is right; Dunblane would have been a junior secondary building originally so it is commensurate with a secondary school. The issues which you talked about earlier in terms of additional accommodation will be one that it will be difficult for schools to address; there are very few secondary schools which are absolutely one site, one building.

Has an estimate been made of the cost of installing a set integrated security system in all primary schools operated by Stirling Council? - That has not been carried out at this stage.

How many primary schools are managed by Stirling/

Stirling Council? - When Newton Primary School is opened in the autumn there will be 46.

Presumably some of them are much smaller than at Dunblane? - Yes, given that Stirling has a vast rural area Dunblane has 650 primary pupils and Inversnade has four.

As part of this integrated security system are there any measures other than the key pad proposed for the external building? - Not at this stage.

I would like to turn to the construction of the new school which you have referred to; what is that school called? - For the time being the school is called Newton.

Where is it being built? - It is being built in the north of the town above the river in a development as you exit Dunblane on the old A9 it will be into your right, just having left the Stakis Hotel.

At what stage is the construction of the school at present? - We are due to take it from the developer on the 4th of July.

How many pupils will attend the new school? - 200 in the first instance but the projection will be that it will grow and it is capable of taking in excess of 400.

Is it capable of accommodating that number within the present or is it anticipated it will require to expand by ancillary huts? - The present building has a capacity of 434.

Has modification been made to the design of that school following the events of the 13th of March? - Yes, given that the school was still under construction on the immediate activity after the 13th of March one thing was to review the security system there and considerable changes have been made.

What changes have been made to the school following these events? - During the school hours there will be a single point of access to the main school building. There is a conservatory there which/

which will be open during school hours but you will be able to proceed no further, it will be glass fronted and visible from the janitor's office and the glass is specifically provided for this in security terms. All the other doors will be panic bar exit doors and that the appropriate safety measures will be swing doors and because all the accommodation is separate a buzzer will be straight to the class room.

Does this school have this integrated security system that you have previously described? - No, it involves these measures which have been built into the design of the school in terms of the glass fronted approach and the fact that a buzzer system can be sounded in the staff room office or the janitor area and so in terms of the reception arrangements the design has been to build a built-in feature more specifically.

In respect of doors other than the main doors how is access controlled through these? - Access during school hours is through main door access but all other doors are swing shut. If somebody uses them through the panic door access to get out as youngsters will at the interval the doors will shut and it will be necessary for staff to receive them.

It is not a question that it will be, as at Dunblane, that teachers can get access by an electronic key? - No, it is not necessary because the design has been built in.

Does the main entrance and glass conservatory that is in the form of a reception provide for visitors? - Well, clearly it can be developed as a reception area but in terms of the reception in glass we spoke of in Dunblane that would be the first point that the staff side would see visitors arriving and it wouldn't be possible in the way that the school is presently constructed for people in the office to see people coming in as in Dunblane Primary.

Did the measures that were proposed in respect of Newton School have an impact on the cost of the school? - Yes.

How was that additional cost accommodated?/

accommodated? - By seeking additional borrowing consent as part of the legally committed project inherited by Stirling Council.

I would like to turn to the question of the issue of security generally and identification of the concerns. It is my understanding that there are no national guidelines available in relation to school security or design of school buildings? - That is my understanding.

Have there ever been such guidelines available? - Not to my knowledge.

You have mentioned consultation which has taken place with various bodies; is that consultation which had taken place since March of this year? - Well, obviously we have only been operational since the 1st of April, the consultation would have to be after that date.

Nothing during the shadow period? - No.

Are you aware of consultation having taken place during the period when the Local Authority was Central Regional Council? - I am certainly aware that Central Region were looking into safety and the risk assessment was being considered.

Who was it being considered with? - Central Police and the relevant Services Department.

I think you mentioned earlier a School Board; did they play a part in that? - They would in terms of my understanding of past practices, in terms of what Stirling Council has done. We have written to them asking them to review their practices with regard to existing best practices and to consider visitor identification; signage and a visitor book in line with a Health & Safety requirement of knowing who is in the building at any one time is also specified.

BY LORD CULLEN: So far as you understand the position was there in existence before the 13th of March some procedure for carrying out risk assessment within schools covered by Central Region? - No, I think that would be to exaggerate the point; I am aware in terms of current interest in risk/

risk assessments there has been some initial discussion but I think that was as far as it went from my knowledge.

At the moment is it intended there should be a procedure for risk assessment? - Yes, absolutely, we have established a Working Group with the Education Services and Central Police and we would wish to consider within the context of risk assessment.

That would be on a school by school position? - Yes, absolutely.

Is some form of guidance given about the exercise? - Yes, in terms of establishing the framework clearly in terms of our consideration once we have got the framework we will wish to involve the school, Board Members and Staff Association.

Can you tell me what you envisage risk assessment in this context as meaning? - Risk assessment will have to take into account the situation of a school; I think it is important to say that in conjunction with Central Police we took account of the whole opinion of the community and we looked into CCTV for this building and I can say again that the risk assessment may usually be in terms of the evaluation of the risk.

What is the system, if any, that is used to carry out this risk assessment; no doubt it is basically a concern for identifying what are risks, asking a question and then trying to see what is best that can be advised for controlling the risk? - That is correct.

Is that going to be the system from now on for schools at large? - I think that in terms of our consideration of matters there is a need to get people to think about what the issues are here in terms of theft, vandalism or issues which may be more serious than that.

What about the position under the Health & Safety at Work Act? - The Health & Safety at Work Act as such doesn't apply directly to schools but we do have Health & Safety Officers who are aware of these issues and will be working with us on it.

What/

What about the responsibility of the School Board to the teachers; is there a Health & Safety at Work aspect there? - Schools do have an opportunity for recognising their needs to nominate the Health & Safety representative.

I am talking about the Act. Does the Act apply, can you guide me on that as between the school authority and individual teachers? - I am sure there would be others here who will be more able to.....

This could be quite important but perhaps it doesn't arise and we may come to that in due course; as far as you are concerned the Act doesn't apply? - I think there are differences.

You are not sure? - Absolutely.

After/

2.00 p.m.

After an adjournment for lunch.

EXAMINATION CONTINUED BY MR. LAKE: Mr. Jeyes, just before lunch you were considering the consultations which had taken place in relation to the issue of school security? - Yes. I had referred to the fact a Working Group had been established including officers from the Education Service, Technical and Commercial Services and the Central Police. It is my intention in due course representatives from School Boards and from Staff Associations should be invited to join that group. I have written to all head teachers and all School Boards seeking their comments on the recently published report "The Review of School Security" in England and Wales, and I circulated that to them along with the Scottish Commentary.

That was a report prepared after the murder of a headmaster outside a school? - That is correct.

You refer there to the input from School Boards or the potential input from School Boards to this committee. Is that a means by which you are able to obtain the views of parents on the issue of school security? - It is one of the means.

What other means are there? - We have already had a number of meetings with parents and a series of forums and it is the intention of the Council to try and build up a Parents' Consultative Group. It could be in due course School Boards will be an effective mechanism within Stirling Council but unfortunately just under 50 per cent of schools do not have a School Board at present, so I would not wish to rely on that as the sole mechanism, important as they are.

As a result of the consultation progress have you been able to identify what the concerns are? - Given that the review report has only recently been produced and I have asked for returns by 21st June, no, I would not be able to adduce anything at this stage.

Can you say at the moment as far as you are concerned from what are schools to be protected? What/

What are the aims of the policy of school security? - I think the starting point is one to which I referred earlier: at all times the head teachers or the person nominated by the head teacher should know who is in the building, should know each child and each adult that is in the building. Therefore that immediately leads you to the notion of a single entry point, a reception arrangement and so on and so forth. I think that is the starting point. Such discussions as have taken place with parents, they are as concerned as the others about getting the balance right between the school as a warm and welcome place, the heart of the community, and an increase in general measures of security and reassurance. I think provided there can be careful consideration of this we can get the balance right and those elements need not inhibit any other.

If I can take you back a little beyond that starting point you referred to, you referred to headmasters knowing who was in the school. What is the purpose of all of these measures. What degree of protection are they intended to confer? - I am not exactly clear in terms of -- the question is particularly open, but clearly my interest as Director of Education is to ensure that there is the best possible environment wherein learning and teaching can take place, so one can see that happening in a way in which it would not be disturbed. The more common occurrences in terms of disruption, rather than the unique and heinous events of 13th March, would be occasional intrusions by the youth of the area, vandals, recent school leavers. Whatever the circumstances we would be looking to create a secure environment wherein there is an appropriate atmosphere for the life of the school to go on independently other than in an organised way.

You mentioned there vandalism. Is that one of the things that concerns you? - Absolutely. I am not sure it necessarily concerns me in terms of consideration of the issue as Director for Stirling. I am conscious of my knowledge of other areas that it is an issue that can arise.

What I am trying to get at is whether the measures which you are proposing are intended to deal primarily with the safety of the persons or whether they have a broader ambit than that? - Clearly/

Clearly they have features relating to the safety of persons, but it is also in the context of enabling school life to go on undisturbed other than by intentional work of teachers and the pupils.

But as well as that goal, the protection of the person, is it also intended to deal with various forms of criminal damage and theft? - Clearly if you are introducing security systems that is introducing additional features of security at points where theft is more likely to occur -- and that is during hours when pupils and teachers are not present -- and that is an additional benefit. In terms of a scheme that has been introduced in Dunblane it's primary feature is one of security in terms of persons and it will be drawn up -- I hesitate about the words "risk assessment", to bring that up again, but clearly the security system that is introduced would be a feature of the analysis done of the circumstances and risks faced by a particular school. Whether or not any part of the building was thought to be particularly vulnerable to theft and vandalism does have a bearing on that.

But it is a matter which may be taken under the heading "Risks" that you are concerned with? - Absolutely.

You have defined in there in general terms it is providing a secure and safe environment for teaching? - Yes, to be carried out.

The starting point has been the headmaster should know who is in the building? - Yes. That is an essential element, the head teacher is aware of that.

What sources are available to you for information regarding the means by which a school may be secure? - On a daily basis?

Yes? - The responsibilities delegated to head teachers is clearly in terms of their managerial function and these matters are primarily through their educational responsibility on a day-to-day basis. It would be my function and the colleagues working with me to review that and make sure they are getting the best guidance and support so far as each point is concerned, and that is what I have been seeking to do in terms of the risk issue all/

all along.

BY LORD CULLEN: Does the Education Authority itself have a safety policy? - Not that could be described as such at present.

Do you think it should? - I think that may well be one of the features that will emerge from this in terms of guidance, yes.

EXAMINATION CONTINUED BY MR. LAKE: In formulating a policy such as mentioned there presumably it would be necessary to take account of a variety of circumstances that may obtain for each particular school? - That is correct. That is why we are carrying out the review at present.

You mentioned earlier difference in size of schools in that you may have some as small as having four pupils and others run into many hundreds. What are the other principal differences between schools which would have an impact on the means by which the goal you seek is achieved? - The extent of pupil movement around schools does have an impact, because you would not wish to have, if you provided a security system, one that was so cumbersome it was inhibiting the daily life of the school. That particularly will apply to secondary schools -- you wander round any secondary school and you will see a considerable number of access and exit points, and it really is quite difficult on many occasions to think how this may be rationalised to only one. In addition in secondary schools the likelihood is they may have a separate block for technical or physical education or whatever or an additional annexe because the school will have expanded at some point in the past, and that is a probability, so clearly the issues of security are far more complicated for a secondary school because of pupil movement and because there will be several buildings involved.

At present what you said was your security system was concentrating on providing security requirements for the buildings rather than within the context of the school as a whole? - The same consideration has been taken of hatted accommodation.

I was thinking of during any break time, a large number of children are concentrated outwith in the/

the playground? - Subject to playground supervision.

As well as those you have told us about, are there other factors which will have a bearing on the ability or manner in which security is achieved? - I think it relates to the configuration of the buildings and the site. When a site is drawn up in terms of how compact it may be clearly in terms of reception arrangements they are determined by the site and may be more or less expensive and that would need to be put in.

You/

You said at the outset you had older schools which are laid out in a manner which makes that more difficult? - That is correct.

Why is that? - Well, if you were to go to some of the Victorian schools in the eastern villages, for example, they have by no means -- the creation of a school office was perhaps not foremost in their consideration and it is not altogether obvious when you call where the office is sited, and therefore clear signage is important, and issues of addressing security and access, even if the budget were clearly available, will be more problematic in these schemes than ones of a more modern design.

I appreciate you said it is early days, but has there been any policy formulated to deal with the situation regarding older schools? - Other than considerations, as I have said earlier, of best practice. We have caused there to be increased signage and have courteous requests for all visitors to make their presence known to the school secretary or in the smaller schools direct to the head teacher. It should always be obvious where such a person is based and how the visitor should make their presence known. It is part of the function of changes for visitors so that they know this is what is expected of them, whether it is by officials of the Council, parents or others who are going in and out to work or do other duties in the school, and clearly all of us as we go about our work supporting schools have a role to play. They are the more difficult area of cultural and attitudinal change.

Turning now to the issue of making school premises available to groups outwith school hours: is it correct to say Stirling Council have a policy that their school premises should be made available for the use of the community? - Yes.

And they are made available by means of applications for lets? - That is correct.

Within Stirling Council who would such an application be submitted to? - The establishment system under Community Services in the form of letting but who organises it is in terms of the size -- the actual person who may have local responsibility in theory is dependent on practice. It/

It may be the area officer reporting to Civic Services, or it could be power which has been assumed by a School Board and therefore a person with local responsibility would be the Clerk to the School Board.

But there is no uniform policy throughout the Council's area as to how this would be dealt with? - There is a uniform policy. What I was illustrating was that the person who would be dealing with the matter may have a different province. I think it is important to say in terms of School Board legislation School Boards do have the capacity and power to be involved in community use of schools subject to the direction of the Council. In many Council areas in Scotland School Boards have decided it is more appropriate to be consulted on letting schemes and let the local authority run it: in others, subject to the direction of the scheme by the Council, they have become more involved. As I have already indicated, there aren't School Boards in every school who prefer the Council to arrange this as a consequence of the School Board legislation, and we have a mixed package of administration, but that doesn't mean they are not all operating the scheme.

If the matter is being dealt with by the School Board or the Clerk to the School Board what degree of support would they have from the central offices of the Council? - Clearly they would be working within the letting scheme as laid down, and Stirling Council is at present implementing increased measures including a vetting scheme and that vetting scheme will be centrally run. It is intended that additional information will be made to the Clerk of the School Board, and it is hoped there will be more power being given to one organisation, being best practice, so that both interests may be kept together. Certainly the District Council had good practice in terms of computerised facilities, they were able to monitor the letting and use of buildings.

BY LORD CULLEN: Would vetting include insistence on certain conditions being applied? - Absolutely. I think there would be changes from the previous practice. I think it does go to the key of some of it. I accept if activity is taking place in Council premises that to some extent authenticates/

authenticates it, but it is not just the Council -- Council letting has happened in the past as a landlord, and it could operate in a supportive and enabling way for the activity, accepting a certain level of activity, so vetting will look at the standard of activity and will use its discretionary power with the Scottish Criminal Record Office to check the name of a person and so on and so forth.

I was thinking, for instance, of a constitution or insurance matters that we have been thinking of during the course of this Inquiry and possibly parent representation of some form on a committee, things of that sort? - I think these are extremely important. I was thinking in terms of users committees, parental involvement, and people working with the youth or children's activities being accredited in some way, the standard of training. These are all matters we would take into account. I think it is important to be seen vetting is done as a way of quality assurance and we are not just doing this to be obstructive. I have been insisting that the quality concerned on offer is improved. I think it has to be noted that if one does go beyond just having mechanistic answers to this, if we are going to work with people, how they relate to their community, that has significant resource implications.

In terms of the amount of supervision you put into the vetting? - Supervision, yes, on a regular basis. I am not thinking of a registration scheme but one which has the features that would apply for under eights, the under eight groups in chapter 10 of the 1989 Act. It is developmental work, and we have got to do this in a way which still gives the opportunity for people to be included that would not put volunteers off doing it, and it would be a developmental approach which is going to be expected.

I/

I think the danger is if the answers are lets expand the capacity to have criminal record checks, I think it is a necessary condition but it is far from sufficient on its own. This I feel could inhibit the level of activity within the community and there would be less for youth, and I think the Council would be seen, probably quite rightly, as bureaucratic and mechanistic because this is what it would be resourced for. I say that in full knowledge of the present system in the terms of use of checks both from the police side and on our own.

EXAMINATION CONTINUED BY MR. LAKE: As regards to vetting, am I correct in understanding you would be vetting not only the individuals involved but also the activities which are proposed to carry out? - Yes, that is right. I do think it is appropriate that there should be a standard. I think it is important we give, as it were, guide marks through a system of accreditation and I think that may be part of the way forward.

Do you see vetting and accreditation as being two different things. Do you see accreditation as another means of vetting? - I think they are potentially complimentary, because I think while it one way it is possible to introduce some vetting, as I have already indicated, on its own that may be insufficient, and I think the more appropriate way forward is to look at a way of reassurance when working with children. Many people are doing so at the moment as part of a team and not as individuals, and they have an association with the community, perhaps with the Council, or perhaps with another nationally affiliated recognised youth body, so that parents are aware of the standards that implies.

Before a system of accreditation or vetting could work there would presumably have to be a healthy level of activity carried out by parents or adults for children throughout the Stirling Council area? - That is correct.

There are other matters such as music or sports education? - Yes.

Which would be carried out on a one-to-one basis? -  
Yes.

Often/

Often in Council premises? - Yes.

How would these fit within the scheme if required? - I think in terms of sport or even music itself it will be important the Council will be assured with regard to the qualifications of the person and that the service they are offering within Council premises is what they maintain it to be. Also with regard to -- I accept in music or in athletics individual training or support can come into it, but I don't see that should necessarily be dealt with in isolation nor should that isolation be of itself a good thing. At present we would be looking to groups using our premises have to have two adults present.

BY LORD CULLEN: When we talk about accreditation and vetting I take it we are talking about that being done of the person who is the provider or the organiser as opposed to every single person who is working with that organisation? - Absolutely. Within the Code of Practice clearly you would wish to see the way in which the others were.....

You may do that under the appropriate conditions, referring to some Code of Practice? - Yes.

EXAMINATION CONTINUED BY MR. LAKE: How would you propose to vet persons and organisations? - We would intend using the discretionary capacity to have a criminal records check. We would have the resources of the SCRO, interviews with Council officers or Community Services, and there would be an assurance that they were going to abide by the Code of Practice which gives the capacity in resource terms for monitoring all features of the work with them in terms of inspection.

What would you be looking to detect in the course of that vetting. Who would you hope to weed out? - The Code of Practice will set out certain approaches in terms of the way we would expect that activity to be run along with the normal safeguards, and there will be other advice in regard to the Code of Practice in terms of equality of opportunity and respect and esteem for children. We mentioned earlier the paramount importance of parents having opportunity to make their views known, /

known, and we need to do everything in practice in regard to allowing children's voices to be heard, taking children's points seriously. We would wish to do this with regard to best practice for us. It is one way in which children should be treated with respect.

How would you propose taking into account the views of parents and the views of children in such a vetting procedure? - I don't think in the initial vetting and these matters of attitude and developmental issues you will be able to take them into account. I think vetting covers the necessary conditions of general support or further inspection or work with different groups as part of the community support and ensures a sufficient condition to make sure that we can still be exclusive and are not increasing the capacity to have further people alienated or people who may wish to volunteer their support being put off by the measures being introduced.

What degree of manpower do you consider would be necessary to institute such a system in respect of activities carried out in Stirling? - I think at this early stage I really wouldn't want -- I hesitate to guess at that, because I think it is -- it would be much more important the activity is properly balanced and whether or not there is a need for an additional framework that our Council can operate. I think it is interesting in terms of the way Chapter 10 of the '89 Act is operated, child minders will sometimes be denied that status because of developments such as the -- on the developmental side, whatever the criteria of a fit person in terms of how they approach children and so forth, challenges in that area are much more difficult. There was one famous case I think south of the border of a child minder who was de-registered for smacking children, and she took the Council on and challenged the Council and won. So I think it is important to get a framework laid before we would be in a position to assess what the implications would be. Nevertheless I think if we are going to do it properly in terms of serving the community we should do it -- lessons learned, and it will have to be provided with resources and so on and we will have to set certain codes which do not lead to a significant diminution in activity.

Do/

Do you think an accreditation scheme would work apart from there being the vetting scheme you have just described? - I think it would be possible for it to work. I think it is an issue which should be fully explored. Clearly any Council officer wanting accreditation works through the Council but others may have different views, and there is nothing about accreditation of itself that means that duty need to be given to Local Authorities; there are other national areas where it can be done. I think what is clear is it would be of assistance to parents if they were clear what standards would apply for children's work if they were to accept that description.

How would you see an accreditation scheme working? - Again I think it would come back to the notion of a clear Code of Practice in terms of what was available for affiliated organisations, national boys' clubs, uniform organisation and others to make information available which the local organisations can tie into.

Would/

2.30 p.m.

Would the effect of what you have described not be to shut people out who were not part of a national affiliation or registered with a training body? - I am indicating that merely in terms of a code of practice it would seem appropriate that people should be encouraged to take training and that training should be available.

Yes? - In terms of best practice, in the community training service throughout Scotland youth leaders would be attracting people and giving them training, but they wouldn't leave them as part of a team to take unsupervised activities until they felt that they were ready so to do. It is not a case of using that system to close people out; it is using the system to involve people and give them an opportunity to follow their volunteer impulse.

Once people have been accredited or approved what steps do you envisage would be required to maintain the standard provided by that person? - I think ideally there should be the resources in the activity for an inspection, as well as the case of a user committee, parental involvement and children's complaint procedures should be ongoing procedures that the thing is subject to, consumer pressures, as it were.

This is something you envisage applying to premises let from the Council only, or do the Council have a general responsibility within this area? - Clearly this relates to Council buildings. I think it is important to point out that that would not cover all buildings used for these purposes, because there will be village halls and similar buildings that will have been granted and funded and run by local committees, and there will be Scout halls and others where when they are not used for the Scouts they would also be let to different classes. What I have been describing would apply in the first instance only to premises run by the Council, and it is then inherited from region to district.

Do you consider it would be possible with resources for the Council to provide the same quality assurance in relation to non-Council premises? - I think in terms of the schools and the/

the issue which has come up it is important for there to be reassurance about any activity, but whether it is appropriate that that be for the Council, I think it would be more important to work that through.

You have referred to a code of practice. Does such a code exist at present? - A code of practice has been introduced and adopted by Stirling Council, yes.

When was that? - The first consideration was by the Community Services Committee on the 12th March, and the code of practice was first looked at on the 8th May, and there was a further briefing report at the most recent meeting of the committee.

Perhaps I could refer you to a document which was handed out immediately before lunch. It is headed "STIRLING COUNCIL COMMUNITY SERVICES. COSLA: CULLEN INQUIRY": do you have that? - Yes.

Have you seen this document previously? - Yes.

Would you turn to the third page of it? It has actually got the number 13 at the top, so it has been extracted from something else. Do you see that as a Minute of the Stirling Council Community Committee? - No, it is not a Minute, it is the report that would have been placed to the Committee for their consideration.

In paragraph 1.1 there is reference to the fact that the Committee Paper was presented on the 12th March. Is that the one you have referred to? - Yes.

In No. 2 there were certain recommendations. Could you read these recommendations out? - "It is recommended that: The Working Group continues to review and research Community Use of Schools and presents a revised letting policy to the next meeting of the Community Committee. The existing letting scheme remains in operation until 31st July, 1966. The implementation date for the revised letting scheme/

scheme is 1st August, 1996.

Vetting procedures as outlined in Appendix 2 should be implemented immediately for all halls, centres and schools. The Working Group continues to research centralised letting procedures and makes recommendations to the next Community Committee on the possible implementation of a pilot scheme".

If I could refer you to the section headed "Appendix 2, which is four pages on from that, is that the vetting scheme which has been referred to? - Yes.

Can you read out the recommendations? - "It is recommended that the following vetting procedures to be incorporated into the letting scheme:

Anyone working with young people under the age of 16 should satisfy the following procedures:

- (1) Complete SCRO check.
- (2) Provide two references.
- (3) In the case of a sports group, instructor/coach must have the relevant governing body qualification.
- (4) Go through an interview procedure with nominated Council representative(s).
- (5) A code of practice should be issued to individuals taking out lets. This code of practice would recommend that it would be desirable for all activities organised for young people under the age of 16 there should be at least two adult representatives in attendance".

Is that a scheme which is to be introduced in Stirling Council fairly shortly? - Yes, as described in the recommendations.

BY LORD CULLEN: Is the code of practice you referred to already the code referred to in paragraph 5? - Yes.

So it is in existence already, is it? - It is in existence and has been introduced, yes.

Is there a text one can read? - Yes. At the stage when this submission was made it was still being revised.

But/

But it has been finalised since that time? - That is correct.

Is this document, Appendix 2, referring to the vetting of everybody who works? - We are talking here about volunteers.

There was a distinction drawn earlier between the organiser and those working with the organiser. Is this to cover the organiser or is it to cover everybody working as part of the team of the organiser? - Ideally it will be to vet all those who are working.

Is there some doubt about this? - No, but I am sure in terms of making sure there is a balance -- we would be vetting the providers and....

You would be vetting the providers? - Yes.

You say, however, this is intended to go on to deal with everybody working to the provider, as it were? - Yes.

EXAMINATION CONTINUED BY MR. LAKE: It refers to here young people under the age of 16. Do these guidelines apply whenever there is to be a child under 16 in any group, irrespective of how many adults are to be present? - I think it would be difficult to be exact on that. In terms of the speed with which these matters were thought about -- I am quite sure we could come up with examples in terms of church groups and others where there was a predominance of adults, where it would be simply bureaucratic to implement the procedures. The intention behind them is where the activity is for under 16's rather than an activity where an under 16 may happen to be present.

You have previous made reference to chapter 10 of the Children's Act, 1989 and the registration requirements which exist. To which situation do these requirements apply? - They apply to children under 8, and in certain categories, although the provision will divide the powers between mandatory and discretionary. It includes less than two hours per week, or at present less than six, then checks will not take place, although the Government has been recommending a proposal/

proposal that the six should be extended to 60.

That would mean that anyone who was supervising children for fewer than 60 hours per year would not have to be registered? - If the Government's recommendations were accepted. At present it is six.

Part of the scheme proposed is that you should have access to a complete SCRO check, from the SCRO computer?  
- Yes.

To what extent are the Council able to carry out such searches at present? - The capacity for such a search to be carried out for purposes of chapter 10 of the Children's Act, that is within the scheme of delegation to the Director of Education, as I have responsibility for children's services. As well as that, in terms of scrutiny of those who have substantial access to children, Education and Social Services can access it.

Yes? - There is a flaw, however, in that previously Leisure and Recreation Services of the District Councils could not access it, so it will be a matter of serendipity that if Leisure and Recreation happen to have merged with Education they can access quite easily, but if, as in Stirling, a separate Community Service is set up they would have to route their inquiries through the Education Service rather than being dealt with by the Director of Community Services, which seems inflexible.

Do you have any other proposal whereby you may obtain information from the police not contained in SCRO files? - Clearly there is the opportunity for normal good liaison, but not officially.

CROSS-EXAMINED BY MR. CAMPBELL: I wonder if I could ask you a few fairly general questions? Am I right in understanding that an appropriate safety or security regime is likely to vary from school to school, at least in detail? - I think that is the case.

So do you favour what I think is a common theme of many of the submissions which have been made to this Inquiry on this subject, the policy/

policy of safety audits or risk assessments being carried out for every school? - I think there is benefit in that, but I think it is important that it should happen within a framework of guidance from Government and best advice, not least on matters of design and sharing of risk factors.

Yes? - Perhaps in terms of the Scottish commentary on the publication of school security, it is disappointing that a role in that area is not necessarily envisaged.

So the idea might be that in due course every school, whatever it might be called, would have its own security plan? - Yes, absolutely.

Derived from a process of risk assessment or safety audit, whatever you might want to call it? - Yes.

That plan would then require to be implemented, I take it? - Yes.

And would you see merit in the plan being reviewed, perhaps on an annual basis? - Of course. All schools have policies. I think it is appropriate a school has a policy for matters of security. In the circumstances we find ourselves in, the idea is that there should be a heightened awareness with regard to these matters. So yes, the review of a policy would be part of a normal best practice issue in school.

At the moment we are not talking about that, we are talking about a security plan, a written-down document setting out what should be done to provide adequate security for a particular school, a plan derived from the process of risk assessment, a safety audit. Do I take it you are in agreement that if and when such a plan was in place for each school the plan itself should be subjected to periodical review? - I think what you describe I would be happy to consider as a policy. I think we are into a semantic difference. Yes, I do.

In terms of the process of risk assessment in the first place, plainly there would be value in an input into that process from those with expertise in education? - Yes, I have already/

already stated I think there are a number of people may have expertise, and that is why that has happened within a framework of guidance.

Would it also be in your view appropriate that persons with expertise in security are involved in the safety audit or risk assessment of a school? - Yes.

Anything else? - I think that these matters should be taken forward by those with the technical expertise, by those in education, because they know how they wish a building and the activities therein to function, and some of these matters should be considered within general community considerations of safety.

So presumably the national guidance you mentioned a moment or two ago amongst other things would identify those organisations who should be involved in the process of risk assessment for each school? - I think that would be of assistance, yes.

So far as implementation of the identified recommendations for any individual school is concerned, you have mentioned resources a number of times in the course of your evidence? - Yes.

Would it be important that provision was made to deal with the resource implications involved in what we are talking about? -

I/

2.50 p.m.

I think that is absolutely important. I mean, I think that there is a need to keep in balance the public expectation and need for reassurance in this area with the resources that can be made available. It has got to be seen in context; as an example, Stirling Council is facing a 20 per cent reduction in its capital capacity and capital minor practices as well and this is a reduction of £100,000 of a budget which was already looked at as already under-resourced so I would be more comfortable taking this issue forward with monies made available, specifically made available by Central Government.

Monies made available by Central Government? - I am not aware of any other source it would come from; that is where most of the funding for local government comes from.

So the broad scheme which you would endorse, am I right, would be that in due course, hopefully sooner rather than later, identified security recommendations would exist for, and let's just take your area, for schools in Stirling Council? - Yes.

The Stirling Council area? - Yes.

You were asked as to whether Stirling Council presently have a policy for school security, and the answer to that question is no, is that right? - Right, as previously stated at the beginning of April I asked schools to review their practises and gave them a number of questions to consider that I thought would be considered in calling for a policy.

You have previously worked with Strathclyde Regional Council? - That is correct.

Do Strathclyde Region have a policy for school security? - As things commenced with other authorities they were considering these matters, again with the context of risk assessment and I am aware of certain initiatives they took, I am aware of discussions that we were asking them to consult with teachers, no less following the events in Cleveland but no, not as such, I am not aware of any policy specifically of security as you have described.

What/

What about security more generally; going back to Stirling Council does Stirling Council have a security policy in relation to its property -- libraries, leisure and recreation facilities, etc.,? - Clearly there will be security measures in terms of the building, I am not aware of any document that would be covering advice in the way that this security should apply to all the buildings that happen to be owned and run by Stirling Council.

Does an authority such as Stirling Council or did an authority such as Strathclyde Regional Council employ its own staff to implement security in buildings and property? - I am aware that in parts of Glasgow where security personnel were employed because of the extent of damage and theft within the community.

So this would be on a somewhat ad hoc, as a need arises, basis? - Presumably initially it was felt it was not an ad hoc basis but it was based on the assessment of risk as they perceived it and felt it money well spent because of the significant reduction in vandalism that was achieved.

So is it fair to say that the whole issue of school security, despite the fact that schools have been around for such a long period of time, still is in its infancy so far as policy-making is concerned? - I think that is correct but I think it is the case that schools require to..... it is unfortunately the case that schools are having to address with some alacrity the matters that we are discussing.

You have mentioned matters which are now being viewed in relation to Dunblane Primary School and you have talked a little about the new Newton Primary School; can I ask you for your view, if you have any, on outer perimeter fencing? - There will be outer perimeter fencing 5 feet high at Newton Primary School, we are still considering the issue of site development at Dunblane and that matter will come on the agenda at a later stage. Again it takes us back to what we were discussing earlier and that this is an issue that can be considered on a school-by-school basis.

Plainly security doesn't begin at the door to the building itself, security must cover the whole/

whole of the school property so the area within the boundary of the school must be considered from the point of view of security of children and those at the school, am I right? - Clearly intrusions in schools are more likely to have happened in the grounds and that is one of the reasons why the authority has introduced playground supervision.

Leaving aside the capital and revenue expenditure and the like would you envisage Stirling Council's policy in this area, once it is in place, covering matters such as staff security awareness and property management procedures and the like? - Absolutely.

And training in these matters? - Yes, certainly there will be training and further awareness received and discussed with head teachers in the autumn time.

Again, sorry to mention what is a point of detail, but am I right in understanding that consideration can be given to doors which at least in general open only from the inside? - Yes, that is correct -- the number of such doors alarmed have been increased in Dunblane and there will be a number of those doors in Newton and they will swing shut again after use.

CROSS-EXAMINED BY MR. GIBB: I wonder if I could try and canvass with you two separate aspects -- community schools, how are they different from ordinary schools? - I am not best placed to comment on that because although I have some knowledge of that I have no practice of working with them but it is my understanding that community schools have additional resources in terms of staff in order that the facilities can be made available for educational and recreational purposes for longer periods, so they will operate a different regime but I have no particular background on that.

CROSS-EXAMINED BY MR. TAYLOR: There are a number of measures which can be taken to improve security in schools, is that a fair comment to make? - Yes, absolutely, yes.

Some of them will be fairly expensive and others will be less so? - Yes.

One/

One reaches a stage where society has to decide how much it is prepared to pay in order to achieve the security desired in any given school?

- Yes.

And that would be something which a risk assessment could address? - It is something in which a risk assessment could be made in time to determine what steps can usefully be taken to handle the risks that are available, but you are right.

In an exercise one would be balancing the cost of the particular piece of equipment with the benefits which might accrue from it? - I can't see any other way to do it.

In the consideration which was given to the security system at Dunblane following the incident was any thought given to a system whereby the entry to the school was obtained by the use of a fingerprint? - Not that I am aware of, I wasn't involved in all of the discussions.

Do you see any merit in such a system whereby all attending at the door of a school, a person seeking entry simply puts their fingerprint, a pre-determined finger, against a detector which would already have on the database an imprint of that fingerprint? - I can see merit in a number of systems but given that the system put in is individual electronic keys and if any of these keys are missing can immediately be programmed out, I am interested in learning from that but there is nothing to suggest that your proposal would not have merit.

You see, such a system would also have the advantage that in the event of there being another disaster the authorities would be able to identify those who were the victims very much more readily because they would have the fingerprints already on the database; do you see that as a potential advantage? - I am struggling with this because clearly many of the victims here would not necessarily have been fingerprinted to give them access to the building premises but I certainly accept the point you are making, that we need to look at management information to how we can deal with issues of identification better than the way we did on the 13th of March.

Were/

Were there to be a problem with either a teacher or children at the school the fingerprint is stored on the database which would not only give them access to the school but further assist in identification? - It is not an issue I have been asked to consider before; I think it would have some ramifications and difficulties. I am not as yet from your point convinced of its advantages.

What do you see as its disadvantages? - In terms of having a simpler system, why you would wish to enable children within the school to be able to access the premises other than under the supervision of the teacher, even if that were the system that was operating during school hours; I don't see that as being necessary for the efficient running of the school; no, I am not necessarily convinced that the distribution of fingerprints would be necessary to take forward the matters which need to be made in terms of identification.

LORD CULLEN: Before you leave there is one point I would like to raise which I did raise when I asked questions earlier and that is the matter of existing legislation of the Health and Safety at Work Act. I am not clear, does it apply in the case of schools and if so how is it implemented.

MR. JONES: We had a very busy lunch time, sir, and unfortunately it wasn't long enough to find the answers to the questions I think you had in mind.

LORD CULLEN: Perhaps I could list what the questions are; first of all, does the Health and Safety at Work Act apply to a school such as the type we have been dealing with here. Secondly, does it have any relationship to the hazard represented by the present type of case where some intruder has caused grievous injury to people in the building, and thirdly, by what means is the Health and Safety at Work Act and the regulations implemented because if it does apply there should be a policy and there should be a risk assessment already in existence. That is why I asked that question, to find out what was already in place.

MR. JONES: I understand that and we are looking at it and as soon as we have the answers you will be informed.

JAMES/

JAMES GARDINER, Sworn,

EXAMINED BY MR. LAKE: What is your occupation? - Retired.

What was your former occupation? - Local Government Officer, Youth and Community Officer, maybe is the title.

Did you have experience as a Youth and Community Officer dealing with the letting of premises, school premises, outwith school hours? - Yes.

Just to be clear, when did you retire as a Youth and Community Officer? - 1993.

We have heard some evidence this afternoon about proposed changes in letting premises by Stirling Council and the question I would like to ask you is in relation to that policy that existed previously. Could you have in front of you a number of documents which will be found under the reference DDH322 and I think these are to be found in folder J(Other). Perhaps it would be easier if I could refer you to document D6 within folder J(i). I understand that there is some convenient reference in J(i), if reference can be made to D139 within J(i).

Looking/

3.10 p.m.

Looking first at that bundle, that is a bundle of applications for the use firstly of educational premises and also for the Educational Service minibus? - Yes.

Are these typical examples of such applications for use? - Yes, they are.

I think you see in respect of each of them that they are all prepared by Thomas Hamilton, and seek the various things to which they refer? - Yes.

On the back of the various documents do you see printed terms and conditions? - Yes.

In respect of the applications being made, it is headed on the reverse of that document "Conditions of Let"? - Yes.

Are these the only conditions of let that would have applied to persons seeking the use of educational premises? - I am not sure what you mean by that. These were applied to each person who made the application.

By signing the application form on one side they were accepting the conditions on the other? - Yes.

But there was no other condition to which the person was subject? - Not really.

LORD CULLEN: Are these conditions printed in the file we have?

MR. LAKE: I think there has been a one-sided copy printed.

LORD CULLEN: It looks like it, yes.

MR. JONES: I think in D6 in Volume 1 there is an example of such an application.

BY LORD CULLEN: Yes. I notice that form is a 1983 form. I don't know if these are the current conditions. Did they change over the years? - Yes, they have changed two or three times over the/

the years. This is probably the current one, because it is dated 1994.

MR. LAKE: I will make available a full set of reverse side copies for the full Production 139.

LORD CULLEN: Presumably they are all the same?

MR. LAKE: Yes, as long as everybody agrees they are the same.

EXAMINATION CONTINUED BY MR. LAKE: Would it be fair to say these are aimed predominantly at preserving the premises from harm from persons using it? - That is correct.

There are some details there regarding two questions under the Licensing (Scotland) Act, if anyone is wanting to hold an event at which alcohol is to be consumed; is that correct? - Yes.

Anywhere within the conditions of let is there any attempt to impose a vetting requirement on the person who is organising the event to take place? - No. On the other side of the form there is a space for the responsible person, so we assume that would be the person who filled it in.

That refers to paragraph 5 of the conditions of let? - Yes.

That reads "The lesees will nominate a person who will be deemed to be the 'responsible person' in respect of any let. The lesees shall be obliged to advise the Council of any change in the responsible person, as may occur from time to time throughout the currency of the let"? - Yes.

Is that merely intended to make a person who must answer to the Council, or is it intended to denote some quality to be applied to that person? - The person responsible would be the contact person for the janitor of the school, the caretaker or officer who would have contact with that person, and who would be responsible for the general wellbeing of the organisation within the premises.

It is not intended to suggest there will be/

be any categories of person who are not suitable to take on the let of the premises? - No.

If you look through there to one of the applications for use of the school minibus, the same is largely true, in that there is no particular requirement as to the bona fides or suitability of the person using the minibus? - No, other than they must be the holder of a current driving licence.

The same in relation to safety. There is also a requirement about not consuming alcohol prior to driving the Council's vehicle? - Yes.

Were these the forms still in use at the time you retired? - Yes, they were.

Could I refer you now to Production D6 within Volume J(1)? Do you see that is an application for the let of educational premises in respect of Dunblane High? - Yes.

What date is that application? - The date of the application is the 27th May, 1983.

Just beneath the box in the centre there is typed "Confirmed 6.7.83. p.p. J.G.S.K."? - Yes.

Who do those initials refer to? - The "JG" is probably myself and "SK" is the clerical assistant at the time.

On the reverse of that, which has been photocopied as the next page in the folder, that is headed again "Conditions of Let"? - Yes.

Referring back to D6, do you see also beneath the table there is reference to applications being sent to the "Clerk to the School Council/ Manager of Centre/Principal of the College"? - Yes.

Are these all means by which an application might be made for the let of school premises? - Yes.

Was there any means of centralising applications for lets to the Council? - No. It was a local issue. The diaries were kept locally.

Was/

Was that the same up till the time you retired? -  
Yes.

What sort of checks were carried out of a person seeking to apply for the let of educational premises while you were employed with the Council? - There were no lets as such, the application came in, and if the space and the premises were available then the lets were confirmed.

Were there ever any checks made on the applicant?  
- None at all.

Did you ever have any dealings with the Council for Dunblane High School? - Yes.

Were you aware that Thomas Hamilton sat on that Council? - Not when I was employed, no.

No cross-examination.

MR. LAKE: Dealing with the issue of the scrutiny of applicants for various posts, this may be an appropriate time to remind you, sir, that during the evidence of the Chief Executive of the Scouts, Mr. Shelmerdine, he was asked questions regarding the success rate in determining persons who might not be suitable to act as leaders of the Scout Association, and he indicated he was unable to provide that information, but would seek to do so. We have now had a letter from Mr. Shelmerdine, and rather than recalling him as a witness to the Inquiry I will just read out his letter. It starts: "I have been in touch with our UK Records Office based in Lancing, West Sussex, to seek the information requested.

"The Association does not keep exact statistics on the number of confidential inquiries (requests for vetting) it receives. Neither does it record the exact total number of checks that result in a report that an individual is unsuitable.

"However, the Records Secretary, Mrs. Win Trott, has provided me with the following information based on many years' experience as head of the department.

"The Association current checks (vets) about one thousand individuals per week. These are checks/

checks on individuals who may have substantial access to young people. It includes parents, helpers and instructors.

"The Records Department also receives 400 plus warrant applications per week. These are for specific appointments such as Scout Leader, Cub Scout Leader, etc. A check is also made before these warrants are issued. This is done even though a check must have been made by the local District Scout Council before a warrant is applied for.

"However, this original check may have been made two weeks, two months, or even two years previously.

"Adults often help out for a period of time before they apply for a warrant for a specific warranty appointment.

"Of the total number of individuals checked weekly, the Records Department usually identified approximately 15-20 individuals that require some follow-up action.

"We should emphasise that these individuals do not necessarily refer to someone who is totally unsuitable to work with young people.

"The report may refer to an individual whose previous service was not entirely satisfactory in a particular role. Some queries may appear to refer to someone named in a recorded Press cutting of offences against children. Further investigation may show that this is not the same individual.

"There is a fluctuating number of individuals that has to be further investigated through the year.

"On average, Mrs. Trott believes that the Association probably identifies 5-6 individuals per month as being totally unsuitable for working with children.

"Please let me know if you require any further information or clarification of the above".

My next witness, sir, is William Cole.

WILLIAM/

WILLIAM REGINALD COLE (59) Sworn

EXAMINED BY MR. LAKE: I live in Tullibody.

I think you are presently retired? - Yes.

What was your previous occupation? - Mechanical Engineer with the National Coal Board.

I understand you are a member of Stirling Rifle and Pistol Club? - Aye.

What premises are used for that club and its shooting activities? - The premises used are within two ranges, one at Whitestone and one at Blair Adam, I think it is called, up in Kinross.

Who whose those ranges? - The Ministry of Defence, I believe.

What arrangements does the club have for using them for its own purposes? - We rent them out.

How long have you been a member of the Stirling Rifle and Pistol Club? - I think about 23 years.

Have you had any involvement with the Committee of that club? - Yes.

What is that involvement? - I was the armourer for the club for approximately 12, 13 years.

When did you start being the armourer, roughly? - I gave up approximately a year and a half ago. 12, 13 years ago.

What duties would fall to an armourer? - I was in charge of the club weapons and ammunition.

What do you mean "in charge of"? - I kept them in my premises at home.

Does the club have any premises of its own? - No.

What/

What were the club weapons? - A .22 revolver, a .357/38 Special, a .22 rifle and a 303 rifle.

The .357: what kind of weapon was that? - A revolver.

Was the club able to acquire any further firearms? - Yes, with police permission.

Did it hold permission to enable it to acquire more any time it liked? - I think there was a .308 rifle and a 9mm, but I am not sure about that.

Was the club entitled to hold ammunition? - Yes.

How much ammunition was it entitled to hold? - Offhand I couldn't tell you exactly.

Perhaps I could read out from your statement, and you can confirm if this is correct. For .22 calibre they were entitled to purchase 10,000 rounds and possess 10,000 rounds? - That would be approximately right.

In respect of 9mm calibre, to purchase 5,000 and to possess up to 5,000? - I think that was 500. It could be 5,000, but I think it was 500.

In respect of 38/357 calibre, to purchase 5,000 and possess 5,000? - Right.

In respect of .303 calibre, to purchase 1,000 and possess 1,000? - Right.

And in respect of .308(762) calibre, to purchase 1,000 and to possess 1,000? - Yes.

You said the 9mm calibre might only be 500? - Yes.

Why would it be lower than all the others? - I didn't have a weapon. There was not a lot of people in the club wanted that calibre.

So/

3.30 p.m.

So persons coming to the club would use 9 mm ammunition? - Correct.

In respect of the ammunition where was that stored?  
- In my ammunition safe at home.

Did you just take it to the club whenever it was required on club night? - Yes, correct.

How often did the club meet? - Once a month I believe at Whitestone and whenever they could I think at Blairadam.

That would be over and above Whitestone?  
- Yes, we also shoot at barracks down at Forthside. I believe that was every second Wednesday, which was another range we had.

There was a club meeting every fortnight? - Yes, roughly.

How many members would turn up for these meetings? - It varied from 20 to 40, something in that range.

Did everybody turn up to shoot or did some come to meet people? - Most came to shoot.

Was everyone who turned up to shoot a member of the club or were some visitors? - Some visitors, some guests.

How many visitors could you get at an average meeting? - Sometimes none, sometimes two.

And would these be people who had just visited the club or would they already know someone who was a member? - They would be people who would be coming to join, you know; they were classed as a visitor before they were allowed to have an application form to join.

Were they entitled to shoot at the club without being a member? - Yes, under supervision.

The supervision of whom? - Myself.

Was that in your capacity as club armourer? - Yes.

For/

For how long were they entitled to shoot as a visitor?  
- Three shoots.

And then what would happen? - They would be asked to join.

What was involved in joining the club? - An application form.

Who would they apply to? - The Secretary, I believe.

What requirement was there in filling out the application form? - Name, address and two members of the club to countersign it.

After the form was submitted with the two referees in that way would the person become a member at once? - I think there was a six months probationary period before you would become a full member.

What was the purpose of the probationary period? - To make sure they were safe to handle a gun, a suitable person to be handling a gun.

You were talking both of your supervision of a visitor as an armourer and the proposed period of safety; what sort of things were you looking out for in a person which would indicate that they were not suitable? - Whenever I told anybody what to do from the very start I expected them to carry it out and not to walk off the firing point without a weapon, without it first being checked, without pointing the firearm up the range all the time.

If someone was waving a firearm about what would that signify? - I would immediately take it off them and send them home.

Is that what you would do in that situation? - If they were a visitor, yes. If they were a member of the club I would put it to the committee for their discussion.

What might happen after the discussion? - They would be asked to leave.

If they were asked to leave would that be notified/

notified anywhere else? - Not that I know of.

There would be no information to the police that they had been ejected from the club for unsafe practices? - Not that I know of.

Were/

Were you involved in this committee discussion regarding anyone engaged in unsafe practices? - Yes.

Where people were ejected from the club on that basis? - Yes.

How often might someone be ejected from the club on that basis? - As far as I know in my time once.

That is in the whole of your time at the club? - Yes.

What had that person done which required him to be ejected from the club? - He discharged a weapon in the ante-room and laughed about it and said "It's okay, it is blank" and I immediately asked him to go, not in these words I might add.

We have heard a person attending the club might purchase ammunition from it; if someone wanted to purchase ammunition from the Stirling Club who would they approach? - Me.

What formalities do you take before selling a person ammunition? - I had to make sure they had a firearms certificate and enter the amount into the firearms certificate.

Did everyone shooting at the club require to have a firearms certificate? - No.

What would someone do if they were to buy ammunition and didn't possess a firearms certificate? - If they didn't use all the ammunition they would write their name on the box and give it back to me.

Someone who didn't have a firearms certificate could buy it but give it back to you? - Yes.

Was there any way of monitoring whether a person had used all their ammunition? - I would usually stand next to them and I knew what they had fired.

Are you aware that Thomas Hamilton attended the Stirling club? - Yes.

When/

When did he first attend? - Approximately 10 years ago.

Did he attend at a visitor at first? - Yes.

Did he attend with anyone? - I don't know, I can't remember if he was brought up by any member or not; I know I was asked by the then President to go and make sure that he was a safe gun.

Did you? - Yes.

Was he? - Yes.

Did you form an impression as to whether or not he had used a firearm before? - Yes.

Did you think he had or he hadn't? - He had.

What led you to think that? - The way he was talking about it.

What sort of things did he say? - "I know about double action, I know about single action, this is a handgun".

You were satisfied as to his safety? - At that time, yes.

You say at that time, do you have.....? - Now I am not.

Leaving aside what happened in March did you have any reason to doubt Hamilton's safety with a gun? - No.

Did he attend the club regularly? - As far as I know, yes.

Has that been throughout the time you were at the club? - Yes.

In particular between the years of about 1988 to 1995 did he attend? - I wouldn't say he was at every shoot, no, but he did attend.

Did he purchase ammunition from you during/

during that period? - I wouldn't swear to it, I can't tell you aye, I can't tell you no.

If he did purchase ammunition from you a record would be available of that? - It would be on his firearms certificate.

Just to be clear about this, if someone who has a firearms certificate buys ammunition from you and uses it on the range that day would that require to be entered into his certificate? - I don't think so in law, no, but if he came and purchased an amount from me I would put it in, I always put it in as course.

Is that always the practice? - Yes. All the ammunition, I would put it in the certificate and write on it.

Are you aware whether or not that same practice is carried out at other clubs, that it is always written on it? - It should be.

Do you think it is a matter of good practice rather than legally advised? - Yes.

We have heard earlier that some persons choose to use their own ammunition, reconstituted ammunition rather than purchased ammunition; can you remember what sort of ammunition Hamilton used? - No, when he was shooting with a .22 it was bought ammunition, it wasn't tailored, manufactured.

Is it common or uncommon for persons to use ammunition which they reconstituted themselves? - Very common.

Is it a common for a person to use purely purchased ammunition? - If he doesn't have the means to reload his own, yes, he has no option.

What is required to reload ammunition? - A press, a set of scales and obviously the requirement to make the bullet.

BY LORD CULLEN: Could you give me some idea as to the cost of this equipment leaving aside the raw materials? - The press, I believe it was £84 for my one, £40 something for my scales to measure the powder.

Are/

Are these up to date prices? - No, quite some time ago.

You don't know the current prices? - No.

EXAMINATION CONTINUED BY MR. LAKE: Is the equipment bulky? - The press sits about 18 inches tall, you bolt it to a bench, the scales are about a foot long, very accurate.

Apart from the machinery or the equipment to remake it what is required as of raw materials to reconstitute ammunition? - A primer cap, powder, the bullet head and the reconstituted case.

The reconstituted case, is that what is left over after the ammunition has been used previously? - Yes.

Where would you obtain supplies of these things?  
- From a gun dealer.

Would you require a firearms certificate to purchase these? - No.

Did you form an impression of Hamilton during the time he attended the club? - He was pretty much a loner, he would stand to one side, he wouldn't come and join in the talk, you know at ceasefire and things like that, he would stand to one side.

Were there other people who did that in the club?  
- Not very many.

But are there others? - Yes, I suppose so.

You have mentioned that, I think, when Hamilton shot the .22 he didn't use.....he wouldn't have been able to use reconstituted ammunition; why is that? - You can't reconstitute a rim fired bullet.

Why can't you reconstitute a rim fired bullet? - It can't be done, there is no primer cap on a .22 bullet, it is struck on the rim; after it has been used it can't be used again.

What/

What is the difference between that and another bullet? - The primer cap of another bullet is right in the centre and can be removed and a new one inserted in its place.

When Hamilton first attended the club what sort of weapon was he shooting? - To my knowledge, none.

When Hamilton first attended the club I think you said that was 10 or 11 years ago what calibre of gun did he use? - It was the club's .22.

He used the club's .22? - Yes.

Did he always use the club's .22? - No, other people would loan him weapons.

Did he switch from using the .22 to using other calibres? - Yes.

What other calibres would he switch to? - .9 millimetres as far as I know.

Any others? - Not that I know of.

Are all the ranges used by the club able to accommodate all calibre of weapons? - Yes.

In the early days of Stirling Rifle Club was it possible to shoot all calibres of weapons? - As far as I know, yes.

During that period has there been any move from using small bore, a general move from using small bore weapons to using full bore weapons? - No.

No more common today than say 11 years ago; have there been any new sporting events arisen within that period? - Sporting events?

Pistol events? - I believe practical pistol is a new one.

If someone first attended 15 years ago what sort of event would they be engaged in? - Target shooting with a revolver or automatic pistol.

What/

What exactly do you mean by target shooting? -  
A target facing you and you point and fire.

What sort of distance would the target be away? -  
From 10 feet back to 100 metres, 100 yards.

The distance would depend on the weapon? -  
Not necessarily.

Might you use a pistol at 100 yards? - Yes.

What size is the target? - A figure 11 I believe.

BY LORD CULLEN: What does that mean? -  
That is the type of target.

What does it look like? - A human being.

EXAMINATION CONTINUED BY MR. LAKE: 15  
years ago that was the sort of target that was used, was it? - Yes.

Was the target static or moving? - Static.

BY LORD CULLEN: Is it just an outline or is it more  
than the outline of a figure? - It is a figure in battledress that the  
Army use.

You can make out some sort of features? - Yes, a  
helmet and what have you.

EXAMINATION CONTINUED BY MR. LAKE: Do  
people ever shoot at circular targets or rings? - Yes, we take them  
ourselves.

What is more common say 15 years ago, simple  
circles or.....? - I would say both, they were just as common.

Is that still true today? - Yes, as far as I am  
concerned that is what I shoot at, both.

You said that the target shooting was what you may  
do 15 years ago; what other disciplines/

disciplines are available now? - We have got what is called practical pistol; I don't particularly like it.

What is the difference between that and target shooting? - You have to be more quick with your shooting.

Why? - Because that is the discipline that they have, you have two seconds to fire two rounds and things like that; I don't like it, I don't know a lot about it.

BY LORD CULLEN: Why don't you like it? - I don't have a weapon for a start, I only have a revolver; I don't particularly like automatic weapons.

EXAMINATION CONTINUED BY MR. LAKE: Is it necessary to have an automatic weapon to engage in practical pistol? - Yes.

Are the targets in practical pistol static or moving? - It faces you and then it turns away from you.

What is depicted on the target in practical pistol? - I think it is figure 11 again, an Army target.

Are any other targets used at the club at the moment? - We have got some deer targets and some wild boar targets, you can buy them yourself at different shops.

Are there any other three dimensional targets used? - No, not that I know of.

Do you use dummies or anything like that? - No.

Are you aware of them being used in any other clubs? - No.

BY LORD CULLEN: Do you shoot a police pistol? - Yes.

Do you take part in that discipline? - Yes.

What/

What do you use for that? - A .38 special.

A revolver? - Yes, a Smith & Wesson model 10, a police model 10.

Is that used on a turned target? - Yes.

EXAMINATION CONTINUED BY MR. LAKE:

When did you last see Hamilton at the Stirling Club? - I think it was about 18 months, maybe two years, something like that I last seen him.

In/

3.50 p.m.

In the six months prior to that how often had he attended? - I couldn't tell you exactly. Two, three, maybe even four or five times a year: I couldn't tell you.

Could it be he was not attending at all in that period, and that for about five years he didn't attend? - Possibly. I don't know. I was going through a traumatic time: my brother-in-law was dying from cancer, so I wasn't attending.

Then you recall meeting Hamilton either 18 months or two years ago? - Yes.

Can you remember where that was? - I think it was at Whitestone Range.

What sort of event was being carried out at that time? - Just the standard. Pistol shooting on standard targets.

Was Hamilton there with anybody? - I couldn't tell you. I don't know.

Can you remember what sort of weapon he was using? - I believe it was a 9mm Browning, but I am not sure.

What sort of targets was he doing on that? - Figure 11 and round hole targets

Can you remember what sort of targets Hamilton was using? - No.

Were you able to see Hamilton shooting that day? - Yes.

Did anything strike you as odd about Hamilton shooting on that occasion? - No.

Prior to that date had anything ever struck you as odd about Hamilton's shooting? - No.

CROSS-EXAMINED BY MR. CAMPBELL: You tell us that the Stirling Rifle and Pistol Club owned some firearms? - Yes.

You told us about them. Am I correct in understanding/

understanding that some people would come along to the club who did not possess their own firearms? - Yes.

So would such persons use firearms belonging to the club? - Yes.

Would those members of the club who did possess their own firearms sometimes use club firearms as well? - Yes.

And I dare say there would be others who only used their own firearms? - Yes.

You have told us that the club themselves owned four weapons? - Yes.

Can I take it therefore that that was a sufficient number of weapons to provide those who were attending and requiring to use someone else's weapon? - Yes, that is right.

So it was only necessary for the club to have for example one .22 Smith and Wesson revolver? - Yes.

How many people would use the range at the same time? - There is 12 firing points. If there were 12 people there 12 would use it, and if there were four people there four would use it. The maximum was 12 at the one time.

Let's suppose you have half a dozen people using the range at the same time. Would they all be using the same type of weapon or would they be using different calibres of weapon? - Do you mean a rifle and a shotgun at the same time?

Perhaps you could help me a little, because I am speaking from a position of some ignorance about these matters? - We shot rifle so long and then we shot pistol for so long. At one point everyone was using rifles, and the next time everybody was using pistols.

Is that because people were competing against each other? - No. You can't have people wanting to shoot rifle at 100 yards and people wanting to shoot a pistol at 50 yards.

Is/

Is it essentially a different thing, that they are testing their own ability, rather than competing against the man next to them on the range? - On the range it is just shooting for yourself. If you are in a competition you are shooting against the man next to you, to get a better score than him.

Let's assume everyone was using pistols: would they all be using pistols of the same calibre? - No.

I want to put a hypothesis to you. Let's assume nobody who attended the club owned their own weapons. How many weapons would the club need to possess in those circumstances to allow those who attended the club to use the facility? - I have no idea. How can I answer that?

How many people who attended the club did not own any weapons, in general terms? - Most people who are members of the club owned their own weapons.

Would most people own all the types of weapons they would need to fire? - No, that is why the club had other weapons.

But four was enough? - Yes.

So if for example you quadrupled the numbers and you had 16 weapons owned by the club, would that be enough to allow the club to operate, assuming there was no private possession of firearms? - I don't understand your question. I couldn't have kept that amount of weapons in my house, my own home.

I am not putting the questions very well. Forgive me. I will try again. I know this is an assumption, and it is a difficult matter, and if you cannot help me please just say. If we assume that nobody who was attending the club had their own weapons, do you think somewhere in the region of a dozen to 20 weapons owned by the club would be enough to allow the club to operate? - I suppose so. I don't see how that comes about, how you are getting that question, to be quite honest with you. It is like say a battalion of soldiers, how many rifles do they need.

Let's/

Let's just leave the reason for the question to one side. You are indicating that somewhere between 12 to 20 might well be sufficient? - No, I am not saying that at all: I wouldn't say that.

You can't help us with that? - No.

Now, you were the armourer of the club for a period?  
- Yes.

And you kept the club's weapons at home? - Yes.

What arrangements did you have at home for the storage of the weapons? - A lockfast gun cupboard with steel doors, steel lined.

For those of us who are not familiar with these arrangements, can you elaborate? - The rifles were kept in a gun cupboard with a chain through the trigger guard, padlocked, and the rifles had the bolts removed: the handguns were held in a steel pistol case, which was locked and bolted to the floor.

So if someone were burgling your house and they came across the gun cupboard would there be any way at all in which they would be able to steal those guns? - If they had an acetylene torch you could burn your way into it, I suppose.

So you were more than satisfied with these arrangements, that they were sufficiently secure? - Yes, and so were the police.

The police would come to inspect? - Yes.

Presumably it would be important that as the armourer you had satisfactory arrangements for the security of the weapons? - Yes.

And while you have said a moment or two ago that you would not be happy with having a substantial number of guns in the house, in principle would there be any reason why the gun cupboard facility could not have held more than four weapons? - You would just buy a bigger box.

Do/

Do you have guns of your own as well as the club guns? - Yes.

And do you use the same facilities for storing those weapons? - Yes.

How many weapons of your own do you have? - Five rifles and five handguns.

So when you were armourer of the club you held in the region of 14 or so weapons at home? - Yes.

You told us that to your knowledge one member of the club was expelled for discharging a gun in an ante room? - Yes.

Were you directly involved in that expulsion? - Yes.

Were you the person who expelled him? - Immediately.

Did you or any member of the club take any other action in the light of that expulsion? - I have already answered that question to that gentleman (indicates Mr. Lake). I said no.

I do apologise. You didn't inform the police? - No.

Did that man have a firearms certificate? - Yes.

The disciplines you talked about in relation to a police pistol and a practical pistol: do those disciplines require the use of a pistol, or could you use a revolver? - A police pistol 1 is a revolver competition; a practical pistol is for an automatic weapon.

Why is an automatic weapon required for that discipline? - That is the type of discipline it is. You use that type of weapon. I believe you have to drop the magazine out and insert another magazine and continue firing.

So rapid fire would be necessary? - Correct.

CROSS/

CROSS-EXAMINED BY MR. TAYLOR: When the club is holding a meeting does it keep any attendance record of those attending? - I think the Secretary does keep a record, yes.

And if there is a competition do you keep a record of those who enter the competition? - Yes.

When you sold ammunition to your members did you keep a record of their names? - No.

You have told us that you were unable on occasions to attend at club meetings due to personal circumstances? - That is correct.

When you were so incapacitated was it possible for members to acquire ammunition through the club? - No.

When you expelled the member from the club did it occur to you that perhaps you might draw the circumstances to the attention of the police? - No.

When was the expulsion? - Seven or eight years ago, at Forthside.

Did you not think at that time the police might be interested in somebody who was reckless with a firearm? - No, because it was a blank he fired; it was not a live round.

But it was sufficiently serious for you to immediately seek to expell him from the club, was it not? - Yes.

And although it was sufficiently serious for you to take those steps you did not think it was sufficiently serious to inform the police? - That was the decision of the committee.

That was not your decision alone; it was that of the committee? - Yes, to take no further action.

Do you think that was a responsible course of action?  
- If it had been a live round I would have immediately informed the police, but as it was not a live round, no.

BY/

BY LORD CULLEN: Can you tell me broadly speaking how many firearms would a typical member of your club have? - Anything from two to eight.

And within that range of two to eight would there be cases in which there was more than one gun of the same calibre? - Yes. I own two guns of the same calibre.

Well, let's take your case as an example. Are they precise duplicates, or is there a difference between them? - There is a difference between them. One is a complete target pistol, a .22 target pistol, and the other one is just a standard .22 pistol.

Can you speak for others? If they have got more than one gun of the same calibre are there likely to be differences, or will they be straight duplicates? - I would say most of them are different.

You have been asked certain questions about what it would involve for the club to replace the guns which are used. To what extent do the members of your club have particular modifications between one gun and the next? Are there differences? If you take for example all the guns which were 9 mm, are they all likely to be the same, or would there be differences in feature? - Different features will just be in relation to the manufacturer. It could be a Browning, a Smith and Wesson, a Luger, whatever manufacturer it is.

Does your club have any competitions where features are of particular importance, in other words where you couldn't go in for a particular competition unless you had a particular feature? - No.

When you keep handguns at home are they dismantled to any extent? - No.

Would it be practicable to dismantle them to any extent? - Very impracticable.

Why is that? - You would keep losing screws if you dismantled a revolver.

You have a pistol, don't you? - I have  
a/

a .22 pistol, yes. In fact I remove the slide and the magazine from that.

Do you store them separately? - No.

But you could obviously keep them somewhere else?  
- Yes.

And do you have any pistol apart from that? - I have a .357.

And that is a revolver? - Yes.

And I suppose that might be fiddly, would it? - Yes.

You were asked some questions from Mr. Taylor about keeping an attendance record. What categories of information would you put in that record? The date, presumably, the name and what else? - Yes. The date and the range is on the top of it, then you print your name, sign your name, and if you have a visitor they print and sign their name beside yours.

Would it be practicable if you wanted to do this to record the calibre of gun that is shot? - I believe you have to record the calibre of gun that is shot within the range log.

In terms of what is and what is not practicable, you could do that? - Yes. I believe you have to put in the range log for the Army's purposes. They want to know what calibres have been shot that day.

If the club wanted to know that you could obviously keep a record? - Yes.

RE-/

4.10 p.m.

RE-EXAMINED BY MR. LAKE: You said in your earlier evidence that you removed bolts from rifles? - Yes.

Were they your rifles or the club's? - Both my rifle and the club's.

Why did you remove the bolts? - Because they can't fire the rifle without the bolts, it is an extra safety precaution.

Where did you keep the bolts? - In a steel box.

Is that a separate steel box from the one in which the rifle was kept? - Yes.

Is that the same reason for removing the side magazine from a pistol? - Yes.

You said you had two .22 pistols? - Yes, correct.

I think you said that one of them was a pure target pistol? - Yes, correct.

What is the other one? - It is an automatic pistol.

What do you use the other one for? - Target shooting obviously.

That is precisely my point, what is the difference between the two of them if they are both going to be used for target shooting? - One is very accurate, the other one isn't so accurate.

Why is one so accurate? - Because it is designed that way.

BY LORD CULLEN: What is it about it that makes it more accurate? - You would have to ask the designer of that, I don't know.

When you bought it were there features advertised about it? - Your hand was actually moulded to the grip, it didn't slip around in your hand when you held it.

Is/

Is the barrel length the same in each case? - Four and a half inches against three and three-eighths inches.

Are the sights similar or different? - The sights are completely different.

RE-EXAMINATION CONTINUED BY MR. LAKE:  
And is this a speciality target pistol? - Yes.

It is a more accurate one? - Yes.

Why do you have the other one if it is less accurate?  
- I bought it first.

Do you still use it? - Yes.

Why do you use it if it is less accurate? - It is for the joy of shooting it.

Now, in relation to the purpose for having any pistol, it is for target shooting; do you understand that to be the only good reason for having a pistol? - That is the only legal way to have a pistol in Britain.

And that target shooting is going to have to be carried out at a pistol and rifle club? - Yes.

So if the person is to be expelled from the club he is left in a position effectively where he no longer has good reason for holding that weapon? - Yes, correct.

GORDON TAYLOR (35) Sworn

EXAMINED BY MR. LAKE: You are presently a detective sergeant stationed at Tulliallan Police College? - Yes.

How many years police service do you have? - 11 years.

Although you are currently at Tulliallan Police College am I right in saying that between March 1991 and May 1994 you were a detective constable within the Family Unit of Central Scotland Police? - Yes.

Did/

Did you carry out an investigation into the activities of Thomas Hamilton? - I did.

Could I ask you to have before you Folder I of the Productions? - I also referred to a copy of the report.

I think there will be a copy of that in the Productions. I'm going to ask you about certain of these investigations you carried out and in respect to what they were carried out and can I ask you not to identify the names of any persons in respect of whom an investigation took place? - Yes.

Could you look at document D3 in the folder? - Yes.

What is that? - It is a memorandum report from me to a Detective Superintendent, an internal police report.

We see it is headed "Thomas Watt Hamilton (39)" and it has his date of birth and his employment or his unemployment and his address? - Yes.

Under the heading "Antecedent history" you have a number of background facts about Hamilton? - Yes.

Do you see at the bottom of that paragraph, the last sentence, it is stated "Mr. Hamilton is the holder of a firearms certificate which is recorded, as per procedure, on the Scottish Criminal Records Office computer files"? - Yes.

Was that known at that time as the SCRO? - Yes, at that time.

Was it a routine matter to obtain that information in the course of the inquiry by the Family Unit? - Yes, it would be to check out the possible aspects of his background.

Was that with a particular view to the firearms or.....? - Mainly for a criminal record.

Looking over to the next page do you have a detail of complaints which had arisen in respect of clubs held by Hamilton at Denny High School? - Yes./

Yes.

In the second paragraph on page two you actually have a complaint by a parent who said her son had been attending this High School and that Hamilton had required him to change into ill-fitting trunks to perform gymnastic exercises? - Yes.

Do you see the next paragraph refers to that parent carrying out further investigations and attending at the school where she discovered Hamilton only with another boy, not her son, and that he was taking photographs of that boy? - Yes, that is correct.

How did you come to hear about that complaint? - The matter was referred or reported initially to the Deputy Chief Constable and, I believe, Dunblane Police Office; it was subsequently passed to the Family Unit for inquiry.

Was that reported by the parent? - The parent reported it to the local Councillor who passed on that information.

Did you speak to the parent? - Yes, I did.

When did you speak to the parent? - I have a copy of the statement that the parent made in my folder if I could refer to that, I have the date I took the statement from him, can I refer to that?

Yes? - I am sorry but I am actually a bit confused about the two, there was actually two complaints; the second complaint referred to a complaint through a Councillor, not this one.

Right, the first one on page two which is the 26th of May? - Yes.

Was that complaint made by a parent to the Family Unit? - Yes, that complaint was made to the Family Unit by the parent.

And did you speak to that parent? - Yes, I did, I obtained a statement from that person.

Is that really narrating the facts that you set out here on page two? - Yes.

As/

As well as the parent that actually made the complaint there did you speak to both parents of the boys concerned -- sorry, a parent of both boys concerned? - Yes, I believe from memory the first parent who found this child in the gymnasium with Thomas Hamilton reported the matter to the mother of the child who was in the gymnasium and she then..... I think she may have had some connection with the Social Work Department and it filtered through to the Family Unit in that matter and I then interviewed everyone.

Could I ask you to look at page three of that memorandum; you see there in the second paragraph starting about an inch down reference to a further complaint being received from the second parent regarding Mr. Hamilton's club which was held at Dunblane High School and the second parent's "Nine year old son attended this club and recently told his parents that Mr. Hamilton had called him away from the other boys at the club and took him into another hall. There Mr. Hamilton had caused the child to change into ill-fitting trunks, perform exercises which were photographed and at which time no other person was present. This complaint is completely unconnected to the matters at Denny and quite independent". It says the parent "Initially contacted her local Councillor, Mrs. Davidson, who passed the matter on to the Deputy Chief Constable, Central Scotland Police and Dunblane Police Office"? - Yes, that is the one I was becoming confused with here, that was the second complaint.

That was passed to you? - That is correct, yes.

And you note there in the paragraph that there has been particular concern in relation to the second complaint arising out of the sort of exercises that were going on without a need to go into what exercise it was? - Yes.

Adjourned until tomorrow at 10 a.m.