

Friday, 5 November 2021

(10.00 am)

(Proceedings delayed)

(10.11 am)

LADY SMITH: Good morning. We now turn to the witnesses that were referred to last night as being witnesses who were coming to give evidence in person and I think the first one is ready to go; is that right?

MR BROWN: My Lady, that is correct. The first witness is John Cummings.

LADY SMITH: Thank you.

John Cummings (sworn)

LADY SMITH: Could we begin by you helping me with this: how would you like me to address you? Mr Cummings or your first name, John? Either's fine with me. Whatever you're comfortable with.

A. First name John is fine. Thank you.

LADY SMITH: Thank you. John, you'll see there's a red folder in front of you, it has a hard copy of your statement in it.

A. Right.

LADY SMITH: You'll be taken to that shortly. You'll also see your statement coming up on screen at whatever parts of the statement we're referring to from time to time, so do use either or neither, whatever you'd find most

1 helpful.

2 A. Thank you.

3 LADY SMITH: If you have any questions or concerns during
4 your evidence, please don't hesitate to let me know.
5 It's very important that you're as comfortable as you
6 can be while you're giving evidence, and I'll do what
7 I can to ensure that.

8 A. Thank you.

9 LADY SMITH: If you are ready, I'll hand over to Mr Brown
10 and he'll take it from there. Is that all right?

11 A. Yes.

12 LADY SMITH: Thank you.

13 Questions from Mr Brown

14 MR BROWN: John, good morning.

15 A. Good morning.

16 Q. Her Ladyship made reference to the statement, which is
17 in the red folder, and as we see on the screen in front
18 of you. For form's sake it has a reference number
19 WIT-1-000000491 and it extends to 24 pages. On the last
20 page we see that exactly a year ago you clearly read it
21 and signed it, and the last paragraph says:

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

25 And you were happy to that sign that because you'd

1 read the statement and were satisfied as to accuracy?

2 A. Yes.

3 Q. I appreciate, having spoken briefly to you this morning,
4 that having read it again in advance of today's hearing,
5 you have been reflecting and are a little bit concerned,
6 I think, because we're talking about events quarter of
7 a century ago, roughly.

8 A. That is correct, yes.

9 Q. Please understand this is not a memory test and that
10 passage of time is understood.

11 If we can start, though, with a little bit about
12 your background, you're now 72?

13 A. Correct.

14 Q. And we see from the first page your career was spent,
15 one way or another, essentially in education?

16 A. Correct.

17 Q. And I think, going on from the summary you provided,
18 after you were headmaster of Keil -- and that's
19 obviously our particular interest -- you went on to
20 an MoD school in Kent, which we've heard mention of
21 because it was a sister school to Queen Victoria School,
22 albeit a different one --

23 A. Yes.

24 Q. -- in England for military children originally. You
25 worked there from 1999 to 2007, I think?

1 A. Yes.

2 Q. And of interest, subsequently, as a comparative
3 exercise, you've been the Governor of two schools?

4 A. Yes.

5 Q. Including a Commissioner at QVS?

6 A. Correct.

7 Q. That was from 2010 to 2015, roughly?

8 A. I think, yes. Yes, yes, yes.

9 Q. Thank you. In terms of boarding experience, is it
10 correct that Queen Victoria School was really the first
11 experience you'd had of boarding or had any of the
12 previous schools been boarding?

13 A. My experience of boarding was that the first school was
14 Tonbridge, that was a boarding school. Also Wycliffe
15 College was a boarding school as well, and then Keil and
16 obviously Duke of York's was a boarding school.

17 Q. Absolutely. It was how much boarding experience you'd
18 had prior to Keil, and the answer is some?

19 A. Yes, yes.

20 Q. And we understand, speaking about Keil, that there were
21 two types of master: the straight teachers, who would go
22 home at the end of the school day; and then boarding
23 staff, who would be teachers plus, with responsibility
24 for looking after the children.

25 A. Not really, no. Most members of staff would be involved

1 in the boarding life in some capacity or other.

2 Q. I'm not suggesting they weren't involved, but there is

3 a distinction between those who live on the site, if you

4 like, and live off?

5 A. Yes, there's a distinction between those two, but very

6 often the boarding staff would comprise those who were

7 teachers as well. You didn't have separate boarding

8 staff who were employed as boarding staff as such.

9 Q. It's my fault entirely. When I was talking about day

10 teachers and boarding staff I went on to say that they

11 taught but then carried on --

12 A. Correct, yes.

13 Q. So it's all teachers?

14 A. Very much so, yes.

15 Q. But there are two types. One who spends all their time

16 at the school because they have responsibilities

17 including house responsibilities?

18 A. Yes.

19 Q. And others who no doubt cover one day a fortnight --

20 A. Yes. Most -- certainly the previous schools I've been

21 involved with, all teaching staff would be involved in

22 some capacity in the boarding life of the school.

23 Q. Yes.

24 A. Either as a tutor or as an assistant, and obviously you

25 did have people who were matrons, who were employed just

1 as matrons.

2 Q. Okay. But in terms of your experience at the previous
3 two schools, had you been involved in boarding life as
4 a housemaster, for example, or an assistant housemaster?

5 A. As a house tutor I'd been involved, but not as
6 a housemaster.

7 Q. Right. From that do we take it you didn't live in, you
8 would live out with your own family but cover --

9 A. Correct, correct.

10 Q. Thinking back to those two schools prior to Keil, you
11 had seen how boarding school life operated. When you
12 came to Keil in 1993 --

13 A. Yes.

14 Q. -- did you expect to find a very similar type of
15 environment to your previous two schools?

16 A. I knew a little bit about Keil from before because
17 I originally taught in Scotland so I was aware of the
18 school. I knew it was a much smaller school on
19 a smaller site, but in terms of -- it would be really
20 the facilities, I suppose, were smaller in scale and
21 less grand than my previous two schools.

22 Q. You were obviously progressing up the teaching ladder,
23 if you like, because this was your first headship?

24 A. Correct.

25 Q. And obviously you would have visited the school?

1 A. Yes.

2 Q. You would have spoken, as part of the process, with
3 governors?

4 A. Yes.

5 Q. And I think you say at paragraph 7 you were invited --
6 this is page 2 -- to meet staff and pupils, you had
7 an interview with members of the Board of Governors, and
8 an independent assessor who was head of another school?

9 A. Correct.

10 Q. At the time you were brought in at that interview and
11 while you were being shown round, did you get the sense
12 you were being brought in, or whoever was appointed was
13 being brought in for a particular purpose?

14 A. Not -- no, I didn't, really, no. I think what perhaps
15 appealed was the fact that I was familiar with the
16 Scottish system as well, having taught in Scotland, but
17 they didn't give reference to the fact that I'd taught
18 in boarding schools in England and bigger schools, no.

19 Q. So when you were brought in there wasn't a sense of you
20 are being appointed, yes, because you understand the
21 Scottish system, you obviously have relevant and
22 appropriate experience, but also because they wanted you
23 to try and do A, B or C?

24 A. Not really, no, no. I didn't get that feeling. I was
25 taking over from somebody who had -- who went on to head

1 up a large independent boarding school in England, and
2 I was, I suppose, following in his footsteps in terms of
3 trying to carry on the work that he'd begun and I think
4 there was a general feeling that what he'd done was
5 good, and I was trying to carry on in that manner,
6 really.

7 Q. All right. What did you understand he had been tasked
8 with to try and change?

9 A. I -- I can't answer that because I don't really know, to
10 be honest. I suppose in retrospect, looking back,
11 I think he had very much brought -- he'd certainly been
12 a successful head and perhaps a head who was much more
13 au fait with what was expected of secondary education in
14 particular, and perhaps -- I don't know, modernising is
15 the wrong term to use, but he was certainly somebody who
16 was bringing the school up in terms of its academic
17 performance and generally I think it's -- yes, making it
18 a more successful school. It's a difficult question to
19 answer because it's not something one really had
20 relayed. I wasn't told. But that was an impression
21 I received, and certainly meeting him, and meeting him
22 subsequently, that was the impression I had.

23 Q. You've made reference to the fact, obviously, you worked
24 in Glasgow for five years between '75 and '80.

25 A. Yes.

1 Q. You would know of Keil.

2 A. I did.

3 Q. Do you remember what your knowledge of Keil amounted to

4 in a sentence, going back to the mid '70s to '80?

5 A. It's probably largely based on rugby, actually, in terms

6 of it had a very good reputation in terms of rugby and

7 sport and so on. I did know a little bit about its

8 background and its situation, but no, not an awful lot

9 more.

10 Q. The one thing that stands out was rugby?

11 A. It probably was, yes.

12 Q. And did that still show when you joined the school in

13 1993? We've heard evidence, there's no surprise about

14 this, that certainly at some times in Keil's life rugby

15 might have been viewed as on a par with, if not above,

16 education. What was it like when you joined in 1993?

17 A. It still formed a pretty important part.

18 Q. Did that trouble you?

19 A. To a degree, yes, in as much as -- and I think I allude

20 to that in my statement, that I think allied to that was

21 a feeling that success and leadership qualities in

22 particular were allied to rugby, yeah. And for many

23 people, although rugby's a fantastic sport, it was not

24 the be all and end all of everything, and I wanted to

25 get a much bigger balance to the school.

1 Q. So that was one of the things that you were wanting to
2 change?

3 A. Yes. Or at least to put it in a broader context so it
4 wasn't just known for rugby and everybody didn't have to
5 subscribe to rugby, yes.

6 Q. To be clear, was it expected that every pupil -- and
7 I know it was a mixed school, so presumably every male
8 pupil -- would play rugby come what may?

9 A. I'm pretty sure that because it was a small school that
10 most, probably all, were involved at some stage in
11 rugby, yes.

12 Q. So you were hoping to broaden horizons beyond rugby?

13 A. And particularly with the advent of girls. In those
14 days, girls didn't really play rugby.

15 Q. No.

16 A. It wasn't a recognised sport for girls.

17 Q. No, indeed. In terms of the [REDACTED] obviously you had
18 experience of being in the Senior Management Team of
19 an earlier school.

20 A. Yes.

21 Q. But looking to paragraph 10, you say:
22 "There was no formal training given me by the
23 school."
24 A. Correct.

25 Q. Did that surprise you, that there was no training or

1 induction as such?

2 A. Not really, because, in a way, who would give me that
3 training, would be the question I would have posed.
4 Obviously the chair of governors who I would have spoken
5 with and so on, but -- and SHMIS, which was the Society
6 of Headmasters and Headmistresses of Independent
7 Schools, that's what it was in those days, anyhow, they
8 ran courses for heads or potential heads. No, it didn't
9 surprise me.

10 Q. That sort of training is presumably generic for staff
11 who are now progressing into management, the SHMIS
12 training you would get for being a head?

13 A. Yes, correct, absolutely, yes.

14 Q. But not focused on Keil obviously because each school is
15 different?

16 A. Correct, correct.

17 Q. But just thinking of your earlier schools when you had
18 started, were there induction packs to tell you how the
19 school operated, what the rules were, a staff handbook,
20 for example?

21 A. There probably were, yes.

22 Q. But not at Keil?

23 A. To be -- I think I've referred to that somewhere else.
24 I can't remember whether there was a staff induction
25 book at all.

1 LADY SMITH: What about a [REDACTED] from [REDACTED],
2 CGC [REDACTED]?

3 A. Yes. That was pretty comprehensive and I did meet up
4 with him and obviously we talked through a lot of issues
5 with regard to that, yes.

6 LADY SMITH: Mr Brown.

7 MR BROWN: Thank you. I was coming to that next, because
8 obviously that must be an important meeting.

9 A. Yeah, very much so.

10 Q. Was it a long meeting?

11 A. I can't remember. I remember staying -- did I stay at
12 his house? I think we did stay at his house as
13 a family. We certainly met up with the family, and
14 I would have had -- yeah, maybe a day? I can't
15 remember.

16 Q. All right.

17 A. But yes, it would have been pretty comprehensive.

18 Q. But it's fundamental to know from [REDACTED],
19 presumably, what he's done, what his hopes had been,
20 what he's not achieved, what he still wanted to achieve,
21 what you might want to do, and as importantly, what he
22 thought the school's position was in relation to a whole
23 range of areas, which would be of interest to you?

24 A. Yes. Whether or not that was covered, I honestly cannot
25 remember because to a degree when you take over, you are

1 starting afresh, and I was new to headship, I concede
2 that, so possibly didn't have the right questions to ask
3 at that particular time. And certainly he would gone
4 around and he'd mention staff, he would have outlined
5 many aspects, and I probably would have done quite a bit
6 of research myself in terms of finding out about the
7 exam systems and so on and so forth.

8 Q. But in terms of staff, that's obviously a key element of
9 any school.

10 A. Yeah.

11 Q. And you would, I take it, want to know what he thought
12 of the staff, who were the weak links, who were the
13 strong links?

14 A. Correct.

15 Q. Who you could rely on, who you might be warned to have
16 concerns about?

17 A. Yeah.

18 Q. Is that the sort of thing you would talk about?

19 A. Yes, yes.

20 Q. Do you remember, were concerns raised about any
21 teachers?

22 A. No. I can't remember any concerns being raised. Not of
23 a serious nature or not of any -- no, I can't remember
24 any. No.

25 Q. Stepping back from Keil, you obviously have been at

1 a number of schools and -- I suppose we can't step back
2 from Keil because you did a [REDACTED] although it wasn't
3 quite the same, in 1999 because it was the deputy head
4 who had been there when you started?

5 A. Yes.

6 Q. So he knew the school intimately?

7 A. Correct.

8 Q. I take it there wouldn't be the same sort of [REDACTED]

9 A. Correct.

10 Q. It wasn't necessary or perhaps wouldn't have been
11 welcome anyway?

12 A. Correct.

13 Q. Would you have expected, as a head, speaking generally,
14 to know of complaints of sexual abuse by a teacher which
15 had been reported but ultimately not taken forward?

16 A. Yes, I would.

17 Q. You would have?

18 A. Yes.

19 Q. That's the sort of thing you'd want to know?

20 A. Yes.

21 Q. Forgive me for asking what you might think is a very
22 stupid question: why?

23 A. Well, you'd want to know why they were still employed,
24 basically, and you would certainly -- well, I wouldn't
25 have anticipated that they would still be in teaching,

1 I suspect.

2 Q. Please understand, I'm talking about a complaint about
3 a teacher that has not been taken to the point of being
4 accepted.

5 A. Okay, right. In that case, you'd still want to know in
6 terms of being observant and wary and if anything
7 subsequently happened, it would obviously be of great
8 significance.

9 Q. But nothing like that happened?

10 A. I wasn't informed of anybody -- of anything, no.

11 Q. I appreciate memory is difficult after decades, but is
12 that the sort of thing you might have remembered?

13 A. I would have remembered that.

14 Q. We talked about your deputy, and this is Tom Smith.

15 A. Yes.

16 Q. When you spoke to CGC [REDACTED], was Tom Smith there?

17 A. He would have been at some stage, yes.

18 Q. We get the sense from other witnesses that Tom Smith, to
19 use one word, was a powerhouse who was very involved in
20 the day-to-day running of the school. Is that correct?

21 A. Certainly during my time he was very much involved in
22 the day-to-day running of the school, yes.

23 Q. We understand he'd been a rector before.

24 A. Yes.

25 Q. And then had become deputy head and of course in due

1 course, once you had gone, became head himself. Was he
2 someone you found it easy to work with?

3 A. Yes.

4 Q. Tell us about the relationship.

5 A. Well, my theory was very much if I was ill or knocked
6 over by the Dumbarton bus, Tom would take over, so it
7 was very important that he was aware of everything that
8 was going on. He was a very good sounding board.
9 I valued his judgement and very often would discuss
10 matters with him just to clarify in my own mind where to
11 go and what to do. And conversely I believe he did that
12 with me as well, if he had issues and problems.

13 Q. But we would understand that the Senior Management Team
14 in Keil in essence from the teaching side was you and
15 Tom Smith?

16 A. Yes, that would be true.

17 Q. So what you knew, he would know, and vice versa?

18 A. Yes.

19 Q. And going back to the consideration of if there's been
20 a complaint made against a teacher, as deputy head you'd
21 expect him to know that too?

22 A. Yes.

23 Q. Because that's the sort of thing a head really has to
24 share?

25 A. Yes.

1 Q. So that senior management know?

2 A. Yes.

3 Q. All right.

4 A. The other member of the Senior Management Team in a way

5 would be the bursar as well, but, I mean, not involved

6 in anything to do with pastoral matters.

7 Q. No. That's much more buildings and finance --

8 A. Yes.

9 Q. -- I take it. The reason I ask so much about that is we

10 have had evidence which would suggest that a boy, if not

11 boys, complained about the conduct of William Bain

12 during the **CGC** era, that there was an inquiry

13 carried out by the school, pupils were spoken to, and

14 that the parents of the boy who complained were assured

15 that whilst it could not be corroborated, it would go on

16 Mr Bain's record so it would follow him throughout his

17 career, so it would not be lost sight of, essentially.

18 Does that surprise you?

19 A. Yes.

20 Q. That is something, would you agree, you should have been

21 told?

22 A. Yes.

23 Q. You met with Mr **CGC** but he didn't share that with

24 you?

25 A. No.

1 Q. And we've heard evidence from Mr Bain himself at the
2 meeting where this was raised with him by Mr CGC ,
3 Tom Smith was present. Tom Smith didn't ever share this
4 with you?

5 A. No.

6 Q. If he was at that meeting, and I would understand he
7 would probably deny that, he should have told you?

8 A. Yes.

9 Q. Returning to your emotions when you went to Keil, it's
10 a small school, rugby has been king but is in the
11 process of being democratised, perhaps. It's also
12 a school, I think can we agree, that is running
13 financially close to the edge, there wasn't a lot of
14 money?

15 A. It wasn't a rich school, but it benefitted from the
16 Assisted Places Scheme.

17 Q. Yes.

18 A. So financially, really, for a number of years it was not
19 a major issue, but it did depend on perhaps a small --
20 as many schools ultimately do, a small number of
21 boarding pupils, one way or the other, made quite a bit
22 of difference. It wasn't a rich school.

23 Q. No.

24 A. And that, to be fair, was one of the appeals of the
25 school to me, was the fact that it was a school that

1 catered for pupils who maybe traditionally wouldn't have
2 benefitted from a boarding school education.

3 Q. Obviously it was set up originally to satisfy technical
4 education for children from Kintyre and places west.

5 A. Yes.

6 Q. By the time you were there, that tradition had perhaps
7 inevitably declined?

8 A. To a degree, because obviously we were taking on day
9 pupils as well, but still there was pretty strong links
10 with the Highlands and Islands, the West Highlands &
11 Islands.

12 Q. But it was, I think the word has been used repeatedly,
13 quite spartan?

14 A. I hope it wasn't too spartan, and that was certainly one
15 thing in the boarding houses, as much as we could do to
16 try and make it a more pleasant working environment and
17 living environment, and a lot was done by furnishings
18 and things like that. So I think spartan's probably
19 a little bit strong.

20 LADY SMITH: What word would you use?

21 A. I was going to say basic, but, I mean, that's probably
22 even worse, actually. It was not an elaborate school.
23 It was not -- I hope it was a comfortable school.

24 MR BROWN: I think if we look at a document WIT3719, this is
25 a copy of the HMI report of 1992, which obviously --

1 A. Yeah.

2 Q. -- you will have had to deal with the fallout from, or
3 respond to. I think on page 2 the description -- sorry,
4 page 3 of our document, page 2 of the actual document --
5 under, "Accommodation and resources" -- go over the
6 page, please, and go down:

7 "Teaching accommodation was very good [in some
8 respects] and very poor [in others]."

9 But then going down to the second paragraph:

10 "Boarding accommodation overall was
11 satisfactory ..."

12 Satisfactory in the language of HMI is not really
13 what you want as a headteacher, I take it?

14 A. Correct.

15 Q. " ... although in one of the older boarding houses two
16 wash hand basins and a toilet needed repair and
17 a cupboard which stored tea and toast making
18 facilities ..."

19 Toast making facilities may have been important for
20 chiefs, I understand? Was there a currency in your day
21 of toast? Are you aware of that?

22 A. I think there's always a currency for toast in boarding
23 houses, yes.

24 Q. Okay, so that was still prevalent when you were there?

25 A. Yeah, I'm sure they made toast. Sorry, I can't remember

1 how prevalent how it was, but yes.

2 Q. All right. Improvements to the boarding accommodation,
3 some of which were effected during the period of
4 inspection, were an ongoing priority of the school?

5 A. Yes.

6 Q. The school wanted to take things on?

7 A. Correct.

8 Q. That's one of the things, and again just to shortcut,
9 evidence we've heard of your headship and what you
10 wanted, you wanted to soften the school and make it more
11 welcoming? Is that fair?

12 A. Correct.

13 Q. Because it had had a fairly hard traditional approach in
14 the past?

15 A. Yes.

16 Q. Rugby's king, education is not, spartan might have been
17 the word of previous decades?

18 A. Yes.

19 Q. Or basic?

20 A. Yes, I think that's -- yes.

21 Q. And as the HMI report shows, there's now a recognition,
22 and that was one of the things you tried to do over your
23 tenure?

24 A. Yes.

25 Q. All right. If we go over the page to page 6 under

1 "Policies and communication":

2 "Policies on key areas such as learning teaching and
3 the management of resources should be developed.

4 Heads of department should, in a significant number
5 of instances, produce more sharply focused policies and
6 establish more rigorous monitoring and evaluation of the
7 pupils' experience.

8 More time should be made available to staff to
9 participate in management and policy formulation and
10 engage in curricular development."

11 Again, the school you inherited was, in comparison
12 perhaps with previous schools you'd worked in, somewhat
13 sparse in terms of printed material and guidance?

14 A. Yes. I find that difficult to answer. I think the
15 probability is high, but it was something that I --
16 I probably can't pinpoint specifically how much
17 paperwork there was. I cannot remember how much
18 paperwork there was. But yes, obviously that points to
19 the fact. And to be fair, HMI normally point out
20 a dearth of policies.

21 Q. They like policy?

22 A. They like policy. Well, clearly it's tangible evidence
23 of what's going on for an outsider.

24 Q. Yes.

25 A. Or what should be going on, sorry.

1 Q. Quite. If we go to page 10, please, of the same
2 document:

3 "The broad aims of the school were clearly outlined
4 in the prospectus. The essence of these, as expressed
5 by the headmaster, was to create a family atmosphere in
6 which the value of each individual and consideration for
7 others were stressed as important features of the school
8 community."

9 Et cetera. Again, to be blunt, when an inspection
10 is about to take place, would I be right in thinking
11 schools make various real efforts to show their best
12 face?

13 A. Yes, but I think that's slightly unfair because I think
14 that most inspectors would see through that pretty
15 quickly, and increasingly the inspection regimes are
16 quite keen on doing unannounced inspections as well.
17 I think in those days, to be fair, they didn't and you
18 had a pretty good warning of when they were coming. But
19 I think they spot, and certainly if they don't spot, the
20 pupils will tell them pretty quickly, that things have
21 changed in the last two weeks and things like that. So
22 I don't think you pull the wool over inspectors' eyes
23 that easily.

24 Q. All right.

25 A. But you're right, you want to give the best impression

1 you can.

2 Q. Because particularly in a school like Keil -- and I'm
3 sorry, I'm not being critical, it's just whether you
4 agree with this as a statement of fact -- one of the
5 problems with Keil was it was constantly needing to get
6 more pupils in to survive.

7 A. That's not quite true because, I mean, certainly when --
8 I would say for the first -- until the Assisted Places
9 went, financially we were okay. We never had an awful
10 lot of money, but it wasn't as though there was -- there
11 weren't major alarm bells ringing, either.

12 Q. Well, were you treading water?

13 A. Again, I think for any small -- size is the important
14 thing in a school like that, and any small school where
15 you're having to employ, obviously, a staff and
16 resources and -- it's difficult, but it would be no
17 different, I suspect, from many other small schools,
18 small boarding schools. So treading water I think is
19 probably not quite the right term to use. You're always
20 pleased at the end of the day when there was a profit
21 being made that could be put on to the next year and so
22 on.

23 Q. Because it allows you to soften the school and improve
24 facilities?

25 A. Correct.

1 Q. But the process, would you accept, in your six years at
2 Keil was not as fast as you would have liked?

3 A. Sorry, the --

4 Q. The progress of softening and making it --

5 A. Oh, right, there was always room to do more. So one
6 did -- as far as I can recollect, what we did as much as
7 possible was to -- I mean, I think I probably alluded to
8 the fact that there was a dormitory to begin with, which
9 was a junior dormitory, and that was clearly something
10 which was just not appropriate at all, so after the --
11 I think it was in my first year we got rid of that, for
12 a number of reasons, but the main reason being it was in
13 no way attractive to potential parents or pupils.

14 And then within the boarding houses, what we tried
15 to do was through -- I think I've mentioned this before,
16 through furnishings, through the ability to segregate
17 various areas, to try and make it a little bit more akin
18 to study bedrooms and so on, and that was configuration
19 more than anything. Also introducing -- again the
20 important thing was the -- for my money was the ability
21 to have housemothers, people like that, to make it more
22 family orientated without -- but knowing you were always
23 going to be constrained by basically two separate
24 boarding houses, and then for the girls within the main
25 block of the schoolhouse, none of which was perfect or

1 ideal, but it also -- I suppose it had character. It
2 was -- it -- you had to deal with what you had there in
3 terms of the fabric of the school.

4 Q. Sure. If we go to page 14, and the mid page, keep going
5 down, please. Sorry, if we can go slightly up, thank
6 you. Stop there:

7 "The school was characterised by a strong sense of
8 community, a friendly atmosphere and a concern for the
9 overall development of pupils as individuals. Courtesy
10 on the part of pupils and concern for others were
11 consistently encouraged and were evident in many
12 situations. The brochure's claim that the school
13 'enjoyed the atmosphere of an extended family' was amply
14 fulfilled."

15 Is that how you saw it when you joined in 1993?

16 A. Certainly it was a close-knit community and there was
17 a -- a very supportive feeling amongst the pupils, they
18 were very loyal and so on. I wanted certainly to build
19 on that concept of a family and I think, as you say,
20 probably use the term "soften".

21 Q. But the school you inherited was still one, and I think
22 probably always remained, where the structure of pupils
23 supervising pupils was different from other schools,
24 perhaps?

25 A. I wouldn't -- certainly during my time, I wouldn't have

1 said that, no.

2 Q. We have chiefs and deputies who are in charge of squads,
3 who, for example, have cleaning duties?

4 A. That was -- that was -- I was questioned about that
5 in -- when I gave my statement and I can't recall the
6 cleaning duties, and certainly one of the things I did
7 try and achieve or try and very much emphasise was
8 a change in leadership roles and a minimising of the
9 idea that senior pupils were in charge of other pupils
10 with -- unless it was in the context of where they were
11 organising events or something like that. It was not
12 meant -- I did not want senior pupils to be -- have
13 a responsibility without realising their own -- their
14 own involvement within that. Yes, I did try and change
15 the whole concept of leadership and so on.

16 Q. But the reality was, and I think we've heard this from
17 many witnesses, that the chiefs in some respects did run
18 the school. Although that's something you tried to
19 change, was it still there when you started?

20 A. I -- the concept of pupils running the school is
21 something I don't recognise.

22 Q. All right.

23 A. It's something that I certainly would not have
24 encouraged in any shape or form. I think the style of
25 leadership I was aware of when I first went to the

1 school was -- and I go back to the -- and I think
2 I alluded to this in the witness statement -- was based
3 on the -- largely based on the idea that if you were in
4 the rugby team, for example, you had a much stronger
5 chance of being a senior leader than -- or a chief or
6 whatever it was than others, and I thought that was
7 wrong. And I broadened that out.

8 I would say I think also co-education played a large
9 part in that change of atmosphere too.

10 Q. One of the themes not just from Keil but from other
11 schools we have been looking at is that many schools
12 seem to have had cultures of silence.

13 A. Sorry, I didn't hear that.

14 Q. Cultures of silence, in other words boys or girls
15 wouldn't report if things were going wrong. Is that
16 something you recognise? Pupils are perhaps often slow
17 to come forward?

18 A. I don't really recognise that, no, because that's
19 certainly something that was alien to my way of
20 thinking, and in a school of that sort of size there
21 were many, many opportunities for pupils to talk, and
22 certainly that was something I would have -- certainly
23 tried to encourage, that people did come forward and
24 discuss and chat, and we had debates and -- yes. No,
25 I wouldn't -- the concept of a culture of silence is

1 something I -- yes, I find alien. Sorry.

2 Q. Okay. Just looking at page 6 of your statement,

3 paragraph 31, you say:

4 "Communications improved when I joined."

5 A newsletter was sent out, the magazine is given

6 a face lift thanks to one member of staff.

7 Then paragraph 32:

8 "I started daily staff briefings and weekly meetings

9 with senior pupils. A Student Council was created with

10 pupil representation from every year group. Potential

11 pupils and parents were shown around ... by existing

12 pupils. I held over 60 presentations ... throughout

13 Scotland ..."

14 Presumably trying to market the school to get

15 numbers up but also as part of your communication

16 strategy?

17 A. Correct.

18 Q. Again you're trying to change things, but clearly what

19 you found wasn't, as you saw it, ideal. These things

20 were lacking?

21 A. Yes.

22 Q. For example, assembly. Was there a daily school

23 assembly with all the teachers present or was it just

24 the duty teacher when you started?

25 A. I can't remember, sorry.

1 Q. All right.

2 A. It wouldn't -- I think we had house assemblies as well.

3 Well, certainly in addition to -- I can't remember

4 whether we had daily assemblies every single day. We

5 certainly had house assemblies if there wasn't a school

6 assembly.

7 Q. All right. You mention houses. Obviously there are

8 houses there for girls and boys, and you talk about your

9 efforts to soften them and make them more appropriate in

10 terms of layout. Just talking about housemasters, we

11 would understand at Keil housemasters sometimes in the

12 past would live in but sometimes wouldn't actually live

13 in or by the dormitory. Was that the position when you

14 arrived, were there still some housemasters living apart

15 from their charges?

16 A. I think yes, in one house the housemaster lived, yes, in

17 a separate house, but I think the house tutor or the

18 assistant lived in the house.

19 Q. Yes. But again, is that just one of the deficiencies of

20 the structure of Keil, it made it more difficult from

21 what might be more obvious to have a presence from the

22 housemaster on site?

23 A. Well -- yes. When you say on site, I mean, it was

24 literally -- if it's the house I'm thinking of,

25 literally next door, and the house -- the assistant

1 housemaster lived in the house.

2 Q. Yes.

3 A. Yeah.

4 Q. But the sense we get from some staff is that there was

5 great reliance placed on the chiefs and deputies who are

6 running the house for the day-to-day tasks: getting the

7 children up, doing head calls or headcounts, reporting

8 to the house staff but the house staff not being

9 particularly present. Is that something you remember?

10 A. I wasn't really -- that's something I -- I wasn't really

11 aware of. I was much more aware of house staff being

12 closely involved with the pupils in their -- in their

13 charges.

14 Q. Again, I mean no criticism, you're the headmaster, a lot

15 will be reported to you.

16 A. Yes.

17 Q. Rather than you being engaged day to day.

18 A. Yeah, but I also tried to visit houses on a fairly

19 regular basis as well to get a feel of what was going

20 on.

21 Q. Yes. Obviously we have the 1998 report, which is at the

22 tail end of your time at Keil, and it's apparent things

23 have changed. You achieved some of your aims at least?

24 A. I hope so.

25 Q. And, for example, if we look at KSC25, which is that

1 report, and page 2, on the right-hand side:

2 "Around 50 per cent of parents responded to the
3 inspection questionnaire. In general, they were very
4 well pleased with the quality of pupil care. Almost all
5 agreed that the school had explained clearly its
6 policies and rules for pupils in residence; the boarding
7 house staff knew the pupils well and were approachable
8 and helpful; the pupils were given very good support if
9 they had difficulties; and the boarding house staff
10 allowed the pupils appropriate freedom. A large
11 proportion of parents expressed concern about the food
12 provided ..."

13 Which we understand is always a problem.

14 " ... and about the general security of the school."

15 Because this is Bruce Hill, the estate next door,
16 correct?

17 A. And specifically one person.

18 Q. All right. And quality of residential care is now good
19 from being satisfactory.

20 "There was a clear sense of community in the
21 residential houses."

22 And it goes on over the page:

23 "Residential staff demonstrated concern for the
24 pastoral needs of pupils. In particular, the matron's
25 contribution to the school was highly valued."

1 You talked about housemistresses or housemothers
2 earlier.

3 A. Yes.

4 Q. They weren't a thing when you started?

5 A. No.

6 Q. They didn't exist?

7 A. No.

8 Q. But they did exist by the end of your tenure?

9 A. Yes.

10 Q. Can you remember when they came in?

11 A. No, I can't, I can't, actually. But I remember
12 certainly Mrs Smith became a housemother and I can't
13 accurately recall who was the other housemother.
14 I suspect it was Mrs Guy, but I -- yes, that was
15 something I did introduce. But how -- how -- and
16 I can't recall how formal I made it or quite what it
17 was, but it was another -- again it was -- largely
18 I wanted that as a means of communication for concerns,
19 problems, somebody who I felt -- this is probably the
20 wrong thing to say -- a female figure in a boys' house
21 was important to have, that it might be somebody who
22 pupils could confide in more easily and more readily.

23 Q. We're back to perhaps the issue of children not coming
24 forward because there isn't someone appropriate to speak
25 to.

1 A. No, I think -- I think all that I would say I was trying
2 to do there was just to open up the possibilities.

3 I wasn't -- it wasn't on the back of any concerns
4 I directly had. It was just trying to maximise the
5 chances of people -- maybe it was just a consolation.
6 Maybe it was somebody who just wanted -- I suppose it's
7 the mother figure, to be absolutely honest. I wanted --

8 Q. But in terms -- sorry to cut across -- in terms of the
9 mother figure, the two names you've mentioned were
10 staff.

11 A. Correct.

12 Q. They were teachers?

13 A. Correct.

14 Q. So is that another example -- and please understand I'm
15 not trying to be just scathing about it, but it reflects
16 the fact you were having to make use of what you had
17 rather than bringing in additional staff. Was that one
18 of the financial limitations?

19 A. No, I -- no, I don't think that would necessarily be the
20 case because I think if you were bringing in an outsider
21 to a role like that it would probably not be that --
22 necessarily that successful, and you may be bringing
23 another dimension into the school which was not -- they
24 would feel less likely to confide or chat to somebody
25 who they didn't know very well, where at least they're

1 familiar with these people. So I don't think it's
2 a role I would have -- even if I'd had the money --
3 wanted to invest in necessarily, because you -- you
4 know, one had the matron, and in any school context --
5 and I broaden this out wider -- as far as I was
6 concerned, a pupil, if they had a problem, an issue,
7 they could confide in anybody. That was the important
8 thing, and obviously one anticipated that would then
9 be -- if it was a matter of concern -- forwarded and
10 passed on if it was a serious issue. But to be able to
11 just chat to somebody sometimes is quite important.

12 Q. We'll come back to that because clearly children were
13 not chatting about bad things that were happening.

14 A. Yes.

15 Q. But staying with the issue of who was appointed as
16 housemothers, you have a matron. Is that the matron who
17 is responsible for health, essentially?

18 A. Yes.

19 Q. So is not connected to one house but is covering the
20 school?

21 A. Yes.

22 Q. So you introduce housemothers who are existing staff
23 and, like all staff at Keil who have full boarding
24 responsibility, if we can agree on that, in other words
25 live-in --

1 A. Yes.

2 Q. -- they had very heavy workloads. They were teaching,
3 doing lesson plans, marking, house responsibilities,
4 sport?

5 A. (Witness nods).

6 Q. Running hot all the time?

7 A. Yes, you say that. Again, my experience of other
8 schools and so on, if you're in a boarding context, it's
9 pretty full on anyhow.

10 Q. Yes.

11 A. And it's not necessarily equated to the fact that
12 "running hot" -- I think any school I've worked in or --
13 or been involved with, it is a big, big commitment,
14 whatever you're doing, whatever the size of the school,
15 and I alluded to the fact earlier on that it was
16 probably financially easier in a large school, but you
17 can still be working very, very hard. You still have
18 lots -- to be fair, that is one of the attractions of
19 working in those environments, that you are part of
20 a much broader picture and it's a -- it's a full -- it's
21 a pretty full commitment during term time.

22 LADY SMITH: And the housemothers that you introduced, did
23 they have their own sons at the school?

24 A. One did, yes.

25 LADY SMITH: Just one?

1 A. I can't honestly remember who the other housemother was,
2 I'm sorry.

3 LADY SMITH: What about Anne Pack, was she a housemother?

4 A. She might well have been, yes.

5 LADY SMITH: And Sarah Guy?

6 A. Sarah Guy didn't have a son at the school.

7 [REDACTED] did.

8 LADY SMITH: [REDACTED] had a son at school.

9 A. Yes.

10 LADY SMITH: How did that work? Where they housemothers in
11 houses where their boys were or was a policy decision
12 made to distance them from that?

13 A. No, I didn't make a policy decision to distance them,
14 no.

15 LADY SMITH: So you are telling me that their own sons were
16 in the house in which they were housemothers?

17 A. As far as I can remember, yes. There was certainly --
18 I mean, they -- yes. As far as I can recall.

19 LADY SMITH: Hmm. Was that a good idea?

20 A. Probably not, on reflection, no. But it could have been
21 awkward to have made a housemother in another -- made
22 them a housemother in another house. That could
23 have ...

24 LADY SMITH: Mm.

25 Mr Brown.

1 MR BROWN: But again, thinking about what perhaps with
2 hindsight wasn't a good idea, was it ever the case when
3 you were head that the girls' house had a housemaster?
4 A. Yes.
5 Q. Is that not, from your experience, or was that from your
6 experience not counter-intuitive and less than ideal?
7 A. To a certain extent it was, but it was somebody who had
8 had experience of being a housemaster before in a girls'
9 school, as far as my recollection goes, and there was
10 also always an assistant who was female.
11 Q. Yes. I think that housemaster went in because there had
12 been difficulties with a housemistress. Is that
13 correct?
14 A. Correct. Correct.
15 Q. You were aware, were you, at the time there were
16 concerns about her behaviour towards her female charges?
17 A. Not so much towards her female charges. Certainly
18 towards me there was a problem, and -- yeah, I can't --
19 I can't recall specifically problems with her charges.
20 I mean, when you say problems with her charges,
21 certainly it was -- it became an unhappy working
22 relationship.
23 Q. This is the housemistress who wasn't there at times?
24 A. She suffered illness, yes.
25 Q. And took herself off, leaving the house unsupported?

1 A. We had an assistant, but yes, that's probably the -- but
2 it was -- I think it was illness as much as anything.

3 Q. All right. Certainly you weren't aware, as head, of
4 concerns of the type I alluded to; it was more practical
5 concerns and tensions between you and her and that
6 relationship?

7 A. Yes.

8 Q. Okay. Because I appreciate that you had -- and we see
9 this in the minutes as well as certain school documents,
10 and if we can look, please, at WIT3718, this is a school
11 discipline and routine document, which if we go to
12 page 10, the final page, is revised August 1993. If we
13 go to the foot. That's presumably a revision that you
14 set in train?

15 A. (Pause).

16 Q. Did you --

17 A. I modernised this considerably. I don't quite recog --

18 Q. You've seen the date, the details there perhaps matter
19 less. Let's go to page 2, which is the opening
20 statement effectively setting the theme.

21 A. Yeah, I recognise that.

22 Q. "At Keil you are expected to act with consideration,
23 courtesy and respect for other people, their property
24 and the environment. Pupils must do nothing likely to
25 bring themselves and their school into disrepute. Any

1 form of bullying is completely unacceptable. You must
2 obey the law."

3 Were those your words?

4 A. I certainly -- in fact I used that from a previous
5 school.

6 Q. You brought that with you?

7 A. Yeah.

8 Q. So this is revision, we would understand, of a fairly
9 fundamental nature. You're putting -- a line in the
10 sand is too dramatic, but you are making abundantly
11 plain what you expect?

12 A. Yes.

13 Q. And this is what you brought from another school?

14 A. Well, it -- well, the wording I brought from another
15 school, but it was very much my -- my own ideas of what
16 I wanted in -- in education anyhow.

17 Q. Absolutely. My point is, when you got to Keil, that
18 sort of approach and clarity was lacking?

19 A. I can't -- I -- yes, possibly.

20 Q. Okay. But was that the sort of thing you were trying to
21 do, introduce clarity, communication --

22 A. Yes.

23 Q. -- softness?

24 A. Yes.

25 Q. And that would happen as fast as the realities of life

1 allowed it to happen?

2 A. That's very true.

3 Q. All right. In terms of child protection, obviously we

4 know, and again it is clear, please understand me, we

5 have the minutes of the board meetings so we can see

6 discussions, largely it would seem to be triggered by

7 SCIS, a body you know?

8 A. Yes.

9 Q. Who were leading all schools, perhaps --

10 A. Yes.

11 Q. -- with the idea, the concept of child protection being

12 important?

13 A. Yes.

14 Q. And this again -- I'm sorry, I'm leading you, please

15 tell me if I'm wrong -- was happening in the mid-1990s?

16 A. Yes.

17 Q. That's when it took off?

18 A. That certainly was my recollection and I think I alluded

19 in the minutes to a meeting which was probably the

20 inaugural meeting organised by SCIS where it was

21 highlighted and for many of us as heads it was the first

22 time we'd really come across this concept.

23 Q. And SCIS usefully produced a draft policy which schools

24 adopted gratefully?

25 A. Yes.

1 Q. Lifted, copied? I mean, I'm not being critical.

2 A. Yes, no, very much so, it was a model -- because it was
3 a new concept and the whole process was new, it was --
4 yes.

5 Q. From your perspective, having been in education by that
6 stage for 10/15 years, had you ever thought of the
7 concept of child protection or safeguarding or words
8 that are now familiar prior to the mid-1990s?

9 A. Yes, but not in -- not in those -- not quite in that
10 way, and that terminology, as far as I can remember,
11 wasn't being used. But yes, you were aware that if
12 there were serious concerns in a school, you
13 obviously -- you didn't have to have a child protection
14 policy to be able to deal with them or to be able to
15 seek advice about how to deal with them.

16 Q. But from what we read, if we go to page 14 of your
17 statement, paragraph 74:

18 "Being a small school with a tight-knit community
19 little went unnoticed. It was not a vast campus and the
20 mix of day and boarding pupils meant that boarders did
21 not live in an isolated or remote bubble. The parents
22 of day pupils were in and around the school every day.
23 I had an open door policy with frequent visits from
24 staff, pupils and parents. Visitors invariably
25 commented on the open and friendly nature of the school.

1 75. For those reasons and because staff and pupils
2 were alert to those who were unhappy and not thriving,
3 I was confident that nothing undetected would have been
4 happening.

5 76. I did not believe that abuse in the school
6 during my period of employment could have occurred and
7 gone undetected."

8 Obviously, that was all wrong.

9 A. Yeah.

10 Q. Would you accept that there was an awful lot of
11 assumption and naivety in the 1990s?

12 A. (Pause). To a -- I'm not trying to defend anything
13 because it is obviously -- you know, it was wrong, it
14 was a wrong assumption, but I do pose later on what
15 could one have done more to ensure that that wasn't the
16 case, and you can say it was naivety and with hindsight
17 certainly one would have hoped that something could
18 have -- I could have reacted differently or I could put
19 in place something differently that would have
20 highlighted a problem or problems.

21 Q. The difficulty is we heard yesterday from Mr Bain, who
22 accepted that his abuse of children was of a very
23 significant quantity, hundreds of times, sometimes five
24 days a week, sometimes more, if one pupil in particular
25 was staying for the weekends as well, with overlap

1 between the victims. And Mr Bain confirmed that he
2 really felt no likelihood of being discovered. That
3 doesn't sit well with --

4 A. No.

5 Q. What might have been done better? What have you thought
6 about that?

7 A. Well, certainly the ability of a pupil/pupils to come
8 forward and explain or tell somebody that there was
9 something going on, that would be the first thing.
10 I suppose for him not to have been put into a position
11 where he had the opportunities to do -- I mean, what
12 you've said just now is completely new to me -- to have
13 the opportunity to do what he could.

14 Q. One might say the difficulty was he was an enthusiastic
15 teacher, who was happy to take the load off others by
16 being involved with children all the time without any
17 supervision, because it was convenient for him to do
18 that. Would you agree that was the case with Bill Bain,
19 who was an enthusiast who never stopped working with
20 children?

21 A. He was certainly an enthusiastic teacher, he was very
22 engaged and very involved with other people, with lots
23 of activities. Again, I think the -- the difficulty --
24 and I'm not making any defence whatsoever -- is that if
25 you have an enthusiastic teacher, if you have somebody

1 who's involved in lots of different things, do you
2 naturally become cynical and say, "Don't do this"?
3 Obviously I should have put more or there should have
4 been more -- what in common parlance now is called --
5 risk assessment involved. But I wasn't looking at
6 somebody with cynicism or I wasn't looking at somebody
7 with scepticism. Again you could say that was naivety.

8 Q. You assumed it would be all right?

9 A. Pardon me?

10 Q. You assumed it would all be all right?

11 A. Well, I assumed that people who were involved in
12 education and teaching were doing it for the best
13 interests, yes.

14 Q. But we've heard from a statement which was read in from
15 Tom Smith that Bill was overgenerous with his time. Is
16 that not a red flag, perhaps?

17 A. He was certainly somebody who was very -- yes, very
18 involved with -- with -- he was generous with his time.
19 I did not have any suspicions because I -- he was
20 somebody who was committed to lots of different things.
21 He was ... I mean, I can only say that that was my --
22 my -- my view, and I did not have -- there were no red
23 flags as far as I was concerned of any serious --

24 Q. What about the fact --

25 A. Sorry.

1 Q. Sorry, no, I interrupted you.

2 A. No.

3 Q. What about the fact it was known that he would have
4 pupils into his rooms, into his lab very commonly?
5 I appreciate your point about cynicism, but a teacher
6 who is doing that and is known to be perhaps more lax
7 than anyone else, is that not a red flag?

8 A. Probably in retrospect, yes. I think with hindsight,
9 obviously, yes.

10 Q. If --

11 A. But -- sorry.

12 Q. No, no, carry on.

13 A. Again, it's probably naivety that I -- I thought it was
14 an enthusiasm. It was -- again, I didn't have any worry
15 or concern because it hadn't been expressed, and
16 that's -- yes, it is naivety, I suppose. And with
17 hindsight, certainly.

18 Q. Had you a teacher like William Bain in your subsequent
19 school in Kent behaving as he behaved at Keil, would you
20 have acted differently, do you think?

21 A. That's a very difficult question to answer because no
22 two teachers are identical and some are very -- some
23 have -- all teachers have different styles. Some have
24 a very informal but very controlled way of dealing with
25 people. Some are involved in lots of activities where

1 they are surrounded by young people. So ... I couldn't
2 give a clear "yes" or "no" to that answer. I think if
3 you are talking about subsequent things, I think what --
4 and I -- it's slightly deviating from the question
5 you've asked, but I think when I thought about it,
6 answering these questions about child protection
7 policies and so on, I think the thing that struck me,
8 probably, was that young people in a school situation
9 were themselves made more aware of what to look for in
10 terms of child protection issues, and so it became
11 an integral part of personal and social education, for
12 example, so there was a greater awareness from their
13 perspective of when to be concerned and when to voice
14 worries. And that's just a general reflection I had.

15 Trying to answer the question, I think -- it's
16 a very difficult question to answer. Would I have been
17 concerned about -- until I was made aware of the issue
18 in -- whenever it was, 2015, it wouldn't --
19 unfortunately it didn't strike me as a possibility. It
20 wasn't something I'd thought about long and hard and
21 thought I wonder, I wonder. It never struck me, never
22 hit me.

23 LADY SMITH: John, do you recognise a description of this
24 man as being somebody who was eternally bouncing around,
25 the perpetual adolescent, not able to keep discipline in

1 his class and occasionally socially inappropriate and
2 given to making lewd comments?

3 A. Certainly not the latter one, no.

4 LADY SMITH: The others?

5 A. He was a -- he was an enthusiast, Mr Chips. He was
6 somebody who was involved in lots of different things.

7 LADY SMITH: The perpetual adolescent?

8 A. No, I think that -- I wouldn't have said that. And nor
9 would I -- he had an informal style, but I didn't have
10 any concerns about his teaching. I thought he was
11 quite -- and certainly my predecessor I do remember
12 referring to him as an inspirational teacher.

13 LADY SMITH: Was he different from everybody else?

14 A. He probably was a one-off, but I think, you know, in
15 a way that's not necessarily a bad thing in a teacher
16 to -- and many -- no two teachers are necessarily the
17 same.

18 LADY SMITH: Mr Brown.

19 MR BROWN: What I was perhaps alluding to is the development
20 of child protection and a growing awareness and
21 scepticism and cynicism which perhaps need to be
22 deployed, with caution, of course, because there has
23 been a great deal of abuse against a culture in schools
24 where "it wouldn't happen here" is the mentality and yet
25 it does happen. That's what I was alluding to.

1 A. Yes.

2 Q. Did your view change over the next decades as you

3 taught? Did you become more cynical, in other words?

4 A. I don't think so. No. And again you may say that's

5 naive, but you -- you do work in education on the

6 premise and on the idea that people are in the job

7 for -- and surely the vast majority of people who are

8 involved in education, involved in any form of work,

9 basically, are straight and honest and are there with

10 good intentions. That's -- that's the premise you --

11 I think you've got to work on. I think the whole

12 concept of -- and I did ally the two quite carefully --

13 risk assessments and weighing up in order also to

14 protect in a school situation staff themselves as well

15 from possible accusations, that, yes, things did tighten

16 up a lot.

17 Q. That's what I was going to close with. It's

18 a double-edged sword because you have to protect staff

19 also.

20 A. Yes.

21 Q. The culture at Keil fundamentally, when you were there

22 and before, was that in terms of risk assessment, risk

23 assessments were not being done meaningfully?

24 A. Well, sorry, in what respect?

25 Q. For example, and with a limited staff, we know that

1 Bill Bain would take pupils away unescorted?

2 A. Yes.

3 Q. Overnight. Camping. And the point is even then,
4 surely, in an ideal world there would be a second
5 teacher, if only to be able to cover if something
6 untoward happens?

7 A. Yes.

8 Q. But at Keil, as distinct perhaps from bigger schools,
9 one of the real difficulties you had was you had
10 a finite staff and too much to try and do.

11 A. I think that's a -- that is a fair comment, but
12 increasingly, certainly if there was boys and girls on
13 an expedition, there would always be two people there,
14 there would always be a female as well. And often on
15 DofE there were, as far as I can remember, two people
16 involved.

17 I almost, although it's irrelevant, really, made the
18 point of also going out -- not staying overnight but
19 visiting groups who were out on DofE. And again, one
20 hoped if there was anything -- any emergency or any
21 problem, you'd pick that up. But obviously I didn't.

22 Q. It's just your comment in paragraph 124, page 23:

23 "We were a small school trying to do a lot. Perhaps
24 too much ..."

25 Although you don't intend that as a criticism of the

1 school, is it not in fact a criticism of the school, it
2 tried to do too much with too little and in terms of the
3 lack of supervision meant a paedophile like Mr Bain
4 could operate untrammelled for years?

5 A. I mean -- that's obviously true. And again I'm making
6 no excuses whatsoever, but the converse is also that
7 because we did a lot, it gave lots of good opportunities
8 to people as well, albeit that the risk in that -- what
9 you've alluded to -- was far too great. But I also
10 wanted young people to -- there's also a theory that if
11 you're not doing things, if you're not engaged, involved
12 in things, particularly in a boarding context, the
13 chances of things going wrong are much higher, and by
14 going wrong I mean young people getting bored and so on.
15 At least my theory was trying to keep them active,
16 trying to keep them interested in things, giving them
17 opportunities, challenges and so on.

18 And you're right to suggest it was -- it was busy
19 and there were lots of things happening, and perhaps
20 shortcuts were taken. And they were taken, yes.

21 Q. Is there anything else you would like to add, John?

22 A. No.

23 MR BROWN: Thank you.

24 LADY SMITH: Are there any outstanding questions for John?

25 John, thank you very much for coming along this

1 morning to add to what you have already told us in your
2 written statement and thank you for the written
3 statement. This is all evidence that helps me
4 tremendously in building a picture about Keil School
5 before it closed. I'm grateful to you for engaging as
6 you have done and dealing with what I appreciate are
7 difficult questions, but I'm sure you would have no
8 difficulty in agreeing with me that when it comes to the
9 interests of children, no questions can be rejected as
10 too difficult.

11 A. Correct.

12 LADY SMITH: Thank you. I'm now able to let you go.

13 A. Thank you.

14 LADY SMITH: Enjoy the rest of your Friday, if you can.

15 A. Thank you.

16 LADY SMITH: Thank you.

17 (The witness withdrew)

18 LADY SMITH: Morning break, I think, Mr Brown.

19 MR BROWN: That would be ideal. My Lady, thereafter there
20 is one read-in, an addenda, brief, from one of last
21 week's witnesses, and then Mr Harvey-Jamieson to
22 conclude.

23 LADY SMITH: Thank you.

24 (11.30 am)

25 (A short break)

1 (11.54 am)

2 LADY SMITH: Mr Brown.

3 'Ian' (addenda read)

4 MR BROWN: My Lady, if I could start with the addenda, these
5 are written submissions that have been sent in by the
6 witness 'Ian' who gave evidence last week. There are
7 two of them. The first one is WIT-3-000001086 and is
8 a note on a bullying incident at Keil School in the
9 session 1959 to 1960 and on bullying generally at the
10 school and reads:

11 "With the single exception of my own experience as
12 given in evidence to the Inquiry and the following
13 incident, I cannot recollect any reports of bullying by
14 the teachers or boys at Keil School during my time there
15 between 1959 and 1962.

16 I remember that an egregious case of bullying took
17 place in the first year of my attendance in the session
18 1959 to 1960, involving a boy [whose] parents were in
19 colonial or other service in Africa. The boy formed
20 part of the intake of new boys into second year and we
21 all slept in the upper dormitory of Mason House.

22 For some reason he attracted the attention of the
23 older boys in fourth year. One day a report came back
24 to me from inside the school that some fourth year boys
25 had taken him up to their dormitory, housed in the tower

1 of the main school building, and subjected him to the
2 'dumdum'. This involved beating his chest with a large
3 Victorian doorknob until it swelled up to an inflamed
4 state. The same boys also 'blackened' him, by smearing
5 black shoe polish and pouring wet or dry porridge over
6 his genital area.

7 The boy's chest was so badly swollen that he went to
8 the school matron for medical treatment. The sorry
9 story came out and the matron reported the matter to the
10 headmaster, Mr Robertson.

11 It came back to me that the culprits were called
12 into the school office where summary justice was
13 dispensed. The little that I know of that process was
14 that the boy was invited to swing his first at each of
15 the offending boys to take revenge at what they had done
16 to him.

17 I did not speak to him about what had happened, but
18 the report of the incident left such a mark on me that
19 I was fearful of climbing the wide stairs to the tower
20 dormitories and it was only after I had entered third
21 year that I climbed those stairs for the first time on
22 orderly duty, and even then it was with an initial
23 frisson of fear.

24 There was almost legendary talk in the school of
25 a boy who had been systematically bullied in the years

1 prior to my arrival and who had been driven 'raging mad'
2 by the treatment he received. One of the incidents
3 involved removing him and his bed out of a dormitory in
4 the middle of the night and placing it on the lawn in
5 front of the school.

6 I think that it is fair to say that if bullying had
7 come to the attention of the teachers, they would have
8 taken it seriously and intervened. However, in my
9 experience it was rare that anything ever came to their
10 attention and the culture of omerta (silence) amongst
11 the boys acted as a filter from the teachers.

12 There was a boy in my year, and for some reason he
13 ran away from the school in third year. I remember the
14 technical master coming into our third year dormitory on
15 the lower floor of Mason House after lights out and
16 making searching enquiries among us to try to ascertain
17 why the boy had run away. He wanted to know what had
18 caused his unhappiness. Nobody offered any information,
19 although I don't think bullying was involved. Anyway,
20 it emerged later that something had prompted him to flee
21 to an aunt in Greenock although he did in fact return to
22 the school with nothing further being done.

23 I believe the facts as stated above to be true and
24 declare that I wish this submission to be included in
25 the record as evidence."

1 And that is signed by 'Ian' on 2 November 2021.

2 The second submission, which is signed and dated on
3 the same date, 2 November, is on notes on attitudes to
4 sex at Keil School between 1959 and 1962:

5 "I omitted to mention in my oral evidence that on
6 the second day of my attendance on the first term
7 in September 1959, the new intake was called into the
8 assembly hall by the senior chief, who gave some
9 instruction on the behaviour expected from us outside
10 the school in relation to the opposite sex, whom we
11 might encounter when going into Dumbarton on Saturday
12 and Sunday afternoons. I remember that we were told not
13 to speak to girls in Dumbarton and that if any of them
14 sought to talk to us, we should simply ignore them and
15 walk away. Many years later I met the ex-senior chief
16 at an old boys' day and said that I remembered this
17 stricture and was surprised when he denied saying it or
18 did not remember it.

19 I had never heard of homosexuality until I arrived
20 at the school. Homosexuality was absolutely taboo and
21 despised as the worst kind of human condition. For some
22 reason, my friend was labelled a 'homo' and when he came
23 into the dormitory people would sometimes call out, 'Get
24 me a cork!'. My friend took it well and it never seemed
25 to affect him outwardly. He certainly never displayed

1 any homosexual tendencies.

2 There was no contact at all with members of the
3 female sex of our age at any time during my attendance
4 at the school. The only woman on the school staff was
5 the matron, who on account of her lack of pulchritude
6 was referred in conversation amongst the boys as "The
7 Bag". If someone had an ailment one would hear the
8 question, 'Have you been to see The Bag?'.
9

10 Occasionally the headmaster, Mr Robertson, would
11 lecture us disapprovingly at assembly that 'smutty
12 magazines' had been found in the school buildings. He
13 was probably referring to the then popular Parade,
14 a weekly pin-up magazine which had discreet photographs
15 of scantily clad women in its pages.

16 One day in third year I was called to the room of
17 an English teacher. He handed to me a big pile of
18 Parade magazines, which I assumed from his confidential
19 air he had bought himself, and told me not to say a word
20 to anyone about them but instructed me to take them
21 immediately to the school furnace and burn them. I did
22 as he instructed but retained a token number of them to
23 read myself. I remember being quite flattered at the
24 time that he chose me for this task as a person of
25 discretion. He certainly regarded me as
 a non-complainer as once, when I winded myself falling

1 out of a diseased beech tree at the top of the school
2 lawn, he asked another boy nearby to keep an eye on me
3 and report later if I was not all right because I was
4 not the type to complain.

5 Despite the discouragement from meeting members of
6 the opposite sex, girls being referred to contemptuously
7 by some boys as 'Ellas', reports did come back to me of
8 the boys in the senior house meeting girls from the
9 local housing estate at Bruce Hill at the wall of the
10 school, parts of which were situated at the edges of
11 unseen wooded areas of the school grounds. I have no
12 idea whether there was sexual activity at the wall and
13 the only hint of that was a report of a packet of French
14 letters being found on the floor of the assembly hall.

15 When I left the school in the summer of 1962 I had
16 no idea how to interact with teenage girls and carried
17 a prejudice against homosexuality which had been
18 instilled into me at Keil. This prejudice later caused
19 great mental pain to my son who late in his teens
20 finally came out as gay. It is only in recent years
21 that I have been able to repair in some measure the
22 damage to our relationship as my son reached his late
23 30s".

24 Again the witness declares that facts as stated
25 above are true and that he wishes this submissions to be

1 included in the record as evidence.

2 LADY SMITH: Thank you for that.

3 Ms Bennie, when you're ready.

4 Ronald Boyd (read)

5 MS BENNIE: Thank you, my Lady.

6 My Lady, the statement bears the reference
7 WIT-1-000000424. My Lady, this is a witness statement
8 of Ronald Boyd:

9 "My name is Ronald Mitchell Haldane Boyd. My year
10 of birth is 1967.

11 I have a Bachelor of Divinity and I have
12 a Postgraduate Diploma in Pastoral Theology. In
13 addition I have an International Postgraduate
14 Certificate in Education.

15 After qualifying in 1991, I was a probationer
16 assistant minister at New Kilpatrick Parish Church,
17 Bearsden, and I remained there until 1993. Thereafter
18 I was parish minister of Dumbarton West Kirk and
19 thereafter parish minister of Troon Portland Parish
20 Church.

21 In August 2010 I became chaplain and teacher at
22 Queen Victoria School, Dunblane and I remained in that
23 position until September 2017 when I became housemaster
24 and a teacher at the school.

25 I no longer have a chaplaincy role.

1 I remain in that position at QVS at present.

2 As a parish minister of Dumbarton West Kirk
3 between May 1993 and September 1998 I was also chaplain
4 to Keil School Dumbarton. My duties as chaplain to the
5 school involved conducting school assemblies once a week
6 and attendance at formal events in the school as
7 required. I also occasionally assisted in delivering
8 the curriculum of religious and moral education with the
9 RME teacher. I also had involvement with the pupils of
10 the school when they attended morning worship in the
11 West Kirk and I attended lunch at the school on a weekly
12 basis to meet with the pupils in that setting. My
13 attendance allowed the pupils an opportunity to get to
14 know me and allowed me to understand life in the
15 boarding context of the school.

16 My attendance at those lunches was meant to allow
17 the pupils the opportunity to have access to me on their
18 own time and on their own terms, should they wish to
19 speak about anything. They never disclosed anything to
20 me, but our conversations allowed them an input into the
21 development of worship which they were obliged to attend
22 during the term time in school.

23 There was no formal recruitment for the chaplaincy
24 of the school. The post was associated with the parish
25 ministry. I was not required to be GTCS registered for

1 chaplaincy, but that did not worry me. As a minister
2 you were put through enhanced disclosure by the Church
3 of Scotland and were not expected to teach within the
4 normal setting.

5 My line manager at Keil was the headteacher,
6 John Cummings, and we met weekly and as required to
7 discuss what was expected and required of me.

8 There was no training provided or arranged by the
9 school for my role as chaplain. My assistance in RME
10 was always under the supervision of the class teacher.

11 My involvement in relation to the care of the
12 children at Keil School was with the ongoing pastoral
13 care, if requested, which involved confirmation classes
14 and which were always held with other adults as per the
15 safeguarding arrangements at the time. Staff and their
16 families were able to request pastoral care, if they
17 wished, and students were able to make such a request.
18 However, they never did so on an individual basis.

19 I cannot recall the exact safeguarding arrangements
20 from 1993 to 1998, although I was talked through the
21 protocols by the headteacher and staff reminded me of
22 them. There was a safeguarding office, which I think
23 was the depute head, and there were protocols on
24 transport, with pupils sitting in the back of vehicles
25 and no member of staff allowed to be in a vehicle on

1 their own with pupils. Disclosure was not to be kept
2 confidential between the person disclosing and the
3 member of staff receiving the comments, and this was
4 advised to the pupils.

5 Safeguarding was changing at the time, which I was
6 aware of as a parish minister, although I cannot really
7 recall the changes from so long ago.

8 I know that the church was putting positions in
9 place and I was not aware of Keil lagging behind in the
10 requirements of the time, but I cannot truly recall the
11 detail of what either institution was required to do in
12 the 1990s.

13 As a school chaplain I had no line management
14 responsibilities within the school and I did not manage
15 any staff there."

16 My Lady, I would move on to paragraph 33:

17 "Culture within Keil.

18 Keil was small and was a sporting school and not
19 overly academic. This was partly due to the ethos of
20 the Mackinnon Trust, which supported pupils from the
21 island communities.

22 It seemed to be a happy place and the mix of day and
23 boarding pupils blended well. The staff was quite
24 static and appeared to be supportive of the pupils and
25 of one another. They were not overly happy with the

1 leadership of Mr Cummings but seemed much happier with
2 the promotion of Tom Smith in the last days of the
3 school.

4 Mr Cummings was a shy and private man whom the staff
5 did not feel promoted the school well enough or engaged
6 with them socially. Tom Smith was more outgoing and
7 driven for the success of Keil. He was well liked,
8 faithful and outgoing. He was well known by the staff
9 who shared his hopes for the future of Keil as
10 a well-promoted school.

11 I believe that the staff were open enough and
12 I believe that there was an opportunity for pupils to
13 come forward with suspicions or allegations knowing that
14 they would be taken seriously. I had no suspicion of
15 abuse in Keil School during my time there and no pupils
16 to my knowledge came forward with allegations of abuse.
17 As I was unaware of any allegations, I do not know who
18 they would have spoken to, if at all, and no pupil
19 approached me.

20 The pupils were aware that as chaplain I was not
21 fully on the staff and that I would be approachable
22 through them making time to speak with me or requesting
23 to do so through the staff. As such, during my time in
24 Keil I regularly made myself available to the staff and
25 to the students and could be contacted either directly

1 or indirectly. I was regularly in the school and in the
2 staffroom and the common room and pupils were told by
3 the head that I was available. However, no children
4 ever approached me in this way, which did not really
5 surprise me. Very few school pupils in secondary
6 education would want to talk to the chaplain.

7 Abuse.

8 The school's definition of 'abuse' which applied in
9 relation to the treatment of children at the school was
10 the standard safeguarding definition and constituted the
11 sexual or emotional abuse of children in its care by
12 staff or other pupils. There was zero tolerance for any
13 form of bullying and all publications in Keil emphasised
14 that.

15 That definition was passed through in-service
16 training and directly to me through my line manager,
17 John Cummings, and it was in existence when I was there.
18 Although I did not attend in-service training, I was
19 aware of the programme and I was aware that there were
20 formal safeguarding and child protection policies.
21 Safeguarding changes and policies were updated in
22 line with Scottish government policy and there were
23 posters around the school highlighting the safeguarding
24 policy.

25 I was informed personally through my line manager,

1 Mr Cummings, of the expectations on how children in the
2 care of the school should be treated, cared for and
3 protected against abuse, ill-treatment or inappropriate
4 behaviour. Pupils were regularly updated at assemblies
5 with guidance on the policy of zero tolerance of
6 bullying or abuse and they had sight of the written
7 policy, which was posted around the campus.

8 There was a formal process of guidance and
9 instruction in place for staff on how to handle and to
10 respond to reports of abuse or ill-treatment. That
11 process involved communication with the head directly to
12 begin the investigation.

13 From memory, there was no discretion given to staff,
14 including managerial staff, in relation to these
15 matters. Staff followed the procedures on reporting of
16 the abuse.

17 The child protection arrangements that were in place
18 to reduce the likelihood of abuse, ill-treatment, or
19 inappropriate conduct towards children at the school
20 included pupils not being alone with staff without
21 an open door.

22 I believe that this process worked well, however
23 I was not involved in the boarding houses and have no
24 knowledge of how the boarding houses were staffed or the
25 policy and method of practice within them.

1 Police investigation.

2 I became aware of an allegation of historical abuse
3 against Bill Bain through the press and then through
4 a conversation with the last head of the establishment,
5 Mr Tom Smith.

6 I am aware that Bill Bain was convicted of
7 historical abuse in Keil School. I did have personal
8 dealings with him, but Bill was always a quiet man, so
9 any interaction in the staffroom was always stilted.
10 I was not involved with Bill Bain in any way other than
11 through contact in the staffroom or at formal school
12 gatherings.

13 I was not concerned about Bill Bain being an abuser
14 and no other staff member ever raised concerns with me
15 about him.

16 Helping the Inquiry.

17 Although Keil and QVS may be similar in size, my
18 working knowledge of QVS is under current guidance and
19 legislation, which has been far more honed than I recall
20 from the early 1990s. At QVS all buildings are secured.
21 Child protection is a frequent aspect of inset at QVS,
22 with external speakers and with enhanced child
23 protection training for all housemasters.

24 These aspects may have occurred at Keil, but I was
25 not present when they would have been delivered. I do

1 not feel, however, that Keil was a school lacking in
2 perception and appraisal.

3 Every establishment requires to review its policies
4 and make amendments where it appears they are required.

5 As someone who moved into teaching in a boarding
6 school and serves as a housemaster, staff must be beyond
7 reproach.

8 Continual school training on the current government
9 policies and updating and reminding staff of current
10 protocols is vital.

11 Promoted staff within the houses must be vigilant
12 when tutors are on to ensure parity of experience
13 throughout the week. They must pick up on practice
14 which requires attention, speak with staff and pass on
15 any concerns they may have where appropriate.

16 There must be continual reminders to pupils of what
17 to expect. There must be confidentiality of reporting
18 and sound and robust maintaining of records. Any
19 information learned must be passed on to child
20 protection officers.

21 As at Keil, policies should always be on display to
22 ensure that pupils are aware of what they should do,
23 should their named person be the one against whom the
24 concern is raised, allowing them to know how to do this.
25 I did think staff at Keil had the confidence to raise

1 concerns they may have had.

2 Good practice should be shared throughout a school
3 and there should be a networking with other boarding
4 schools in general. I would have loved it if the
5 children had felt that they could have approached me
6 with any concerns they may have had and I am saddened
7 that they haven't'. I am saddened that some children
8 went through what they did and suffered in silence.

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

13 My Lady, the statement is signed and it's dated
14 10 September 2020.

15 LADY SMITH: Thank you very much.

16 MS BENNIE: Thank you.

17 MR BROWN: My Lady, could we now call the final witness for
18 Keil, Rodger Harvey-Jamieson.

19 LADY SMITH: Thank you.

20 Rodger Harvey-Jamieson (sworn)

21 LADY SMITH: You have of course been here before and
22 following the evidence so I maybe don't need to give you
23 the same preliminary remarks as I've given to other
24 witnesses. But remind me of this, I think you were
25 content with me calling you Rodger on the last occasion.

1 Does that still apply?

2 A. That's what I'm normally called, thank you very much,
3 my Lady.

4 LADY SMITH: Thank you very much, Rodger. Very well, I'll
5 hand over to Mr Brown and he'll take it from there.

6 Questions from Mr Brown

7 MR BROWN: Rodger, good afternoon.

8 A. Good afternoon.

9 Q. You've come up burdened by paper. I know you had
10 brought a lot of papers with you. Are you content to --

11 A. I am content to follow procedure.

12 Q. Right, because if there are documents that you'd wish to
13 refer to or to aid you in anything you wish to say,
14 please feel free to have them.

15 A. I don't think it's necessary for this particular
16 session.

17 Q. Thank you very much.

18 A. Thank you very much.

19 Q. I was just concerned because obviously we had
20 an introductory session again just to remind ourselves
21 of the process and you did bring some papers with you.

22 If I can put it this way, would I be right in saying
23 that you seem to be a little concerned that the Inquiry
24 had material that you were anxious it be aware of in
25 terms of some of the minutes, for example?

1 A. It was only on matters of detail and not -- it does not
2 affect the core elements of this Inquiry.

3 Q. No, if I can just assure you publicly, we have obviously
4 all material which essentially came from you as regards
5 Keil School because you had kept documents yourself, the
6 records of the board.

7 A. The surviving records were under my control.

8 Q. That's the point. Please understand that all of those
9 records have been considered and can be considered
10 again.

11 A. I'm obliged, thank you.

12 Q. And I think, as you heard, because you have been taking
13 on the role that in relation to other schools existing
14 headmasters have been taking in listening to the
15 evidence and you've come back to comment on behalf of
16 Keil as best you can on what we've heard over the last
17 six days?

18 A. I have been following it, thank you.

19 Q. Yes. Specifically, though, you raised the point and,
20 for example, you produced this morning minutes from the
21 Governor's meeting of Keil on 26 September 1985 and you
22 were anxious to make the point that, for example, there
23 is record there on page 3, item number 3, that there had
24 been two unpleasant incidents, one in the workshops
25 where two boys had a brief fight resulting in one boy

1 requiring stitches in his head and the other an x-ray to
2 his shoulder, the master had been reprimanded for not
3 keeping a tighter grip on that particular class. The
4 other incident involved a silly game which two boys
5 played in the library. They'd nicked each other's arms
6 with blades from pencil sharpeners, one boy had required
7 several stitches in his arm as a result of this and the
8 two of them had been suspended.

9 So there was reporting going on, on occasion?

10 A. That was the point I wished to make, that despite the
11 memory and belief of witnesses, which they have
12 indicated from their genuine experience --

13 Q. Yes?

14 A. -- with the passage of time it seems that they may not
15 have realised what other activities were afoot.

16 Q. Oh, indeed. But I think, to go back to your original
17 evidence earlier this year, you accepted being a former
18 secretary to the board?

19 A. That is correct. I was for some 20 years.

20 Q. Yes, but your engagement with the school was really for
21 board meetings or prize givings or the like. Actual
22 contact with the school was limited?

23 A. Oh --

24 Q. And, really, you and the board relied on being informed
25 of things by the headmaster?

1 A. That is correct. And I think I also pointed out the way
2 in which the governors operated through delegated
3 authorities throughout.

4 Q. Yes. But it is clear, and this is the point I make,
5 that the documentation is available to us and we can see
6 that on occasion things were undoubtedly reported and
7 action was taken.

8 A. Thank you. Thank you.

9 Q. And that was clearly your concern, that that was being
10 missed.

11 A. Well, it may have been outwith the knowledge of the
12 witnesses to date.

13 Q. Yes. Obviously that's their recollection, but we have
14 documentary evidence to support.

15 The other thing, and I think this ties in -- we
16 heard evidence yesterday of a drive to write a letter to
17 the headmaster complaining about his approach or
18 dissatisfaction with his approach. You remember that
19 yesterday?

20 A. I recall that being mentioned in evidence.

21 Q. Yes. And I think the teacher involved -- this is in the
22 1990s -- he spoke of a letter being generated, if I can
23 put it that way, by Tom Smith, the deputy head, who felt
24 that things were not progressing as well as they might
25 under the leadership of the witness we've just heard,

1 John Cummings, and that his view was better.

2 You've produced, which again since it's from the
3 documents you provided to us, we have a copy of, there
4 is certainly a letter from the staff, as it's said, on
5 18 September 1997 to the governors and trustees of Keil
6 School, which says:

7 "We the staff of Keil School request a meeting with
8 you to discuss the following (a) direction and
9 oversight, (b) recruitment and (c) resource management."

10 And it's signed by a number of the staff. I don't
11 think all the staff, given the totality?

12 A. I think from recollection there are 12 names on that
13 list.

14 Q. Yes. And there was a reply from the chairman of the
15 governors, I think some months later, including
16 an apology for the delay, that there was a meeting on
17 21 October and, as he says:

18 "The one clear message that came across to us was
19 that there was an urgent need for improved channels of
20 communication. I understand that some first steps have
21 already been taken by the headmaster towards this end.
22 I hope we can build on this."

23 And he goes on:

24 "I have no doubt that fear and uncertainty about the
25 future is a major factor in the frustrations that you

1 evidently feel. It would be wrong to say that we are
2 not at all concerned about the future of the school,
3 a concern which I'm sure that most, if not all, the
4 independent schools share. I must stress however that
5 the school is not at the point of collapse, indeed the
6 results for last year were highly satisfactory both
7 financially and scholastically. Our concern is to try
8 to secure its position in the longer term, particularly
9 in the light of gradual withdrawal of the Assisted
10 Places Scheme and the effect of the introduction of fees
11 for university students. A number of important steps
12 have been taken by the headmaster in the area of
13 overseas marketing. The trustees have agreed to
14 an amendment of the definition area of benefit so that
15 assistance can now be given to day pupils as well as
16 boarders and the area now includes Dumbartonshire.
17 Tentative steps have been taken to explore the
18 possibility of resuming discussions with Lomond.

19 Success in any or all of these measures depends on
20 everyone working together. The headmaster needs to know
21 that he has your full support, as do the governors and
22 the trustees. We need your support in our pursuit of
23 solutions and any positive contributions will be
24 welcome. Above all we need to be assured that, where
25 necessary, confidentiality will be observed. I stress

1 this in the light of the impression left by our last
2 meeting with your chosen representatives, the range of
3 trivia covered by your criticisms and the apparent
4 preoccupation of the common room with gossip which
5 seemed to be embroidered as it spread are inconsistent
6 with confidentiality and the support we are asking of
7 you.

8 I am sending this to all staff rather than just the
9 representatives we met or to the 12 members of staff who
10 signed the request for the meeting. The central message
11 and appeal for support is made to all staff."

12 There was clearly discontent in the staffroom.

13 A. I agree entirely with that, yes.

14 Q. And anxiety about the financial position of the school?

15 A. Yes, and I think that probably was highlighted by
16 Tom Smith, in particular.

17 LADY SMITH: Tell me about the reference to Lomond School.

18 A. My Lady, Keil School had received an unsolicited
19 approach, I think, from Lomond School for
20 an amalgamation.

21 LADY SMITH: Geographically it was quite close, it was in
22 Helensburgh; is that right?

23 A. That is correct, my Lady.

24 LADY SMITH: Thank you.

25 MR BROWN: But I think the evidence we heard yesterday of

1 tensions as between the staff and the headmaster clearly
2 were extant?

3 A. I entirely accept that.

4 Q. Sorry?

5 A. Evidence has been led to that effect, indeed.

6 Q. Yes. And from what we heard yesterday, it was being led
7 by the deputy head, Tom Smith?

8 A. Again, I would agree with that.

9 Q. You, as the secretary to the board, presumably were on
10 the sidelines of this. At that point your relationship
11 with Tom Smith was a more distant one, professional.

12 A. That is correct. Other witnesses have expanded on their
13 relationship with Tom Smith.

14 Q. Yes.

15 A. And no doubt we will come back to that later.

16 Q. Well, let's go to it now. You are still in contact with
17 Tom Smith?

18 A. I am. He unfortunately is in declining health, as
19 I think we've explained to the Inquiry already, and
20 I asked in particular if we could obtain from him final
21 confirmation that he was not aware of the complaint
22 regarding Mr Bain, which obviously was referred to this
23 morning.

24 Q. And his position?

25 A. And that came back very definitely.

1 Q. He is very clear he was not at that meeting?

2 A. That is what came back to us. He says that.

3 Q. Yes. And that would reflect, obviously, his written

4 statement, which is explicit that he knew nothing.

5 A. That is correct. And he has since been reminded of the

6 fact that he was under oath, in effect, in giving that

7 statement.

8 Q. Although, as you said in your opening statement at

9 paragraph 32 on page 6:

10 "Mr Smith is now in his late '70s and has been

11 suffering from lapses in concentration for a number of

12 years."

13 A. That is correct.

14 Q. He's obviously able to follow and contact you to express

15 his views?

16 A. His memory is probably -- is probably not perfect, but

17 he has a memory.

18 Q. That is -- and his position is explicit, so thank you

19 for that. In terms of his medical condition or state,

20 I understand he has emailed you himself, but there's

21 no --

22 A. That is correct, and he's spoken to me privately about

23 it as well.

24 Q. Oh indeed, but I think all the information is coming

25 from him. Is that the short position?

1 A. I have absolutely no reason not to believe it, and
2 I know that he was very worried about the time it took
3 to get psychiatric treatment.

4 Q. I see, thank you.

5 When you gave evidence on the last occasion, we
6 discussed the response that you had very kindly prepared
7 for Keil or on Keil's behalf about the Parts A to D,
8 remember the great questionnaire that you were asked to
9 respond to and which you helpfully did. We went through
10 that and obviously you were going at that stage on
11 really the information such as it was that you could
12 glean from your limited knowledge as secretary, such
13 limited papers as remained, which you had kept, and
14 presumably the memories of others you spoke to?

15 A. That is correct.

16 Q. But I think, as you said on your evidence on the last
17 occasion, a lot of material in the course of this
18 Inquiry has been shared with you, which you hadn't seen
19 before and was disclosed to you by the Inquiry, and your
20 comment last time was:

21 "We are reeling from what we have read."

22 A. I think that is exactly it. I will return to that in
23 the final statement.

24 Q. Indeed. And you said again, having apologised or
25 expressed sympathy at the outset, you repeated:

1 "We want to offer our profound sympathy to all those
2 who have been affected by this."

3 A. I wish to repeat and amplify on that.

4 Q. I'll let you do that in a moment. But in terms of being
5 left reeling from what you read, I know that you have
6 been following the evidence of the last six days of
7 evidence.

8 A. I have.

9 Q. And, speaking generally about what you have heard, do
10 you have a comment to make?

11 A. I think that a very clear picture has emerged of life at
12 Keil from the evidence that has been led over the last
13 two weeks and I agree with the descriptions that have
14 been made by others that the conditions were at times
15 spartan over the years. I also came across,
16 interestingly enough, amongst the papers that remain
17 a reference to food and the budget which was allowed for
18 it in the 1980s. It amounted to 50 pence per day, which
19 sounds to me somewhat light.

20 Q. Even for the 1980s where --

21 A. I would have thought so.

22 Q. Yes. You've heard, obviously, phrases such as Keil
23 operating hand to mouth or on a shoestring.

24 A. I have, and again I think that is reflected in the
25 accounts which are within the knowledge of the Inquiry

1 as well.

2 Q. Yes. There was a great deal of good will trying to keep
3 the school running, but it was financially difficult?

4 A. That I found very strange about the good will. We now
5 know from the Inquiry of life at Keil and of the
6 conditions that existed. It is difficult to reconcile
7 what we have heard and been shown that the good will did
8 exist amongst many quarters. The library had been
9 donated and furnished by a Mrs Willox(?), a local
10 worthy. There was an appeal in 1968 which was very
11 strongly supported from a wide number of people from the
12 local community and elsewhere.

13 There was another appeal in 1983 which was again
14 supported and exceeded its targets. And finally at the
15 time of closure, there was a petition and delegation to
16 the governors to persuade them to keep the school open.
17 And that came from a wide section of the community, and
18 I find that strange and difficult to reconcile with what
19 we know about the activities.

20 I might have an explanation if the Inquiry wishes to
21 hear it?

22 Q. Please.

23 A. There seems to have been a widespread and probably
24 mistaken belief that the spartan conditions at Keil were
25 character-forming and well-suited to produce

1 well-rounded individuals. Keil has never made any
2 secret of its ethos. It was published in the history
3 initially in 1993 and then amplified later. And
4 well-known to anyone who had any contact with the school
5 what its ethos was, and I think that was, as one has
6 said before, a harsh environment, which I think is one
7 of the expressions used in the Inquiry to date, and
8 character-forming, with the intention of being
9 character-forming, and that seems to have been accepted
10 by parents, who kept their children at school despite
11 the children's desire to leave. So that might have
12 coloured the ... the enthusiasm that certain sections of
13 society seem to have for Keil School.

14 Q. In relation to that ethos and the harshness, to use that
15 word, its clear, as you will remember from your first
16 appearance here, that at the outset, looking to the
17 reports from the 1930s when the school was small, that
18 inspectors did not find a basis of complaint. They
19 thought it was an interesting approach.

20 A. That is so, and indeed we've seen later reports as well
21 from HMI Inspections to the same general tenor.

22 Q. Yes, although you will remember the document that was
23 put to a witness from 1974, which was a document
24 reviewing the operations at Keil with -- by three men,
25 one of whom was Mr Jeffs, the headmaster, and talking

1 about the need for change.

2 A. I'm afraid you have the advantage over me on that

3 particular issue.

4 Q. Did you follow the evidence entirely?

5 A. Apparently not.

6 Q. Right. There was a document, a report produced in 1974,

7 which was essentially looking at the school and saying

8 that there needed to be greater emphasis, for example,

9 on the academic side. So I think the short point, you

10 can read the transcripts in due course and the document,

11 which will have been produced by you, that there was

12 a recognition that perhaps the balance as between, for

13 example, sport and character-building was perhaps too

14 far in one direction and there needed to be

15 a refocusing.

16 A. I think in practice that is what occurred, and you have

17 as part of the evidence the academic results which it

18 latterly achieved. It included 100 per cent pass rates

19 in many subjects.

20 Q. Yes. And we've heard evidence that obviously there were

21 efforts, and we heard this this morning from

22 John Cummings, efforts taken on from CGC [REDACTED] to try

23 and move the school away from "rugby is everything", to

24 improve academic results, to soften, and there's no

25 question that efforts were made in all those regards?

1 A. I would agree with that and the impression I was left
2 with was that the [REDACTED] SNR [REDACTED] were attempting to
3 change round a tanker which was already stuck in the
4 sand.

5 Q. Certainly I think we all know somewhat the cliché, it
6 takes a long time to turn a supertanker, but you take it
7 a little bit further. Was it a school that couldn't be
8 turned?

9 A. I do.

10 Q. Why?

11 A. I think part of the reference might have been the
12 influence of old boys who were perhaps in what might be
13 described the A stream as opposed to the B stream of the
14 school, and felt that there was no need for change.

15 Q. It's an interesting aspect of some of the evidence we've
16 heard that conservatism, with a small C, can be present
17 in the boys themselves, who don't want change to take
18 place.

19 A. I would agree with that.

20 Q. Is that something -- again I come back to the fact that
21 you were secretary to the trust and were not engaged
22 with the school particularly, you were relying on such
23 information as the head would bring to meetings. Did
24 you ever see that conservatism in action or were you
25 aware of it?

1 A. I think only by reputation. Of course I myself was at
2 another school. Keil's reputation had gone before it.

3 Q. Okay. One of the themes that has come out, with Keil
4 perhaps in particular, was the reliance on pupils
5 controlling pupils to a much greater degree than would
6 take place in other schools.

7 A. I have no knowledge of how other boarding schools run,
8 but evidence has been led to the -- regarding that
9 aspect.

10 Q. And do you have anything you would wish to say about
11 that?

12 A. I don't think that in particular.

13 Q. Okay. We've obviously heard that that allowed, from the
14 evidence we have heard in the last week and a half,
15 a culture of bullying could take over.

16 A. That is entirely accepted, yes.

17 Q. Yes.

18 A. And we also heard of the effect on victims and others of
19 bullying.

20 Q. Yes. And the lack, in a sense, of adequate oversight of
21 the systems that were operating. I take it that's
22 accepted too?

23 A. I have no way of questioning that.

24 Q. No. But in the last few days, obviously, we have been
25 listening to the events that seem to have come as

1 a great shock to many former staff, at least, of the
2 actings of one teacher in particular, one who signed
3 that letter in 1997, William Bain.

4 A. Yes, indeed.

5 Q. Now, I think you will have followed his evidence
6 yesterday.

7 A. It was horrendous.

8 Q. Were you aware of the scale of his offending before
9 yesterday?

10 A. I wasn't aware until -- of anything at all until I was
11 given access to the Crown Prosecution documentation as
12 part of this Inquiry. I knew nothing about it at all in
13 2015.

14 Q. No. And I think it's fair to say that that material has
15 only come to you relatively recently?

16 A. In the past three years.

17 Q. Yes, but the statements --

18 A. Yes, correct.

19 Q. Do you have anything to say specifically about that
20 episode? The school's inability to see what was going
21 on, particularly when we have evidence that it was
22 reported, if not to the Senior Management Team in toto,
23 certainly to the headmaster?

24 A. It is devastating to hear that the systems were not in
25 place to do anything more. I don't know if it was

1 a culture of denial, I think it was just ignorance of
2 good practice.

3 Q. Well, it was quite plain that all former staff have been
4 clear that that information should only have been shared
5 and properly recorded. There are differing accounts,
6 obviously, given what you've said about Mr Smith, but
7 these are the sort of things that the Senior Management
8 Team would have to know. Would you agree?

9 A. I would agree.

10 Q. And would have to keep sight of, thinking ahead to the
11 future, even if there were cases where allegations were
12 not found proved?

13 A. Absolutely.

14 Q. And yet, whatever else happened, there seems to have
15 been no obvious record to make CGC [REDACTED] aware
16 of the investigation?

17 A. I cannot confirm that entirely due to the lack of the
18 school's own records, which were contained in a -- what
19 I'm told is a walk-in safe and may or may not have
20 included personal records of that nature.

21 Q. We heard this morning John Cummings talk about [REDACTED]
22 [REDACTED] where they discussed staff and that would be
23 the obvious sort of thing that SNR [REDACTED] would be
24 passing on [REDACTED].

25 A. One would have expected that entirely. And, more

1 importantly, I think, one would have expected that
2 information to have been passed to any future employer
3 of Mr Bain.

4 Q. And that's the problem.

5 A. And that was the problem, and it was to me inexplicable
6 how that did not happen.

7 Q. Again, Rodger, I don't expect you to be able to give
8 explanations because you were not engaged to that
9 degree.

10 A. No, but I was -- slightly to a tangent on that. One
11 opportunity to stop Mr Bain's activities at an earlier
12 stage came when Mr Evans saw peculiar activity on
13 Ben Ledi, which was a mountaineering trip.

14 Q. Yes.

15 A. And he took a conscious decision not to report that to
16 the Senior Management Team because -- presumably because
17 relationships with the Senior Management Team had broken
18 down.

19 Q. Well, I think he gave a number of reasons for not
20 reporting. Culture perhaps being one of them, but
21 I think, rather more than that, he was clear that from
22 what he observed, others were aware of it but were
23 saying nothing either.

24 A. That is even worse.

25 Q. We talked with John Cummings about a culture of silence

1 amongst pupils, which he didn't seem to recognise this
2 morning, but there seems to have been a culture of
3 silence amongst the staff at Keil in the 1990s.

4 A. So it would appear.

5 Q. Led, on the evidence, from senior management.

6 A. I think there's an aspect of the delegated authority
7 throughout that we did rely -- as governors we relied
8 very much on senior management and they passed it down
9 the line to the next level and then failed to give any
10 oversight in relation to it apparently.

11 Q. Absolutely, but as a governor or secretary of the
12 governors, the one thing the board, I take it, you can
13 say, would have expected is if a parent comes forward
14 with his wife to say, "My son has been mishandled by
15 this teacher" --

16 A. I would have been absolutely appalled.

17 Q. That's the sort of thing that should have been reported
18 to the board, along with everyone else?

19 A. Absolutely.

20 Q. And yet it wasn't?

21 A. Correct -- well, you have the minute books in your --
22 well, you had the minute books, but the minute books,
23 I think, are a part of evidence and it shows nothing
24 happened.

25 Q. Well, from your experience, you were there for 20 years,

1 do you remember that concern being live in your mind?

2 A. Not at all.

3 Q. Not at all, no. So communication at all levels, as in
4 the transfer of information from Senior Management Team
5 to staff, from staff to senior management and from
6 senior management to you, as the board, seems to have
7 been deficient?

8 A. The evidence points in that direction.

9 Q. Yes. What would you wish to say in response to the
10 evidence we have heard?

11 A. My Lady, I get to the point at which I'm almost
12 speechless. What I have heard from this Inquiry is the
13 effect abuse has not only on the victim but on many
14 other people, and anyone who has heard the evidence led
15 about bullying, in particular, could not possibly have
16 been unaffected by the consequences. It is just so
17 distressing. It was very well put, I think, in evidence
18 given by 'Martin' of how deep the pain, the injuries are
19 in relation to bullying or abuse of any nature and how
20 they carry on into later life.

21 That, I think, is the first lesson which I learnt,
22 and I mulled over that in person, not in relation to
23 Keil but in relation to other settings, and I can now
24 identify consequences to myself of bullying, which last
25 for years.

1 As far as Mr Bain is concerned, which is perhaps the
2 tip of the iceberg discovered by this Inquiry,
3 absolutely horrified and dismayed that such activities
4 could go undetected, unreported or occur at all within
5 the nature of a private school. It is just beyond --
6 it's beyond words.

7 To that extent, may I say that the governors now
8 wish to give an unreserved apology to all victims of
9 abuse at Keil, which occurred at any stage as a result
10 of Keil's failure to ... um ... conform with the basic
11 systems and expectations and requirements extant at any
12 time during the period of the abuse. So an unreserved
13 apology to all victims in that measure is given.

14 We are in contact with the Redress Scotland scheme
15 to take that further.

16 MR BROWN: Rodger, thank you very much indeed. Is there
17 anything else you would wish to add?

18 A. I think that is sufficient for the Inquiry.

19 MR BROWN: I'm most obliged to you.

20 My Lady, I have no further questions.

21 LADY SMITH: Rodger, thank you for that. This cannot have
22 been easy for you to shoulder on your own. I recognise
23 that you were one of many people involved in governance
24 of the school, and particularly given the comments that
25 you have just made a few moments ago about how this has

1 made you recognise personal impact from personal
2 experiences, that's not lost on me, and thank you for,
3 despite that, being able to do what you can to
4 contribute to the work of the Inquiry. I've said it to
5 other people, but I'm sure you wouldn't disagree with
6 the importance of us being prepared to ask difficult
7 questions of people and ask them to go through the
8 difficult experience of giving evidence here for the
9 sake of children, children past, present and future.
10 It's difficult to apologise for that. I don't, but I do
11 thank you very much for everything you've done.

12 A. My Lady, I'm obliged entirely. Thank you so much for
13 your -- for the remarks.

14 LADY SMITH: Very well. We complete the evidence now for
15 Keil; is that right, Mr Brown?

16 MR BROWN: My Lady, that is the evidence for the Keil
17 section of this chapter complete. We obviously have
18 documents we will be looking at afresh, but the next
19 stage is next Thursday, which is closing submissions.
20 That will be from two schools that remain in existence,
21 Gordonstoun and QVS. I think Mr Harvey-Jamieson should
22 not be burdened with that because he's been so full
23 today.

24 LADY SMITH: I don't require another submission from you
25 next Thursday, Rodger. Of course, as you've done so

1 far, you are free to follow the Inquiry's proceedings
2 next Thursday if you want to, but you don't have to, and
3 you don't have to be here. Thank you very much.

4 A. Once again, my Lady, I am obliged.

5 LADY SMITH: Not at all.

6 (The witness withdrew)

7 LADY SMITH: Very well, I will rise now.

8 (12.52 pm)

9 (The Inquiry adjourned until 10.00 am

10 on Thursday, 11 November 2021)

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