

1 Wednesday, 24 March 2021

2 (10.00 am)

3 LADY SMITH: Good morning and welcome to the next witnesses  
4 in our boarding school case study.

5 Mr Brown, I think we have both witnesses ready, is  
6 that right?

7 MR BROWN: My Lady, we do. We have two witnesses this  
8 morning speaking to Loretto School. We have the  
9 headmaster, Dr Graham Hawley, who is here in person, and  
10 we also have the chairman of the board,  
11 Peter McCutcheon, who is online, just as we did with the  
12 SSSC last week.

13 LADY SMITH: Yes.

14 MR BROWN: The technology is working, I have spoken briefly  
15 with Peter McCutcheon, and it is a matter for  
16 your Ladyship, but perhaps if he could be sworn in first  
17 and then we can introduce Dr Hawley.

18 LADY SMITH: I can do that.

19 Mr McCutcheon, good morning. Can you hear and see  
20 me?

21 THE WITNESS: Yes, my Lady, good morning.

22 LADY SMITH: What I would like to start by doing, if that is  
23 all right with you, is swearing you in. And then I will  
24 bring Dr Hawley in, and then we will move to both of you  
25 helping us with the evidence you have for today.

1           Could I ask you to raise your right hand and repeat  
2           after me.

3                       MR PETER MCCUTCHEON (sworn)

4                               (Via video link)

5       LADY SMITH: Thank you. Just before Dr Hawley comes in,  
6           could you tell me how you would like me to address you.  
7           I am happy to use Mr McCutcheon if you want that, or  
8           Peter if you prefer. It's your choice.

9       THE WITNESS: I think, my Lady, Peter would be absolutely  
10           fine.

11       LADY SMITH: Thank you.

12                       Could we have Dr Hawley. (Pause).

13                       Good morning. Could we begin by you taking an oath,  
14           please.

15                       DR GRAHAM HAWLEY (sworn)

16       LADY SMITH: Please sit down and make yourself comfortable.

17           Dr Hawley, before we turn to your evidence, let me sort  
18           out one practical thing. How would I like me to address  
19           you? I am happy to use Dr Hawley or Graham.

20       THE WITNESS: It's the school holidays so Graham will be  
21           preferable.

22       LADY SMITH: That will work for me. Let me reassure you --  
23           I see you have got your notes. Feel free to refer to  
24           them if it helps you. This is not a memory test, it is  
25           more important that you feel you have given the evidence

1           you want to give accurately.

2           The red folder has documentation relating to the  
3           school in it that you have helped us with but you will  
4           also see documents coming up on screen, so you may or  
5           may not need to refer to the red folder, but if hard  
6           copy suits you better, feel free to do that.

7           Unless you have any questions, I will hand over to  
8           Mr Brown.

9           THE WITNESS: Thank you.

10          LADY SMITH: Mr Brown.

11                               Questions from MR BROWN

12          MR BROWN: Gentlemen, good morning. I think you have been  
13               following proceedings remotely since last week, and you  
14               followed proceedings yesterday with Helen Harrison of  
15               Fettes so I think you will have a sense of what is  
16               coming, because obviously in terms of scene-setting the  
17               various schools that the Inquiry is looking into in  
18               particular, obviously we have to go through the same  
19               process, but obviously it will be different to reflect  
20               the specialities of Loretto, but apologies if you think  
21               it is somewhat repetitive.

22               In the same vein, can I acknowledge at the outset  
23               that, as with all the other schools, you provided  
24               responses in 2017 for Loretto to essentially  
25               a questionnaire with parts A to D about the background

1 of the school, its policies and procedures, how it  
2 responded to the suggestion of past abuse, and also  
3 detailing episodes of abuse that the schools were aware  
4 of. That, as we see from the document itself, involved  
5 clearly a great deal of work on the part of a number of  
6 people at the school and going through a great deal of  
7 school documentation. It's a laborious process and I am  
8 very grateful to you.

9 We have all the details, we will touch upon some of  
10 them, but this is not a memory test and we don't need to  
11 revisit things that you have already told us. But I do  
12 emphasise how grateful -- because it is a very full  
13 response that was provided, and that was extremely  
14 helpful.

15 One other preliminary matter, and again I think this  
16 you will have seen with Fettes, on Friday we heard from  
17 the GTCS who gave figures about apparent numbers of  
18 unregistered teachers in terms of GTCS given the  
19 timescale of having to be registered by 1 June.

20 Do you have any comments, Graham, about what was  
21 said numbers-wise so far as Loretto is concerned?

22 DR HAWLEY: Yes, I do. I raised an eyebrow when I heard  
23 those numbers because I knew they were inaccurate based  
24 on the work that we have done with GTCS since around  
25 2017. At the same time I knew that GTCS would be



1           accurately recording the data that is in their  
2           possession. So there was a puzzle there that has been  
3           solved over the weekend, I can give you details if you  
4           like either orally or in writing, but as far as the  
5           situation is concerned for Loretto, we have all our  
6           teachers registered with the GTCS, we have one teacher  
7           who is completing his university course in May, so we  
8           will have full compliance with GTCS registration by  
9           1 June as we are required.

10          Q. So essentially mirroring what we heard yesterday from  
11          Fettes?

12          DR HAWLEY: Yes, indeed.

13          Q. Thank you very much indeed.

14          LADY SMITH: Do you want to, for completeness, tell me what  
15          the position is with PVG checks?

16          DR HAWLEY: The PVG checks -- every member of staff, this is  
17          more than just teachers. Anyone who is working at the  
18          school is PVG-checked.

19          LADY SMITH: That was said in evidence at the end of last  
20          week. Both the GTCS and I think others referred to  
21          that. It was perhaps unfortunate that some publicity at  
22          the weekend didn't make that point and focused only on  
23          GTCS registration, not appreciating that PVG checks,  
24          which are so fundamental, had all been carried out on  
25          all the teachers that were being referred to.

1 DR HAWLEY: Absolutely. I think from my point of view the  
2 process, unravelling that issue, being confident that  
3 our teachers were registered, GTCS faithfully  
4 reproducing the numbers that they had, did indicate  
5 perhaps not necessarily a flaw in the system but  
6 a vagary in the system which I think together GTCS, the  
7 Registrar, us, can probably make a little bit smoother.

8 LADY SMITH: Thank you.

9 MR BROWN: I am obliged, my Lady.

10 Yesterday we also heard from Fettes they are  
11 celebrating their 150th year, which was the source of  
12 much pride. I think it is fair to say Loretto has  
13 a book called "Loretto One-Fifty" which was published in  
14 1980 and reflects the fact that Loretto celebrated its  
15 150th anniversary in 1977 and began life in 1827, is  
16 that correct?

17 DR HAWLEY: That is right, so we are not too far off 200.

18 Q. Yes. Loretto, I think, was the first boarding school,  
19 is that correct?

20 DR HAWLEY: That is correct.

21 Q. Initially it started life primarily as a day school for  
22 the first couple of years but the then leaders of the  
23 school felt that boarding was the way forward, and  
24 obviously it has grown since then in terms of the  
25 numbers, and we have various documents which we can put

1           on screen. If we look at document LOR.001.001.0136 at  
2           page 26. Is that appearing in front of you?

3       DR HAWLEY: It is, thank you.

4       Q. Are you seeing that too, Peter?

5       MR MCCUTCHEON: Yes, I am. Thank you.

6       Q. I am obliged.

7           This is from your part A document, and we see in  
8           terms of the number of boarders mid-way down the page.  
9           In 2009 to 2014 the numbers, roughly speaking, are in  
10          the 250 mark with variations up and down. Going to the  
11          previous page, page 25, which looks more historically  
12          over the period the Inquiry is looking at from 1930  
13          onwards, there is a very useful breakdown of which  
14          boarding houses were in operation, and that is obviously  
15          something that has been fluid over time. Some,  
16          we understand, have been converted into school  
17          classrooms, new ones have been built, some have gone out  
18          of use.

19          Looking at the numbers generally, I know you have  
20          said in papers the Loretto register indicates that since  
21          1930 approximately 5,550 children have attended the  
22          school. In terms of the boarding component, is that  
23          something that, looking since 2014, has been declining  
24          or is it remaining very strategic?

25       DR HAWLEY: It has declined a little bit, not a huge amount.

1 I think it has always been somewhere in the region --  
2 which when I say "always", in the more recent past it  
3 has been in the region of 55 to 60% of the school roll.

4 Q. From your perspective as provider of boarding, is  
5 boarding going out of fashion at all, or is it still as  
6 popular as it has always been, from your experience?

7 DR HAWLEY: I think the markets have changed, I think we  
8 notice considerably fewer younger boarders. So at  
9 Loretto, and I think this is probably mirrored  
10 throughout the UK, that a greater number of children  
11 board as they go through the school. So we have  
12 relatively few boarders in our youngest year. By the  
13 time they reach the sixth form probably 90% of the  
14 children are boarding. So even those who may live with  
15 their families within quarter of a mile of the school  
16 choose to board, which probably reflects a growing  
17 independence on their part. I think, for parents, there  
18 is often a sense of using sixth form boarding as a step  
19 towards university.

20 Q. The other thing we know is that obviously, I think like  
21 many schools, initially Loretto was a boys' school, but  
22 it became progressively co-educational, is that correct?

23 DR HAWLEY: Indeed, yes.

24 Q. I think, as your report makes clear, in 1981 female  
25 boarders were admitted in sixth form, and by 1995

1           Loretto was fully co-educational?

2           DR HAWLEY: That is right.

3           Q. Is there a distinction between male and female boarders?

4           Are there more boys or more girls?

5           DR HAWLEY: No, we have pretty much a straight split.

6           Q. We will move on to the school itself physically in  
7           a moment. Obviously there are two of you and you both  
8           have particular things to bring to today's evidence and  
9           reflects your different roles. Sorry, if we just go  
10          over that now starting with you, Graham.

11          You are obviously the headmaster of Loretto. You  
12          have been in post for how long?

13          DR HAWLEY: Since 2014.

14          Q. I think prior to that though, obviously you have been in  
15          education for most of your adult life, not all of it,  
16          and am I right in saying that after your university  
17          career you started teaching at a school in Sussex,  
18          Ardingly?

19          DR HAWLEY: That is right.

20          Q. That is a boarding school?

21          DR HAWLEY: Yes.

22          Q. In that school you held positions as assistant master,  
23          presumably at the outset of your teaching career?

24          DR HAWLEY: That is right.

25          Q. And then you became a senior boarding housemaster?

1 DR HAWLEY: That is correct.

2 Q. We will return to your experience of the boarding  
3 sector. That is from 1996 to 2004 at Ardingly, and then  
4 progression through other schools?

5 DR HAWLEY: Yes.

6 Q. Again boarding schools?

7 DR HAWLEY: From Ardingly I moved to Warwick School in the  
8 Midlands which was largely a boys' independent school,  
9 largely a day school. It had one small boarding house  
10 with around 35 children out of a school roll of nearly  
11 1200, so it was more of a day school.

12 Q. And then after that I think you went to Kelly College?

13 DR HAWLEY: I went to Kelly down in the South West of  
14 England. I was there for six years. That school -- one  
15 of the last things I did when I was there -- merged with  
16 a prep school. It has been renamed to  
17 Mount Kelly School, that's its current name.

18 Q. Is that Tavistock?

19 DR HAWLEY: That is Tavistock, yes.

20 Q. And then obviously progressing on to Loretto. Was Kelly  
21 or Mount Kelly boarding as well?

22 DR HAWLEY: Yes, not dissimilar to Loretto in terms of both  
23 boarding and day with a broadly similar make-up.

24 Q. Thank you.

25 Peter, if I can turn to you. Obviously you are here

1 as the Chair of the Board of Governors of Loretto.  
2 I should say again -- her Ladyship will see this in due  
3 course -- that helpfully the school has produced updated  
4 material recently in terms of I think some of the  
5 matters that we will be considering in the applicant  
6 phase which will be more usefully considered at that  
7 stage. But included in that was your experience as  
8 a pupil at Loretto, a three-page account, and that will  
9 be reflected in due course at the applicant stage,  
10 Peter.

11 Obviously you started life at Loretto, which I think  
12 it is fair to say you enjoyed. Thereafter you had  
13 a career in the Army, is that correct?

14 MR MCCUTCHEON: Yes, I started my career at the end  
15 of August in 1984, and I left the Army on February, 29,  
16 2012.

17 Q. 2012. In terms of your appointment as Chair of the  
18 Board of Governors, I think that took place in 2017, is  
19 that right?

20 MR MCCUTCHEON: Yes, in June 2017.

21 Q. Had you been a governor, simply a governor, prior to  
22 that or had you been involved in the school at all?

23 MR MCCUTCHEON: I had not been a governor. My involvement  
24 in the school prior to me becoming Chair really was as  
25 a member of the Lorettonian Society, our society for our

1           former pupils, and prior to becoming Chair I had a year  
2           as the president of that society. It is a one-year  
3           tenure.

4       Q. Okay. We will come back, if we may, under a chapter of  
5           governance, to discuss how you came to be appointed, the  
6           processes that were put in place, and what had  
7           previously gone before, which you may be better placed  
8           to talk about although I am sure Graham can add input.

9           Can I just say in that regard, you are here -- in  
10          ordinary course, you would be here sitting together. If  
11          one of you thinks the other can add something or that  
12          the other is better placed to answer a question, please  
13          simply say so.

14       MR MCCUTCHEON: Yes.

15       Q. Thank you. Could we then please look at just a couple  
16          of images to scene-set. The first is photograph  
17          INQ-0000000356, and that obviously is Pinkie House. Is  
18          that the original building or ...?

19       DR HAWLEY: Yes, it is. On the far right-hand side there is  
20          a more modern extension that is not entirely in keeping  
21          with the rest of the building.

22       Q. I wouldn't like to say that. The original building  
23          obviously is of its time and it has been added to. Is  
24          it fair to say that perhaps sums up the way Loretto,  
25          over almost 200 years, has grown progressively? It will



1           have started, as we know, with a relatively small number  
2           of pupils but it has grown over the years, and buildings  
3           to accommodate that growth have had to be put up in  
4           different places?

5       DR HAWLEY: It does. It is worth saying that whilst the  
6           house there, Pinkie, is in its original form with  
7           extensions, that is not where the school was founded.  
8           So the school is located on two campuses separated by  
9           the Linkfield Road, the high road that goes through  
10          Musselburgh, and the original school campus is on the  
11          other side of the road. Then it was in the early 50s  
12          that the school was expanding, and Pinkie House as we  
13          see it now was purchased for the school. And then as  
14          the expansion continued on the left-hand side of the  
15          photograph you can see a white building, that is  
16          Hope House that is currently a boys' boarding house.

17                So what we are looking at in the picture is in fact  
18          part of the expansion. So whilst Pinkie House is the  
19          oldest building on campus, it is actually not the  
20          original building.

21       LADY SMITH: As a matter of interest, how old is  
22                Pinkie House?

23       DR HAWLEY: It dates back to the 16th century.

24       LADY SMITH: It certainly looks it.

25       MR BROWN: Could we look please at another image which is

1           INQ-0000000360, page 2, please. This has been lifted  
2           from a Loretto publication but I think makes the point  
3           that the campus is spread out.

4       DR HAWLEY: That is absolutely right. On the right-hand  
5           side of the screen, almost the two furthest right  
6           labels, we have Schoolhouse, the dining hall. That area  
7           was the original school building. And then the previous  
8           photograph that we saw you can see is to the left-hand  
9           side, as we look at it, of Linkfield Road. But  
10          absolutely, so absolutely correct in terms of gradual  
11          expansion. So that at the top, the north end of the  
12          picture we have Balcarres House and Holm House, those  
13          were purchased over the years, they are currently girls'  
14          boarding houses. And then, as I said, around about 1953  
15          I think was the first time the school moved into  
16          Pinkie House, and then subsequently Hope House and  
17          Seton House, boys' boarding, were built.

18       Q. And then I think at the upper side, obviously we can see  
19          there is two sides of a road, and there is marked  
20          a pedestrian tunnel to link the two. Is that still in  
21          use?

22       DR HAWLEY: It is. It's a wonderful access to have.  
23          Linkfield Road gets busier and busier, and because the  
24          children are frequently moving from one side to the  
25          other, so all the boys' boarding is on the Pinkie

1 campus, so they will frequently be there, girls will  
2 come across to use the astroturf and various other  
3 facilities. There is a lot of traffic, human traffic if  
4 you like, pupils moving, and the pedestrian tunnel just  
5 keeps them safe.

6 Q. Then I think on the other side of the River Esk we see  
7 there is what is known as Nippers, the junior school.  
8 It is on a distinct campus, separate from the second  
9 upper school, if you like?

10 DR HAWLEY: Yes, that is right. It is about an 8-minute  
11 walk from one campus to the other. I think it works  
12 well, because the Nippers has its own distinctive feel.  
13 The original building was a residence in the past, and  
14 therefore it is not set up as a modern school. It is  
15 quite quirky in terms of its layout. The classrooms are  
16 necessarily small, but it is just the way they were  
17 built, and I think the Nippers has its own character as  
18 a result.

19 Q. When did it open as a junior school, do you know?

20 DR HAWLEY: I don't know, but the chairman may.

21 MR MCCUTCHEON: I don't have it at my fingertips but I will  
22 find out.

23 Q. I am sure it's in your return. I don't have it at my  
24 fingertips either, this detail. Can you say this: was  
25 it post-war or pre-war?

1 DR HAWLEY: I think it was pre-war.

2 MR MCCUTCHEON: Pre-war. I am just looking through the  
3 papers to see if I can find the date.

4 Q. Yes, absolutely. (Pause).

5 MR MCCUTCHEON: Sorry, I don't have it.

6 Q. It's a detail we can find for ourselves.

7 The striking thing is that the campus is well spread  
8 out and, as you have said, involves moving from one area  
9 to another. By the sounds of things, as things  
10 currently stand, there is -- I don't use the word  
11 pejoratively -- segregation as between boys' boarding  
12 houses in one area and girls' in another.

13 Presumably that is, I think we know this from your  
14 return, something that has changed over time, the use  
15 has shifted as between one building and another, is that  
16 fair, or has there always been, in your experience,  
17 a split between boys and girls in terms of campus?

18 DR HAWLEY: Certainly in my time, and Peter may want to  
19 comment on how the houses were arranged when he was  
20 a pupil. Certainly, in my time, girls' boarding has  
21 been in Balcarres and Holm Houses, so just to the south  
22 of the River Esk as we see it on the picture.

23 Q. By the sports hall?

24 DR HAWLEY: By the sports hall. And then the boys we have  
25 in Seton House, which is just to the right of the blue

1           astroturf at the bottom of the picture as we see it, has  
2           had our junior boarders. And then Hope House and  
3           Pinkie House is the accommodation for our sixth form  
4           boarders. But I know historically, and Peter may  
5           comment here, we used to have boarders in Schoolhouse,  
6           that is the original building to the right of the  
7           diagram as we see it.

8       Q.   Yes. What about Nippers and boarding?

9       LADY SMITH: If we are talking about Nippers and when it was  
10           first junior boys' boarding, I think you have told us  
11           that North Esk Lodge, which is where Nippers is or was,  
12           I think, opened in 1891 as a boys' boarding house for  
13           junior boys' boarding, and then Newfield House in 1892,  
14           also for junior boys' boarding, so that is long  
15           before -- certainly long before the First World War and  
16           even longer before the Second World War, although long  
17           after the school was founded.

18       DR HAWLEY: So certainly there was Nipper boarding, and most  
19           of that -- again, Peter may well want to comment --  
20           we haven't had separate Nipper boarders in my time, but  
21           I believe they were accommodated in what is now labelled  
22           the Nursery, just to the north of the river by the  
23           footbridge.

24       LADY SMITH: Thank you, Mr Brown. I interrupted you.

25       MR BROWN: No, I am very much obliged, my Lady. I was

1 looking for the word "Nippers" and of course ... I am  
2 obliged.

3 If we could go back to document LOR.001.001.0136 and  
4 page 20, this is looking at the past under the general  
5 heading "Establishment":

6 "What services were provided at the establishment in  
7 terms of care for children?"

8 We will come back to the detail of matrons and so  
9 forth in a moment. But as with many boarding schools,  
10 Loretto operates or has operated a house system, is that  
11 correct?

12 DR HAWLEY: That is correct.

13 Q. But as we see looking down the page, a house system was  
14 introduced in the late 1950s. Prior to that it was  
15 simply just the school, I take it?

16 DR HAWLEY: Yes, the boarders would have been in  
17 Schoolhouse.

18 Q. Yes, but the naming of Schoolhouse is what it seems to  
19 say:

20 "A house system was introduced in the late 1950s.  
21 This system meant that a pupil would initially board in  
22 Schoolhouse [I think you mentioned that] for two years  
23 following his joining Loretto and thereafter move to  
24 another boarding house.

25 "This system was altered in 1961 (with the advent of

1 a new Headmaster) ..."

2 Again we will come back to the way headmasters  
3 operated in the past:

4 "... when it was decided that a house system would  
5 be used where boys stayed in one boarding house  
6 throughout their time at Loretto and under the  
7 supervision of a Housemaster, a House Tutor and a  
8 Matron. Dayrooms were also introduced ..."

9 Et cetera:

10 "This house system introduced in 1961 continued  
11 (with some changes to accommodate the girl boarders)  
12 until 2007 when it was decided that the boarding houses  
13 should be age specific."

14 So there has been a quite fundamental change from  
15 one house no matter what age, to age-specific,  
16 presumably just keeping people of the same ages  
17 together, and progressing from one house to another as  
18 they get older, is that a fair summary?

19 DR HAWLEY: Yes, I think it is. Peter may have lived  
20 through that himself.

21 MR MCCUTCHEON: Yes, that -- Graham is absolutely right.

22 I went through a system where one went into a house and  
23 stayed there for your whole time at Loretto, and that  
24 was really to -- aimed at a family spirit, engendering  
25 a sense of community within the community, and giving

1           a number which was manageable for the care, the  
2           housemaster, the house tutor and the matron. And  
3           I think the move to age-based boarding reflects a change  
4           in society, a change in educational practice, a healthy  
5           change, although I would say that I felt entirely safe  
6           and comfortable in my house.

7           Q. Yes. I'm interested you say "a healthy change", Peter,  
8           because I suppose one of the concerns -- and again we  
9           heard this yesterday -- with houses operating in  
10          isolation, and, as we have seen from the campus, perhaps  
11          quite spread out, did one have the risk, I suppose, of  
12          a housemaster having his own little fiefdom, and that  
13          would operate in isolation without adequate oversight of  
14          the whole?

15         MR MCCUTCHEON: Yes, having listened to yesterday's evidence  
16          I heard that element being discussed and I reflected on  
17          that overnight. I would say that my experience would be  
18          that because Loretto is in such a small campus, actually  
19          physically, there is -- there was and still remains  
20          an exchange between the houses. The houses are not  
21          firewalled. My best friend was in Pinkie and I was able  
22          to go in and out of that house as I wished. And there  
23          was a sense of pride about belonging to your house, but  
24          also there was no sense that you were blocked or pushed  
25          away from other houses.



1 Q. But it was your choice of the word, and this is  
2 obviously sticking with Peter, that it was "a healthy  
3 change". Do you acknowledge your experience clearly was  
4 positive?

5 MR MCCUTCHEON: When I said "healthy", I meant healthy in  
6 respect of being cognisant of societal changes and  
7 demands. That is what I am saying. It was a positive  
8 change because it reflected a school that was paying  
9 attention to the demands, wishes, of its community. Is  
10 that clear?

11 Q. Yes, absolutely. What I was going on to say, though, as  
12 someone who lived through that one-house system, you  
13 have talked about it forming a community, equally, would  
14 it be fair to say that each house had its own character?  
15 And was that due to the approach or leadership of  
16 a given housemaster?

17 MR MCCUTCHEON: I think the character was a product of  
18 a combination of things. It was a combination of the  
19 housemaster and his wife and the house tutor, and matron  
20 certainly. But it was also a product of the boys  
21 themselves and the community that they lived in.

22 Q. Of course. But presumably, in terms of leadership,  
23 a housemaster provides the lead in the same way that  
24 once upon a time a headmaster was really the decisive  
25 figure in the direction a school took?

1 MR MCCUTCHEON: Yes.

2 Q. The same happened in the houses?

3 MR MCCUTCHEON: Yes, the housemaster was the housemaster,  
4 indeed, but he did that within a framework where he was  
5 one of a number of housemasters.

6 Q. Indeed. But you were in one house, and presumably its  
7 tone stemmed from the approach taken by the housemaster.  
8 I'm not saying that critically --

9 MR MCCUTCHEON: To a degree, to a degree, yes, but I think  
10 it also was a reflection of the cohort of pupils in that  
11 house at that time.

12 Q. Yes. How much oversight -- I am talking again about  
13 your experience -- of your house in-house was there from  
14 the headmaster that you are aware of?

15 MR MCCUTCHEON: My headmaster was David McMurray, and I was  
16 the first junior form to start, and we started the same  
17 time as he did. Throughout my five years at Loretto he  
18 was an overarching, ever-present presence. He was in  
19 and out of houses, he would meet us all in class, in  
20 sports -- at sports fields, on the touchline. He was  
21 very much a presence, yes.

22 Q. But from your perspective, in-house in your house --

23 MR MCCUTCHEON: I would see him in my house.

24 Q. Yes, indeed. Did he have impact on how it was run, or  
25 was it really something he deferred to the housemaster?

1 MR MCCUTCHEON: No, David McMurray, without a shadow of  
2 doubt, had an impact on how things were run in the  
3 houses.

4 Q. Thank you. Just to be clear, when are we speaking of?

5 MR MCCUTCHEON: 76 to 81 in my case.

6 Q. Thank you. Obviously though I take it you have  
7 experience of loyalty to the house. It would be  
8 a matter of importance?

9 MR MCCUTCHEON: Yes.

10 Q. There would be competitive spirit as between one house  
11 and another perhaps?

12 MR MCCUTCHEON: Engendered on the sports fields, yes.

13 Q. And beyond the sports field?

14 MR MCCUTCHEON: Less so, because we were educated all  
15 together. We weren't siloed in the classroom or at  
16 meals. And in fact at my time there was a deliberate  
17 policy that tables were organised in the dining room to  
18 reflect a spread of ages and a spread of houses, so  
19 there was definitely cross-fertilisation taking place.

20 Q. You will appreciate where this is going, which is that  
21 there are complaints that behaviour would be kept  
22 in-house. Is that something you had any experience of?

23 MR MCCUTCHEON: The behaviour in terms of misbehaviour?

24 Q. Yes.

25 MR MCCUTCHEON: That would be dealt with by the housemaster.

1           He was obviously the key chain in the discipline  
2           procedure for matters within the house, and I think this  
3           is fairly standard procedure. But in terms of keeping  
4           it within the house, prefects were house prefects but  
5           there were also school prefects, and school prefects had  
6           an overview of what was happening in houses, I would  
7           suggest.

8           Q. What you have just said is perhaps interesting.

9           Discipline was very much for -- within the house was  
10          very much a matter for the housemaster. So was that  
11          an area where there was a degree of independence and the  
12          style would be from the housemaster?

13         MR MCCUTCHEON: Yes, within guidance laid down by the head.

14         Q. Were you aware -- again going back to 1970s -- was there  
15          guidance that you were aware of, for example, in  
16          relation to discipline in-house?

17         MR MCCUTCHEON: Perhaps it would help if I explained that  
18          for my final year I was the head boy, and therefore  
19          I had some insight into the discipline arrangements  
20          which obtained at the time because the headmaster was  
21          very careful to include us in that aspect. So, yes,  
22          I had a degree of awareness about a general code, but  
23          the -- there is no doubt that housemasters would have  
24          the right to interpret those and act as they wished,  
25          within overarching guidelines.

1 Q. Yes. And having been head boy, this is a matter of  
2 memory, were you conscious that different houses had  
3 slightly, subtly different or openly different  
4 approaches to discipline?

5 MR MCCUTCHEON: No, I wasn't, because the prefects who had  
6 a role in discipline, and that is where my prime focus  
7 as head boy was, we had a common approach to discipline  
8 within the houses. We met once a week, I briefed my  
9 prefects having had briefs from the headmaster and any  
10 other teacher that wished to make a point. So we had --  
11 I am not -- no, I had no sense of there being a rule for  
12 one and a rule for another.

13 Q. Thank you. You have already mentioned the make-up of  
14 a house: the housemaster, his wife, you said matron, and  
15 presumably ancillary staff.

16 MR MCCUTCHEON: Yes.

17 Q. Is that a fair summary of your experience of the staff  
18 within a given house?

19 MR MCCUTCHEON: Yes, and the house tutor, the assistant  
20 housemaster.

21 Q. Yes.

22 MR MCCUTCHEON: Who lived in.

23 Q. Yes. Would the housemaster and his wife and the  
24 assistant housemaster live in the house?

25 MR MCCUTCHEON: As did matron, yes.

1 Q. As did matron. So they are all in the same building?

2 MR MCCUTCHEON: Yes.

3 Q. The wife's role -- again because you have lived this --  
4 how important was that?

5 MR MCCUTCHEON: For us as young lads it was nice to have  
6 a maternal presence in the house and I was -- my  
7 housemaster's wife, Alison, was a super, super part of  
8 our house. She cared for us, and we could go to her and  
9 have a chat, so she played a very important role.

10 Q. So presumably, again going back to the time, that was  
11 the expected role of a housemaster's wife, is that fair?  
12 Or was it just because she was particularly willing to  
13 engage?

14 MR MCCUTCHEON: No, I think that would be true of most of  
15 the housemasters' wives.

16 Q. All right. Matron, did you have any sense of what her  
17 background was?

18 MR MCCUTCHEON: No. And I think as a sort of 12-year-old  
19 boy, you probably wouldn't be considering that. What  
20 you wanted to know was that she was accessible and  
21 amenable and took a degree of care and oversight, and  
22 I was in Hope House and my matron certainly did that.

23 Q. The reason I am asking, obviously, is we look at the  
24 world now, and we will come on to this, and how it has  
25 become very regulated in the last five years so far as

1           ancillary staff, as they might have once been called.  
2           But more broadly in terms of accommodation and the care  
3           side, that is within the last 25 years -- Graham,  
4           obviously you have worked in the system and we will come  
5           back to revisit that -- do either of you have any sense  
6           of what system operated throughout Loretto's history in  
7           terms of employing matrons and the ancillary staff who  
8           was responsible for care of the children as opposed to  
9           the educational side and the housemaster role?

10          DR HAWLEY: I can only really comment in recent history, the  
11           time I have been there. So the matrons and housekeepers  
12           who currently are attached to boarding houses are  
13           SSSC-registered. That is something that they -- for  
14           most of them who have been there for some time it is  
15           a process that they have had to go through.

16                 In terms of their recruitment, not dissimilar from  
17           what we were hearing from Mrs Harrison yesterday.  
18           Advertisements would have been placed. Really the key  
19           way in which they are recruited is through the interview  
20           process, and then all the necessary checks done  
21           associated with that.

22          Q. Yes, but I think prior to the inception of SSSC, would  
23           there have been checks, in terms of background checks,  
24           in your experience of your time at Loretto, Graham?

25          DR HAWLEY: There would have been PVG checks and references

1           would have been taken up, yes.

2           Q.   Going back to Peter's time at school, is it simply not  
3           known?  Would it just be local employment?

4           DR HAWLEY:  My guess would be, and it is speculation rather  
5           than based on knowledge, I would imagine they were  
6           employed locally.  I would imagine that references would  
7           have been taken up but I don't think probably much more  
8           than that.  But as I say, that is speculation.

9           Q.   Peter, were you about to say something?

10          MR MCCUTCHEON:  I was only about to say I can't add anything  
11          further.

12          Q.   Returning to your experience obviously of  
13          a housemaster's wife, in your case that was clearly  
14          successful.  But presumably the employment was of the  
15          housemaster, and the wife no doubt may have been  
16          a factor in his interview, but you were taking it on  
17          trust that she would be an appropriate person?  Or do  
18          you think there was more to it than that?

19          MR MCCUTCHEON:  In terms of the decision around whether  
20          a housemaster is suitable for appointment as  
21          a housemaster?

22          Q.   Or more to the point, whether his wife is suitable to  
23          live in a house and give what would now be called  
24          pastoral care to children?

25          MR MCCUTCHEON:  I would -- I can't speak with certainty on



1           that, but I would expect that an interview would ask and  
2           explore the degree to which a housemaster's wife was or  
3           was not willing to engage and play a role in the school,  
4           but I cannot speak with certainty about that.

5       Q.   No.   Okay.   Thank you.

6           I think we heard yesterday about some anxiety on  
7           Helen Harrison's part about not being able easily to,  
8           for example, have spouses checked for PVG. Is that  
9           something -- from what she said yesterday, she had to  
10          engage with Disclosure Scotland to achieve that result.  
11          Is that something that you have experienced too, Graham?

12       DR HAWLEY: Yes, our experience is the same, that we don't  
13          quite fit the standard model, if you like, so we are  
14          able to PVG-check spouses, partners, but it is not as  
15          smooth a process as perhaps it could be.

16       Q.   Is that something that you would wish to improve?

17       DR HAWLEY: Yes, absolutely. I think everyone agrees on the  
18          centrality, the importance, of those checks, and in  
19          a sense that service should be there to serve rather  
20          than just cause a degree of hiccup, I suppose.

21       Q.   Obviously, Peter, you talk happily about your experience  
22          as a pupil. You have obviously been -- you use the word  
23          "proud" to be engaged with the school still. It is  
24          an important place for you, is that fair?

25       MR MCCUTCHEON: Yes, I think that is absolutely accurate.

1 Yes. It was a formative experience for me, a positive  
2 one, and I do what I do today for three reasons really.  
3 One is that, as I have already alluded to, I feel  
4 a sense of debt to the organisation. I owe it the start  
5 that I had and the chance to follow the career that  
6 I did. That is the first reason I do what I do. The  
7 second reason I do what I do is because I have got  
8 a deep interest in lifelong learning, and I look back  
9 and that is definitely embedded in me at Loretto. The  
10 third reason I do it is I think because my life  
11 experience after Loretto perhaps would allow me to add  
12 value to the organisation.

13 Q. We will return to that when we talk about governance and  
14 the role you play and the role all governors play. But  
15 as a governor, one of your functions is to maintain the  
16 school, and that is obviously perhaps your most crucial  
17 because it is a charity, a registered educational  
18 charity, is that correct?

19 MR MCCUTCHEON: Yes.

20 Q. There is also plainly a very significant business  
21 element because it has to be financially viable. Is  
22 that fair?

23 MR MCCUTCHEON: Yes. Yes.

24 Q. I think in terms of the history of the school, we have  
25 seen that it has changed in terms of governance. It has

1           become a company, it has become a trust. And all of  
2           that, and again this is not critical, is because of the  
3           importance of finances, is that fair? There were fears  
4           that boarding schools, because of taxation, might be  
5           taxed out of existence, for example, in the 70s, so  
6           there was a change of approach?

7           MR MCCUTCHEON: Yes, I think one would seek to use the  
8           optimal approach for the time that we are addressing.

9           Q. We heard yesterday that there is competition in filling  
10          places. Is that something you recognise as operators of  
11          a boarding school in 2021; that it is becoming, and  
12          perhaps always has been, an operation where you have to  
13          keep momentum going to keep pupils coming, to keep  
14          existing?

15          DR HAWLEY: Yes, that is absolutely correct, and I think for  
16          all heads these days, that is one of the main functions  
17          that we have across a whole piece of different  
18          management and leadership roles.

19          Q. Peter, would you agree with that?

20          MR MCCUTCHEON: Yes, I would agree there is competition and  
21          I think that is a healthy thing. It means that we have  
22          to refresh our offer, we have to be evidencing that we  
23          are following best practice, and we have to evidence  
24          that we take a holistic, positive approach to education  
25          which is child-centred, and I think all the schools

1           would say that.

2           Q. Is that something, and obviously this is when we come on  
3           to perhaps applicants in due course, but just speaking  
4           in the round now, is that something both of you have  
5           seen change over your experience of education, Peter, in  
6           your case as a pupil, Graham as a teacher and then  
7           headmaster, that that holistic approach has really  
8           developed over the last couple of decades, or would you  
9           say it has always been present?

10          DR HAWLEY: I think for Loretto it has always been present.  
11           And if one thinks back to Hely Hutchinson Almond,  
12           perhaps one of Loretto's most famous headmasters,  
13           I think he was unusual in his time for being an advocate  
14           for that holistic all-round education. So, no, I think  
15           it is absolutely embedded in the DNA of Loretto, and we  
16           like to think that many other schools have followed.

17          Q. Peter?

18          MR MCCUTCHEON: Yes, I can speak from the mid-70s,  
19           when I was at Loretto, and I think that holistic  
20           approach which really followed our ethos, our mind,  
21           body, spirit ethos, was a holistic approach at that  
22           time. And I led a very diverse education -- I had  
23           a very diverse education experience, which was far more  
24           than a classroom. It's about values, it's about what  
25           you offer to a community, and it was very much in touch

1 with Hely Hutchinson Almond's core beliefs.

2 Q. I think in fairness to you, in quoting from the "Loretto  
3 One-Fifty" book, "A Perspective of Loretto School from  
4 1854", and this is page 33, says:

5 "It is intended that this establishment should  
6 combine a first-rate preparatory school for boys between  
7 the ages of 8 and 16 with a well-regulated and  
8 comfortable home. The number of pupils is limited to  
9 50. It is a fundamental principle of the system that  
10 each boy is individually cared for and his moral, mental  
11 and physical qualities anxiously directed to the best  
12 advantage."

13 Has anything changed?

14 DR HAWLEY: We have girls, and that is a very significant  
15 and important difference. But I think in terms of the  
16 overall aims of the school, no, I don't think it has  
17 changed very much.

18 MR MCCUTCHEON: I would endorse that.

19 Q. But one of the issues that I think you may recognise is  
20 the role of leadership, both in terms of governance as  
21 the overarching control of Loretto, but more  
22 particularly perhaps, until recent years, the  
23 fundamental power that an individual headmaster had.  
24 That, I take it, is something you would recognise as  
25 having changed? The dynamic as between overview,

1 supervision, has changed, for example, Peter, in the  
2 time you were a pupil at the school and now as a Chair  
3 of the Governors.

4 MR MCCUTCHEON: Obviously as a pupil I was not sited on the  
5 governors. As head boy I would meet the Chair, but my  
6 contact with governors at that time was small.

7 Now I think if a pupil was -- I speak with pupils on  
8 a fairly regular basis, I certainly speak to pupils  
9 every time I am at the school. I eat with the pupils  
10 and the staff. And I think today we have a very much  
11 higher profile, and a very much higher degree of  
12 engagement.

13 Q. That is really what I am getting at: the engagement of  
14 the board is now considerably greater than it once was?

15 MR MCCUTCHEON: Well --

16 Q. Sorry, into areas that once upon a time governors simply  
17 didn't trespass?

18 MR MCCUTCHEON: I think if you asked governors from  
19 a particular era, I think, as the head of Fettes said  
20 yesterday, I think if you were to ask them at that  
21 particular snapshot they would feel they were doing  
22 a good job --

23 Q. But what they were doing a good job about was different,  
24 it was primarily focused on the finances and the  
25 operation of the school as a business entity, is that

1 not correct?

2 MR MCCUTCHEON: I think there was more to it than that,  
3 I think they were deeply interested in the ethos as  
4 well. But today we have a wide brief, and of course --  
5 I am sure we will come to governance structures, but our  
6 governance structures are highly integrated today and  
7 actually require much more time than they used to.

8 Q. That is one of the big changes?

9 MR MCCUTCHEON: Indeed.

10 Q. Because the time you spend is because your involvement,  
11 presumably, is at a wider range of elements of the  
12 school, whereas going back 50 years, for the sake of  
13 argument, it would really be left to the headmaster to  
14 make the decisions, is that not the change that has  
15 taken place?

16 MR MCCUTCHEON: I think the headmaster would receive  
17 direction from the board and would be left to execute  
18 it. Today that is still the case, but the over-watch  
19 and auditing that takes place after the direction has  
20 been given is far more complex and far more regular.

21 Q. Can we agree on this then: the oversight has changed?

22 MR MCCUTCHEON: Absolutely.

23 Q. The degree of oversight?

24 MR MCCUTCHEON: Yes, I think that is a very fair summation.

25 Q. Graham, from your perspective having worked in the

1 sector for 25 years, education sector, have you seen a  
2 transition in terms of the power dynamic as between what  
3 a headmaster can do and what he can now do because of  
4 the oversight of governors?

5 DR HAWLEY: I think I have seen it first-hand most closely  
6 at Loretto and at Kelly and I would say there was not  
7 a huge difference. That is to say, there was  
8 considerable engagement. So that would have been from  
9 2008 onwards.

10 Prior to that, at Warwick, I sat on full board  
11 meetings. I think there was a reasonable amount  
12 of oversight, there were certainly subcommittees for  
13 education. There were quite a lot of building projects  
14 that were carried out when I was there, and there  
15 were -- there would have been considerable local  
16 governor oversight. I think I would perhaps  
17 characterise it as oversight from a core of local  
18 governors, perhaps, rather than the broader engagement  
19 of a wider board.

20 At Ardingly, difficult for me to say. Again, there  
21 were some considerable building projects, not least the  
22 boarding houses which we may touch on later. So I was  
23 aware of governors being around for that. I'm not sure  
24 I can really say how much on the pastoral side they were  
25 engaged. I would say as a housemaster I didn't see any



1           governors ever come into my boarding house, and that is  
2           certainly different from the structure we have here at  
3           Loretto where each boarding house has an attached  
4           governor. So the oversight between what I experienced  
5           at Ardingly, what we have at Loretto, is quite marked.

6       LADY SMITH: Graham, just rewinding. You were talking about  
7           what was happening before 2008. That was when you were  
8           at Warwick, is that correct?

9       DR HAWLEY: That is correct.

10      LADY SMITH: You described it as "oversight from a core of  
11           local governors, perhaps, rather than the broader  
12           engagement of a wider board". To help me understand  
13           that, can you give me some examples of what was  
14           happening there as opposed to what would be happening if  
15           you had this broader engagement of a wider board?

16      DR HAWLEY: At Warwick there was a very large number on the  
17           board -- full board meetings, 20, probably 25  
18           governors -- and for a number of those that would be the  
19           only time that I would see them, once each term. And  
20           I had the sense, this may be a little bit unfair, but  
21           that some governors were there for the full board  
22           meetings but were not really aware of what was going on  
23           for the rest of the -- the rest of the time. Perhaps  
24           they weren't engaged and sitting -- "engaged" is perhaps  
25           the wrong word. They didn't sit on subcommittees.

1           Contrast that with Kelly and Loretto: smaller  
2           governing bodies, all governors linked and sitting on  
3           subcommittees, and therefore feeding into that general  
4           governance picture.

5       LADY SMITH: Because the subcommittee work is very important  
6           as a way of governors contributing very directly to  
7           specific subject matter and learning more about the way  
8           the school works and what is happening?

9       DR HAWLEY: I think that is quite correct, and I think,  
10          again without having the detailed knowledge of  
11          governance in the past, I suspect that the work of  
12          subcommittees, and they may not have existed in deeper  
13          past, a lot of the work would have been carried out by  
14          the full board, instructions given to the head, perhaps,  
15          and the senior management team. Whereas my experience  
16          both at Kelly and Loretto is the hard work, the engine  
17          room of governance actually are the subcommittees, and  
18          they feed into actually what are now efficiently run  
19          full board meetings because you haven't got to get, in  
20          our case, depending on the year, 12 to 15 governors, at  
21          Warwick up to 25 different opinions on a whole range of  
22          different issues, which just clogs the whole system up.

23       LADY SMITH: You said today at Loretto each boarding house  
24           has a particular governor allocated to it. Am I to take  
25           from that that that governor will have separate meetings

1 with the housemaster, the people involved with the  
2 boarding house, I don't know. How does it work?

3 DR HAWLEY: Yes, that is how it works. They would make  
4 an appointment to come in, typically early evening, so  
5 they see the children, the boys or the girls, meet with  
6 the housemaster, the visiting tutor who will be in on  
7 that evening, and really the aim is to foster  
8 relationship-building so that they have an understanding  
9 of what the issues that the housemaster and sometimes  
10 the children have.

11 So in essence, it is part of that broader engagement  
12 so that they understand the way in which the school  
13 works. So they are not simply relying on perhaps me or  
14 another member of the management team to say this is  
15 what is happening, and that is their only source of  
16 information.

17 LADY SMITH: How often would a boarding house governor visit  
18 a boarding house?

19 DR HAWLEY: They go in termly, but some may go in more than  
20 others. So we have some governors who have children at  
21 the school and therefore may be at the school more  
22 regularly for fixtures and concerts and they are much  
23 more likely to either visit or have a conversation with  
24 a housemaster or housemistress on the touchline.

25 LADY SMITH: Thank you.

1 MR MCCUTCHEON: My Lady, if I may?

2 LADY SMITH: Please do, Peter, yes.

3 MR MCCUTCHEON: I became a house governor just as COVID  
4 struck. Having started in my role as Chair in 2017,  
5 I felt perhaps I should be concentrating on other  
6 things, but once I had got comfortable I thought it was  
7 important. I am the house governor for Seton House,  
8 which is quite important at the moment because Seton --  
9 we are going through a change in the accommodation there  
10 and moving to do the preparation for a rebuild.

11 But I have spoken to the housemaster on the  
12 telephone several times, and we believe as a board that  
13 it is important that there are as many different avenues  
14 and lines of communication as we can possibly have. The  
15 relationship that the house governor has with the  
16 housemasters is an important one because it is a space,  
17 and perhaps it's a space for the house governor to  
18 speak. And Graham, as headmaster -- I know this because  
19 I have asked him -- is not challenged in any way by the  
20 fact that housemasters are speaking to governors without  
21 him being there, or on an informal basis. We view it as  
22 an extremely positive method that assists us in  
23 enhancing our communication and our situational  
24 awareness, and I think this issue about situational  
25 awareness is very important.

1 LADY SMITH: Thank you.

2 Mr Brown.

3 MR BROWN: We have gone into governance and we may as well  
4 stay with governance just to look at how it has changed,  
5 because I think it is clear from your parts A to C there  
6 has been major review and a shift in the approach. As  
7 things stand, and you can both confirm this, is it fair  
8 to say that with the board of governors there are  
9 multiple committees: enabling committees, health and  
10 safety, finance and review, infrastructure, external  
11 relations. Then there's a strategy committee, a  
12 remuneration committee, a nominations committee, an  
13 international committee. There are house governors, as  
14 you say, additional governors.

15 Then perhaps the novelty in the last decade -- we  
16 will come to the detail in a moment -- there are core  
17 committees which are education, co-curricular and  
18 pastoral and welfare. And it is that last one that is  
19 perhaps the most fundamental change which is leading  
20 into what you have just been discussing, Peter and  
21 Graham, about the interaction from governor level to  
22 house level, and that oversight that has been provided.  
23 Is that a fair summary?

24 MR MCCUTCHEON: You have listed most of the committees  
25 there, yes, I think. It is a fair summary and, yes,

1           pastoral and welfare and its safeguarding subcommittee  
2           are absolutely critically core to our operation. Our  
3           governance operation, sorry.

4       Q. That is a major change, because if we go to document  
5       LOR.001.001.0136 at page 50, just looking at the history  
6       of governance over the last -- well, the post-war period  
7       perhaps, or in fact from 1930, there have been  
8       undoubtedly subcommittees. But as it says halfway down  
9       the page:

10           "The governing body's composition and committee  
11           structure has changed during the period from 1930 to  
12           17 December 2014. It is not possible to narrate all the  
13           changes ..."

14           But then you have carefully gone on to identify the  
15           following key information about the board of governors  
16           and its committee structure:

17           "Minute books confirmed that during the 1930s  
18           Governors met for a monthly Executive Committee meeting  
19           and Full Board meetings were held each academic term.

20           "In the minutes for 1939, it is noted in addition to  
21           the Governors Committee (being the full board) three  
22           subcommittees were formed: House, General Purposes and  
23           Finance.

24           "In 1946, Loretto School Limited was wound up and  
25           the Trust continued having purchased all the shares in

1 the company."

2 Talking about that. Moving on to the next page, 51:

3 "In 1946 the main body of Governors being the Full  
4 Board met termly (three times a year). The executive  
5 function, which dealt with the day-to-day  
6 administration, was delegated to the Management  
7 Committee, which was advised by three subcommittees each  
8 with their own remit and convener from the governing  
9 body. The General Purposes committee dealt with the  
10 buildings, grounds and outdoor staff. The House  
11 committee dealt with food, furnishings and domestic  
12 staff and the Finance Committee with financial matters  
13 such as insurance, superannuation and investments."

14 It's the operation of the school on a financial and  
15 practical level looking at the capital, I suppose, both  
16 in terms of funds but also buildings, primarily. What  
17 is absent clearly is the welfare that we now see playing  
18 such an important part.

19 Then going down a couple of paragraphs, the minutes  
20 for the year 1987 to 1991 note that there was a Nippers  
21 committee which met once each academic term:

22 "The minutes books also refer to there being  
23 a Finance Committee, which met between three and five  
24 times each academic year, a Management Committee which  
25 met three times a year and a Full Board which also met

1 each academic term. This structure remained in  
2 a similar form until 2008 when a new committee structure  
3 was discussed as follows ..."

4 The full board meeting three times a year, the  
5 subcommittees: general purpose, finance, development,  
6 marketing and administration, education, estates and  
7 facilities, strategy, nominations, health and safety and  
8 audit.

9 So even up to 2008, the one bit that is missing,  
10 that we have now, is the pastoral side, would you  
11 agree with that?

12 DR HAWLEY: Yes.

13 Q. It's only over the page and the fourth paragraph:

14 "In 2014, subcommittees of strategy, co-curricular,  
15 health and safety and infrastructure were introduced in  
16 2014, along with a separate pastoral and welfare  
17 committee, with specific responsibility for the pastoral  
18 care of both day and boarding pupils."

19 That presumably ties in with what we were hearing  
20 last week about the change in regulation as much as  
21 anything else, and also the social changes that led to  
22 safeguarding and pastoral becoming much more prevalent?

23 DR HAWLEY: I think that is right. I think that prior to  
24 2014 I don't think there was any less pastoral care  
25 delivered. I think there was still a heart for looking



1           after children and looking after them well, but there  
2           wasn't necessarily that regulatory framework, and hence  
3           I think schools probably felt that the pastoral staff  
4           within the school got on and looked after the children,  
5           and that governor oversight came with increasing  
6           regulation.

7       MR MCCUTCHEON: Mr Brown, if I may, I just would like to  
8           point to the fact that the governors appointed a [REDACTED]  
9           governor in 1999 with a specific brief to look at  
10          pastoral and welfare child protection measures. So that  
11          was the first appointment that I can -- specific  
12          appointment for a governor that I can find, 1999.

13       MR BROWN: Thank you.

14       LADY SMITH: Peter, why do you make the point that it was  
15          a [REDACTED] governor?

16       MR MCCUTCHEON: I think for two reasons: one, it was, and  
17          secondly, it was a reflection on the change to the  
18          constitution, make-up, of the governing board. It is an  
19          indicator of the change away from an [REDACTED],  
20          all-Lorettonian FP board.

21       LADY SMITH: So that was your first [REDACTED] governor in 1999?

22       MR MCCUTCHEON: I think so, ma'am, yes.

23       LADY SMITH: Thank you.

24       MR BROWN: I was coming on to the make-up and recruitment of  
25          the board because that is something, would you agree,

1           that has changed again, perhaps over the last quarter of  
2           a century from what you are saying. Prior to that,  
3           would we understand that the board was [REDACTED] made up of  
4           old boys and people local to the school, with  
5           an interest undoubtedly in the school, and presumably,  
6           it would be hoped, with some knowledge or experience  
7           that would benefit the school, probably more in the  
8           financial sector?

9       MR MCCUTCHEON: I think it was not just financial, there  
10           would obviously be legal, infrastructure, property type  
11           skills as well.

12       Q. Lawyers were once upon a time known as men of business,  
13           would that be a fair --

14       MR MCCUTCHEON: Yes, but your key point, which is  
15           a transition away from that, is utterly valid, yes.  
16           For instance, today we have 12 on the board. Our  
17           articles actually allow for a range of ten to 25, but in  
18           recent years it has been somewhere between a dozen and  
19           16, and at the moment it sits at 12. Of those 12, we  
20           have seven males and five females and, of that 12, five  
21           are former pupils and seven are not.

22       Q. I think, as is made plain on the website, the board is  
23           now a much more balanced reflection of the wider society  
24           in the sense -- obviously connection with the school  
25           makes sense, but there is not a requirement to be an old

1 boy or girl, it's just whoever fits the bill?

2 MR MCCUTCHEON: It is absolutely critical to our board that  
3 we have a board which is best suited for the challenges  
4 that we face today in our sector, and therefore we look  
5 for a wide, diverse board in order to bring fresh  
6 thinking. We have an ex-head of an independent school  
7 and an ex-head from the state system, for instance.

8 LADY SMITH: How easy is it to recruit new board members?

9 MR MCCUTCHEON: We are undergoing a recruitment process at  
10 the moment, and it is not as easy as it used to be, and  
11 there is a very clear and important and positive reason  
12 for that, my Lady, which is that the responsibilities  
13 and the workload that we face today is markedly greater  
14 than it was. Once we get somebody who is willing to  
15 pitch in at that level and at that depth, we recruit  
16 them.

17 LADY SMITH: Mr Brown.

18 MR BROWN: I am obliged, because I was coming to that.

19 Presumably in the past, and you have just talked about  
20 it, the burden of being a governor or a trustee is now  
21 much more burdensome than it once was, is that fair?

22 MR MCCUTCHEON: Yes.

23 Q. A great deal of time has to be devoted, so you are  
24 taking on quite an onerous burden. Presumably in the  
25 past, attendance at board meetings, you couldn't always

1           assume -- and this is perhaps looking at minutes -- that  
2           everyone would turn up. Now you perhaps would expect  
3           them to because of that level of required commitment?

4       MR MCCUTCHEON: We currently have a very high level of  
5           attendance at our four full board meetings. But more  
6           critically I suspect, well, I know, that is that we have  
7           a very high level of attendance at our committee stage,  
8           both in terms of the governors which sit on those  
9           committees and the members of staff which sit on those  
10          committees. Because as I am sure you will appreciate,  
11          we have a high level of integration now in those  
12          committees which allows us to optimise their outputs and  
13          remain agile and aware.

14                So, yes, there is a high level of attendance at the  
15          moment. In fact at our last board meeting we had one  
16          apology and that was because they were -- a work  
17          commitment meant they couldn't attend.

18       Q. Thank you.

19                One of the things that has also changed is being  
20          a governor is time-limited? You are appointed for five  
21          years, you can then have a second five years, but then  
22          you go unless you are appointed either as Chair or  
23          Vice Chair, is that correct?

24       MR MCCUTCHEON: That is correct, yes.

25       Q. Again that is a change from the past where people could

1 sit -- and I don't mean to be offensive -- but could sit  
2 for decades on a board, and it's part of what you have  
3 talked about, the need for change and fresh blood to  
4 revitalise?

5 MR MCCUTCHEON: Yes, and remain agile.

6 LADY SMITH: That of course is an approach to corporate  
7 governance that goes much wider than the governance of  
8 schools, that the memberships should be refreshed, isn't  
9 that right?

10 MR MCCUTCHEON: Yes, my Lady.

11 LADY SMITH: Mr Brown.

12 MR BROWN: But in the context of schools that is quite  
13 a recent transition, because I think we see from your  
14 report that in 2009, a nominations committee was formed  
15 with a remit to put in place a consistent process for  
16 the appointment of new governors. It's at that point --  
17 again, speaking generally, there is a recognition that  
18 governance has to modernise? Perhaps, to take  
19 her Ladyship's point, it has to be more business like  
20 and professional even though it is a voluntary exercise?

21 MR MCCUTCHEON: Yes, it has not only got to be more  
22 businesslike, it has to be more aware of the wider  
23 issues we are here to discuss. So it's not just  
24 a matter of business, it's a wider, more holistic  
25 approach which wraps in all those key functions of which

1 child protection is key.

2 Q. Of course one of the things that has changed perhaps is  
3 that PVG scheme checking is automatic for governors now  
4 in a way that once upon a time perhaps it was not?

5 MR MCCUTCHEON: I can't speak for then, but I can tell you  
6 now that the board are all PVGed, yes.

7 Q. I think as we see on page 54, whilst it is recognised  
8 governors are not involved in the provision of childcare  
9 services for pupils at Loretto, all governors are  
10 PVG-checked, governors are expected to undertake child  
11 protection training, governors who have experience in  
12 child protection are asked to sit on the pastoral and  
13 welfare committee, and, for example, you have a local  
14 GP, going back to 2017, who was asked to be a member and  
15 was in fact a member since its inception in 2014.

16 MR MCCUTCHEON: Indeed, and she has just retired. And it  
17 was an absolutely key priority to ensure that we had a  
18 new GP qualified governor to step into that vacancy and  
19 we achieved that. It was absolutely fundamental to the  
20 board that we did.

21 And also we have -- she sits on our safeguarding  
22 committee as well, and that committee is led by  
23 an appropriately qualified governor who has actually  
24 professional experience from the Care Inspectorate. So  
25 we are very careful to make sure the right people with

1 the right qualifications are at the right place.

2 Q. Yes. I think from page 61 of your report, the lady you  
3 are speaking of, Rebecca Everett:

4 "... worked as a Care Commission inspector and at  
5 present she is a Care Consultant advising private,  
6 voluntary and charitable care services on their  
7 statutory obligations and how to meet (and exceed)  
8 them."

9 So is that a very good example of finding just the  
10 right person to address a particular area, in this case  
11 safeguarding child protection?

12 MR MCCUTCHEON: Indeed.

13 Q. That is looking at the way governance has changed at  
14 Loretto over perhaps the last quarter of a century,  
15 reflecting, as we say, the change in approach more  
16 widely.

17 If we could turn now to recruitment of headmasters  
18 and teachers. Again this is perhaps more a question for  
19 Graham. Is that something that you, in your 25 years of  
20 experience, have seen changing also?

21 DR HAWLEY: Yes, I think the regulations and best practice  
22 have changed considerably, particularly with regards to  
23 safeguarding. I wasn't in a position before ... I would  
24 have been involved in the recruitment process at  
25 Warwick, not at Ardingly. So my recollection is

1           certainly from Warwick onwards we were very aware of  
2           being explicit about processes, about gaps in CVs and  
3           finding out reasons for those, for seeking references,  
4           checking that they were in place, and then, in England,  
5           the CRB checks.

6           I can't speak before that time, but certainly my  
7           sense is that the rigours of the application/recruitment  
8           process is considerably greater than it used to be.

9       Q. I think, for example, we have heard in the past of  
10       List 99 in the English context. Is that something you  
11       were familiar with, or was it before your time?

12       DR HAWLEY: In my time it was the CRB checks that came in.  
13       List 99 was an element of that. I think I was probably  
14       in the transition phase.

15       Q. People may have been checking when you went for jobs to  
16       see --

17       DR HAWLEY: Quite likely.

18       Q. -- what names were on the lists. Have you any sense  
19       from your researches vis-a-vis Loretto whether those  
20       good practices you now talk of were always followed?

21       DR HAWLEY: I think the records that we have seen indicate  
22       that references were taken up. I have certainly seen  
23       references from fairly long-standing members of staff.  
24       I am not sure that I have seen in the records  
25       application forms, I think curriculum vitae were more



1 common, and therefore perhaps it is less easy to be able  
2 to compare apples with apples. You give the applicant,  
3 in one sense, too many opportunities to say what they  
4 want to say. So I think that shift to an application  
5 form is positive but I'm not sure that we would have  
6 included those, going back in history.

7 I am trying to think of my own application to  
8 Ardingly back in 1995, it would have been. I don't  
9 think I was required to fill out an application form.  
10 I think it was for me to say: here I am, this is what  
11 I want to tell you, and leave the ball in the employer's  
12 court.

13 Q. I suppose, putting it simply, was a great deal more  
14 taken on trust, thinking back to that application form?

15 DR HAWLEY: I think it could have been. I think a lot would  
16 have depended on the head, I suppose, how assiduous they  
17 were in following up with referees. As I say, we have  
18 got records to suggest at Loretto that was done.

19 I can't really comment on other schools. But I think  
20 there was less regulation about it, and therefore the  
21 scope for things possibly going awry would have been  
22 greater.

23 Q. Having worked in education for the last 25 years, is it  
24 cases like Soham, where there are reports about  
25 recruitment, and good practice develops from bad cases?

1 DR HAWLEY: Yes, I think something like Soham absolutely was  
2 one of those milestones that caused schools, other  
3 institutions, to really look at their practices and say:  
4 have we got this right? Are we keeping children safe?  
5 That was, in my memory, a very significant event.

6 Q. It was a jolt to the system?

7 DR HAWLEY: Yes.

8 Q. It had been comfortable, and assumptions presumably had  
9 been made prior to that which most of the time didn't  
10 cause problems?

11 DR HAWLEY: I don't think that is an unreasonable comment.  
12 I think probably in lots of areas of our lives we hit  
13 an equilibrium and, unless that is challenged, we tend  
14 to carry on in that frame.

15 Q. You also mentioned it being down to the individual  
16 headmaster. Yesterday we discussed the potential for  
17 idiosyncrasies to creep in because of the character of  
18 an individual headmaster. Is that a factor you would  
19 recognise in terms of appointment, looking back?

20 DR HAWLEY: Possibly, and maybe probably. I think the  
21 absence of regulatory compliance checks -- in England,  
22 for example, with a single central register -- there was  
23 a shift from what I think would have been assumed good  
24 practice, and probably was carried out by the majority  
25 of good schools, if not all good schools. But the fact

1           that one then had to keep a single central register with  
2           names and qualifications, the equivalent of the PVG  
3           checks, references, and to have that inspected, put the  
4           whole recruitment process on a much more rigorous level.

5       Q.   In terms of the boarding school world in Scotland within  
6           the UK, it's quite a small sector, obviously?

7       DR HAWLEY:   Yes.

8       Q.   Again, just looking back to assumptions and previous  
9           culture, one tends -- again, you tell me, but my  
10          impression might be that staff move within the sector  
11          from one school to another so they are likely to be  
12          known about.  You can phone someone up and find out  
13          about them.  Do you recognise that?

14      DR HAWLEY:   Yes, I do recognise that to an extent.  I think  
15          if one knows a fellow head quite well, that is more  
16          likely to take place, perhaps, than if one doesn't.  
17          Does it happen all the time?  No, I don't think it does.

18      Q.   Do you think it happened more in the past, again going  
19          back to the taking on trust assumptions?  If he has been  
20          at a certain school and the headmaster speaks well of  
21          him, he will be all right?

22      DR HAWLEY:   I can't say for certain.  I think that could be  
23          the case.  And I think that within our umbrella of  
24          schools, Headmasters' and Headmistresses' Conference  
25          schools, HMC schools, probably going back in time,

1           certainly going back in time, there were fewer schools  
2           within that organisation, and therefore probably the  
3           various heads may have been more interconnected perhaps  
4           than they are now because of simply larger numbers.

5       LADY SMITH: Mr Brown, it's just after 11.30 am.

6       MR BROWN: I am conscious of that, my Lady. There is just  
7           one --

8       LADY SMITH: One point you want to take? Very well, do  
9           that.

10      MR BROWN: But I am conscious of the time, my Lady.

11           The other aspect I am interested in of course is the  
12           flipside of that. We are talking about employment of  
13           a teacher to a school. In terms of references provided  
14           by the school, is that something that you have seen  
15           change in your career?

16      DR HAWLEY: I think that there is probably less candour in  
17           some references than there perhaps used to be. I think  
18           as employers we are more alert to employment law. But  
19           I am thinking perhaps more of comments about  
20           a colleague's family and how effective they might be as  
21           a rugby referee.

22           I think what I am trying to say is that references  
23           are perhaps slightly more bland than they used to be,  
24           more -- slightly tighter, probably more factual, less  
25           colour and texture, perhaps.

1 LADY SMITH: Is that reduction in what you refer to as  
2 "candour" attributable to a fear of being sued if you  
3 say something negative?

4 DR HAWLEY: I think if there are grounds for saying: this  
5 particular colleague has weaknesses or there have been  
6 disciplinary issues, I can't think of a head who would  
7 not be absolutely clear about that. So there are some  
8 things that are absolutely sacrosanct in terms of child  
9 protection, and there are other elements that are  
10 perhaps not linked with child protection. That is where  
11 the blandness I think comes in. But I would -- I would  
12 reiterate, I think, that on the things that matter,  
13 heads are very clear about that.

14 LADY SMITH: Thank you.

15 MR BROWN: That was going to be my next question. The lack  
16 of candour sounds alarming. As of now, if there was  
17 a child protection issue, can we take it there would be  
18 clarity?

19 DR HAWLEY: There would be absolute clarity.

20 Q. Has that always been the case? I am thinking,  
21 for example, of the use of compromise or settlement  
22 agreements where I suppose -- we heard yesterday it is  
23 fairly clear that if there is an extraordinarily bland  
24 reference saying "Teacher A worked at the school between  
25 X and Y and turned up for duty as required", that might

1 set alarm bells ringing. Are we now saying that  
2 compromise agreements are used or simply wouldn't be  
3 used in the context of a child protection issue?

4 DR HAWLEY: They certainly wouldn't be at Loretto. I cannot  
5 think of a school that is known to me that would use  
6 a compromise agreement in those circumstances.

7 Q. Is that the candour you are talking about, about child  
8 protection? Again in your experience as a teacher, is  
9 that something that has changed?

10 DR HAWLEY: I can't think of an example where child  
11 protection issues are anything other than flagged.  
12 I don't think they are played down, brushed under the  
13 carpet.

14 MR MCCUTCHEON: Mr Brown, if I may just come in here? One  
15 of my first statements on taking over as Chair at  
16 Loretto was to inform my board that we would not sign,  
17 under any circumstances, a settlement agreement in these  
18 sorts of matters. Because to do so would be to indicate  
19 a wish to hide something and it would also indicate that  
20 there had been failings, and in hiding them we weren't  
21 going to be addressing them. It would be fundamentally  
22 morally wrong to do so.

23 Q. I am most obliged to you. That was something you  
24 introduced in 2017?

25 MR MCCUTCHEON: I think it had -- I can't speak for before

1           2017, but let me just say that from 2017 I was  
2           absolutely clear to the board and the senior management  
3           team that it was not going to happen on my watch.

4 Q. It was explicit, in other words?

5 MR MCCUTCHEON: Yes.

6 MR BROWN: Thank you very much indeed.

7 LADY SMITH: Gentlemen, at this stage in the morning I would  
8 normally take a break of about 15 minutes or so, and if  
9 that would work for you, I would like to do that now.

10 DR HAWLEY: Yes, my Lady.

11 MR MCCUTCHEON: Thank you, my Lady.

12           LADY SMITH:   I will rise now for the morning break.

13 (11.38 am)

14 (A short break)

15 (11.56 am)

16 LADY SMITH: Graham, Peter, welcome back. Are you both  
17 ready for us to carry on?

18 DR HAWLEY: Yes, my Lady.

19 MR MCCUTCHEON: Yes, indeed, my Lady.

20 LADY SMITH: Thank you. Mr Brown.

21 MR BROWN: If we can now move on to safeguarding and  
22 inspection and the like.

23 If I can start with Graham principally, because  
24 obviously what you have said, you starting teaching in  
25 1996, you have lived professionally through I think what

1 we heard last week was the period of transition in terms  
2 of approach. Because we know, and obviously Loretto was  
3 inspected too from the 1930s onwards if not regularly  
4 before, that the style of inspection has changed  
5 markedly from the mid-1990s. Suddenly the importance of  
6 accommodation became part of the Inspectorate's remit  
7 and then, separately, the Care Commission and then the  
8 Care Inspectorate.

9 Obviously you were south of the border in that  
10 period, but listening to the description of that period  
11 of change, does that reflect your experience down south?

12 DR HAWLEY: Yes, it does. I remember being inspected at  
13 Ardingly. And in terms of certainly the education, the  
14 focus was on me as a teacher. An inspector would come  
15 in, they would grade my lessons, they would check that  
16 the mark book was populated, they would look at the  
17 resources that I had. So it was very much a sense that  
18 what was being inspected was the teacher and the  
19 teaching, rather than perhaps the quality of the  
20 learning. I think that is something that has shifted  
21 over time.

22 I think in terms of the accommodation, I remember  
23 being inspected as a housemaster, and an inspector would  
24 come up and look at the paperwork, the call-over, the  
25 registration sheets that we had. But I would describe



1           it as quite a light touch. There didn't appear to be  
2           a focus on the accommodation at that time.

3       Q. What about welfare?

4       DR HAWLEY: I would say similarly the welfare. The  
5           inspector would come up and would have a conversation  
6           with some of the boys in my house, but I don't remember  
7           that being a prominent element of the inspection  
8           process.

9       Q. As a teacher in the mid-1990s ...

10           My Lady, I think ...

11       LADY SMITH: Yes. Peter, can you just confirm you are still  
12           there? We have lost your picture. It may be just  
13           because you are being so quiet. If you could say  
14           something?

15       MR MCCUTCHEON: Sorry, was that for me, ma'am?

16       LADY SMITH: Yes, keep speaking because I want to check we  
17           have got a good video connection.

18           I still can't see you. (Pause).

19       MR BROWN: I think you are muted, Peter.

20       MR MCCUTCHEON: Yes, ma'am. I'm afraid there must have been  
21           an IT glitch which muted and stopped the video.

22           I apologise for that.

23       LADY SMITH: That is fine. We have you now.

24       MR MCCUTCHEON: The hamsters down here in the borders are  
25           not running hard enough.

1 LADY SMITH: You need to feed them more!

2 Mr Brown.

3 MR BROWN: Thank you. We were concerned we had lost you.

4 That is fine.

5 In terms of welfare and child protection, what we  
6 have been talking about, transformation I think, or the  
7 degree of interest that we now see at Loretto as things  
8 stand today. Thinking back to your experience as  
9 a teacher, did child welfare exist as a specific concept  
10 that you focused on as a teacher in the 1990s or was it  
11 just a given?

12 DR HAWLEY: I think the latter. I think there was  
13 an assumption that it would be done well, and in many  
14 regards that wasn't an unreasonable assumption. You had  
15 teachers, professionals, who had chosen to go into the  
16 boarding sector. I think there was a sense that if you  
17 worked in boarding, you signed up to that way of life,  
18 and by and large it was a good thing to do and most  
19 people enjoyed it. But I think you are right, as  
20 an entity, I don't think there was a particular keen  
21 focus on it.

22 We must have had -- that's probably not a good  
23 choice of words, because I am not sure that "must" is  
24 apposite. We probably had some child protection  
25 training, but I don't remember it. It didn't stand out

1 in the same way that we would have had training about  
2 improving our teaching, for example. So whilst there  
3 may have been elements of care, at best I think it was  
4 considerably less of a focus than it is now.

5 Q. Were you surprised when it became a focus? Or the  
6 profession, were they surprised when it became a focus?  
7 Did the profession say: heavens, why haven't we thought  
8 of this before?

9 DR HAWLEY: I think probably the latter. Again I think  
10 social expectations, expectations within society had  
11 changed. I think the move from fairly basic  
12 accommodation was very significant. I think a sense  
13 amongst parents -- and this would have been a time when  
14 school fees were increasing above the rate of inflation,  
15 independent school provision was undoubtedly becoming  
16 more expensive, I think parents were beginning to think,  
17 well, actually, is it reasonable that my son, my  
18 daughter is living in conditions like these?

19 So I think there was a whole range of different  
20 elements that came together. Events, as we spoke about  
21 before the break, like Soham, changing social  
22 expectations, were all focusing towards childcare being  
23 much more significant than it had been, and I think the  
24 profession absolutely welcomes that. Did welcome it,  
25 continues to welcome it.

1 Q. We heard obviously from Peter about the first governor  
2 being appointed in terms of I suppose what we now  
3 consider child protection in 1999. You were elsewhere,  
4 obviously, back then. Is that the same sort of  
5 reflection time-wise of a transition in the schools you  
6 were in, that suddenly it became more serious?

7 DR HAWLEY: I think, as a housemaster, the very fact there  
8 was a building project, it was arguably the most  
9 significant building project in 30 or 40 years, really  
10 pointed towards a focus on childcare. And that had many  
11 other spin-offs, positive spin-offs for the rest of --  
12 almost the whole culture of the school. I can't comment  
13 on the governance at Ardingly at the time, but I would  
14 have thought that the whole economic argument for this  
15 big capital project there, building new boys' boarding  
16 houses, would have been a reflection of the direction of  
17 travel of care becoming more significant.

18 Q. In terms of inspection, you talked about the inspections  
19 really looking at the teaching side. Were you aware of  
20 that transition where welfare became a greater --  
21 progressively greater part of the inspection process?

22 DR HAWLEY: Yes, and I think that was most noticeable when  
23 I moved to the South West of England, that there wasn't  
24 a big focus in terms of certainly boarders at Warwick,  
25 because it was predominantly a day school, but by the

1           time we had moved to South West England, yes,  
2           absolutely, that marked I think a change in terms of  
3           inspection for boarding accommodation and welfare.

4       Q. Last week obviously we were listening to the regulators,  
5           and understanding the transition in terms of how the  
6           regulatory framework applied in the Scottish sense, what  
7           tests were used, for example, Getting It Right For Every  
8           Child, SHANARRI, and this sort of thing.

9           That is presumably something you experienced once  
10          you got to Loretto? Or had you experienced something  
11          similar down south before?

12       DR HAWLEY: I think the language, the vocabulary, was  
13           different when I arrived in Scotland. There was lots of  
14           talk of GIRFEC and SHANARRI and it took a Google search  
15           to work out what was -- what it was about. But in  
16           essence, there wasn't a huge amount of difference  
17           between the south and in Scotland.

18       Q. Was it really just language?

19       DR HAWLEY: Yes.

20       Q. We have obviously looked at language. Is language  
21           helpful or is it, as Helen Harrison said yesterday, one  
22           just becomes accustomed to it within the teaching world?

23       A. I would agree with Helen. I don't think it is  
24           unhelpful. I think it is often useful to have a common  
25           language. I think one has to translate to one's

1 different stakeholders, if you like, so we wouldn't --  
2 I think most children are certainly aware of GIRFEC and  
3 SHANARRI, but I think when one is explaining a concept  
4 to parents or children, and indeed colleagues at the  
5 outset, one uses language that they understand and is  
6 appropriate to them. But then I think one transitions  
7 into the use of acronyms just simply for a common  
8 understanding.

9 Q. I think we have seen that reports from the various  
10 inspectorates are sent out specifically to teachers  
11 which might be said to be in plain English as distinct  
12 from the sort of reports that you get?

13 DR HAWLEY: Yes, so I think when there are general letters  
14 or reports placed on websites, I would think that they  
15 are fairly accessible.

16 Q. In terms of the inspection regime which has become, as  
17 I think we have agreed, much more regulated, and there  
18 are great publications as we saw last week setting out  
19 the various tests that have to be met, in the areas of  
20 interest, for example, leadership. Is that helpful from  
21 your perspective as an educator having such clarity of  
22 policy --

23 LADY SMITH: Mr Brown, sorry. Could I just ask everyone who  
24 is connected remotely, other than Peter, to check  
25 whether they have got their microphones switched off,

1           because I am hearing other noise from time to time in  
2           the background, and there are quite a lot of you. If  
3           you could just check, please. Thank you.

4       MR BROWN: I have just seen it's plus 27.

5       LADY SMITH: Yes.

6       MR BROWN: Do you find -- to go back to what I was asking --  
7           as an educator, is it helpful to have such  
8           a policy-driven inspection process where you know you  
9           have to meet various criteria?

10      DR HAWLEY: I think I would again say it's not unhelpful.  
11           I think if that was the only driver, then I think that  
12           there would be a degree of dryness, a slightly formulaic  
13           nature about it. I think, done well, it provides  
14           a framework, that there is value in that. But I think  
15           in terms of my own role, I don't see that that  
16           inspection process is the sole judge of how I am  
17           performing. So I will have governors looking at that,  
18           I get feedback from parents, sometimes welcome,  
19           sometimes slightly less so, but there are lots of  
20           different data points almost that feed into it. So  
21           I think that inspection is one useful part of that.

22      Q. I suppose the anxiety might be that since you know what  
23           is required, when it comes round to an inspection you  
24           focus on making sure that you meet those tests, and  
25           perhaps some focus on the whole is lost, is that

1           an unfair ...?

2       DR HAWLEY: I think it would be accurate if that was the  
3           only hurdle one was seeking to clear. But I think the  
4           other elements, the other scrutiny that comes from wider  
5           stakeholders, becomes significant and important. So  
6           I think that generally I don't live in a sense from  
7           inspection to inspection and think, oh, that is out of  
8           the way, I can breathe more easily for a year or two,  
9           and then I need to pull up my socks and get ready for  
10          the next one. I think one is operating, hopefully, to  
11          the best of one's ability constantly.

12                The inspections are a useful form of feedback, yes,  
13           they provide some checklists for self-reflection, but  
14           I don't think they drive leadership for boarding school  
15           heads.

16       Q. I suppose the concern might be that what is important is  
17           to get a good inspection result in terms of all your  
18           stakeholders, because if you get a bad one that would be  
19           unhelpful, or is that being unduly cynical?

20       DR HAWLEY: I don't think it is unduly cynical. I think  
21           that certainly in terms of the education, the  
22           inspections north of the border are considerably less  
23           frequent at the moment than the experience down south,  
24           and I think probably down south therefore there is more  
25           cognisance amongst stakeholders about your latest ISI



1 report. I don't see the same reaction to inspections  
2 north of the border, probably because the frequency --  
3 I cannot remember a prospective parent asking to see  
4 a copy of the latest inspection report.

5 In some respects, that is not less healthy. I think  
6 there are strengths of having an inspection regime, I am  
7 not saying that it is optimum at the moment, but I think  
8 it is not unhelpful that there isn't a narrow focus on  
9 grades. There is a parallel there perhaps with exam  
10 league tables. One can get into a cycle of just  
11 focusing, I would say unhelpfully, on those.

12 Q. What about the Care Inspectorate side, thinking of  
13 welfare, safeguarding and the like?

14 DR HAWLEY: I think that is a very different category  
15 compared to education. So I think for the  
16 Care Inspectorate it's much more important that they are  
17 frequent. I think that -- I don't know if parents pay  
18 greater attention to those, but I think we do as  
19 a school.

20 So I think, as I see the inspection framework  
21 currently applying in Scotland, we have many more  
22 Care Inspectorate inspections than we do education  
23 inspections, and that is the right balance.

24 Q. In terms of engagement with both Care Inspectorate and  
25 Education Scotland, we have heard of link inspectors for

1 Education Scotland and also contact with a known  
2 quantity in terms of the Care Inspectorate. Is that,  
3 I would take it, very helpful so you can seek advice as  
4 necessary, particularly Care Inspectorate?

5 DR HAWLEY: We found that to be very useful indeed. So our  
6 case-holding inspector, the main link is with my  
7 assistant head of pastoral care, so that is  
8 the professional lines of contact and that does work  
9 well. If there is an issue, she will pick up the phone  
10 to the inspector and say "Look, this is what I have got.  
11 What do you think we should be doing? Are we doing  
12 enough?" And there is a professional conversation that  
13 goes on there that is very helpful.

14 I think similarly our link inspector with Education  
15 Scotland is highly effective. I made some comments  
16 a few moments ago about the education inspection much  
17 less frequent at the moment, but we do have  
18 a professional engagement visit. That may not give the  
19 broader public sufficient assurance that the quality of  
20 education that we are giving is fine, but I think there  
21 are lots of other touch points again, whether it is exam  
22 results, whether it's a general sense within the parent  
23 body about how effectively we are doing, but I value the  
24 professional personal relationships that there are,  
25 those named inspectors -- link inspector, case-holding

1 inspector -- and I think that works well, and I think  
2 that that is something I would argue that is somewhat  
3 better than south of the border.

4 Q. You have talked about phoning them asking for advice,  
5 thinking particularly on the Care Inspectorate side.  
6 Again, as we have heard under reference to documents  
7 last week, going back to the beginning of the 2010s,  
8 certainly there seemed to be the potential for a lack of  
9 clarity about when one should notify and who you should  
10 notify. It would appear that there is a requirement to  
11 notify the Care Inspectorate within 24 hours, but there  
12 is no such requirement in terms of other regulatory  
13 bodies. Is that your understanding?

14 DR HAWLEY: Yes. I don't think, certainly from where I sit,  
15 there is huge clarity on my part. That is not to say  
16 that there isn't clarity written down. I think it would  
17 be helpful to have a single point of contact, so that  
18 there isn't a sense of a checklist where there could be  
19 gaps. But our centrality, our priority with any care  
20 concerns is to go straight to the Care Inspectorate and  
21 that is our default. And I think because that strong  
22 relationship exists between the school and the  
23 case-holding inspector, we are almost -- we are always  
24 inclined to over-report rather than under-report.

25 Q. I think we heard about the numbers being distinctive

1           with regard to a number of factors. But, for example,  
2           would you report an injury in sport? Some schools seem  
3           to. Would Loretto?

4       DR HAWLEY: I think if it was a significant injury, yes. If  
5           it was a bit of bruising on the rugby pitch, probably --  
6           almost certainly not.

7       Q. So there is a degree of --

8       DR HAWLEY: There will be a degree of judgment.

9       Q. But in terms of -- certainly inform the  
10           Care Inspectorate. Yesterday, from what Helen Harrison  
11           was saying, she has no difficulty in alerting everyone  
12           at the same time in terms of other regulatory bodies,  
13           Education Scotland, SSSC, the police where necessary.  
14           Is that the same for Loretto, or again would it just be  
15           subject to the judgment about the individual scenario?

16      DR HAWLEY: Yes, I think it would be the judgment of  
17           a scenario. If it was a serious child protection case  
18           then everyone would be involved. I am trying to think  
19           of an example where it would be less serious and  
20           therefore we wouldn't contact them.

21           So we would contact the Care Inspectorate, and we  
22           have contacted the Care Inspectorate, as we are required  
23           to do, when we move children around our different  
24           accommodation blocks, and that has not been uncommon in  
25           those COVID times for quarantine and that sort of thing.

1           That is obviously not a child protection case, so we  
2           wouldn't obviously inform the other bodies.

3           Where there is child protection, would we go to the  
4           police? Yes, if we felt that it was anything that was  
5           within their ambit, absolutely.

6       Q.   You heard Helen Harrison's concerns yesterday about  
7           reporting to the police because it will simply go to the  
8           101 number and will go to potentially anyone. Is that  
9           a concern you share?

10       DR HAWLEY: I think our experience is that the police that  
11           we have had on campus, when they have been notified, has  
12           been a positive experience. They have spoken to  
13           children when they have needed to, they have done that  
14           in I think an appropriate and effective way.

15       LADY SMITH: Graham, did you tell me that you have to tell  
16           the Care Inspectorate if you are moving a child from one  
17           accommodation block to another?

18       DR HAWLEY: If we change the use of the accommodation. So,  
19           for example, over the COVID times -- to give a practical  
20           example: in most holidays the boarding accommodation is  
21           empty as children go home. Last October, for example,  
22           we had a number of boarders who weren't going to travel  
23           home, otherwise they would have to quarantine  
24           potentially when they came back, so unusually we kept a  
25           boarding house open for that two-week period. We needed

1 to inform the Care Inspectorate that we were doing that.

2 LADY SMITH: Because that would be you amending the  
3 information you had previously given them that these  
4 boarding houses are not occupied by children during  
5 holidays.

6 DR HAWLEY: That is right, my Lady.

7 MR BROWN: Would that necessitate also contact with the  
8 Registrar of Independent Schools because of changes in  
9 the registration? Or is that more formal?

10 DR HAWLEY: I think that is more formal. I would say that  
11 I don't think that we did that for that period of time.

12 Q. Okay. In terms of guidance or contact with other  
13 regulators, obviously we heard from the GTCS about their  
14 expectation to be advised of things. Is that something  
15 that you do as a matter of course?

16 DR HAWLEY: I have done on an occasion when we had a child  
17 protection issue, yes.

18 Q. At what stage did you make the report? Can you  
19 remember?

20 DR HAWLEY: I would say that it wasn't within 24 hours, it  
21 was some time after the event.

22 Q. Yes. Again we have heard about perhaps just the  
23 practical difficulties of having to respond to issues.  
24 GTCS obviously wants to be informed, but are they lower  
25 down the priority list, if you like?

1 DR HAWLEY: Yes, I think they would naturally come lower  
2 down the priority list. But I suspect if there is  
3 a fault in not contacting them earlier, that is mine  
4 rather than anybody else's.

5 Q. But there is no requirement, as we heard, to notify them  
6 in certain circumstances where, by contrast, say the  
7 SSSC, there is for suspension.

8 Touching on the SSSC, from your perspective is that  
9 a good thing?

10 DR HAWLEY: Yes.

11 Q. Peter is nodding also, I think.

12 MR MCCUTCHEON: Yes, indeed. It has to be a good thing.

13 Q. Thank you. One of the issues that we are aware of is  
14 the implementation of rafts of policies coming from  
15 Government but also from within the school responding to  
16 Government.

17 If we could look at LOR.001.001.0001 at page 34,  
18 I think it is fair to say that so far as children and  
19 policies at Loretto, we can see that since at least  
20 1999, and this may tie in, Peter, with your point about  
21 the appointment of a governor going hand-in-hand with  
22 that appointment, there have been in place:

23 "... a number of policies and procedures as detailed  
24 in the table below."

25 I won't read them all out, but by 1999 there is

1 a raft of policies about a whole range of issues:  
2 personal relationships, drugs, alcohol, registration and  
3 lateness, missing pupils, complaints, parental  
4 complaints, and then, going further down, handbooks.  
5 From 2008 onwards, there is the document Vade Mecum  
6 which was I think a collation of information for  
7 teachers.

8 So clearly before the implementation of GIRFEC,  
9 SHANARRI and the like, Loretto was creating its own  
10 policies to address given situations. In that respect,  
11 did you consider yourselves ahead of the curve?

12 DR HAWLEY: I think it is difficult to answer that  
13 accurately, because I don't know the situation in other  
14 schools, but I don't think we will have been ahead of  
15 the curve. I think that other schools are likely to  
16 have them, I remember as a housemaster writing  
17 a handbook and having a staff handbook. And I think for  
18 most of these policies it is not as if they are  
19 representing different ways of working but simply  
20 recording them and having them set out in black and  
21 white rather than just a custom and practice way of  
22 working.

23 Q. Obviously from the implementation of GIRFEC and SHANARRI  
24 there is the expectation of further policies, is that  
25 fair?



1 DR HAWLEY: Yes, I think it is fair.

2 Q. Again it's just something that has been raised, so I am  
3 interested in your comment as someone who works in the  
4 arena, have you heard the phrase "policy fatigue", and  
5 does it impact adversely on teachers and carers?

6 DR HAWLEY: I think probably not. I think we have an  
7 increasing number of policies that come through. Most  
8 of them are sensible, well thought out. Most of them  
9 I don't think significantly alter the way in which our  
10 schools work, there may be a degree of extra compliance.  
11 I think that is where there may possibly be a degree of  
12 fatigue initially, but more often than not I think the  
13 policies apply to areas of school and care that were  
14 generally doing reasonably well.

15 So there will be I think initially, in that first  
16 year of a new policy, a reshaping, possibly  
17 a recollecting of data. But like most change, once that  
18 is integrated into one's daily life, it just becomes  
19 normal daily jogging.

20 Q. There is a bedding-in process?

21 DR HAWLEY: Yes.

22 Q. Again I suppose the concern might be that if there is so  
23 much focus on new policies, one stops looking at the  
24 wider picture. Again, what would your comment on that  
25 be?

1 DR HAWLEY: I think the policies are never going to protect  
2 children on their own, and therefore, if one's focus  
3 becomes policy, then there are real dangers that things  
4 will go wrong. The focus for schools, teachers, heads  
5 needs to be on the children, the policies are there to  
6 guide and they are a handrail, but one has to know one's  
7 children above all.

8 Q. Peter, anything you would like to add to that?

9 MR MCCUTCHEON: Yes, I think I would absolutely endorse what  
10 Graham has said in terms of the policies being a part  
11 of -- part of a wider range of things which have to take  
12 place in order to underwrite child protection. If the  
13 policies are there, that is great. But if (a) they are  
14 not observed or (b) they are not audited, then there is  
15 a real chance of a failure, but I think they have  
16 a place.

17 I would also say that many times policy that comes  
18 out, quite often we are doing it anyway in some form or  
19 other, so quite often it is a touch of the tiller rather  
20 than a wholesale change, and I think that eases the  
21 burden as Graham has alluded to.

22 Q. Thank you. Can I ask about a number of specific areas,  
23 again because I asked about them yesterday so it's only  
24 fair to ask you.

25 Looking at the campus map, or returning mentally to

1 the campus map with a variety of areas, and we talked  
2 about movement within the school and you are crossing  
3 physically roads. In terms of access to the school, is  
4 that something that has changed markedly over the years,  
5 it has become much more security conscious?

6 DR HAWLEY: Yes, I think when I arrived it was quite  
7 security conscious. We have keypads on doors to  
8 classrooms and classroom blocks and boarding houses, so  
9 that is not new. We have now gates on to the Pinkie  
10 campus, and more recently to the Schoolhouse campus. So  
11 I think overall, security is somewhat better than it was  
12 in 2014. I think we have done probably all that we can  
13 in terms of infrastructure now, and I think those key  
14 elements of keypads on boarding houses, I'm not sure  
15 when they went in, they pre-date me, but that would have  
16 been I think a very significant additional element in  
17 terms of the school security.

18 Q. Peter, going back to the 1970s, was access pretty open?

19 MR MCCUTCHEON: Yes, indeed. I can't remember there being  
20 a key on any door and certainly any gate into the  
21 school. There was generally free access.

22 Q. Yes. Focusing on pupil accommodation, you have  
23 obviously talked, Graham, about keypads. I take it you  
24 have policies, I am sure they are written down, but  
25 just -- you will know: access by pupils to staff

1 accommodation, is that regulated?

2 DR HAWLEY: That would only occur where a pupil was going to  
3 see their housemaster or housemistress, and typically  
4 the door would always be open and it would be -- yes, it  
5 is regulated in the sense that there is a policy about  
6 that.

7 Q. Again we talked yesterday about one-to-one. So we  
8 should understand it is the same as we heard yesterday:  
9 open doors, windows in doors, so people can see? Is  
10 that something that has transitioned over your time at  
11 Loretto or was it extant when you joined?

12 DR HAWLEY: A little bit of both. We have increased the  
13 opportunity for one-to-one contact. Mrs Harrison  
14 explained I thought very well the strength of one-to-one  
15 tutor-tutee relationships within boarding schools, and  
16 that is something that we are doing more of at Loretto,  
17 but there are guidelines that go along with that and  
18 there were previously. So what I think is different  
19 currently at Loretto is that there is a greater  
20 frequency of those meetings.

21 Q. Can one realistically audit access to a tutor's  
22 accommodation, or how does one do it?

23 DR HAWLEY: No, I think it would be difficult to be  
24 absolutely clear in every circumstance that that wasn't  
25 happening. There will be in certain areas of boarding

1           houses, in the public areas, cameras, but they would not  
2           be near private accommodation.

3       LADY SMITH: How many of your tutors live in Loretto  
4           property as opposed to somewhere away from the school in  
5           their own homes?

6       DR HAWLEY: The majority, my Lady, live off-site. So those  
7           who live on-site are attached mainly to boarding houses,  
8           so the resident housemaster or mistress, their  
9           assistant, in most cases a resident tutor, and the  
10          senior pastoral lead lives on site, and I live on site.

11       LADY SMITH: Thank you.

12       MR BROWN: You understand why I am asking, because of course  
13           some of the cases we are concerned with, and in  
14           particular at Loretto, which we will come to in due  
15           course, relate to proximity of staff accommodation to  
16           pupils. Is that something that you regulate as far as  
17           you can? I suppose you would hope that reporting is  
18           better?

19       DR HAWLEY: Yes, I think the reporting is a significant part  
20           of that. I think it is always going to be very  
21           difficult to completely rule out, particularly if there  
22           are, for want of a better word, "rogue" members of  
23           staff. It will be difficult to completely guarantee  
24           that nothing untoward goes on.

25       LADY SMITH: I am just thinking of where Loretto is

1           situated, which is very much within the town of  
2           Musselburgh. When you say the majority of your tutors  
3           live off-site, am I take to take it that at least some  
4           of them will live in Musselburgh?

5       DR HAWLEY: Yes, some will.

6       LADY SMITH: Do you have any policies in relation to whether  
7           or not they can allow a pupil into their own house  
8           off-site in Musselburgh, or wherever it is, but  
9           obviously it's going to be easy for a pupil just to walk  
10          up the street and see a member of staff in their own  
11          home?

12       DR HAWLEY: My Lady, yes, we do have a policy about that.  
13           Going back to Mr Brown's point about auditing, that is  
14           more difficult, but we are clear that children should  
15           not be visiting members of staff in their own  
16           accommodation.

17       LADY SMITH: Do you make that clear to children as well as  
18           to members of staff?

19       DR HAWLEY: Certainly it is in our staff code of conduct.  
20           Is it in our child's code of conduct? I would need to  
21           check that. I am not sure that that is written down,  
22           but I am not --

23       LADY SMITH: Do you think it should be?

24       DR HAWLEY: Yes, I think that would be helpful.

25       LADY SMITH: Thank you.

1 MR BROWN: When did that policy come into effect?

2 DR HAWLEY: We brought in the staff code of conduct I think  
3 around 2016.

4 Q. In terms of -- obviously you have talked about all the  
5 various layers of oversight that exist and were perhaps  
6 developed over the past 20 years, best practice for  
7 recruitment, governance oversight, et cetera. So there  
8 are other checks in place in that regard.

9 In terms of children reporting, we have heard that  
10 children are perhaps becoming more open to speaking in  
11 a way that perhaps they once weren't. Again the same  
12 question I asked yesterday: what does Loretto do to  
13 ensure that the quiet children are heard?

14 DR HAWLEY: One of the reasons why I was keen that our  
15 tutors are able and are encouraged and do have  
16 one-to-one meetings with their tutor, because that does  
17 allow children to have the opportunity to say what they  
18 want in a way that doesn't work as well in a group  
19 dynamic.

20 We also have questionnaires, periodically, about  
21 what the children's experience of whether it's food,  
22 whether it's their general contentment or otherwise at  
23 school. We have a questionnaire that is given to  
24 children at the end of their half-term holidays and asks  
25 them about, for example, if they have been to guardians,

1           what their experience has been there.

2           So I think we are trying to pick up the  
3           communication and the feelings, the emotions, of  
4           children in different ways but regularly.

5       Q.   Is that a change from when you started at Loretto? Is  
6           that something that has developed in that timescale or  
7           has it been ongoing for longer?

8       DR HAWLEY: I think it has been going for longer. I would  
9           say that I am aware of a pastoral -- a strong pastoral  
10          oversight from the appointment of Elaine Selley, who was  
11          at Loretto for a number of years and was acting head for  
12          a year, and then moved to be warden of  
13          Glenalmond College. I think she was highly effective in  
14          her pastoral role, and I think that her handover to my  
15          current lead has equally added additional strengths.

16          So I think, not since my time, I think there has  
17          been an evolution but it remains I think strong.

18       MR MCCUTCHEON: Mr Brown if I may, Graham referenced  
19          Elaine Selley. I think, in fact I know, Elaine has  
20          alluded to the fact that one of the reasons she was  
21          attracted to Loretto to come to teach there in 2001 was  
22          the reputation for our approach to child welfare, child  
23          protection.

24       Q.   Thank you. Elaine Selley has in fact given a statement  
25           to the Inquiry so I am sure that could be reflected in



1           due course.

2           Obviously, and we will come on to this in a moment,  
3           the part B phase of your responses, about the acceptance  
4           of abuse. Obviously there is abuse by teachers, but  
5           there is the other element of peer-on-peer abuse. In  
6           other words, I suppose, traditionally, bullying or  
7           harassment. Is that something that in your time,  
8           Graham, as a teacher, has changed in dynamic? Is it  
9           a constant or has it changed in the way it is carried  
10          out?

11       DR HAWLEY: I think there has been inevitably a difference  
12       with the advent of digital media and social media. That  
13       is something that didn't exist when I first started.  
14       That is a whole new sphere of bullying behaviour.

15           I think my experience as a housemaster in my early  
16       years of Ardingly, where boys in my experience were less  
17       well supervised, I think there was probably more  
18       bullying than there is now. So I think there has been  
19       an ebb and flow, obviously for me, looking at different  
20       school situations.

21           I am not sure that I would say it has got any worse  
22       in depth. When it's bad it's very bad, and I think we  
23       saw that as a school when we read some of the very  
24       harrowing accounts of peer-on-peer abuse when the papers  
25       were released to us. But at a level that I have

1 experienced myself, social media has increased it.

2 Increased supervision has decreased some of it.

3 Q. But is that something that is ever-evolving in terms of  
4 policies and how the school responds?

5 DR HAWLEY: I think it is something that is always evolving.

6 You alluded to the newspapers at the weekend yesterday  
7 with Mrs Harrison, and I think what we are seeing in  
8 schools as reported down south, but I think we need to  
9 be completely aware that there may be similar issues or  
10 embryonic similar issues everywhere within society. We  
11 absolutely have to be on our guard. I don't think it is  
12 ever a battle that is won. It is always something that  
13 is going to be in society, unkindness that can grow and,  
14 at its worst, is some of the bullying that, with huge  
15 regret, has occurred at Loretto in the past.

16 I suppose as a head one always has this concern that  
17 there are things that are going on that one is unaware  
18 of that could materialise years or decades down the  
19 line, and the impact that it has on victims is so acute  
20 that we would do everything that we can to prevent it.  
21 I think it is very difficult to say with 100% certainty  
22 that it is not happening, but because the impact is so  
23 profound it is something, as a head, I don't think ever  
24 leaves us, and therefore informs us of the practice that  
25 we want to carry out.

1 Q. Thank you. Peter, do you have anything to add?

2 MR MCCUTCHEON: I would absolutely endorse everything Graham  
3 has said. We found some of the statements, once  
4 released to us, very harrowing and very troubling, and  
5 we were unaware of a large number of the instances  
6 recounted and we are grateful to the survivors for  
7 finding the courage to bring them to our attention and  
8 bring them to the attention of the Inquiry.

9 We acknowledge that abuse took place and we are  
10 deeply, deeply sorry that it did, and we are aware of  
11 the terrible impact that it has had on survivors.

12 Q. I think that neatly leads on to the part B. If we could  
13 have LOR.001.001.0136 page 86.

14 Has the process of engaging with the Child Abuse  
15 Inquiry been of assistance to Loretto, do you think?

16 DR HAWLEY: Yes, I think it has. We have found out more  
17 than we knew before. We knew there had been some abuse,  
18 some of it has been documented in the media from a long  
19 time ago, but as Peter has just said, I think the abuse  
20 that we were made aware of when we looked at witness  
21 statements came as a surprise. It was deeply  
22 distressing to read, the impact that it has had on those  
23 people is clearly profound, and we regret it hugely.

24 I think if we hadn't been engaged with the Inquiry,  
25 in whatever way we, I hope, are able to make some

1 difference, we wouldn't necessarily be able to do that.  
2 I think at the outset of the Inquiry there was a sense  
3 of, well, we know that abuse has happened in the past,  
4 and there was a knowledge, certainly on my part, that it  
5 had happened, I had read about it before I moved to  
6 Loretto, so there was a sense of almost having processed  
7 it. I think reading the papers more recently, knowing  
8 the school, walking the corridors where it would  
9 have -- the serious abuse occurred, is deeply troubling.  
10 I am not sure in some ways that I have sort of fully  
11 processed it yet.

12 Q. Thank you. Could we look please at page 87. In your  
13 response in 2017, obviously prior to the information you  
14 have just talked about receiving and trying to process,  
15 in 2017 obviously the school was aware of certain  
16 things, and that knowledge has been broadened and  
17 expanded by the release of information by the Inquiry.

18 One of the questions that you were asked is at 3.2:

19 "Does the organisation/establishment accept that its  
20 systems failed to protect ..."

21 And at that point Loretto believes that:

22 "It is of the utmost importance to protect the  
23 children in its care and it needs to ensure that there  
24 are appropriate systems in place, that these are  
25 followed and their effectiveness is reviewed on

1 a regular business. Any recommendations following from  
2 the Inquiry will be welcomed. Indeed, the process of  
3 considering the matters raised by the Inquiry has  
4 highlighted further improvements Loretto can make."

5 If I may, we will return to that after hearing the  
6 applicant evidence because I know the school has  
7 provided information about subsequent changes, and that  
8 can be addressed at a later stage.

9 Then you go on to say:

10 "It has been a challenge in the absence of full  
11 records to determine the extent to which systemic  
12 failures may have led to abuse. That said, it is  
13 accepted that there have been failures in systems in  
14 some respect."

15 Has the school's position crystallised at all in  
16 that regard in the last four years?

17 DR HAWLEY: Yes, in the sense that we are now more aware,  
18 and therefore that statement is strengthened. So whilst  
19 we said "in some respect", meaning we are not fully  
20 cognisant of what has gone on, we are more so now, and  
21 therefore inevitably we are more aware of how we have  
22 failed some former pupils.

23 Q. Is there an acceptance that the systemic element of the  
24 failure was perhaps greater than first understood?

25 DR HAWLEY: Entirely, yes.

1 Q. Peter?

2 MR MCCUTCHEON: Yes, I would endorse what Graham has said.

3 I think when we approached this, when we were asked  
4 to make a submission, a response, we thought about our  
5 methodology, and our methodology was to conduct a full  
6 audit of the records that we held and make full  
7 disclosure of those and to seek to engage with the  
8 inquiry in as full and open a manner as possible and, as  
9 you know, we stated that was how we were going to do it.

10 At the time we were very mindful of the need to, in  
11 our view, not to stand in the Inquiry's way, and  
12 therefore while we were careful to make sure that our  
13 community knew the inquiry was taking place and that  
14 they should go to the Inquiry to make statements if they  
15 so wished, we took a view that we were not qualified to  
16 conduct our own investigations in order to inform our  
17 submission fully. And of course, as a result of that,  
18 we are now far more aware of the extent of failure and,  
19 as Graham has said, it is a greater failure than we were  
20 aware of. For that we feel profound regret because,  
21 of course, it is a failure to protect the child.

22 MR BROWN: Thank you very much indeed. Is there anything  
23 else either of you would wish to say?

24 DR HAWLEY: Just a reflection I think that, and I suppose  
25 this is in connection with the profound regret, that we

1           all recognise that in some respects education is a messy  
2           business. We've got children in their formative years  
3           developing, learning new skills, having experiences that  
4           develop their characters, all within an envelope of  
5           safety, and that is part of the joy of being in this  
6           profession. I think when one hears that that envelope  
7           of safety has been breached, and one reads of the impact  
8           that it has on the victims sometimes decades later,  
9           one ... one grieves.

10       MR BROWN: Thank you. I have no further questions, my Lady.

11       LADY SMITH: Thank you.

12           Are there any outstanding applications for questions  
13           of either Graham or Peter? (Pause). No, it seems  
14           nobody has any other questions that haven't already been  
15           raised in their mind at the moment.

16           It just remains for me to thank you both for your  
17           contributions today and of course for your earlier  
18           contributions in your written submissions in response to  
19           what the Inquiry has asked you in writing at some  
20           length. I do appreciate that, I do understand  
21           the amount of work that has to go into preparing these  
22           responses, but they are of enormous assistance to me, as  
23           is of course hearing from the two of you today, so thank  
24           you very much for that and I am able to let you go for  
25           the moment.

1 DR HAWLEY: Thank you, my Lady.

2 MR MCCUTCHEON: Thank you, my Lady.

3 LADY SMITH: Not at all.

4 (The witnesses withdrew)

5 LADY SMITH: Mr Brown.

6 MR BROWN: My Lady, we will recommence at 2 o'clock with  
7 Gareth Warren from Morrison's.

8 LADY SMITH: Thank you very much. I will rise now for the  
9 lunch break.

10 (12.57 pm)

11 (The short adjournment)

12 (2.00 pm)

13 LADY SMITH: Good afternoon. Mr Brown, you said there would  
14 be another witness ready at 2 o'clock, is that right?

15 MR BROWN: Yes, the Rector of Morrison's is waiting ready to  
16 start.

17 LADY SMITH: Thank you. (Pause).

18 Good afternoon. Could we begin with you taking the  
19 oath, please.

20 MR GARETH WARREN (sworn)

21 LADY SMITH: Please sit down and make yourself comfortable.

22 I see you have obviously brought some documents with  
23 you, yourself. They may be exactly the same as the ones  
24 we have for you in the red file, they may be exactly the  
25 same as the ones you will be shown on screen, but you



1           are welcome to use whichever you find most helpful.

2           A. Thank you, my Lady.

3           LADY SMITH: Now, tell me this, how would you like me to  
4           address you?

5           A. Gareth is fine.

6           LADY SMITH: Very well, Mr Brown.

7                               Questions from MR BROWN

8           MR BROWN: Gareth, good afternoon. You are the current  
9           Rector of Morrison's Academy?

10          A. Correct, yes.

11          Q. Not a head, a rector?

12          A. Rector and Principal is what my official title is.

13          Q. How long have you been working at Morrison's?

14          A. I'm coming towards the end of my sixth year now.

15          Q. I understand your background obviously is in education,  
16          starting I think as a biology teacher?

17          A. I was -- chemistry and biology are my two specialised  
18          subjects, actually.

19          Q. In terms of your teaching experience, I think it has  
20          been wide in the sense that I know you worked in  
21          Bermuda, you have worked in England, and also, in the  
22          Scottish context, you have previously worked at Watson's  
23          in Edinburgh?

24          A. Correct.

25          Q. All of those roles I take it were not boarding schools?

1       A. That is correct, yes. They are all a mixture of state  
2       comprehensive schools. In Bermuda it was  
3       an international independent school, and then in  
4       Scotland I have been at both a state local education  
5       school and also George Watson's College, but none of  
6       them boarding.

7       Q. Right. And obviously Morrison's, which is a school of  
8       interest to the Inquiry about its boarding history, from  
9       your perspective of course that all had stopped long  
10      before you arrived. So you are a teacher who is  
11      speaking about the boarding sector but you have never  
12      actually worked in it?

13     A. That is correct.

14     Q. Okay. Thank you. But obviously you were involved in  
15     the preparation of what is in the red folder, and you  
16     may have your own copy in the other red folder, which is  
17     the parts A to D responses to questions asked by the  
18     Inquiry, for which thank you.

19             One of the issues I think you had is -- and this is  
20     a question we have been asking all the schools -- how  
21     much you could say would really turn on what records you  
22     had. And I think so far as Morrison's is concerned, you  
23     have very helpfully, or your solicitors have very  
24     helpfully provided the policies in relation to that  
25     retention which have been put in place over the last

1           20 years or so.

2           With Morrison's, there were two issues which made  
3           compliance I think more difficult. One, there had been  
4           a fire just after the Second World War which destroyed  
5           a great deal of records prior to that. And secondly,  
6           following the Data Protection Act of 1998, the then  
7           deputy head went through a paper process and many, many  
8           files were destroyed, is that correct?

9           A. That's correct, there was a fire in 1952 which in effect  
10          destroyed all records prior I think to that year. There  
11          were perhaps a couple of personal files from before that  
12          that were still retained. And then I think around the  
13          turn of the millennium, an assistant rector then had the  
14          duty of, I suppose, enacting correctly what was required  
15          in terms of removing files, to the extent that we had  
16          very few, in essence, to compile this report.

17         Q. Thank you. As things stand now, and knowing that,  
18          for example, the Child Abuse Inquiry has existed now for  
19          some years, other schools have said that when they were  
20          contacted at that point they put a stop on file  
21          destruction in case there were child protection issues.  
22          What is Morrison's' current position in relation to  
23          the potential for child protection issues? I appreciate  
24          it's a day school.

25         A. Yes, we adopted exactly the same principle there, that

1 we stopped any further removal of files. And in terms  
2 of any child protection issues, the actual policy was to  
3 retain those for 25 years from the point at which the  
4 child left the school. So that have had been kept in  
5 a secure cabinet in an assistant rector's room, and that  
6 is still our practice today.

7 Q. How is that decision reached, that these files may be  
8 a child protection issue? What are the determining  
9 elements?

10 A. Purely if we have an issue, or there is an instance that  
11 we deem it as a child protection issue, then that will  
12 be classified as such and a file will be retained as  
13 such.

14 Q. Thank you. A couple of preliminary issues before we go  
15 into the background, and I think you followed certainly  
16 yesterday's evidence so you will understand the way this  
17 part of the evidence is being approached. You produced  
18 parts A, B, C and D, D being in relation to alleged  
19 abuse or reports of abuse. That is not for today, and  
20 we hope you would come back after we have heard  
21 applicant evidence and that can be considered at that  
22 stage.

23 A and C are historical, in combination I suppose  
24 both in terms of the background to the school and the  
25 policies and how they are developed, and B is obviously

1 consideration of whether there was acceptance of --  
2 retrospective acknowledgement of, admission of, abuse  
3 and potential systemic failures, and we will come back  
4 to that at the end, if we may. I know you were wanting  
5 to make a statement about that but, given the order we  
6 are approaching the evidence, if you could just bear  
7 with me and we will return to that at the close of your  
8 evidence.

9 A. That's fine.

10 Q. The other aspect, and this is in common with the two  
11 previous schools, on Friday evidence was led about GTCS  
12 membership, the requirement for private schools,  
13 independent private schools to have GTCS-registered  
14 teachers in toto, there is no further exemption. Just  
15 to be clear, what is the position with Morrison's?

16 A. We did enquire, because I believe we had one  
17 unregistered teacher, is how the GTCS present it, and we  
18 did look into that and we discovered that wasn't  
19 actually the case. All our teachers are fully  
20 registered now. The actual person involved, we had  
21 offered employment pretty much 20 months ago, and then  
22 this process took that length of time until we got  
23 official confirmation on 26 January this year that she  
24 was GTCS-registered. So I think when the census or the  
25 statement about who was registered or not was taken and

1 submitted to GTCS, she would be pending at that point,  
2 I believe, and finally it was completed at the beginning  
3 of this year.

4 Q. Just to be clear, the 20-month period you have talked  
5 about, is that from the application going in to  
6 receiving in January confirmation --

7 A. Correct, yes.

8 Q. Obviously we have heard, and we heard this morning, that  
9 the boarding sector I suppose can be viewed both within  
10 the Scottish context but also the UK context as movement  
11 between England, Scotland, Wales, and potentially  
12 Northern Ireland, I suppose in terms of the boarding  
13 school world or the private school world. From your  
14 experience, is GTCS straightforward for someone who is  
15 coming from outwith the Scottish educational sector?

16 A. I suppose I can speak from my own experiences in that  
17 when I first qualified for Bristol University back in  
18 I think 1996, it was challenging for certainly some of  
19 my fellow peers on that course to actually get GTCS  
20 registration at the time, and it was particularly  
21 difficult for certain peers to establish themselves and  
22 therefore to apply for jobs. I was quite fortunate I  
23 think in that when I came from Bermuda and first came to  
24 Scotland it was a relatively quick process. I think my  
25 only stall was trying to get dual qualification for

1 biology, so I had to produce further evidence for that.

2 So I think in my experience as a rector I think  
3 there have been challenges, in particular for people who  
4 have had -- teachers that had their training in  
5 Northern Ireland, for example, and depending upon their  
6 degrees, et cetera, it has been quite a laborious  
7 process to demonstrate either that they have the  
8 requisite evidence of either teaching hours or actually  
9 qualifications within their degree perhaps. So it is  
10 a challenge at times.

11 But I think over the last year or so, I suppose with  
12 COVID, I think they have been warming up, let's say, in  
13 terms of their approach and acceptance that it is  
14 challenging, and in certain areas, in particular  
15 something like business management, they have recognised  
16 that they do need to be a bit more -- I wouldn't say  
17 "lax", that is the wrong word to use, but certainly more  
18 appreciative that it is challenging to meet their  
19 criteria.

20 Q. More pragmatic?

21 A. Yes.

22 Q. Thank you. If we could turn then to Morrison's itself.  
23 Obviously you have provided a history. We should  
24 understand that Morrison's is the product of  
25 philanthropy in the 19th century, which is not an

1 uncommon theme. Thomas Morrison left a bequest in 1829  
2 and the school commenced in 1860. At that point, his  
3 endowment was:

4 "... to erect an institution or institutions as to  
5 then shall be at best calculated to promote the  
6 interests of mankind having a particular regard to the  
7 education of youth and the infusion of knowledge."

8 So quite a wide compass of intent?

9 A. Indeed.

10 Q. It remains a charitable -- an educational charity. And  
11 in terms of the management of the organisation, we will  
12 come on to this, obviously in common with others there  
13 is a board of governors, although the legal formulation  
14 has perhaps changed over time, and that is fully set out  
15 in your report. Was it set up as a boarding school  
16 or ...

17 A. I think right from the origins of the school back in  
18 1860 that there were boarding facilities set out. So  
19 they were originally on Crieff High Street, the East  
20 High Street, and this would be under the auspices of the  
21 rector, so in his residence there would be boarding  
22 boys at that time. It wasn't until 1927 that girls were  
23 provided with boarding facilities.

24 Q. Although we would understand from what you say in the  
25 report that in fact girls very quickly after the



1 starting of the school were part and parcel of the  
2 school?

3 A. Yes, very much so. It was certainly apparent through  
4 the first few decades that there was a very strong  
5 consideration to making sure of the equality between  
6 boys and girls in terms of the provision for education.

7 Q. Albeit the manner of the teaching was segregated, would  
8 we understand, looking at Victorian primary schools,  
9 with girls' and boys' entrances. The two wouldn't meet  
10 in terms of education, or would they have the same  
11 classes?

12 A. No, they were very much separate. So the girls'  
13 school -- initially the girls had separate classrooms  
14 and separate entrances, and then established their own  
15 property I think in 1880, and in the latter part of the  
16 1880s then had a purpose-built building on the same site  
17 as the current Morrison's Academy site.

18 LADY SMITH: Just thinking of another boarding school not  
19 far away from Morrison's, Trinity College Glenalmond,  
20 which was founded first?

21 A. I don't know Glenalmond. Morrison's was 1860, if that's  
22 any help, my Lady.

23 LADY SMITH: Glenalmond is not far. I just wondered.

24 MR BROWN: And Strathallan.

25 A. Correct. Morrison's Academy sits in an area where, yes,

1           there are quite a few boarding schools. Kilgraston as  
2           well, and then Ardvreck was another prep school opened  
3           up for boarding, so it's quite a dense population of  
4           boarding facilities.

5       Q. In terms of school numbers, it obviously, I think, as we  
6           understand, started small, particularly in terms of  
7           boarding. I think we see in your response that the  
8           purpose-built boarding facility was completed in 1880,  
9           housing up to 40 boarders. But should we understand the  
10          school roll would have grown over time and, with that,  
11          the number of boarders would grow?

12               In terms of your report, if we could look, please,  
13               at MOR.001.001.0003, page 22. In terms of the past,  
14               this is the information. Looking at the last 37 years  
15               of operation of boarding until boarding stopped, and we  
16               will come back to that, by 2007 I think we see there  
17               were ten boarders and 450 day pupils, but having started  
18               seven years before with 40. In the 1990s, there has  
19               been decline from 160 down to 30, 80, 320 to 165 and  
20               1970 to 1980, 250 to 300.

21               So it wasn't consistent, just constant decline.  
22               There were periods of ebb and flow, but the general  
23               trajectory was clearly away from boarding being the  
24               norm?

25       A. Yes, certainly in the last 30/40 years there was

1           a decline, and I think that is represented nationally as  
2           well.

3           Q. Does that also reflect in particular, if we look at the  
4           next page, page 23 ...

5           A. Would you like me to find that in the file?

6           LADY SMITH: You might find it helpful.

7           MR BROWN: Page 23. This is a table which shows the period  
8           from 1931 to 1966 and what it is doing is making the  
9           point that numbers grew progressively over that period.  
10          From 1931 there were 30 in Academy House. By 1966 there  
11          were seven boarding houses and a total of 201.

12                 This is one of the things we will come back to: as  
13          distinct I think from most boarding schools that we are  
14          looking at, Morrison's is different in the sense it is  
15          set in the town of Crieff and accommodation, albeit  
16          there was a specific property built in 1880, thereafter,  
17          as the school grew and boarding became more common,  
18          there were boarding houses dotted around the town and  
19          private -- they were run, we will come back to this,  
20          under a Boarding House Association which managed it  
21          until the school took over responsibility for that  
22          I think in 1970.

23                 But would you agree that Morrison's is distinct in  
24          that sense: it is not central boarding on a campus, it  
25          is boarding throughout a small town?

1 A. Very much so, yes.

2 Q. Okay. In terms of the make-up of Morrison's, obviously  
3 the numbers grew progressively. Was the need for  
4 boarding, put simply, because in the 19th century and  
5 into the 20th century the sort of people who were  
6 sending their children to school there were elsewhere,  
7 possibly on Imperial duty both in the diplomatic  
8 service, the military, business, elsewhere around the  
9 globe?

10 A. Yes, that was certainly the sort of pattern, and in  
11 terms of the records, they indicated that it was from,  
12 yes, people that were located particularly across what  
13 was the former Empire, India and places as such.

14 Q. That would obviously change as the world changed.  
15 I think we see from page 14, and this is under the  
16 general provision of establishment and the past, and  
17 looking at provision of guardians, it gives a useful  
18 hint at what was going on.

19 As one progressed through the second half of the  
20 20th century, is it fair to say Morrison's number of  
21 indigenous British/Scottish boarders declined?

22 A. I wouldn't say so. I think really between maybe the 50s  
23 to 70s, I think there was an increase in Scottish-based  
24 or UK-based boarders. For example, people would be  
25 coming from Glasgow and, for whatever reason, wishing to

1 have their children educated at Morrison's Academy in  
2 Crieff.

3 I think once you get beyond the 70s and start  
4 entering into the 80s and 90s, it became apparent that  
5 that market was certainly diminishing, and therefore the  
6 current rector at that time was then looking further  
7 afield, and I think decided that looking to the Far East  
8 in particular there was a potential market there to  
9 sustain boarding at the school.

10 Q. So this is the first stage in the 1970s: the school,  
11 presumably of necessity simply from a financial reason,  
12 because suddenly the number of boarders who would be  
13 generating income to fund the boarding is declining, and  
14 they have to do something about it?

15 A. Yes. I think if we refer back to the document on  
16 page 22, at its peak in the late 70s, 80s you had 600  
17 day pupils but up to 300 boarders, and then from 1980 to  
18 1990 there were 320. So the turn of the 80s was  
19 probably at the peak, and after that I think it  
20 declined.

21 Q. As we see on page 14, where Morrison's initially was  
22 looking towards the Far East, Hong Kong?

23 A. Correct.

24 Q. Then Malaysia as well?

25 A. That is correct, yes.

1 Q. But that presumably only went so far to the point that  
2 boarding was becoming less and less prevalent?

3 A. Yes, and I think on reflection that may well have  
4 damaged the reputation of the school because of the  
5 influx of Far East boarders, and probably changed the  
6 sort of cultural aspect to the extent where they were  
7 almost too successful in recruiting from that area, and  
8 as a consequence you would probably then deter maybe  
9 some UK-based boarders, and even those that were  
10 in the Far East may well have found they weren't getting  
11 a genuine experience in the boarding houses which they  
12 were paying the money for. So as a consequence, it was  
13 probably a factor in the decrease in boarding itself.

14 Q. Eventually it came to the stage that the view was taken  
15 boarding should cease?

16 A. Yes, if you looked at the decline and you get down to  
17 that point of 2006/2007, and the projected number was  
18 ten boarders for 2007, it was wholly uneconomical to  
19 pursue that, at times where I think every school would  
20 have found there would be some financial challenges, and  
21 you looked in detail at the accounts and where loss was  
22 being transparent and obvious, and boarding was the  
23 really significant factor in the school's financial  
24 difficulties and challenges at that time, so the  
25 decision was made then to close boarding.

1 Q. Okay. I think we see that set out on page 23, the  
2 balance definitely swinging away from British nationals,  
3 I think is the choice of words.

4 One of the elements that is touched on on page 14  
5 I think is the provision of guardians in the 1990s.  
6 This is associated -- it's useful to touch on this when  
7 we are talking about the move to recruiting in the East.  
8 That presumably made greater demands on the need for  
9 guardians, is that fair?

10 A. I would believe so. It is something which there are  
11 very few records on, but I think the intimation and the  
12 accounts of certain members of the leadership team at  
13 that time suggested, yes, more guardians were sought.

14 Q. I think to look at page 14, halfway down the paragraph  
15 reads:

16 "However, as the school recruited more from  
17 overseas, this often became impractical as overseas  
18 families (initially Hong Kong) knew nobody in the UK who  
19 could serve this function. At that time the school  
20 began to look for local families who could help out.  
21 These might be families with other children at  
22 Morrison's, or just 'friends of the school'. They were  
23 paid at a rate to cover subsistence costs and this  
24 charge was passed on to the parents. In addition  
25 external agencies might be used. External organisations

1 would help provide guardianship - eg Universal Aunts -  
2 largely for foreign pupils who instigated their own  
3 character checks."

4 The report goes on:

5 "Some of these families developed close friendships  
6 with the boarders in their charge, and even with the  
7 families."

8 Then it talks about the details.

9 Moving on to page 15, second paragraph:

10 "In time, placing boarders became increasingly  
11 difficult. The school moved into advertising locally  
12 and recruiting families or couples with no previous  
13 connection with the school. Criminal record checks were  
14 made (but this may not always have applied previously)  
15 and interviews and home inspections were undertaken  
16 before boarders were placed with new guardians.  
17 However, this was still a fairly informal and  
18 unregulated procedure."

19 Then the point is made that for Malaysians, they  
20 were government-funded, and the Malaysian Government was  
21 responsible for that? X

22 A. They wouldn't necessarily be government-funded. They  
23 probably came from Petronas, an oil company, and  
24 telecom, but the representative to look after  
25 the guardianship was through the Malaysian Government.



1 Q. That in itself is perhaps interesting, the lack of  
2 regulation in that period, in the 1990s, although I take  
3 from such records as you have been able to find, you are  
4 confirming that criminal record checks were being  
5 carried out, there were interviews and there were home  
6 checks?

7 A. Yes, certainly in the records there were references to  
8 that process of visiting a guardian's house and wanting  
9 to meet both husband and wife, and then going through  
10 the criminal checks, but there was no policy that we  
11 discovered to show that formally.

12 Q. There is no policy discovered formally. Was there any  
13 guidance or policy from Government about what should be  
14 done in relation to guardians at that stage, do you  
15 know?

16 A. I'm afraid I could not say.

17 Q. But it was another practical difficulty for the school,  
18 which presumably was a burden, relatively few students  
19 as numbers dwindled?

20 A. Very much so.

21 Q. Looking then to the accommodation side of it, getting  
22 guardians, could we go, please, to page 8 of the report.  
23 We see again under "Past Establishment":

24 "Did the establishment have a special legal  
25 statutory or other status?"

1           The answer is:

2           "Other than having a board of governors, no."

3           Then:

4           "Following the increase in demand and the subsequent  
5 evolution of the boarding provision, the clerk of the  
6 governors and the local provost created a  
7 Morrison's Academy Boarding House Association with the  
8 intent to secure funds to purchase properties and meet  
9 the rising demand of boarding places. MABHA was  
10 a separate entity to that of Morrison's Academy School  
11 but designed to work closely with it. It was granted  
12 a licence under the Companies Act 1929 and Memorandum  
13 and Articles of Association registered in June 1933."

14           Obviously it is a distinct body but it is closely  
15 tied with the school, as we see, because the rector was  
16 named as warden of the association, and staff from the  
17 school were appointed as housemaster and housemistress,  
18 suggesting at that stage there were two houses, or were  
19 there more?

20       A. There were more. And if you would like me to give some  
21 context?

22       Q. Please do.

23       A. It appeared through the records that the role of the  
24 rector was broadening, and as a consequence the  
25 requirement to look after boarders was becoming a task

1           that was perhaps too much for that particular role.  
2           There was a decision to perhaps shrink the size of the  
3           boarding houses around the First World War/1920s.  
4           I think that raised some alarm within the Crieff  
5           community because they recognised the economic benefit  
6           of having boarding in Crieff itself and, as  
7           a consequence, this Boarding House Association was set  
8           up by two people, the clerk and also the provost, with  
9           the intent then of trying to secure and make sure any  
10          further expansion would be accommodated, really to  
11          support the school, number one, but also there would be  
12          the knock-on benefit as well for the local community.

13                 So there was a good community involvement in the  
14          evolution of boarding, and the Boarding House  
15          Association really tried to establish itself as the sort  
16          of overarching umbrella for that growth.

17         Q. I think we see, we are on page 9, halfway down:

18                 "As a point of information, based on the examination  
19          of the minutes of the Boarding House Association, there  
20          is reference to some independent boarding houses which  
21          operated in Crieff. It seems these tended to be small,  
22          accommodating about eight or so pupils of the school."

23                 Should we understand that this is a commercial  
24          enterprise by the local population offering  
25          accommodation privately?

1       A. Originally it came about because I think as boarding  
2       increased, there was a lack of spaces available, and so  
3       I think in the literature there was a request by the  
4       rector at that time to see what could be done to support  
5       the growth of boarding, and it was actually teachers  
6       that were actually at the school back then that elected  
7       to open up their houses as private boarding houses, so  
8       not part of the school or part of the Boarding House  
9       Association but to run it independently. And that would  
10      continue for a certain amount of time but then, as you  
11      correctly say, there would also be other houses within  
12      the vicinity of the school which recognised the  
13      commercial aspect of that as well and operated private  
14      houses for several decades actually.

15     Q. When did the private houses stop?

16     A. I would have to check on my facts, but I think it was  
17      around maybe the 60, 70s, but I would have to check on  
18      that.

19     Q. Returning to page 23 and the list of the various houses:  
20      Academy, Ogilvie, Dalmhor, Glenearn, Benheath, Knockearn  
21      and Avondale. Just to be clear, those are all under the  
22      umbrella of the Boarding House Association?

23     A. Correct.

24     Q. Are you saying on top of those, because we can see the  
25      progression, most seemed to come on in the 50s with

1 an additional three in the 60s, is the independent or  
2 private boarding provision you are talking about in  
3 addition to these boarding houses?

4 A. That is correct.

5 Q. Yes. So these are the houses that were under the  
6 umbrella of the Boarding House Association?

7 A. Correct.

8 Q. Just geographically, we were talking about the fact they  
9 are dotted around Crieff. I think, reading some of the  
10 statements, some were as much as 15 minutes' walk from  
11 the school?

12 A. Yes. I actually live in an old boarding house which is  
13 about five minutes' walk away, but there are others that  
14 I would say would be about 10 to 15 minutes' walk from  
15 the school.

16 Q. And the routine, we would understand, is children are  
17 living in the boarding house, walking to school,  
18 returning to the boarding house for lunch and supper and  
19 the rest?

20 A. Correct.

21 Q. So there is a constant toing and froing from the school,  
22 to the school, and to the boarding house?

23 A. That is correct.

24 Q. Okay. In terms of staffing, obviously we would know  
25 from the records, because the one area you do have

1 records for is the Boarding House Association and  
2 minutes of its operation.

3 A number of things about that, and this is also from  
4 the memorandum we see on page 9 of this report. Other  
5 parts of the memorandum relate to the appointment of  
6 housemasters, matrons, housekeepers et cetera, and the  
7 upkeep of property, keeping of accounts, committee  
8 meetings et cetera.

9 Is there anything you are aware of in the minutes or  
10 the papers belonging to the Boarding House Association  
11 that really considers (a) how to employ, who to employ,  
12 what skills were necessary, or is that something that  
13 just doesn't feature?

14 A. I did not personally see that in the minutes of the  
15 Boarding House Association but what I did see in  
16 personal files were the records that were taken for that  
17 process. So I would have seen records of an interview  
18 being taken and also references requested for roles,  
19 such as matrons, for example. Generally housemasters  
20 and housemistresses would have been teachers, in which  
21 case they would already have been interviewed for the  
22 role of teacher at the school.

23 Q. Yes. Taking that on then, would it simply be assumed  
24 that if they had been appointed properly as a teacher,  
25 they would somehow be appropriate to be a housemaster or

1           housemistress? There was no further assessment?

2           A. That is correct.

3           Q. All right. Do you know, in terms of the house matrons  
4           and housekeepers and so forth, were they simply being  
5           recruited locally from Crieff and the surrounding area?

6           A. As far as I can tell from the records, yes. I think  
7           there is documentation to say that it was challenging  
8           and problematic to try to fill particular roles, say as  
9           an assistant matron, which I think, just by their sheer  
10          nature of looking after residents, their health, the  
11          day-to-day running of the houses made it problematic,  
12          I believe, and that was an area where they would recruit  
13          locally.

14          Q. You have talked about seeing in the papers the fact that  
15          interviews were conducted, references were taken up.  
16          What period are you talking about? Can you assist us?

17          A. Those would have been through the 1960s, 1970s, from  
18          memory.

19          Q. So as the 20th century progresses, there are greater  
20          records. Do you know, and if you don't please just say  
21          so, what the position was from the 30s on until we find  
22          these records in the 60s and 70s?

23          A. Again, I have records of when teachers were employed and  
24          it was very much a similar process. There was actually  
25          a really rigorous process from the scribblings and

1 detail put on to the application forms, and references  
2 going back to post-war, Second World War.

3 Q. For teachers?

4 A. Yes.

5 Q. But would the focus of their interviews and their  
6 references be on educational --

7 A. Completely.

8 Q. Nothing to do with what you would now understand to be  
9 child protection --

10 A. Correct.

11 Q. -- or personal care. That just didn't register  
12 officially at that stage? It may have been a factor  
13 no doubt that was considered --

14 A. Yes, I think within the reference itself there would  
15 have been terms to talk about the character of  
16 an individual and whether they were well-suited to being  
17 a teacher in the school, et cetera.

18 Q. Thank you.

19 We come, I think, the 1970s. At that stage, as we  
20 saw from the table on page 23, by 1966 numbers had  
21 increased, and it is at that point that you have over  
22 200 boarders, and in 1977 I think we should understand  
23 that running the boarding houses was taken over by the  
24 governors of Morrison's Academy, and the Boarding House  
25 Association ceased to function.



1           Again going on the minutes and going through the  
2           sort of things that were discussed, would you agree that  
3           it is very material considerations: state of buildings,  
4           accommodation in a practical sense, new machinery, new  
5           this, new that. What is not being focused on is  
6           welfare?

7           A. Yes, very much so.

8           Q. Was there any, as far as your researches, interest or  
9           reference to welfare specifically?

10          A. Not within the minutes. As you correctly state, the  
11          focus was on the fabric, infrastructure, and probably  
12          employment of the housemasters, housemistresses. That  
13          was the main concern of the Boarding House Association.  
14          I think the actual day-to-day running of it was probably  
15          under the jurisdiction of the warden and that link with  
16          the school.

17          Q. I was coming to that. Obviously we have -- within the  
18          boarding school/private school sector it is not uncommon  
19          to have houses for competitive purposes. What was the  
20          position at Morrison's? Is it a school even now that  
21          has distinct houses? You go into a house for sport or  
22          whatever?

23          A. Yes, both the boys' school and girls' school had their  
24          own four houses. Then when the schools amalgamated, the  
25          girls' houses were subsumed into the boys' at that time.

1 But these weren't directly linked to the boarding  
2 houses. So it was purely a case of if I was a pupil at  
3 the school then I would be allocated to a particular  
4 house, usually with a family connection, perhaps, if  
5 there was a generational connection with the school.  
6 Siblings would be in the same house. But it would not  
7 necessarily be connected to a boarding house.

8 Q. In terms of the management of the individual boarding  
9 houses, obviously there would be a matron and ancillary  
10 staff. There is a housemaster or a housemistress with  
11 a spouse, perhaps? Are you aware, was any inquiry made  
12 about the suitability of spouses, or was it just taken  
13 as a given that they would fit in?

14 A. I don't have any direct knowledge by records of the  
15 consideration of spouses. One thing I did observe in  
16 an application for a teaching post was that the  
17 applicant recognised that he would not be able -- for  
18 the position of housemaster, because he was not married  
19 at that time, but they didn't want to preclude him from  
20 the teaching post. So it's just an interesting twist,  
21 I suppose.

22 Q. There was an expectation, if you fulfil that role, you  
23 would have a spouse who would help?

24 A. I couldn't guess on that but --

25 Q. That's the implication?

1 A. Yes.

2 LADY SMITH: And that was 1970s, did you say?

3 A. That was probably -- yes, I think it was, from memory,  
4 60, 70s, that time period.

5 MR BROWN: Prior to 77, we have talked about the warden  
6 having -- sorry, the head of the Boarding House  
7 Association is the warden? Or am I getting confused?

8 A. The warden I think would be the person that was the  
9 main -- almost like an executive for the Boarding House  
10 Association.

11 Q. Yes. In terms of oversight, then, that is the rector?

12 A. Correct.

13 Q. So it's the same person, rector equals warden.

14 Do you know how much oversight rectors actually  
15 engaged in in terms of day-to-day running and welfare of  
16 the individual boarding houses?

17 A. Certainly there were no records that I could see in the  
18 50s, 60, 70s. I think once you then got into the late  
19 70s, 80s there seemed to be a chain of command where  
20 housemasters, housemistresses would then be accountable  
21 to either depute rector or assistant rector, and they  
22 would have meetings and line of -- yes, just line of  
23 command.

24 Q. That would reflect the change when it all came under the  
25 school in 1977?

1 A. It may well be before that, but that would be guesswork.

2 Q. All right. It's just that you will have read,  
3 obviously, the accounts that have been provided, and it  
4 would appear potentially that conduct towards children  
5 varied as between one boarding house to the other, the  
6 character of an individual boarding house presumably  
7 being led principally by the housemaster or  
8 housemistress.

9 A. I would agree, yes. I think there were variations  
10 certainly in terms of the nature of how the boarding  
11 houses were run and the culture of each boarding house.

12 Q. Again, as a matter of inference or if you know, might  
13 that suggest that there wasn't particular oversight of  
14 how they operated, it was just assumed they would  
15 operate okay? Because there was clear distinction; one  
16 house was considered by pupils as good, another was  
17 considered as bad?

18 A. I think from inference of records, materials and  
19 conversations with both former pupils and members of  
20 staff, I think there were a generalised set of rules.  
21 You could see certainly through contracts for employment  
22 or housemasters, housemistresses there were quite clear  
23 expectations that would be consistent across the  
24 boarding houses. As with everything, there is that  
25 implication of practice compared to what the rules are,

1           and I think that is where the variation took place.

2           I think, without question, there was a lack of quality  
3           assurance across the boarding houses, across those  
4           decades.

5       Q. I think if we go to pages 18 and 19, if we go halfway  
6           down page 18, where you have described on previous pages  
7           the routine that might be anticipated within the  
8           boarding house environment:

9                    "Any description of the 'routine' would be  
10           incomplete without mention of discipline and aspects of  
11           the ethos of the time. There was considerable emphasis  
12           on manners, cleanliness, tidiness and punctuality; all  
13           underpinned by an extensive set of rules."

14                   And specific detail is given. It goes on:

15                    "Breaches to any of these rules and regulations  
16           could, and certainly would if persistent, result in  
17           punishment of one form or another. The more serious  
18           offences may have resulted, at least for boys, in 'six  
19           of the best' from a class teacher or Rector. 'Six of the  
20           best' was a reference to a pupil receiving corporal  
21           punishment, usually the cane being struck (6 times) on  
22           the hand. Records demonstrate that in certain eras  
23           a designated member of staff would administer the  
24           punishment. There was variation on this description of  
25           corporal punishment and no records have been found that

1 show guidance to staff or teachers for the  
2 administration of corporal punishment."

3 That is in the school, or is that in the boarding  
4 houses?

5 A. The records that we do have of corporal punishment refer  
6 to the school.

7 Q. Then we go on over the page:

8 "In the boys' school prefects too were responsible  
9 for enforcing discipline ..."

10 And it goes on to detail that in issuing 'lines':

11 "The girls' school appears not to have devolved  
12 matters of discipline to prefects."

13 There is a distinction. It would appear corporal  
14 punishment was only for boys?

15 A. I have no record of ever seeing or hearing of any record  
16 of corporal punishment to girls.

17 Q. And discipline is not given to girls in terms of  
18 peer-on-peer discipline?

19 A. Again I am unable to say because there was no record of  
20 that.

21 Q. Then we go on:

22 "For a boarding house to operate with any semblance  
23 of order required an hierarchy of rules and regulations  
24 which would have been set by either the  
25 Housemaster/Housemistress or have evolved over time."

1 Does that suggest there was autonomy really for the  
2 individual boarding houses, and such rules really would  
3 fall down on the individual to set and then implement?

4 A. Again looking through the contracts of employment, there  
5 was a set of expectations and I say rules in a loose  
6 sense. I think around the turn of the 70s, 80s there  
7 was a set of rules published but again it is that, you  
8 know, how do you actually kind of bring the rules  
9 through into practice in a boarding house? That was  
10 where there was scope I think for housemasters,  
11 housemistresses to set their own tone of those rules.

12 Q. Thank you. Certainly such records as we do have about  
13 boarding houses really don't assist in that regard?

14 A. Correct, yes. There is nothing specific which I can  
15 refer to.

16 Q. All right. Obviously we have heard during the course of  
17 last week and also this that there is a change of tack  
18 in terms of initially HMI in the 1990s being given  
19 responsibility to become involved in accommodation,  
20 I suppose what we would now be more thinking of in terms  
21 of child welfare, is that your understanding also?

22 A. Indeed. I think there was a document which I made  
23 reference to here from was it the Care Commission?  
24 HMIE, sorry. It was an evaluative document which  
25 allowed schools then to really focus in on care and

1 welfare as one of the key core fundamentals of good  
2 boarding care. And from the records I inspected, it was  
3 certainly evident there was a shift or certainly a  
4 greater prominence to good evaluative understanding of  
5 how each boarding house was run.

6 Q. If we go to the other parts of the school's response,  
7 MOR.001.001.0053 at page 3, we can see there:

8 "In 1998, HMIE issued a publication improving the  
9 care and welfare of residential pupils. This included  
10 performance indicators designed to assist the  
11 self-evaluation of residential institutions. This  
12 formed the basis of the boarding handbooks (for staff,  
13 boarders and parents) produced in 1999."

14 So having been given guidance, the school responds  
15 and produces a handbook?

16 A. Yes.

17 Q. And presumably subsequent iterations of that handbook  
18 prior to the decision to stop boarding in 2007?

19 A. Yes, there was certainly evidence of distribution of  
20 aspects of that particular document for boarding  
21 housemasters and mistresses to evaluate their own  
22 practice, and that fed in I think to the handbook.

23 Q. I think over the page, just in terms of policy and  
24 guidance, it is fair to record that there was a child  
25 protection policy in place from the 1980s:



1           "The Academy introduced a policy document on  
2           bullying in 1994. These also applied in boarding  
3           houses. The deputy rector acted as the child protection  
4           co-ordinator."

5           So prior to HMI giving guidance in 1998, it would  
6           appear that the school was certainly alive to child  
7           protection at least a decade before?

8           A. Yes, this is really based on the memory of former  
9           leadership team members of staff who recollect that  
10          these policies were in place but there was no actual  
11          physical copy of them.

12          Q. Perhaps reflective of the lack of general regulation  
13          that was not evident -- or was evident in Scotland up  
14          until perhaps the 1990s?

15          A. Yes, I think you have heard earlier this week and  
16          beforehand that organisations like SCIS were invaluable  
17          for a medium of sharing good practice, and so between  
18          boarding schools or independent schools, if there were  
19          developments in terms of what would be protection of  
20          children, child protection policies, anti-bullying  
21          policies, you would discuss those with senior leaders of  
22          different schools, and that would in turn lead to  
23          an evolution. So by the time you get to a boarding  
24          handbook in 1999, it wouldn't have been plucked out of  
25          thin air, there would have been certainly an evolution

1 of policy and practice which would then culminate in the  
2 document.

3 Q. You have mentioned SCIS. Obviously we heard on Friday  
4 afternoon they were really beginning to engage from the  
5 mid-70s on, I think that is right. This is  
6 an organisation that presumably, from what you are  
7 saying, the school relied upon in the past. Is it  
8 an organisation you continue to rely upon?

9 A. Yes, I think it is fair to say it's the go-to  
10 organisation for independent schools. As a rector we  
11 have HMC, so as a membership for myself --

12 Q. Headmasters' Conference?

13 A. Sorry, yes, Headmasters' and Headmistresses' Conference.  
14 But certainly SCIS, in terms of the Scottish context, is  
15 an invaluable source both for advice, for  
16 representation, for training. As I say, it's the go-to  
17 organisation.

18 Q. And also presumably in relation to other matters. Best  
19 practice in, for example, recruitment, and anything else  
20 connected with the private school sector?

21 A. Very much so. I think from my own perspective as  
22 rector, if I wanted to find out something which  
23 I perhaps hadn't come across before, I would certainly  
24 contact SCIS or contact fellow heads and identify who  
25 would be the best person to speak to, so they were very

1           useful for that as well.

2           Q. If we can turn to matters away from the accommodation  
3           side generally. First is leadership of the school.  
4           Obviously you have been a head only in the last decade.  
5           Presumably your employment went through a fairly complex  
6           process?

7           A. Yes, it was certainly a thorough, rigorous process.

8           Q. Following best practice, as we have heard about it,  
9           picking up references, speaking to all your employers,  
10          looking at any gaps to see why there was a gap, and  
11          obviously, as we have heard with all teachers now, PVG  
12          scheme membership.

13          A. Uh-huh.

14          Q. Since we can touch briefly on it, and I know it is  
15          perhaps less relevant because of the lack of the  
16          boarding side with Morrison's, from your perspective as  
17          a headmaster, is PVG a scheme that works?

18          A. Yes, I think it performs its function of giving me, as a  
19          headmaster, security that there has been a proper check  
20          for the instance of a day independent school.

21          Q. In terms of getting updates, we heard yesterday that  
22          there is a three-yearly cycle. Would you, like  
23          Helen Harrison from Fettes, be keen to have perhaps  
24          a more rolling scheme which would update rather more  
25          regularly?

1       A. I don't personally, or I think the school, have any  
2       issues with how it currently operates.

3       Q. Thank you. Looking back in the past, if you can, other  
4       schools have described previous headmasters in terms of  
5       the control they exercised, potentially reflecting their  
6       own idiosyncrasies, in how the school was then run,  
7       because so much power effectively was given to  
8       headmasters. Is that something you would recognise in  
9       the past history of Morrison's, that for lengthy periods  
10      the headmaster really made most of the day-to-day  
11      decisions as they affected the children?

12      A. Very much so. And I think, as in my conversations with  
13      former pupils, that would go back to post-war years.  
14      All the way through the decades of the latter  
15      20th century there was a very clear memory of how that  
16      head would be perceived and his practices, or her  
17      practices in the girls' school, and certainly would have  
18      a direct effect on the culture of the school.

19      Q. I am interested that you are engaging with former  
20      pupils. Is this in response to this Inquiry or is that  
21      something you have always done?

22      A. It is really something which -- part of our role would  
23      be to go and meet former pupils, whether it would be at  
24      reunions down in London, or Glasgow, Edinburgh or even  
25      abroad. Part of that reunion would be listening to and

1           enjoying the stories of the past and the recollections  
2           and, with my role as rector, they always drew  
3           comparisons with their head at that time and my views  
4           and thoughts at the moment. So it was interesting in  
5           terms of how their perceptions of the leadership came  
6           across in different decades.

7       Q. Is that recorded to form some sort of institutional  
8       knowledge?

9       A. I wouldn't -- I don't think it is, no. It is purely  
10       discussion that takes place in social environments. It  
11       is something, you are right, could be captured which  
12       would be quite interesting.

13      Q. When did that change, if you can? When did we move away  
14       from perhaps the culture depending on the character of  
15       a given head? When did it become more involved,  
16       perhaps, in the governance sense, with greater oversight  
17       from other bodies but also particularly governors?

18      A. To be honest, I don't think it has changed. I think the  
19       culture of a school is still really laid out by the  
20       headteacher and their personal values and practices.  
21       And whilst I would say now that you operate with  
22       a senior leadership team which is much wider, and you  
23       now probably have a much greater involvement in the  
24       stakeholders of parents and pupils. So it is a much  
25       more inclusive process to build that culture, I think

1           that it really still starts with the headteacher, and  
2           that governance now is much more about scrutiny and  
3           support as opposed to direct policy and practice.

4       Q. One general sense that might be gleaned from looking at  
5       the various schools is all have a board, but the board  
6       traditionally is more concerned with, if I can use the  
7       words loosely, the "business sense", and the buildings  
8       and making profit to keep the school going. Because  
9       I know it is not for profit, but it requires money to  
10      exist, hence the decision to close down boarding because  
11      it became uneconomical.

12           Is that not something that you have seen a real  
13      transition in your time? Or was the transition taking  
14      place before you joined Morrison's?

15      A. I would say that the transition was in place before  
16      I joined. I think my understanding of the evolution of  
17      the board was very much a case that the headteacher at  
18      that time would set the culture, but also be respected  
19      for the profession that he was in charge of as well and  
20      the expertise that he or she had, and I think very much  
21      anything to do with the actual day-to-day running of the  
22      school, the practices, policies, would be left to that  
23      expertise. I think that is how the boards operate.

24           I think over time they recognised there needed to be  
25      greater understanding of those practices and hence

1 subcommittees might have formed, for example,  
2 an education committee to have scrutiny over the actual  
3 education policies and practices as well. So I think  
4 there would be an evolution to forming subcommittees  
5 with a specific focus.

6 Q. Looking at the Morrison's board, because obviously child  
7 protection becomes an issue in the 1980s, when was that  
8 reflected in the Morrison's board of governors?

9 A. I would be unable to answer that question in terms of  
10 the level of scrutiny focusing on child protection,  
11 I'm afraid.

12 Q. Now?

13 A. Yes, we have a safeguarding committee. So we have  
14 a board -- a governor who is responsible for the  
15 oversight of child protection and welfare for our  
16 school.

17 Q. Has that position been filled for the time you have been  
18 headmaster, or is that something that has developed --

19 A. It has been developed.

20 Q. When did a governor get allocated to that particular  
21 role?

22 A. That was two years ago, I believe, from memory.

23 Q. In terms of governor training, we would understand that  
24 child protection training, safeguarding, would become  
25 part and parcel of teacher training, is that correct?

1 A. Correct.

2 Q. In terms of Morrison's, was that in place before  
3 boarding stopped or did it come later?

4 A. I think there is evidence, going certainly to the 80s  
5 and 90s, that child protection training was part of  
6 an expectation for all staff, whether boarding or day  
7 pupils.

8 Q. And that has remained the position. Has it become more  
9 formal as time has passed?

10 A. Yes, very much so. Our current practice is that every  
11 year every member of staff will ensure there is  
12 an update to child protection practice, depending on the  
13 level of seniority as well, so myself and my child  
14 protection co-ordinator, we will go to the training  
15 updates and refresh courses at the highest level of  
16 child protection, but staff certainly each year will  
17 complete a refresh programme. And certainly with  
18 governance we undertake a safeguarding training course  
19 as well which we make sure we log and record that as  
20 well.

21 Q. When you say governance, are you talking about the  
22 board?

23 A. Yes, the board.

24 Q. Again, is that just in the last couple of years or has  
25 that been in place for longer?



1       A. I would be unable to give details as to if governors had  
2       that type of training beforehand, but certainly in my  
3       tenureship it was something which we want to build in,  
4       yes.

5       Q. We touched briefly on the process you went through,  
6       which was "rigorous" for your employment at Morrison's.

7             In terms of teachers, you have talked about clearly  
8       the process, going on the papers you have read, as being  
9       quite rigorous so far as teaching ability is concerned,  
10      though other factors, looking to the past, were perhaps  
11      of less concern, or less obvious concern in terms of the  
12      process.

13            That obviously, I take it, has changed now, and  
14      I appreciate boarding is not part of your remit. But  
15      just in terms of the general approach to recruitment of  
16      teachers, it is now all rigorous?

17      A. Yes, very much so. Yes, any member of staff that we  
18      employ we want to make sure we go through all PVG  
19      checks, and then that would be through a proper  
20      interview and references.

21      Q. I think you do have engagement with other bodies other  
22      than Education Scotland?

23      A. That is correct.

24      Q. But on a more limited scale than perhaps an operating  
25      boarding school would, is that correct?

1       A. Yes. If you are referring to the Care Inspectorate, we  
2       operate a nursery, and so it comes under their remit to  
3       inspect our nursery every year, and we have a good  
4       relationship with them, because it is something which --  
5       I think there has certainly been a shift probably since  
6       the turn of the millennium about inspectors wanting to  
7       support and involve and improve institutions as opposed  
8       to be the sort of inspector that condemns, perhaps,  
9       rather than actually provides an avenue for improvement.

10      Q. So in a sense is a great deal more collaborative?

11      A. Very much so, yes. That also extends to HMIE, under  
12      Education Scotland now. But certainly in my time as  
13      a rector, we certainly built a very good relationship  
14      with the link inspector to independent schools. And  
15      I think in my second year, the start of my second year,  
16      we were inspected as a school, and I found that process  
17      really one about improvement and support and  
18      connectivity with places which would help me and help  
19      the school improve in certain areas that they found that  
20      could do with improvement. So it's a really beneficial  
21      relationship, I would say.

22      Q. What about SSSC, are any of your staff SSSC-registered?

23      A. All our nursery staff are SSSC-registered, yes.

24      Q. Again that is a recent change, but is it reflective of  
25      the same collaborative approach, trying to improve --

1       A. Very much so, yes. We have gone through a change in our  
2       head of nursery, we have had two changes in the last  
3       nine months, and that raised probably a bit of an alarm  
4       bell for the Care Inspectorate and for our partner  
5       provider, Perth and Kinross Council. They engaged with  
6       us as to the reasons why, but also provided support and  
7       a pathway through to make sure the standards were still  
8       kept and still the same.

9       MR BROWN: My Lady, that is I think about 3 o'clock.

10      LADY SMITH: Would that be a convenient point to break?

11      MR BROWN: It would be, but obviously this is a shorter  
12      witness because it is a different environment.

13      LADY SMITH: Yes.

14               We normally take a break at this point in the  
15      afternoon, not for very long, about ten minutes or so.  
16      If that would work for you, I will do that now, and then  
17      we will come back to finish your evidence after that.

18      A. Thank you, my Lady.

19      LADY SMITH: Thank you.

20      (3.00 pm)

21                               (A short break)

22      (3.17 pm)

23      LADY SMITH: Gareth, are you ready for us to carry on?

24      A. Yes, my Lady.

25      LADY SMITH: Thank you. Mr Brown, when you are ready.

1 MR BROWN: I am obliged, my Lady.

2 Gareth, there won't be too much more. One of the  
3 issues, though, before we come to the part B, that you  
4 will be aware of, that I have been asking about, it was  
5 a subject last week, is the issue of reporting and when  
6 one reports to regulatory bodies. I appreciate  
7 obviously Morrison's is now in a different category,  
8 because the likelihood of reporting issues, other than  
9 just general child protection issues that would happen  
10 in any school, is remote.

11 Is the issue of reporting one that troubles you to  
12 any degree in terms of when you should report, and to  
13 whom you should report?

14 A. No, and I think not having boarding has simplified that.  
15 We have a very good relationship with both Kinross  
16 Council and their child protection duty team, so there  
17 is a very clear line of communication as to, if there  
18 are any issues we need to report, who we go to, and also  
19 with the police. So our approach in terms of any child  
20 protection issues are very much about analysing risk  
21 immediately, and then any criminality is secondary.

22 Q. Presumably, as we have heard others say, if there is any  
23 issue whether or not you would or wouldn't call the  
24 police, which side would you come down on?

25 A. Yes, I think if there is any doubt whatsoever then there

1 is certainly a case for us phoning the police. From my  
2 own personal experience as rector, there are people  
3 within the police force that I can contact for advice as  
4 well, so they will take me through the due process of  
5 what would happen in certain situations so that we just  
6 understand the protocol.

7 But I think normally what happens is very much  
8 a case of, if there is an issue, we will affirm that  
9 with Perth and Kinross duty team child protection  
10 officers. We will have a discussion with them, we will  
11 seek advice about what is the right course of action,  
12 and then go through that protocol. Often that might  
13 mean we will look to an internal investigation, or we  
14 will invite the police in to have an external  
15 investigation.

16 Q. Again, thinking of yesterday's evidence, I think the  
17 head of Fettes had some anxiety about involvement with  
18 the police might or might not work. Thinking of the  
19 child, it may or may not be the best thing to do. You  
20 obviously, from what you said, have some connection  
21 within the police, and that concern might be allayed.  
22 Is that simply because of being in Perthshire, it is  
23 rather more local, if I can put it that way, rather than  
24 centralised?

25 A. It is interesting listening to the previous statements

1 made about this and, on my reflection of hearing what  
2 I have heard, there is that sense that, yes, it is a bit  
3 of an unknown when you become a headteacher as to the  
4 connectivity you have with different organisations, and  
5 if that was simplified, that would certainly be  
6 a benefit going forward. But I think we are a school  
7 which operates across different local authorities, so  
8 there is kind of an issue there as to if, say,  
9 an incident happens in, say, Stirlingshire, then we  
10 would be dealing with a different set of duty protection  
11 officers there and also the police service there as  
12 well, but we would still go to our initial contact point  
13 which lies with the PKC, who will then direct us out to  
14 the right people.

15 Q. Perth and Kinross?

16 A. Perth and Kinross, yes. So I fully understand where  
17 boarding schools have the experience of the delicacy  
18 about how they proceed, because it makes such a major  
19 impact on children's lives. And, yes, I have full  
20 empathy for difficult situations.

21 Q. You have just talked about the benefit of sympathised  
22 reporting, I suppose. What do you have in mind?

23 A. My thinking hasn't progressed that far. Yes, just in  
24 terms of having a good knowledge of connectivity in  
25 person. One of the features that does operate within

1 Perth and Kinross Council is the inter-agency referral  
2 discussions where agencies are brought together, but  
3 that is post event. There might be some sort of future  
4 progress as to understanding how systems work and how we  
5 can operate and communicate better perhaps, because we  
6 have had some issues in terms of communication letting  
7 down a process at a certain point or not expediting it,  
8 and we found that challenging at times over the last few  
9 years.

10 Q. So communication is key?

11 A. Usually, yes. As in most things, yes.

12 Q. If we could now turn to part B of your response, and  
13 this is the retrospective acknowledgement and admission  
14 of abuse. It will come up on the screen. Obviously the  
15 Inquiry made contact with the school, and again we are  
16 grateful to the school for its efforts in responding to  
17 these questions, but as of 2017 I think when this answer  
18 was provided, at that stage in terms of acknowledgement  
19 of abuse:

20 "The Academy has been contacted by one former pupil  
21 who provided information on peer to peer bullying having  
22 taken place in one boarding house during the 1970s. The  
23 former pupil was encouraged to contact the police and  
24 subsequently met with the then Rector to discuss his  
25 experiences. In addition, the same former pupil and at

1       least one other reported inappropriate touching by one  
2       former member of staff. That took place in the school  
3       rather than in a residential setting but we include this  
4       in order to provide a complete response."

5             Put shortly, you are relying on being told, and is  
6       that because of the paucity of records that you had to  
7       deal with?

8       A. Yes, shortly, in terms of response. When having  
9       conversations with HMI they did talk about a process  
10      that was in place where, prior to inspection, there were  
11      submissions made by the governing board to HMI regarding  
12      any concerns or issues that have been raised regarding  
13      staff or serious abuse, and prior to the submission of  
14      this report there were no records found through  
15      Morrison's Academy's records. So as a consequence sure,  
16      yes, it was really about being told when things came to  
17      light.

18      Q. I think that reflects the answer to part (ii) of this  
19      question:

20             "The Academy has no information on the extent and  
21      scale beyond that provided by the former pupil who took  
22      the step of making direct contact. However, the  
23      information he provided would indicate that at one  
24      boarding house in the 1970s prefects bullied the more  
25      junior pupils. It is unclear whether housemasters were



1           aware of this, but it was reported that housemasters had  
2           made no efforts to prevent the bullying from taking  
3           place."

4           So again you are reliant on the information that the  
5           pupil is passing to you?

6       A. Correct.

7       Q. Beyond that, you simply don't know, is that fair?

8       A. Yes, there are no records kept or that we have of any  
9           incidents as such.

10      Q. We then move on to the second question, which is  
11         acknowledgement of systemic failure. Of course the  
12         difficulty I suppose is to assess systemic failure, you  
13         need to know what has actually gone wrong. Is that why  
14         the answer is fairly general in the sense:

15                 "The Academy aimed to protect all its pupils,  
16                 whether day pupils or boarders. Where any child was  
17                 bullied or suffered abuse, it is axiomatic that its  
18                 systems have failed to protect that child."

19                 But focussing in or drilling down as to how it  
20                 fails, you don't know because you are really bereft of  
21                 the wider picture?

22      A. That is correct. We don't have records of, say, quality  
23         assurance processes which would have allowed us then to  
24         see -- or records of incidents that would have allowed  
25         us to see where we failed in terms of our systems.

1 Q. Four years on in 2021 is Morrison's better placed to  
2 answer these questions? Is there anything that you  
3 would wish to add?

4 A. I think through the last four years the only thing that  
5 would have changed necessarily, because there are still  
6 no records, is probably a greater awareness that I would  
7 have built up of corporate memory of the processes  
8 in place, and I think there again it is my summation of  
9 all these different bits of information to say that the  
10 failings would have been really down to a lack of  
11 implementation of rules fairly and equally across  
12 boarding houses and that quality assurance process.

13 Q. Rather than systemic failings?

14 A. Correct.

15 Q. Has the process of engaging with the Inquiry expanded  
16 the school's knowledge?

17 A. Can you just clarify --

18 Q. In the sense I think you will have, in advance of the  
19 hearings, been provided with information. You talk  
20 about institutional knowledge which you have gleaned  
21 from speaking to people. Has the information provided  
22 by the Inquiry expanded that institutional knowledge?

23 A. Yes, I think the accounts of those applicants has  
24 been -- yes, it certainly furnished the school with  
25 a lot more detail, and being given that personal

1           experience I would say has provided greater knowledge to  
2           the school.

3       Q. I made the point at the beginning of your evidence that  
4       I know you would wish to make a statement. What would  
5       you wish to say?

6       A. My Lady, I want to thank you for the opportunity to give  
7       a full and unreserved apology to all the former pupils  
8       that suffered abuse, whether it be physical, emotional  
9       or sexual. From my perspective as a pupil at school, as  
10      a parent, but more pertinently as a teacher over the  
11      last 25 years, I'm fully aware of the damage that abuse  
12      inflicts on children and young adults, and the lasting  
13      harm and the debilitating effect it can have and the  
14      fear it creates on a day-to-day basis at school.

15           I think, as a school, we view the Inquiry as vitally  
16      important to give a voice to those who suffered abuse,  
17      but also as an opportunity to learn from and to ensure  
18      that best practice can be put across Scottish education  
19      as a whole, not just applied to the school itself.

20           As a school, we view this as a very difficult,  
21      challenging time to hear of our failings, and understand  
22      the pain that it caused to those that suffered, and we  
23      view our participation as a commitment to wishing to  
24      find solutions for the greater good and the whole, and  
25      again to say that we are sorry to all those who suffered

1 from our failings.

2 So thank you for the opportunity to apologise.

3 LADY SMITH: Gareth, thank you very much for that.

4 MR BROWN: My Lady, I have no further questions.

5 LADY SMITH: Are there any outstanding applications for  
6 questions of this witness? (Pause).

7 No. Gareth, that is it. There are no more  
8 questions for you, at least no more questions at the  
9 moment if I can put that way, but I am very grateful to  
10 you for what has been done so far and, as Mr Brown has  
11 already done, can I assure you we do realise that it is  
12 not as easy as it would be to respond to our enquiries  
13 if you were still providing boarding and, moreover, if  
14 you had all your records which have gone, through no  
15 fault of yours or your colleagues' at school at the  
16 moment.

17 I am grateful to you for putting together what you  
18 can, some by way of inference and some detail you have  
19 obtained from other sources, that is really useful. It  
20 just remains for me now to say you can go today. I hope  
21 there is still some good weather left outside for you.

22 Thank you.

23 A. Thank you, my Lady.

24 (The witness withdrew)

25 LADY SMITH: Mr Brown.

1 MR BROWN: My Lady, as you are aware, the plan had been  
2 tomorrow to continue the process with QVS, but other  
3 factors, I'm afraid, outwith our control, have meant we  
4 have had to move QVS to next week, so tomorrow will not  
5 be a day of evidence. We will recommence on Friday  
6 morning at 10 o'clock with Gordonstoun.

7 LADY SMITH: Thank you very much.

8 Until Friday, the day after tomorrow, at 10 o'clock,  
9 I wish you all well and hope to see at least some of you  
10 then. Thank you.

11 (3.30 pm)

12 (The Inquiry adjourned until 10.00 am on Friday,  
13 26 March 2021)

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