

Scottish Child Abuse Inquiry
Witness Statement of Gareth Baird

1. My name is Gareth Baird, I was born in 1957 and I am a third generation tenant farmer near Kelso in the Scottish Borders. I am married with three grown-up children. I am a Deputy Lieutenant for Roxburgh, Ettrick and Lauderdale and I was Scottish Commissioner for the Crown Estate for 10 years from October 2009.

2. I hold several non-executive directorships in agricultural cooperatives and last year took on the Chairmanship of the Moredun Foundation, a renowned institute for research into animal disease.

3. I was educated at St Mary's School, Melrose and Merchiston Castle School, Edinburgh and I currently chair the Boards of Governors at both schools. I sat on the Council of St George's School for Girls for 12 years from 2003 onwards.

Relationship with Merchiston Castle School

4. ██████████ attended Merchiston between 1944 and 1946, having returned from America where he had been sent with my aunt and uncle to stay with family friends during the early years of the Second World War. He served as a Governor at Merchiston for 20 years from 1978.

5. I moved up from St Mary's to Merchiston in 1970 and joined Pringle House for two terms. I left Merchiston in 1975 having been a senior prefect in Chalmers East under 'Edward's' Housemastership.

6. ██████████ attended Merchiston between 2005 and 2009.

7. I joined the Board of Governors at Merchiston in 2014 taking on the Chairmanship in 2015. From my position as Chair of the Board of Governors and with my longer term association with Merchiston, I wish to offer the Inquiry some reflections on issues which have risen in the course of the evidence. I hope that they might be of assistance. There are three main areas I thought that it might be helpful to address : (a) James Rainy Brown; (b) the horizontal structure of the school; and (c) the effect on the Merchiston community.

James Rainy Brown

8. James Rainy Brown (JRB) was my Housemaster for two terms from September 1970 until March 1971 when I was 13 years old. At that time, the youngest entrants would be 12 years old and so as far as ages were concerned, we were all fairly similar. Of eight boys who went up from St Mary`s in September 1970, I was the only boy who was placed in Pringle, the other seven starting in Chalmers West. I remember asking at some stage why I was placed in Pringle and apparently my headmaster at St Mary`s said that he thought that I might be supportive to the slightly younger boys who also started that year. I have no doubt that it was a more homely start to life at Merchiston and I thoroughly enjoyed my two terms there. I liked JRB and only saw him get angry with us once – in early 1971 Scotland played England twice as it was the Centenary anniversary of the first international match at Raeburn Place and Scotland beat them on both occasions. I think that we were celebrating very noisily which he took exception to. I did not witness any inappropriate behaviour by JRB in my time at Merchiston
9. The boys in Pringle did not attend Combined Cadet Force training, rather we were taught outdoorsman skills in the Dell (woods within the school campus which lead down to the Water of Leith). This activity was called `Splinters` and in the summer term there was a Splinters camp at a farm in Berwickshire in a haugh on the banks of the River Whiteadder. I think that I attended this camp for three years. JRB and three other teachers ran the camp which was `boys own` stuff and enormous fun.
10. After leaving Merchiston, the next time I saw JRB was at the side of a rugby pitch after [REDACTED] [REDACTED] started at Merchiston. [REDACTED] started in Chalmers West so I had no insight into how Pringle was run at that time. We had a good discussion and I remember him being very

complimentary about Andrew Hunter saying that Andrew had had a hard look at Merchiston when he started and understandably this unsettled some members of staff. JRB thought that Andrew was absolutely correct to carry out this review.

11. In my capacity of Chair of the Board of Governors at St Mary's, like Merchiston, we had to make a decision about sending pupils to Rua Fiola. It was almost a rite of passage that the senior pupils at St Mary's would attend Torquil Johnson Ferguson's camp at Rua Fiola ([REDACTED] attended it without incident). We always sent a member of staff with them and when question marks around Johnson Ferguson's behaviour arose we ceased sending pupils to the camp. I do remember having concerns when I heard that JRB was a friend of Johnson Ferguson.

12. The next time I heard anything about JRB was the news of his suicide and like many generations of Merchistonians, on hearing the news I was saddened and shocked. I joined the Board the following year. Governors at that time were debating as to how to deal with the conflicting views within the Merchistonian community, many of whom wished to pay their respects to him at a memorial service at school, while others felt differently. From a personal perspective, the issue was further complicated by the fact that I knew two of JRB's brothers, both of whom worked in the agricultural industry. The Rainy Brown family were very keen that JRB's trust fund should finance a bursary supporting younger boys coming into Pringle House and that the school should hold a memorial service for JRB. However, as further enquiries revealed that there were serious question marks over JRB's behaviour the Board of Governors took the decision to turn down both the bequest and the holding of a memorial service. I know that these revelations were extremely difficult for the Merchiston community to accept and, I think, devastating for the Rainy Brown family.

13. I have attended every day of the Inquiry Phase 2 for Merchiston and it has been very saddening to hear from witnesses who unquestionably were deeply affected by JRB's behaviour and criminal acts. I have no doubt that JRB's behaviour seemed to deteriorate in the latter part of his career and that he was overly influential with targeted Governors. This influence with some Governors along with his long association with Merchiston undoubtedly made it more difficult to move him off the campus and out of Merchiston life. We now know

that he had told a former colleague at Merchiston that should his access to Merchiston be removed, he would commit suicide. With the procedures and policies we now have in place, I am absolutely certain that this type of issue, of someone whose whole life revolved around Merchiston including well past retirement age, would not arise now under any circumstances.

Horizontal house structure

14. The Inquiry has heard several views on the merits or otherwise about the horizontal boarding system and in my time on the Board it has been consistently discussed. It has also been the subject of external review. On the positive side, it does allow for the development of tightly knit year groups as for the first four years at school, boys of the same age move up through the four houses together. It also allows boys who may not gel with particular Housemasters to move on after a year. From the parental side I also believe that it helps to develop friendships between parents of boys in the same year group [REDACTED]. On the downside, I know that Housemasters have at times felt that they would have appreciated more than one year with boys they felt they were helping and needed more time to see that process through. Whilst there is strength in having a very tightly knit year group, I think that friendships with members of other year groups were compromised and that is something that I have regretted in later years.
15. Merchiston is about to begin a refurbishment program on the two Chalmers Houses and this will necessitate operating a hybrid system to house boys whilst the work is carried out. It will be very interesting to see how both boys and staff adjust to this new system and what develops from this change.

Effect on Merchiston and the Merchiston Community

16. Following JRB's death and the subsequent police inquiry, Merchiston was inspected by the Care Inspectorate and passed with flying colours. The details of that inspection and of subsequent inspections by both Education Scotland and the care Inspectorate are accurately

recorded in Peter Hall's written statement which was read out to the Inquiry on Friday 21st January.

17. There is no doubt that the next inspection from the Care Inspectorate which resulted in Merchiston being put under special measures confused the team at Merchiston, having done so well in a relatively recent inspection. Looking back at my notes from that time it is clear that Merchiston had fallen behind in terms of structures and language around Child Protection and Wellbeing. Over the course of the next two and a half years and multiple inspections, we received considerable assistance from the Care Inspectorate and Education Scotland to modernise policies, practices and our recording framework. We were directed towards Edinburgh City Council's models and were guided by a Deputy Head from Firhill High School who had considerable experience in operating these models. This Deputy Head helped us enormously in adopting the new language needed for the setup of these new models. This required a substantial increase in staff resource to install and then implement these new policies. A new post of Deputy Head Pastoral was created and a very experienced senior teacher appointed to the role. The Board of Governors undertook a considerable amount of training, as did all staff. The Child Protection & Wellbeing and Education Committee roles were separated and the school's recruitment practices were tightened up, particularly in relation to giving and following up references. The practice of automatic suspension following a serious complaint was updated. More emphasis was placed on a restorative approach to dealing with misdemeanours and the pupil voice was included on Child Protection & Wellbeing committee. In addition, a Compliance Committee overseeing the work of the Child Protection & Wellbeing Committee was set up under the Chairmanship of David Johnston QC.

18. In reading back on my notes of this time, I was struck by the amount of work needed to implement and adopt this new framework and the steady guidance given to us by the regulators. The improvement required happened steadily over time and internal review was strengthened by recruitment of new Governors to the Board who were expert in education, health and pastoral matters. This process of completely reviewing our Child Protection & Wellbeing policies and practices, and, crucially, then implementing them placed a considerable additional workload on all staff, but particularly on our Headmaster and Senior Leadership Team. It also required a lot of input from pupils and their parents, as during this

time all members of the Merchiston community became aware of the new framework. This was recognised by the regulatory bodies in 2017 when we passed a double inspection (Care Inspectorate and Education Scotland) with strong ratings.

19. I feel that the school is undoubtedly much stronger in this essential part of school life. There is no question that we had lagged behind in terms of review and updating of our Child Protection & Wellbeing policies and practices in the past and we absolutely understand that we will have to continue to review and update going forward. Having experienced how issues can appear even when one might hope that all risks are covered has reinforced to all involved in the running of Merchiston, that reviewing and updating will be an ongoing task.

The Inquiry

20. I have attended for each day of the Inquiry during the Merchiston case study and have read all the statements that have been produced by the Inquiry in this case study.

21. I have found it to be a chastening and at times saddening experience. I have absolutely no doubt that there have been times where Merchiston was found wanting, and that the absence of care has had life changing impact on witnesses who came forward. I remember very clearly whilst serving on the Council of St George's School for Girls our very experienced Headmistress saying that events during our childhood affect pupils in very different ways. In the case of unkind or inappropriate behaviour by members of staff or peers, these may be relatively quickly forgotten by the majority pupils. However, there are pupils for whom what happens to them at school will stay with them all their lives and have a lifelong impact in the many different aspects of life, whether with family, in relationships or employment. I believe that we have heard of behaviour and abuse from those who attended Merchiston and the effect it has had on them over the course of the Inquiry. It seemed to me that many of these witnesses were specifically targeted by predatory teachers and bullying peers, perhaps because, as some said, they did not appear to fit into what was the mould of the time or they were shy, quieter, perhaps lonely and homesick. Several of those witnesses used the phrase 'that was the way things were then' and 'you just got on with it', which is true of the time, but is absolutely no excuse for how the school let these young boys down.

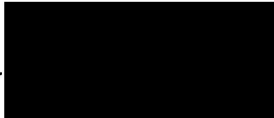
22. I have discussed this aspect of how we now deal with vulnerable, quieter pupils in today's Merchiston with our Headmaster and he has given me impressive examples of how he and his team adopt a proactive approach to seek out the quieter boys and find pathways whereby they identify interests which are stimulating, enjoyable and where they find an opportunity to excel to the best of their abilities. At Merchiston we continually talk about adding value to the boys in our care and it is imperative that every boy is included in this approach.

23. As a pupil at Merchiston I was one of the fortunate ones who enjoyed school life and I am very grateful to the school for providing such a foundation. However, I am aware of peers who did not find it such a positive experience and having listened to a witness who was a direct contemporary of mine, I have heard from someone for whom school life was at times horrific. It clearly left a negative and lifelong impact upon him.

24. In many ways, the bruising inspection regime that Merchiston went through for two and a half years was a blessing in that we had to markedly upgrade our Child Protection & Wellbeing policies and practices. I am confident that lesson has been well and truly learned, and, that to the best of our ability, such instances of lack of care for our boys should be prevented from occurring in the future.

Hopes for the Inquiry

25. The Inquiry has offered a rare opportunity for reflection for all concerned with Merchiston. For me the most valuable outcome of the Inquiry will be to shine a light on the failures of the past, to apologise to those who suffered due to lack of care on Merchiston's part and to ensure that we continue how best to provide a caring and value adding environment for our pupils.

Signed:.. Gareth Baird.

Dated: 24th January 2022