

Thursday, 20 January 2022

1

2 (10.00 am)

3 LADY SMITH: Good morning and welcome to the third day this
4 week of evidence in the part of our case study looking
5 into the provision of care for children at Merchiston
6 Castle School.

7 Now, I understand we have a witness in person ready
8 and willing and waiting to go. Is that right, Mr Brown?

9 MR BROWN: We have a witness who is very willing and ready
10 to go and it is Maria Victoria Prini-Garcia.

11 LADY SMITH: Thank you.

12 Maria Victoria Prini-Garcia (affirmed)

13 A. Right.

14 LADY SMITH: Thank you. There's a microphone in front of
15 you, which you'll see is switched on. If you could use
16 that, that would be really helpful to everybody.

17 Can you confirm to me how you would like me to
18 address you, by your second name, Prini-Garcia, or
19 Victoria?

20 A. Victoria will be fine.

21 LADY SMITH: Victoria.

22 Victoria, you'll also see there's a hard copy of
23 your statement in front of you, and you'll also see it
24 coming up on the screen -- I hope the screen is switched
25 on, yes?

1 A. Mm-hmm.

2 LADY SMITH: If you would find it helpful to look at your
3 statement as we're going through it, do feel free to do
4 so.

5 Otherwise, let me know if you have any questions or
6 concerns at any time, or whether you need a break. What
7 works for you will work for me, I promise.

8 A. Thank you.

9 LADY SMITH: If you're ready, I'll hand over to Mr Brown and
10 he'll take it from there.

11 A. Yeah, sure.

12 LADY SMITH: Mr Brown.

13 Questions from Mr Brown

14 MR BROWN: Victoria, good morning, again.

15 A. Good morning.

16 Q. You've had the statement referred to you, you can see it
17 repeatedly, it has a reference number which I shall read
18 into the record, WIT-1-000000533, I think we see that it
19 runs to 21 pages and on the final page, which will pop
20 up on the screen in front of you if the system works --

21 A. It's thinking.

22 Q. It's thinking. Perhaps you could just go to the red
23 folder and we can let it think in its own time.

24 A. Okay. I have it here.

25 Q. Right. We see you signed the statement on

1 25 November 2020 and the last paragraph, 121, reads that
2 you have no objection to your witness statement being
3 published as part of the evidence to the Inquiry and
4 that you believe the facts stated in the witness
5 statement to be true.

6 A. Yes.

7 Q. That's correct?

8 A. Correct.

9 Q. And you will have read the statement obviously before
10 you signed it?

11 A. Yes.

12 Q. Sometimes people re-read the statements in advance of
13 coming to give evidence.

14 A. Not me, sorry.

15 Q. That's fine. But you can't think of anything that's
16 changed?

17 A. No, no.

18 Q. We'll touch on that, perhaps.

19 The other thing you will have seen at the front of
20 the folder is a list of names, and as we discussed, some
21 people will have pseudonyms and one in particular, we'll
22 just talk about "a teacher" in general terms.

23 Going to your background, obviously, we read about
24 that on the first page, going to university in Spain and
25 then coming to the UK in the late 1970s, teaching in one

1 school before Merchiston and starting in Merchiston in
2 1986?

3 A. (Witness nods)

4 Q. You worked until --

5 A. 2016.

6 Q. You've retired in 2016?

7 A. (Witness nods)

8 Q. You're now 66?

9 A. Indeed.

10 Q. Born in 1955.

11 When you began at Merchiston, as we see on page 2,
12 it was on a part-time basis, and I think you were
13 invited to join the school by your then head of
14 department?

15 A. (Witness nods)

16 Q. Who was another lady?

17 A. (Witness nods)

18 Q. But I think from having spoken to you, that meant that
19 in the institution that was Merchiston, there were four
20 female staff?

21 A. (Witness nods)

22 Q. It was a very male-dominated environment?

23 A. (Witness nods)

24 Yes.

25 Q. Thank you.

1 I appreciate your background is not Scottish,
2 British. What did you think when you came to
3 Merchiston? What was your impression of the school?

4 A. I thought it was a beautiful place. The horse chestnuts
5 were in flower. The head of department was a superb
6 lady, thankfully not British, so she was very warm and
7 very welcoming to me.

8 And the people I met were very pleasant to me.
9 I had no -- it was a bit of a shock, because when I was
10 interviewed, I suppose, in June 1986 I was told I was
11 just going to take an A-level pupil through to the
12 A-level. By the time I came back in September, I had 14
13 periods a week, teaching from fourth form all the way to
14 the sixth form, so that was interesting. But it was
15 a challenge, and it was great. I actually loved it and
16 the boys -- I will never forget those boys, my first
17 fourth form.

18 Q. Going from one pupil to then 40 lessons in the following
19 term, one of the things that's striking from your
20 statement is how much working at Merchiston was
21 a full-time job.

22 A. Merchiston being a boarding school, a full-time job --
23 I said 14, 1-4, not 40. 14 definitely would be more
24 than enough.

25 Q. Yes.

1 A. But a full-time job in Merchiston is not something you
2 can really measure like a normal job, because remember
3 Merchiston has very long holidays, so people who work
4 there usually have also very generous allocation of
5 holidays, both Christmas, Easter, summer and in between,
6 so we knew that it was one for the other. We taught on
7 Saturdays, we had duties on Sundays, you know, life was
8 term and out of term, term and out of term. That's it.

9 Q. But a working day at Merchiston would begin
10 presumably --

11 A. For a teacher who was nothing but a teacher, it will
12 start about 8.30 in the morning and it will finish about
13 6.00 in the evening, but then, as I say, working on
14 Saturdays, because we had lessons all morning, and if
15 you take an activity, it will be activities on Saturday
16 afternoons and if you are a tutor in a boarding house,
17 you will have duties whenever. So pretty full-on.

18 Q. Yeah. I think you may have had, before you came to
19 Merchiston, an image of a boarding school from
20 literature?

21 A. Yes. Sadly very romanticised. Mallory Towers is all
22 I knew about boarding schools, so I loved my gown,
23 I thought it was lovely. My black gown.

24 Q. You were given a gown to wear?

25 A. (Witness nods)

1 Q. You were ahead of the Harry Potter films?

2 A. Exactly. Well, the Harry Potter came later.

3 Q. Yes. Did you feel you were going into --

4 A. I was going into a funny place with cloud cuckoo land.

5 I mean, I don't know, I just thought it was a very

6 pleasant place, it was very pretty, the boys were

7 lovely. The teachers seemed all very pleasant, very

8 polite, very kind to me. Because remember, my English

9 wasn't brilliant. I just -- in 1986 I'd been only a few

10 years in this country, and therefore they had to make

11 a lot of allowances for me, really, and they did. And

12 there was no problem with that. My poor husband had to

13 check all my reports because my English was appalling,

14 but, you know, it was fine. They were very kind to me.

15 Q. How much induction, to use a word that was perhaps not

16 understood then --

17 A. In 1986, I can tell you induction was, "Good luck and

18 I'm here if you need me", so, you know, it's me

19 identifying the need rather than, "And this is what you

20 will need".

21 Q. Yes. Did you learn as you went?

22 A. Well, I had done some teaching before at another school

23 and in fact my first job after university was teaching

24 at the university, so it was grown-ups that I was

25 teaching, so teaching was something that it was pretty

1 natural in a way for me to do. And teaching Spanish,
2 you know, for me, easy-peasy, because it was my
3 language, so -- and I was very good at cutting it up
4 into pieces to the level of the boys I was teaching, so
5 I never had any problem with that. My problem was more
6 maybe with class management and time management rather
7 than the actual teaching. The teaching was good.

8 And also remember in this country, because you have
9 the exams at the end of a period, you know, you have --
10 in those days were the O-levels and the highers and so
11 on, it's almost like the measure of your worth as
12 a teacher was there outside the school. So if you get
13 good set of results, you think, "Oh, that's okay, I've
14 done it", you know, so I felt okay in that sense.

15 And the relationship with the boys was good and
16 therefore I felt happy. And in fact it's a job that
17 I did for 30 years and I loved every minute of it.
18 I never had any problems with that.

19 Q. You have talked about time management and boy management
20 at the beginning. When you began, I think corporal
21 punishment was still in place?

22 A. It was in place. It was the last -- the first -- my
23 first term in post was the last term that was applied.
24 I don't know how was that in conjunction with the law at
25 the time, but definitely I only encountered it once,

1 when I gave a boy a blue paper because he was very
2 mischievous, he was a lovely boy but so naughty and
3 I gave him a blue paper and he told me, "Oh, please,
4 please don't because I'm going to get the tawse", and
5 I didn't even know what the term "tawse" was.

6 Q. Can I just stop you there, this is the tawse, a belt?

7 A. No idea. Actually, I saw it later on, it was a belt cut
8 in two.

9 Q. Yes, so fingers, effectively.

10 A. Yes. So when he said that to me, I thought he was
11 joking, because for whatever reason in Spain I never had
12 come across corporal punishment ever in my school.

13 Q. And I think from what we know, he said, "I'll have to
14 tell a teacher", who for today's purposes we're calling
15 'Glenn'.

16 A. Yes. Yes.

17 Q. You then went to speak to 'Glenn' to say, "Is this
18 true?"

19 A. Of course, because I truly thought he was winding me up,
20 the boy was winding me up. So I went to 'Glenn' and
21 I said, "Look what he says, you know, silly boy, ha ha,
22 look what he's saying", and he replied, "Yes, I will
23 have to because he's had several blue papers already
24 this week", and immediately I said, "Okay, cut mine,
25 I don't want to have that on my conscience, no way, just

1 take away the blue papers".

2 Q. And that was your only experience?

3 A. My only experience, yes.

4 Q. From your remembrance, you started in 1986 and there was
5 a term where it was still --

6 A. That was -- yeah.

7 Q. -- there to be used, but then it stopped?

8 A. Yeah.

9 Q. Do you remember how that change in policy went down with
10 the common room?

11 A. I think most of the people said, "About time". I think
12 the housemasters might have felt a bit -- it must have
13 taken time for them to adapt to other ways of sorting
14 out disciplinary problems within the boarding house, but
15 that is what it was.

16 I mean, I think some housemasters may have then used
17 other things that for me would have been much more
18 annoying, like 60 sides of blue papers or something like
19 that, you know, that you think, gosh, this is --

20 Q. Thinking of the common room and the other teachers, were
21 there splits, traditionalists, younger ones, other --

22 A. I suppose when I came in there was quite a number of
23 young people -- well, I was 30-something, I think, when
24 I started, so ... 30, I was 30 or 31, yeah, so there was
25 a number of other colleagues of about that age group and

1 younger, and they were not bothered or interested in
2 whatever the system was before.

3 Also, remember the house system is very
4 hierarchical, so it was only the housemaster who will
5 have that prerogative, so the younger members of staff
6 would have nothing to do with it, either in
7 administering or deciding or anything like that.

8 Q. Were the house staff when you joined still, in part, at
9 least, bachelors?

10 A. There were all sorts. There were bachelors, there were
11 married men. They were all kind of people, yeah.

12 Q. So there was a mixture?

13 A. Yeah, they were a mixture. There were also lots of
14 Irish people, Northern Ireland, I couldn't understand
15 them, and there were Scottish and English, quite
16 a number of English people as well.

17 Q. Yes. And in terms of the headmaster, I think it was
18 Mr --

19 A. Spawforth was the first one. He doesn't have
20 a nickname, does he?

21 Q. No.

22 A. Then came the second one that is the rest of my time
23 there.

24 Q. Andrew Hunter?

25 A. Andrew Hunter.

1 Q. How did you get on with Mr Spawforth?

2 A. I couldn't understand a word he said. He was so old
3 school. He spoke like ... you know, that kind of thing,
4 so I couldn't understand him most of the time.

5 Q. Okay.

6 A. He saw me once in the photocopying room, you know, and
7 he said, "So Prini [he called me Prini], you did Latin
8 at university, didn't you?"

9 "Yes.

10 "Okay, you'll start teaching it next term.

11 "Okay ..."

12 Q. So because you'd done university Latin, you could teach
13 it?

14 A. Yeah, I could teach it.

15 Q. Did you get the sense that --

16 A. But it's okay because that was the point when he gave me
17 a full-time job. That was it, the carrot was the
18 full-time job. And I was the first woman that he gave
19 a living-out allowance. That was very important,
20 because before me, women were supposed to be maintained
21 by their husbands, okay, but in my case, because of
22 family tragedies and things, my husband decided to stay
23 home with my children and I was the breadwinner, and so
24 very kindly Mr Spawforth gave me the living-out
25 allowance as though if I was a man.

1 Q. All right. Recruitment seems to be -- or appointment to
2 post seems a little ad hoc?

3 A. I would say very much so, but it did go through
4 interviews, it went through meeting people, different
5 teams of people, so if you were a sports person or
6 someone who will be taking a sport, you will meet also
7 with the sportspeople, you will meet with academic
8 people, with the house staff, with the pastoral care
9 people, so it was -- my appointment was extremely
10 ad hoc. I'd receive a call, I didn't apply for
11 anything, I received a call and I was told, "Would you
12 like to come to work for us?"

13 Q. You mentioned the word "pastoral", and obviously we know
14 from the statement the pastoral side of things came your
15 way later on in your time at Merchiston.

16 A. Yeah.

17 Q. But thinking back to Merchiston in 1986, where did
18 pastoral fit in?

19 A. I remember the chaplain, we had a chaplain that was
20 lovely, and he did look after the boys a lot, so he did
21 a lot of meetings with them and a lot of trying to guide
22 them through the turmoil of adolescence, really, more
23 than anything. So, for instance, he and I devised like
24 evening classes, he in philosophy and me in psychology,
25 to try and get them thinking about the things that are

1 happening to them and the things that are happening, you
2 know, in general and why, and it was that kind of -- but
3 it was very much on a -- I never was in the house at
4 that time. I was just a member of staff, and when I was
5 in a house, that was from 1990, I think, I was in the
6 senior house, so again it was a question of duty nights
7 and -- you know, making sure they're studying when it's
8 prep time and making sure they're not going away and ...

9 Q. So more practical concerns --

10 A. Yeah.

11 Q. -- rather than perhaps emotional?

12 A. No, I don't remember at that time any ... (Pause)

13 Okay, I give you an example. There was once a boy
14 whose best friend had died in a car accident, okay.
15 Now, this is very early, I mean I'm talking must have
16 been 1990, 1991 at the most, because it was my first or
17 my second year as a member of a house, and I remember
18 the housemaster talking to me about him and said:

19 "Look, he is very -- he's clammed up, he doesn't
20 want to talk about it, but I suspect he's very upset
21 about it and I don't know how to -- how to get to
22 whatever is inside him."

23 And I remember -- I remember this because, looking
24 at it from now, it looks like a crazy thing this
25 housemaster did. He said:

1 "Why don't you take him to a pub, have a drink and
2 see if he talks to you a bit about ..."

3 And I did. I took him to the Hunter's Tryst or
4 something --

5 LADY SMITH: Hunter's Tryst?

6 A. Yes, which is near Merchiston, at the end of Merchiston,
7 and he did talk, he did talk about how shocked he was
8 and so on and so forth, and it was -- it enabled him to
9 come out of -- I think being out of the school and being
10 out of sort of -- he was in upper sixth, I think, so he
11 must have been 17/18 at the time. So it was a nice
12 way -- so what I'm trying to say by this is that the
13 housemaster thought about the problem and tried to
14 create a way of helping the boy in something that was
15 private and emotional.

16 MR BROWN: Which was down to that housemaster noticing --

17 A. Yes.

18 Q. -- thinking about it and finding a solution?

19 A. Yes.

20 Q. But what was lacking was any formality in that process?

21 A. Yeah.

22 Q. He was thinking about it. Would the school have thought
23 about it as a body?

24 A. Yeah.

25 Q. Well, would the school have any systems in place to deal

1 with that?

2 A. In those days, no, actually. In those days, no.

3 There was something -- sorry, there was -- okay. If
4 a boy's grandparents have died, okay, there will be
5 an announcement done in the common room saying:

6 "Look, be careful with this because this has
7 happened, keep an eye on him. If you see him upset,
8 don't say anything but let me know."

9 That is what the housemasters will say in the weekly
10 house meetings that we used to have, and I understood
11 that, as you say, some sort of a structured care.

12 So that's the only thing I can think of in that
13 sense.

14 At the beginning of the term there would always be
15 like personal news -- each housemaster will speak about
16 the house and the boys and which boys come with
17 a certain problem that we need all to be aware of, be
18 it -- I don't know, a handicapped sibling or granny that
19 just died or parents are splitting up, that kind of
20 thing.

21 Q. That's from 1986 on?

22 A. No. But that is -- remember, in 1986 I was part-time,
23 but from the time I was full time, 1992, something like
24 that, yes.

25 Q. Okay.

1 A. And that increased. That is -- my God, the last years
2 we spent so long talking about the boys and the problems
3 and ...

4 Q. I was going to say obviously we've heard a lot of
5 evidence --

6 A. Yes.

7 Q. -- about the transformation, in child protection
8 particularly?

9 A. Yeah, yeah.

10 Q. And you lived through that, and in a word, those
11 30 years you spent at Merchiston presumably were
12 transformational?

13 A. Were very, very transformation -- everything was
14 extremely changed.

15 As I was mentioning to you before, the remit of
16 a child protection officer at the start was -- you
17 remember when the Scottish government decided to do
18 the -- the responsible person, you know, the --

19 Q. The responsible adult?

20 LADY SMITH: The named person?

21 A. Named person, the named person, that's the one.

22 Suddenly the Scottish government says the named person
23 and everybody says, "Oh, gosh, we have to have named
24 persons", and everybody, "Who is going to be the named
25 person?" And we starts discussing: Will it be the

1 housemaster? No, it cannot be, because it has to be ...
2 Will it be the deputy head? But -- so there was a lot
3 of discussion about it, about how to implement in the
4 case that it was pulled forward how to implement it.

5 With the case of child protection officer it was
6 much vaguer. It was, oh, we have to have a child
7 protection officer. Okay, well, you can do it. You
8 know, that sort of, ta da. And even when I took over,
9 I wasn't the first. I was -- I think I was the third.

10 MR BROWN: Yes.

11 A. And even then, I had been assisting a child protection
12 officer for a year before. I took over from him, and
13 even then, in the period that I was Child Protection
14 Co-ordinator, the role changed very dramatically and
15 then I sought out training.

16 Q. Right, can we go through that from the beginning?

17 A. Yeah.

18 Q. Because I think we touch on this on page 3 and 4 of the
19 statement. You are progressing, you've gone from
20 part-time to full time, you're involved in house
21 matters, and as we see, you become involved in careers
22 advice.

23 A. Yes.

24 Q. But then, looking at paragraph 16, you say:

25 "While head of careers, I was simultaneously,

1 firstly the Deputy Child Protection Co-ordinator ... and
2 then Child Protection Co-ordinator ... As the provision
3 and policies regarding child protection increased, the
4 position became better defined. I must confess that
5 even though I was not the first holder of this
6 responsibility, it was still fairly undefined and
7 unclear ..."

8 When you took over?

9 A. Yes. That is exactly how I felt it.

10 Q. But you make the point that you're not certain, but you
11 think the first CPC was a male teacher, Nigel Rickard?

12 A. Yes, I think so. But I'm not sure.

13 Q. You say:

14 "I do not believe there was any clear idea of the
15 implications of this remit ..."

16 So when he was appointed --

17 A. He was the deputy head, I think.

18 Q. Yeah. Did he have a clear sense of what he was doing?

19 A. I really don't know if he had gone through any training
20 or anything like that. I know that overnight he became
21 child protection officer and everybody was kind of
22 a bit -- I think even -- even by the time I left,
23 actually, the role of the child protection officer
24 wasn't ... how can I put this? Wasn't independent
25 enough from the school to be effective.

1 Is that fair? Am I saying clearly?

2 Q. Yes. If we may, we'll come back to that perhaps at the
3 end of your evidence when you're thinking about what
4 still requires to be done.

5 A. Okay. So he was child -- but I don't know what it
6 implied, really.

7 Q. But from your perspective as a teacher, you now have in
8 the school --

9 A. There was nothing.

10 Q. -- a Child Protection Co-ordinator, did it have any
11 impact on you?

12 A. The impact was that if we saw children fighting, we had
13 to tell him.

14 Q. If you saw children fighting, did you understand the
15 focus was really on boys doing things to boys? That was
16 the interest?

17 A. The interest was that, really, yeah.

18 Q. Bullying?

19 A. I think -- bullying, yeah. Harassment. You know, that
20 kind of thing. The sporty boys teasing the academic
21 boys, that kind of ...

22 Q. Was there much of that from what you saw as a teacher?

23 A. No, but for instance -- not really, not really. I --
24 okay, my own take on Merchiston is that every boy was
25 able to find a niche where he was good at -- [REDACTED]

1 [REDACTED] so I know ... and my experience of
2 that is from my own [REDACTED] role. [REDACTED]
3 who he wanted to do everything in Merchiston, he always
4 wanted to go to Merchiston, but sadly developed
5 an illness when he was very young so he couldn't play
6 rugby, for instance, he couldn't do any sport of any
7 kind, however he became a very good academic, so he was
8 very happy in his academic role.

9 [REDACTED] he couldn't care less about rugby
10 and he was okay academically, but he wasn't brilliant.
11 He was a very shy boy, he didn't like rugby, he didn't
12 like football, but he was good at tennis, so he was good
13 at tennis and he was a very good artist. So the school
14 made a point of showing his art in the chapel --
15 remember that I am a member of staff. They didn't need
16 to do that, because I always assumed that they were
17 going to do that for someone who is paying the full
18 fee -- sorry, I'm being just a bit cynical, but no, they
19 did it for [REDACTED] They put up his things inside the
20 chapel, you know, they encouraged him to feel proud of
21 that particular thing.

22 There was a boy that was pretty useless at
23 everything, but he was a very good fencer. I didn't
24 know that fencing existed until he said, "Oh, but I'm
25 very good at fencing" and then everybody made a fuss

1 about him very good at fencing.

2 So I don't think that there was much of that stress
3 between boys, but egos and boys and boys and egos are
4 something that is ...

5 Q. Just to be clear, your experiences or the experiences
6 you've been talking about, about fencing and art, is
7 that the 1990s or is it the 1980s? 1980s? 1990s?
8 Which decade are you talking about?

9 A. I'm talking about the 1990s, because I'm talking about
10 [REDACTED] so that would be the 1990s, yeah.

11 Q. It's during the 1990s that child protection becomes much
12 more focused?

13 A. Yeah, yeah.

14 Q. Prior to the 1990s, do you think the school would have
15 handled boys who don't play rugby, don't -- aren't
16 particularly good at anything any differently?

17 A. Honestly? I would suspect they will treat them
18 differently, but I have nowhere to know because I wasn't
19 part of any structure --

20 Q. All right.

21 A. -- that I will -- later on, I remember in the 1990s
22 getting very cross with some of my sporty colleagues,
23 because there was a way of making a boy really suffer if
24 they wanted to drop out of the First XV or the First XI
25 and I just could not understand it. And I kept saying

1 as a child protection officer:

2 "You're abusing this child. You can't insist that
3 the boy has to play because of the honour of the school.
4 It's his life. It's not yours or the school's to take
5 it away."

6 He wanted to concentrate on his studies because he
7 was a typical boy who's good at everything, but
8 therefore he wanted more time for preparing for the
9 A-levels, so I thought that was a very reasonable
10 request.

11 And he did get it, he did get it, but there was such
12 a guilt tripping attached to it, you know, that you
13 think: really?

14 Q. One of the things we've heard about and have perhaps
15 seen in pupil reports from decades ago is very harsh
16 descriptions of pupils, really quite rude descriptions
17 and the sense that there was a rudeness to the pupils,
18 perhaps what you're talking about: no, you can't avoid
19 rugby, you must play rugby.

20 A. Yeah.

21 Q. Is that something that you saw, that harsh --

22 A. The thing about the treatment of boys who would not be
23 allowed to drop a team because -- because they're very
24 good at it and therefore the chances of losing will be
25 greater or whatever, I thought it was pretty ... tough

1 on the boy. But I will -- I felt okay, because I was
2 always defending the boy, I was always taking his side
3 and argue with whoever I had to argue about it. So
4 I tried to save as many as I could.

5 Q. But was the school willing to let them be saved?

6 A. The school was, the school was. It was very much the --
7 the -- okay, when someone has played for Scotland and
8 has done this and has done that and now he's a teacher
9 of rugby or cricket or whatever, they have a sort of
10 a kudos about them that they can inflict that sense of
11 guilt without necessarily the headmaster supporting it.
12 You know, just because they are themselves such figures
13 of respect to the boys that, you know, you need to sort
14 of destroy that a bit and not allow it to be the
15 important thing.

16 Q. Did that change in your time at Merchiston?

17 A. It did change, it did change, because eventually the
18 priority was academics. The priority was the choice of
19 the boy. Basically, every term, especially when the
20 A-levels were coming, they were meeting with parents,
21 with all what they call the ... the stakeholders, that's
22 a beautiful word, and they will decide what was the
23 programme for the year. Are you going to concentrate on
24 rugby? Are you going to concentrate on academics? Are
25 you going to give everything your time? What are you

1 going to do? And it was very much the choice of the
2 individual.

3 Q. When did that come in?

4 A. Oh, I would think ... 2000, probably?

5 Q. So evolution isn't fast?

6 A. Evolution -- yeah.

7 Q. All right. Going back to the CPC, Child Protection
8 Co-ordinator --

9 A. Yeah.

10 Q. -- the first person is simply appointed, he's the deputy
11 head, and from what you see, the focus is on children
12 abusing children?

13 A. Yeah.

14 Q. Was there any thought at that stage about other people
15 abusing children, teachers, for example?

16 A. Not really. Sorry, I sound -- I'm -- I -- I come from
17 a very -- I think I'm a very innocent person, I just
18 never thought that that could happen anyway, so I never
19 crossed my mind that that could be a possibility. So
20 I thought that, yeah, we have to protect children from
21 other children, and maybe the prefects from upsetting
22 the little ones or that kind of thing. So -- and it
23 became very, very important.

24 I mean, for instance, there was the night -- there
25 was a night when the little ones were allowed -- must be

1 Halloween or something like that, and the older are
2 supposed to dress up and scare the little ones or
3 something like that, and that was cut off completely and
4 said, "No, sorry, you're not allowed to do that any
5 more", so it was kind of taking on board some things but
6 it was to do with the children.

7 Q. All right. When did the horizons of the CPC expand
8 beyond children?

9 A. Well, I can speak personally. My experience was changed
10 when I saw a certain ... a member of staff that we have
11 called **DXP**, behaving in a most peculiar way, and
12 that is me seeing something that I thought -- and to me,
13 to be quite honest, I was completely blown away.
14 I honestly could not understand what I was seeing.

15 I was with the boys in a tour, I was like the
16 female -- because there was a boy that had diabetes type
17 1 so I had to be there making sure that I always have
18 fruit with me and things to make sure that he was fine,
19 and also because the kids, the little ones needed always
20 their shoes sorted and that kind of stuff, so I was
21 there in charge of the little ones.

22 And it's in that context that I saw this behaviour
23 that I just could not understand. I just -- you know.
24 I -- at first I thought, "That's weird", and then
25 I mentioned it to one of my colleagues and said, "Yeah,

1 well" -- and I just thought this is bizarre and that is
2 why I had to say something when I ...

3 Q. I think this is the part of the statement from page 17
4 when you're talking about DXP

5 A. Yeah.

6 Q. Which goes on to page 18.

7 A. Yeah.

8 Q. If I can just show you a document, it's PSS4461, go to
9 page 2, please.

10 This is a police document which I think neatly
11 summarises, if we can perhaps go down a little bit to
12 perhaps halfway down?

13 A. Ah, there's the one.

14 Q. This is a list of reports and we see it's 1998, 1999,
15 2000.

16 A. It's a -- I can tell you one thing. I didn't know that
17 all those allegations previous to that have been made,
18 because I was made to feel that I was imagining things,
19 and that really upset me at the time because I don't
20 like to think of myself as someone who imagines things,
21 I think of someone who is quite rational about things.
22 But I was never made aware about all these previous
23 allegations.

24 Q. I think by this stage we can see from that document that
25 particularly in March 2000:

1 "Interview of DXP by the headmaster and
2 Rickard ..."
3 Who was at that stage the Child Protection
4 Co-ordinator?
5 A. Yeah.
6 Q. It then goes on:
7 "Further meeting with the four accusers. No
8 disciplinary action taken."
9 We can see from this, we know there were multiple
10 reports.
11 A. And the funny thing is all of it is of the same
12 behaviour pattern.
13 Q. Yes.
14 A. It's not as though people were saying different things
15 in different cases. They were all addressing the
16 same -- it's just that it was so bizarre. If you can
17 imagine -- kids in kilts, you know, they don't care,
18 which is fine. But if you see an adult, which is quite
19 a rotund body, imagine me coming into this room and
20 sitting on the floor -- you know, you think why are you
21 sitting on the floor like that? It's ...
22 Q. I think we know from other documentation that we don't
23 need to look at, because we can read it, that other
24 teachers were reporting positioning in the same way --
25 A. Yeah.

1 Q. -- on floors, shifting to unnatural positions to be able
2 to see, that's what was reported. What I'm interested
3 in is -- and you've said one thing already -- you
4 weren't aware that others were making reports.

5 A. (Witness shakes head)

6 Q. When you reported it, who did you report it to?

7 A. Mr Rickard.

8 Q. Who was the Child Protection Co-ordinator --

9 A. Yeah.

10 Q. -- and the deputy head?

11 A. Yeah.

12 Q. And his response was?

13 A. (Pause)

14 His response was very blank, but he said, "Well,
15 I'll talk to him about it, but I don't think that's
16 true, I think probably you are misinterpreting the
17 situation", and that sort of thing. So they made me
18 then meet with **DXP** himself, and that was very
19 uncomfortable because I was a junior member of staff
20 still then and -- sorry, I felt very uncomfortable about
21 it and very accused, very much as though I was the --
22 I was trying to do something to this person which I had
23 no interest in doing anything, any harm to him at all.

24 So I felt very bad about it, but I just decided,
25 look, I did what is the right thing to do, which is to

1 pass it on, and after that I'm out.

2 And what I did do is that whenever he was
3 accompanying [REDACTED] in other things, I would volunteer
4 to go too.

5 LADY SMITH: In paragraph 98 of your statement, you tell me
6 the truth is you wished you hadn't done anything --

7 A. Well, because --

8 LADY SMITH: -- because the deputy head made you feel as
9 though you were the one who had a dirty imagination for
10 interpreting his actions the way you did.

11 A. Yeah, that's the feeling that you end up with, because
12 remember at the time this is the first time that
13 I encounter in my life an adult doing something -- let's
14 put it "bizarre", okay? And therefore in a way I was
15 quite willing to believe that it was my dirty mind,
16 because I thought: gosh, yes, well.

17 Remember, I taught [REDACTED]
18 [REDACTED] His wife was very much part of the community
19 there. You know, I just couldn't -- anyway. Sorry.
20 I'm going to get upset and I don't want to get upset,
21 okay? But you see what I mean?

22 LADY SMITH: Yes.

23 A. Sorry, and now I need water. (Pause)

24 Sorry.

25 LADY SMITH: There is no need to apologise.

1 A. Okay.

2 LADY SMITH: I fully understand what you're explaining here,
3 Victoria.

4 A. Yeah.

5 LADY SMITH: And the position that you were in, in knowing
6 not just the man [REDACTED].

7 A. (Witness nods)

8 It was what it was.

9 LADY SMITH: Mr Brown.

10 MR BROWN: You then had to meet the person you were making
11 the accusation against. I take it that was not an easy
12 meeting?

13 A. It was a very extremely unpleasant meeting. Not only
14 that, but he -- not to me personally, but I understand
15 that he played the "I shall kill myself" card, and
16 I just -- at that point I -- my own mental health,
17 I just thought that's it, I'm out of here, I'm out of
18 the situation, I just distanced myself.

19 And as I said, the only thing I did was when he was
20 volunteering for accompanying [REDACTED] and things, I would
21 volunteer too so that I knew I could keep an eye on
22 situations, that's all.

23 Q. The headmaster by now, by this stage, was Andrew Hunter?

24 A. (Witness nods)

25 Q. As we can see, you weren't alone in making --

1 A. Yeah, but I didn't know.

2 Q. You didn't know. What did you feel about the way what
3 I take it you thought might be a child protection
4 issue --

5 A. I felt very impotent, because I thought ... (Pause)
6 I don't know, it's such a weird thing because in
7 a way you think the boys don't notice it, so in a way no
8 harm done, you know, and let's move on. That is the
9 situation -- I think that is the reading of the other
10 people in the school.

11 I just wasn't -- I just didn't understand how
12 someone could do that and then be in the position he was
13 in the school. I just could not comprehend it in my
14 brain.

15 Q. But that's looking at DXP.

16 A. Yes.

17 Q. Looking at the Child Protection Co-ordinator, did you
18 think at that point the Child Protection Co-ordinator is
19 working?

20 A. I don't know -- I don't know what support that he had.
21 I don't know if he consulted anything. You see, when
22 I was Child Protection Co-ordinator, I always had
23 a wonderful -- her. Dr Hamilton, I think -- that
24 I could consult things with and I could say, "Look,
25 this, hypothetically, what if?" Or even the

1 inspectorate I could approach and say, "Hey, what if?"
2 You know, and it was nice because I felt it wasn't my
3 decision alone, it was someone else's, you know, some
4 consultation.

5 Q. You talk about you -- this is paragraph 18 on page 3.
6 You progressed to become CPC --

7 A. Yeah.

8 Q. -- and you said you were:

9 "... considered widely as a very approachable member
10 of staff and that was essential to the role. This job
11 entailed a lot of reading of Scottish policies with
12 regards to child protection and frequent communication
13 with colleagues. I was also responsible for training
14 new staff ..."

15 Then you go over the page and you go to multiple
16 training sessions yourself to keep up to date with the
17 evolving landscape and your favourite trainer was
18 Dr Sue Hamilton?

19 A. Yes.

20 Q. " ... who I also invited to chair training sessions with
21 both all staff and pastoral staff."

22 Can I just be clear, when did you become child
23 protection co-ordination?

24 A. If you say so, brilliant, I don't remember.

25 I think I must have been -- I was already the

1 careers co-ordinator as well. 2004? Something like
2 that? No idea.

3 Q. That's fine.

4 LADY SMITH: That would be before you obtained your
5 assistant housemaster role in Laidlaw?

6 A. Oh yeah, yeah, yeah.

7 LADY SMITH: So a few years before that?

8 A. It was a few years before. Because when I became
9 assistant housemaster is when I started saying, "Hey,
10 this is getting too many things, too many hats", and
11 I started making noises about maybe not being able to
12 carry on with -- but yes, about -- it was in 2008 when
13 I started being assistant housemaster, so I think
14 2003/2004.

15 MR BROWN: You were talking about how it was when the CPC
16 job was created, the focus was on the boys.

17 A. Yeah.

18 Q. When you took over, had the focus changed?

19 A. The training alerted me to other things, other problems,
20 other possibilities, if you know what I mean.

21 Q. Had those other possibilities registered within the
22 school?

23 A. Not to me. That's the honest truth. Not to me. I ...
24 there was a boy that had a problem with a housemaster
25 and then I -- I interviewed the boy and with my

1 Assistant Child Protection Co-ordinator, which was the
2 librarian at the time, and we met with him and I mean it
3 was just fine, because it was just that the headmaster
4 had got cross with him because he kept being late to
5 everything, so, you know, and I said to the housemaster,
6 "Please, you'd better apologise to him because he's
7 upset that you shouted at him", and he said, "Oh, okay",
8 so he went and apologised to him and that was it. That
9 was the only thing that I actually remember of actually
10 a teacher and a pupil contretemps, you know, otherwise
11 it was just boys with boys, I don't even remember.

12 There was something of in a holiday camp or
13 something like that?

14 Q. I'll come to that.

15 A. Okay, sorry.

16 Q. You said your eyes were opened when you saw DXP
17 behaviour?

18 A. Yeah.

19 Q. That was around 2000, 1999?

20 A. Yeah.

21 Q. Did you then --

22 A. To be quite honest, the fact that I was appointed
23 Assistant Child Protection Co-ordinator and then Child
24 Protection Co-ordinator made me feel that the school
25 wanted to do the right thing, because I was a person

1 that had spoke up about this. You see what I mean?

2 Q. I do, but you hadn't been happy with the --

3 A. No, I hadn't, I hadn't, but in a way the fact they
4 appointed me made me think that I could maybe do things
5 differently.

6 Q. All right. You were appointed by Andrew Hunter?

7 A. And by Rickard. Rickard was the deputy head as well
8 then.

9 Q. Was he keen to pass the torch on?

10 A. I think he was, yeah. But I also think that what I was
11 telling you about, the independence of the position, if
12 you're a deputy head, it really is very hard.

13 Q. Why is it hard?

14 A. Because the job -- sorry, the job of the deputy head is
15 so vast that to add to that the possibility of
16 investigation that cuts through everything -- you know,
17 because when there was an investigation, that's it. You
18 couldn't do anything else except concentrate on this.

19 There was a case of boys and drugs, I think.

20 I don't remember very well, but it was something with
21 boys taking some cannabis or something in leisure time
22 in weekends and things like that, and I remember when
23 that blew up, when that became known to the school, my
24 lessons -- all my lessons were cancelled and I had
25 a replacement. I mean the school took over all my load

1 so that I could concentrate on interviewing boys and
2 registering and all of that.

3 So for a deputy head to have to be cut off, it would
4 be impossible.

5 Q. So it wasn't a particularly good appointment?

6 A. Sorry?

7 Q. It wasn't, from what you're saying --

8 A. Oh, the initial appointment wasn't --

9 Q. Yes.

10 A. -- but I think at the time, as I say, I don't think
11 anybody had any idea of what it was.

12 Q. No.

13 You talked about the way the complaint about
14 DXP [REDACTED] was dealt with and you weren't very happy about
15 it.

16 A. Yeah.

17 Q. That would be ultimately the responsibility of the
18 headmaster, Andrew Hunter. Tell us about Andrew Hunter,
19 what was his character?

20 A. I think Andrew Hunter is -- the greatest problem with
21 Andrew Hunter is that he's -- he really wants to be good
22 to everybody. He is -- he has a heart of gold, but he
23 finds really hard to make difficult decisions. He finds
24 it very hard, and that was a very hard one because, as
25 I say, there was a lot of -- a school -- you know, the

1 position this man had, the child that was there, the
2 child that became a member of staff himself when he
3 finished university, everything is kind of very
4 convoluted and very difficult to thrash out, and I think
5 the head wanted to believe the best of everybody. And,
6 okay, in that case chose to disbelieve me, but ... and
7 everybody else, because, as I say, it wasn't my only --
8 it wasn't just my declaration, there was many others
9 before me.

10 Q. That's looking at the specifics of a child protection
11 issue. More generally? Was he decisive?

12 A. The -- the -- the belief of the common room is that he
13 was -- he had a decision of the last person that spoke
14 to him. So if you were clever, you would be the last
15 person to speak to him.

16 Q. And you'd get your way?

17 A. Well, it's just that he -- oh, come on. He's a lovely
18 man, but not the brightest PE(?), really, and, you know,
19 he always was oh yes, but what this, and what about
20 that, and if you do that, you end up losing the track of
21 what you're doing.

22 You know, he didn't have a clear vision, you know?
23 His vision was: boys must fulfil their own -- and it was
24 fine. I mean the fact that parents adore him because he
25 really fought for the boys. I mean, even when the boys

1 were accused of bringing drugs into the school, which
2 was the biggest -- the biggest sin ever in the school he
3 will really -- when the boy had to be expelled, because
4 obviously that was a clear rule, he will speak to the
5 other schools and recommend him and, "Make sure you look
6 after him, he's a good ..." So he really bent backwards
7 to try and help this family getting through that.

8 So ...

9 Q. Okay. Going back to your time at CPC, and training
10 sessions and you reference in particular
11 Dr Sue Hamilton, who you bring in from what you're
12 saying, were those things that you arranged for yourself
13 or did the school arrange it?

14 A. No, no, no, I arranged it, but it was my remit to
15 arrange it.

16 Q. That's the point. If you had not wanted to do any of
17 these things --

18 A. Oh, I wouldn't, yeah.

19 Q. The school --

20 A. I don't know if -- funnily enough, yes, that's true,
21 because as a teacher my line management was my head of
22 department. As a housemaster, my line management was
23 the senior housemaster. But as a CPC, eventually,
24 eventually, later on in my years there, they named
25 a governor to be in direct responsibility with CPC, and

1 then every term I would have a meeting with her about
2 CPC, which it was like -- then she became my
3 line manager, so to speak.

4 Q. Yes. So there's governor input during your time as CPC,
5 but prior to that, you were it?

6 A. Yes.

7 Q. And what you did was up to you?

8 A. Yes, but I always consulted with external sources.

9 Q. I understand that. My point is --

10 A. In the school, no.

11 Q. The school, no. There was no system to monitor what CPC
12 was doing?

13 A. No.

14 Q. Until governor input comes a little bit later?

15 A. (Witness nods)

16 Q. Did you welcome the governor input?

17 A. Oh, very much so, of course.

18 Q. You talked about Andrew Hunter speaking with other
19 schools trying to do the best for everyone.

20 A. Yeah.

21 Q. What about you as CPC? Were you at this stage talking
22 to other schools? Was there an understanding of best
23 practice?

24 A. There was a lot of -- Edinburgh is a very small place
25 with a lot of public schools, all competing for the same

1 market, I guess, and among the members of staff that we
2 had, we had people who had come from these schools,
3 either as pupils or as staff, so we knew a fair bit
4 about the ins and outs of the different schools. And
5 the truth is that we didn't -- didn't trust the CPC
6 mechanisms in the other schools either. So they were
7 not good to consult them.

8 Because first, as you say in English, we wouldn't
9 want to wash the dirty washing in public, or something
10 like that?

11 LADY SMITH: Wash your dirty linen in public.

12 A. That's the one, the linen, yes. So that is part of it.
13 Even to this day I have friends and colleagues who were
14 pupils at some of these schools and they said if one day
15 they lift the blanket, there is going to be -- you see,
16 so that kind of thing makes us sort of -- so I'd rather
17 call upon -- there is a unit in the police child
18 protection unit called the Amethyst or something like
19 that. Was it called Amethyst?

20 MR BROWN: I think it may have been called Amethyst at one
21 point, yes.

22 A. I don't remember, but anyway they were good as
23 a sounding board. Hamilton was fantastic as a sounding
24 board. Even the inspectorate, Iain?

25 Q. Lamb.

1 A. Yes, was a good sounding board. So I was happy to
2 consult with them about any possibilities of things.
3 Mostly it was to do with drugs and things like that. As
4 I say, there wasn't adult involvement at that stage.

5 Q. Yes, so you welcomed the ability --

6 A. Absolutely.

7 Q. -- to talk to someone about it and to get guidance
8 yourself?

9 A. Of course.

10 Q. I think we know, and you touched upon this, there was
11 concern about an outward bound camp that was --

12 A. Yes.

13 Q. -- used by Merchiston. In fact there were two, one near
14 Oban, Rua --

15 A. [REDACTED] never went to this, so I didn't have direct
16 experience from them and because it was outside of
17 school time and I wasn't a housemaster at the time,
18 I didn't have direct contact with the boys either,
19 because if I was a housemaster I would have received
20 them back from them, but I didn't. So it was very much
21 something that came to me I think when I was Assistant
22 CPC? I don't think I was the CPC then. I don't know.

23 Q. I think we know there were a number of episodes
24 involving -- it's a gentleman called
25 Torquil Johnson-Ferguson who ran the --

1 A. Torquil, does he have a name there? No.

2 Q. No. The first concerns, I think, were in 2006. If we
3 look at Merchiston 283.

4 A. No, this is something to do with the pipe band.

5 Q. Oh, I do beg your pardon, this is the pipe band, you're
6 quite right. If you bear with me one second. (Pause)
7 Sorry, it's 307.

8 A. Ah, Solwaybank, yeah.

9 Q. This is documentation talking about from Andrew Hunter
10 to parents, talking about Rua Fiola and Solwaybank,
11 which were camps run by Mr Torquil Johnson-Ferguson.

12 A. Okay.
13 That was the school letter to parents.

14 Q. Yes, and that's revealing that there were concerns
15 raised previously about an ongoing prosecution that
16 didn't involve Merchiston pupils, but you may remember
17 Mr Torquil Johnson-Ferguson was jailed -- and this is
18 a matter of knowledge -- for 18 months for offences of
19 lewd and libidinous and indecent practices --

20 A. Yeah.

21 Q. -- involving pupils in the 1980s and then subsequently
22 there was a further procedure in 2018, where he was
23 found to have committed further matters in the 1990s --

24 A. Okay.

25 Q. -- of indecency.

1 He was a gentleman who ran camps at the two
2 locations mentioned in that letter and to which pupils
3 from Merchiston went. Is this bringing back memories?
4 A. I remember he was a pupil of mine, for one thing, when
5 he was little, he was a pupil at the school. I remember
6 him. But I -- all these adventure camps to me, I knew
7 nothing about them. I heard about the allegations.
8 I remember interviewing boys about it -- and did I write
9 about that? Because I remember interviewing a boy that
10 had been to the camp, he went every year, he loved it,
11 and I remember saying, "Come on, but do you really have
12 to climb up with just your pants?" or something like
13 that, I don't know, I asked him some question like that.

14 And he, who was a very -- I liked him. He was very
15 observant, very -- I don't know, I liked that boy. He
16 said to me:

17 "Do you think that's dangerous? What about going in
18 the middle of the night to Tesco?"

19 And I went:

20 "What?"

21 "The houses are not alarmed, so at midnight a group
22 of us would run to Tesco [in those days Tesco was a 24
23 hour thing] and we would buy some snacks and come back."

24 Within a week all the houses had alarm systems, but,
25 you know, at that moment that boy made a point that

1 I thought, yeah, fair enough. That was very peculiar.

2 But I remember interviewing the boys, but I don't
3 remember anything more about that of ... something to do
4 with the showers and ...

5 Q. I think if we look at page 27 of this document, this is
6 an email from you --

7 A. Oh, sorry.

8 Q. -- in November 2007.

9 A. Okay.

10 Q. It confirms what you're saying, that you've contacted --

11 A. Sue Hamilton.

12 Q. -- Dr Hamilton to put to her concerns about pupil X and
13 Rua Fiola. The sequence of events, which is concerning,
14 as you recall, nudity being allowed in outdoor
15 activities, second paragraph, and part of the Loony
16 Feets Board involving doing things without clothes on.

17 A. Sorry, I cannot hear you very well.

18 Q. That's quite all right. If you go to the second
19 paragraph, third line down, there's reference to
20 elements that you discovered about Rua Fiola:

21 " ... ie the Loony Feets Board and what other
22 youngsters had done in order to achieve a place on it."

23 There had been a longstanding relationship with the
24 school and Rua Fiola and Dr Hamilton's concern was
25 raised by:

1 "... the possible risk factors inherent to the
2 activities these children carried out in order to
3 achieve a place on the board. She wanted to know
4 whether we had risk assessments about the activities and
5 insisted that even though parents enter their own
6 children as private individuals, at Merchiston we are
7 vicariously liable in law should an accident have
8 happened. She seemed as concerned about the nude climb
9 as by pupil Y's feet putting a frog in his mouth."

10 A. Yes.

11 Q. So Sue Hamilton is somewhat troubled by the nudity
12 aspect and things then follow.

13 I think as we see further on, five paragraphs from
14 the bottom:

15 "A little bit later I was made aware that in
16 conversation with Mr Lamb, Care Commission, the
17 headmaster intimated that pupil X's parents had
18 indicated to him that there had been a subsequent
19 incident also at Rua Fiola in which, according to pupil
20 X, the instructors painted breasts on the boys in the
21 showers with soapy foam ..."

22 A. With soapy foam, yeah. Yeah.

23 Q. So there were concerns?

24 A. Yeah.

25 Q. You were talking to people, Care Commission and

1 Sue Hamilton?

2 A. Yeah.

3 Q. And you passed it up to senior management?

4 A. Yeah.

5 Q. Was anything done?

6 A. I think that the risk assessments were sought after and
7 were in place, but the risk assessments were very much
8 risk for accidents, if you know what I mean, not risk
9 for immoralities. It was just like were they in safe
10 harnesses when they were climbing, that kind of thing.

11 We had a meeting with this person, I seem to
12 remember, and he -- I felt it was a bit vague that he
13 said it would never happen again, but I just thought,
14 well, it might or it might not.

15 The shower incident was explained in that the --
16 the -- the instructors were there mostly to make sure
17 that the boys didn't take too long in the shower or
18 something like that, didn't muck about among themselves,
19 but I don't remember anything major really about it.

20 I think, to be quite honest, being -- happening
21 outwith Merchiston, I have -- I distanced myself from
22 it, which it may be wrong, but that is how it was.

23 Q. I think if we go to page 10 of the same document, and
24 this is another email from Andrew Hunter, this time from
25 2014, and I think by this stage it's known that

1 Torquil Johnson-Ferguson is going to be prosecuted, and

2 Mr Hunter says:

3 "Dear all.

4 We will remember that Rua Fiola was on my list of
5 child protection concerns. The police still have this
6 full file amongst many other Merchiston files. We will
7 remember that in May 2013, a school down south and the
8 police became very interested in children doing
9 activities in a naked condition at Rua Fiola, 'Female
10 staff at troubled school watch boys rock climb named'
11 [was the press report].

12 This is precisely the area of concern Merchiston had
13 in 1999 with the Merchiston member of staff, JRB and
14 Rua Fiola. This resulted in a formal letter from
15 Merchiston to the leader of Rua Fiola,
16 Mr Torquil Johnson-Ferguson. He reassured me in writing
17 that on Merchiston's trips, this would not happen.
18 I wrote back indicating that I was not just interested
19 in the proper code of child protection conduct being
20 adhered to on Merchiston's trips, but the trips of all
21 schools. I never received a reply to this letter.
22 Rua Fiola in child protection terms does not report to
23 the Care Inspectorate, but with hindsight I could have
24 reported my concerns to the police. Merchiston
25 continued to go to Rua Fiola.

1 Blakerston Camp is the other connection between
2 Merchiston and Mr TJF. Again, I had the CGRB in my
3 second year about swimming naked at this venue, we had
4 to sort out another issue involving Blakerston Camp in
5 recent years. We cancelled all trips to Blakerston last
6 term and will not be returning.

7 We need to see the attachment re Mr TJF. This has
8 come to me from Ardvreck, where I am a governor.
9 Ardvreck, at my suggestion, has questioned what is
10 happening at Rua Fiola ..."

11 That's 2014 when a prosecution was in the offing, it
12 appears from this document that there had been concerns
13 about TGF from 1999. Were you aware of that?

14 A. No.

15 Q. Yet concerns surface again in 2007?

16 A. The same thing, yeah.

17 Q. Assurances are given?

18 A. A historic -- but it's not. Nothing I was made aware of
19 at all.

20 Q. Then again I think we know from further correspondence
21 that there were concerns again about pupils being -- or
22 adults being present when children were showering in
23 2012, where reassurances were again sought. Were you
24 aware of that?

25 A. (Witness shakes head)

1 I -- I -- I can say one thing. When I was appointed
2 child protection officer or Child Protection
3 Co-ordinator, I was given a file, okay, a historic file,
4 but it only appeared boys. No members of staff at all.
5 Okay? And I was told that the members of staff files
6 were ... private or off limits or whatever.

7 Q. Confidential?

8 A. Confidential. Okay? So I had nothing -- no -- no
9 awareness of anybody, of any concerns about anybody
10 among the staff. Nothing.

11 Q. Was that off limits to you?

12 A. As far as I understood it, yes.

13 Q. This wasn't staff, though. This was --

14 A. Well, it was a staff in the sense that it is JRB and
15 Rua Fiola, but it's adults if you know what I mean.
16 It's not the boys, with the boys.

17 Q. Do you think you should have been aware of that
18 background?

19 A. Considering the fact that there are historic precursors
20 to these events, I think I should have been aware of
21 because historically there is a repetition that if I had
22 known that this is a pattern there, I think it may have
23 been different. Even the advice from Sue Hamilton or
24 from Iain Lamb would have been different if they knew
25 that it was something that has been repeating itself.

1 Q. Yes. Patterns matter?

2 A. Absolutely, absolutely.

3 Q. What about the relationship between

4 Torquil Johnson-Ferguson and JRB? Were you aware of

5 a relationship between the two of them?

6 A. No, not at all.

7 Q. Were you aware of Blakerston Camp being an issue in the

8 past?

9 A. I knew nothing about this camp. Sorry, that was my

10 holiday time, time out, time out. I just never paid any

11 attention. And also remember these were always the

12 junior houses. That was Pringle, I think.

13 Q. Yes.

14 A. And of course I had nothing at all -- I never taught

15 Pringle or had anything to do with Pringle at all,

16 [REDACTED]

17 Q. Just from your general knowledge, was Pringle somehow

18 different from the rest of the school?

19 A. Well, it's a different building, it was at the front of

20 the school, you know, as you go in on the left. It had

21 its own campus, its own playing fields, its own --

22 I mean the boys did come to have our lunch and dinner

23 together, the dining room was joined, but they were very

24 much an entity to themselves, really.

25 Q. Who supervised that entity?

1 A. There was a number of residents and the housemaster, the
2 deputy housemaster. There was -- what's the word?
3 Domestic team as well, a housemother that, you know, did
4 all the naming and cleaning and things like that.
5 Organised the cleaning team.

6 I was offered to be a tutor there and I said no,
7 thank you.

8 Q. Okay. You remained in post as CPC until you were
9 appointed to a house?

10 A. Yeah.

11 Q. And that simply was overload?

12 A. Overload, yeah.

13 Q. So you had to pass it on?

14 A. Yeah.

15 Q. Do you remember who you --

16 A. I think it was Alex Anderson?

17 Q. All right. And did you follow --

18 A. Well, Alex Anderson will talk to me. I mean,
19 Alex Anderson is still a very good friend of mine, so he
20 would -- we would discuss things sometimes because
21 obviously, especially when there is a matter with a boy
22 that had been troubled, then if another problem arise,
23 then he would say, "Oh, by the way, I see in the file
24 that you had already seen this. I have this problem
25 now, what do you think?"

1 So we will ...

2 And equally when it was the training, certainly when
3 he did the training of the senior house, because I was
4 in the senior house, I will help him with the training,
5 presenting scenarios, things like that, we will do
6 together.

7 Q. Okay. But did he continue, so far as you saw, if you
8 know, this relationship with Iain Lamb and the Care
9 Commission, with Sue Hamilton --

10 A. As far as I know, he did, yeah.

11 Q. So you had built up connections --

12 A. The connections were there, and as far as I know -- in
13 fact, being an assistant housemaster already before
14 I became a housemaster, Sue Hamilton came -- you know,
15 I had a connection so he used it as well. She also came
16 to do INSETs with the governors.

17 Q. All right. While you were CPC?

18 A. No, subsequent as well.

19 Q. Right. So the governors' --

20 A. The governors were involved.

21 Q. -- involvement becomes more CP related?

22 A. More aware, more aware.

23 Q. Presumably you welcomed that?

24 A. Oh, absolutely. Ultimately, they're the responsible
25 body.

1 Q. Whose idea was that? Theirs or --

2 A. I think it was a policy from within Scotland that the
3 governors should be involved, and then that was passed
4 on to the headmaster, to the headmaster and the governor
5 body decided that, yes, there should be a person
6 particularly responsible for this.

7 Q. We know that in 2013 James Rainy Brown committed
8 suicide --

9 A. Uh-huh.

10 Q. -- and the school was then the subject, a little later,
11 of much --

12 A. Was it in 2013?

13 Q. 2013, yes.

14 A. And?

15 Q. 2013.

16 A. Really? Yes, of course it was, sorry, sorry.

17 Q. That's all right.

18 A. Yeah, yeah, yeah, yeah.

19 Q. And thereafter the school became the focus of much
20 inspection and enquiry?

21 A. Yeah.

22 Q. Prior to that, would you have had any concerns at all
23 about --

24 A. Rainy Brown?

25 Q. Yes.

1 A. Sorry, should I call him something else?

2 Q. No.

3 A. To be quite honest? No. I think because [REDACTED] had
4 been in his house and I trust their judgement. I mean,
5 they are very good at -- very critical.

6 [REDACTED] thought he was weird, but [REDACTED]
7 [REDACTED] thought he was wonderful.

8 Q. Yes, and I think you say that in the statement.

9 A. Yeah. I'm surprised because --

10 Q. As a CPC --

11 A. No.

12 Q. -- had you been given any background about him?

13 A. No.

14 Q. Any concerns that might have arisen in the past?

15 A. No.

16 Q. At no stage? You were never given any --

17 A. No, nothing.

18 Q. -- concerns about him?

19 A. When the police came, of course I'd already been in the
20 house for a while so I wasn't CPC any more, and when the
21 news came that the police was investigating him, the
22 first thing I said, "He's going to kill himself".
23 I knew he was going to do it.

24 Q. Why?

25 A. Because he was ... I don't know, I don't know how to

1 describe him. Because he belonged to a different time,
2 really. He had such dignity about himself. I know that
3 it's all the negatives about whatever he did or
4 didn't -- I didn't know -- I don't even know what he did
5 or didn't do, but I know the possibilities. But he was
6 such a dignified man and such a ... (Pause)

7 I don't know. He congratulated me in how very well
8 presented [REDACTED]. You know, he was very
9 old-fashioned. When I became a housemaster, he said,
10 "I don't know how you can manage to do it, but I wish
11 you all the best".

12 You know, he was that kind of very old-fashioned,
13 very -- and I just knew that he wouldn't bear that.
14 I knew he wouldn't bear it. And I knew his
15 religiousness will not be enough to stop him.

16 Q. Okay. But after his death and the focus on the school,
17 by this stage you are in the house --

18 A. Mm-hmm.

19 Q. -- interest side of things?

20 A. Yeah.

21 Q. But presumably did you understand that CPC was an ever
22 more important post?

23 A. Well, absolutely. But then by that time everything had
24 become very regimented? I don't know if that's a word,
25 but structured. So if you had any concern, you had to

1 pass it on, and it was -- every time we had an INSET or
2 every time child protection always had a slot and, you
3 know, no -- how do you hold a boy if you're teaching
4 them cricket and -- you know, all -- there was a lot,
5 an array of documentation that we all had to be aware
6 of.

7 Not just the CPC, but everybody.

8 Q. Yes, child protection had grown --

9 A. Totally.

10 Q. -- and grown and grown and infiltrated, in terms of
11 paper, every aspect of life?

12 A. Yeah, and in terms of action because I mean you couldn't
13 witness a boy being on his own without passing it on.

14 You know. If a boy is someone who is sociable, suddenly
15 you see him -- you know, why is he suddenly very upset,
16 looking upset and alone and -- and you would pass it on.

17 But sometimes it would be passed on by a kitchen staff
18 that saw him in the fields, you know, and the kitchen
19 staff will be aware that -- why is he here? You know,
20 and it will pass on to the CPC, to the housemaster, to
21 everybody.

22 Q. Presumably you thought that was a good thing?

23 A. I thought it was a good thing. I thought it reached
24 a point when it wasn't a good thing.

25 Q. Why?

1 A. Because I also thought that 17- and 18-year-old boys
2 have the right to be upset without the whole world
3 knowing about it.

4 Q. All right.

5 A. They may have quarrelled with a girlfriend, they may
6 have -- you know, and I think in my experience,
7 17-year-old boys are very private and they don't
8 particularly want the world to know. So I wasn't that
9 enamoured of that complete openness. I thought it had
10 to be a bit -- something a bit more discretionary.

11 Q. But you've mentioned 17- and 18-year-old boys. I think,
12 as we know, a teacher, as you discovered, had become
13 involved with 17- and 18-year-old boys?

14 A. Uh-huh.

15 Q. So perhaps there requires to be a focus on 17- and
16 18-year-old boys --

17 A. Oh, absolutely, absolutely, but not -- yes, but it's not
18 that -- that -- the boys that got involved in this
19 particular case were the stars of the school. The great
20 rugby players, the great -- I called them "chancers".
21 Lovely guys, but chancers, you know? Not particularly
22 bright, but very good social skills, very articulate.
23 And nobody could have been worried about them, if you
24 know about what I mean, because nothing in their
25 behaviour showed distress or ... I don't know.

1 They were not in my house. I'm not defending myself
2 with that, I'm just saying that they were prefects in
3 other houses, and therefore the focus of the other
4 houses might not have been them as prefects, it may have
5 been the junior boys there.

6 Q. Yes. But I think one of the points that was -- one of
7 the lessons learned, because you talk about this in your
8 statement, we know there were policies in place about
9 teachers giving access to their own accommodation, which
10 was plainly not being followed.

11 A. Yeah.

12 Q. Was there simply a lot of assumption it would never
13 happen?

14 A. Initially there was a lot of assumption it will never
15 happen, and then when it started happening, there was
16 a policy in place that, truly, most people followed, but
17 that he or she who didn't want to didn't. So, for
18 instance, all doors will have a panel of glass. You
19 were told if you were alone with a boy, to leave the
20 door always open. You know, looking at it now you think
21 common sense type of things, you know, but if you invite
22 any boys to your private -- because remember in the --
23 in the house, in the boarding house, each housemaster
24 will have his or her flat within the boarding house, so
25 direct access to the boarding house, and the resident

1 assistant housemaster and tutor will also have their
2 accommodation within the boarding house. So -- and also
3 each of these accommodation, in order to keep an eye on
4 things, are pretty far from each other, so it's not as
5 though you can keep an eye on the other adult residents.

6 But we were all kind of adamant at making sure that
7 you do not -- basically, the remit is: be professional.
8 At all times, be professional. You are not their
9 friend, you are their support, so please be professional
10 and make sure that you are.

11 Q. But I think from what we know from your statement, you
12 had had concerns, for example, about the manner of dress
13 that this particular teacher --

14 A. Absolutely, absolutely.

15 Q. -- chose.

16 A. And that was from the beginning -- and it's such a --
17 it's such a difficult thing to mention, a difficult
18 thing to -- you know when you get a gut feeling that you
19 think this is wrong, this is just not professional, this
20 is not -- but then I asked -- look, does Merchiston have
21 a code, a dress code? And the dress code is defined as
22 the professional dress code. Okay, but what is the
23 professional dress code? Can you please itemise it?
24 Even if it means being reminded, I don't mind, just
25 itemise it, make sure that you make it clear to people

1 what is expected of a Merchiston professional.

2 But this person just -- I mean it's -- it wasn't her
3 fault that she had very big things and --

4 LADY SMITH: Breasts?

5 A. Breasts, sorry. Yes.

6 LADY SMITH: It's all right.

7 A. It wasn't her fault that she was rather tall and rather
8 Amazonian looking, but it was her choice to use very
9 tight-fitting clothing and revealing clothing.

10 Just -- to be quite honest, I thought in my
11 genuineness, in my thought, that she wanted to attract
12 other male members of staff, okay, because she was
13 single and probably desperate and she wanted that, and
14 I understand it. But I just -- as a CPC, I think -- no,
15 I was already an assistant housemaster, I was already in
16 the house, and I remember going to speak to her and
17 saying, "Please, you have to tone it down, this is just
18 ..." Because I did speak to his head of department and
19 he said:

20 "Sorry, I'm going to be accused of sexist, I'm not
21 going there, I'm sorry. I know, I understand what
22 you're saying, I agree with you, but I'm not touching
23 it, I'm just going -- don't wish to burn myself with
24 that one."

25 So I decided to do it myself, and I went to speak to

1 her and I said, "Look", you know, and she gave me the
2 big tears and, "This is me, I have to be myself, if I'm
3 not myself, what is the point and ..."

4 So I left thinking: What do I do? You know, it's
5 just a -- it was very difficult. I mean, it's very
6 difficult when you're in a situation where you see
7 something but you don't even know what it is you're
8 seeing. If you know what I mean? You see
9 an incongruity, you see something that doesn't seem
10 right, but ... what do you do?

11 Q. But I think as you say in paragraph 104 on page 19, you
12 were aware that boys were --

13 A. Yeah.

14 Q. -- freely coming and going to her flat, borrowing DVDs,
15 watching TV --

16 A. I told her that, yeah. And I think that from that point
17 on she made sure that she left the door open in her
18 flat, okay? That's all I know.

19 But then I wasn't her housemaster. Had I been her
20 housemaster -- I was her then line manager, but
21 I wasn't. [REDACTED]

22 Q. Did you speak to the CPC about it?

23 A. Oh yes, of course. But being male, "Oh, sexism,
24 sexism".

25 Q. Okay. I think that teacher [REDACTED]

1 A. Yes.

2 Q. Were you surprised at that?

3 A. More like shocked.

4 Q. Do you know anything about the appointment?

5 A. I have no idea. I was never consulted. But not that

6 I should be. I was never into the discussion about it.

7 I ... bizarre idea that she could be. I personally feel

8 that it needs to be someone -- not just because I felt

9 she was inappropriate, but I think [REDACTED] should be

10 someone who had a bit more experience of life, a bit

11 more of a -- grown up, mature, so that they can deal

12 with all kinds of situations, and that I felt wasn't the

13 case with her, let alone everything that then

14 subsequently emerged, at the time.

15 Q. The appointment, I take it, was made by the headmaster?

16 A. Yeah.

17 Q. Perhaps he's the person to ask.

18 A. But I think, as I said on other occasions, she looks

19 very good on paper. On paper, she's a very able, very

20 talented, very articulate lady who can -- who's very

21 intelligent, so she can absorb documentations very

22 easily, and in fact, as far as I understand it, when we

23 had all the [REDACTED]

24 [REDACTED] the [REDACTED] team was quite

25 impressed with her.

1 So at that point is when I said, oh, okay, I -- you
2 know, I cannot go over the inspectorate. If they are
3 very happy, who am I?
4 Q. Okay. That episode was right at the tail end of your
5 career?
6 A. It ended my career.
7 Q. Had you had enough because of that?
8 A. I cannot say it was just that. I felt that that was
9 the -- the proverbial straw. It was other factors,
10 personal factors, but I just -- ah, it was horrid, it
11 was horrid, it was absolutely horrid. I was the one who
12 discovered it and I hate it. When things happen to me,
13 I just think why, why do I have to discover this?
14 I didn't want to discover it, I really didn't, but the
15 boys showed it to me.
16 Q. How long after did you retire?
17 A. That year. At the end of that year.
18 Q. All right.
19 A. Sorry, years for me mean academic years.
20 Q. Yes, I understand that.
21 A. Yeah.
22 Q. But you've obviously, from some of the comments you've
23 made, continued to think about what should be in place?
24 A. I -- I -- I do think about it. I do think about it,
25 because obviously it's an interesting exercise for me

1 with hindsight to look over the whole period and the
2 development within the school, and I know -- I know that
3 the structures are now there very solidly in place, but
4 I feel that clearer independence between the CPC
5 appointment and the school needs to be reinforced,
6 probably by law or by the inspectorate or by someone,
7 but you cannot be -- I know that they say ultimately the
8 responsible person is the headmaster, but the headmaster
9 can throw that at you as a CPC and say, "Well, but this
10 is my decision", and then you are there thinking, "Oh,
11 so what do I do then?"

12 So it has to be -- I think there is a conflict there
13 between what the CPC can do in terms of exposing
14 something, say, and the interests of the school at
15 large, and I think that is not -- is not healthy, is not
16 healthy.

17 Q. There is a tension?

18 A. Exactly. And it shouldn't be. It should be
19 a collaborative, really, but the truth is the day-to-day
20 business has to be taken into account as well, so it's
21 not -- it's not easy. It's not easy to create that
22 independence.

23 Q. Although, from what you were saying, what you really
24 appreciated was the ability to go to someone who was
25 independent for advice?

1 A. Absolutely -- no, for advice, yes, but it's also to
2 pursue the matter by other avenue that is not the
3 headmaster. You see what I mean?

4 Q. Yes.

5 A. Because I think that -- I mean in a way at the end of
6 the day is he going to sack you? I don't know, that
7 kind of thing is always there, isn't it? I don't know.
8 It never happened to me because I sadly -- as I say --
9 I just ... when the last thing happened, I just ...
10 I just thought, "Oh, that's enough, thank you, that's
11 enough".

12 Q. You've mentioned the inspectorate and engaging with
13 them. You liked inspections?

14 A. I loved it.

15 Q. Why did you love inspections?

16 A. Obviously because they went very well for me. I'm not
17 being silly, but also because they reinforced my
18 understanding of how things had to be done or should be
19 done or how the boys should be encouraged and how the
20 boys should be listened to and I just felt they --
21 they -- they saw me, if you know what I mean by that,
22 and I understood. They only want the best for the
23 school anyhow. It's not as though they are in
24 a different camp, you know, and I just think that it was
25 brilliant to have them doing what they wanted to do.

1 I mean, they will want to speak to random boys in
2 the day room and I would be delighted: go, take them
3 aside and speak to them. But it was good for me to have
4 the reinforcement from the boys via the inspector, you
5 know? It was brilliant. It was an ego trip for me.

6 Q. But is there anything from a teacher's point of view
7 that the inspectorate could do better?

8 A. No idea. The big inspection that I felt was wrong on so
9 many levels was the one that came after JRB. I felt
10 that inspection was a bit too -- a bit overkill, a bit
11 of an overkill and trying to get things -- the boys were
12 very cross. That was very funny. The boys were very
13 cross, because they seemed to really want the boys to
14 say something negative about the school willy-nilly, you
15 know, and the boys -- and it's silly, that's stupid
16 because that's not the way you do things. If you want
17 boys to say something negative about something, you
18 don't insist that they say something negative. You kind
19 of go via other areas and then if there is anything
20 there, it will come out.

21 So they felt very defensive against them and
22 I thought that was very unclever of them to create that
23 atmosphere.

24 What they could do better? I think the contact with
25 the school should be not so big deal, more constant, and

1 just touching -- you know what I mean? Just go in one
2 day and say, "Hey, today I'm going to watch all the
3 lessons of form 2", and see what happens. You know,
4 just be ad hoc but without an overkill, without, "Oh,
5 there's an inspection coming", which I think is just
6 paperwork. Sorry, it's paperwork.

7 Q. Paragraph 120, you say:

8 "I personally learned that no balanced individual
9 offers his time and work for nothing. If it appears too
10 good to be true, then it is."

11 A. I'm a great believer in that. I'm a great believer.

12 Sorry.

13 Q. Were you thinking of anyone in particular?

14 A. Oh yes. I was. I, yes, was -- sorry, there was someone
15 who came for an interview and he was an amazing, amazing
16 candidate, Oxbridge educated, private school, fraud, and
17 he was brilliant, absolutely brilliant. Articulate,
18 organised, fantastic, fantastic. And the school was in
19 love with this person absolutely. And he wanted to do
20 this and he wanted to do that and he wanted to be my
21 assistant housemaster and I insisted that I had to see
22 him in action in the house before I committed myself to
23 accepting that.

24 And yes indeed he came and I just thought ... this
25 is not on. This is not on. I mean, imagine you are

1 a professional teacher, a man -- sorry, he was a man.
2 A man with certain academic kudos, I mean a strong
3 academic persona. You don't present yourself to a house
4 meeting in shorts and lounge -- sorry, to me that
5 screamed bells. I just thought: what is he doing? You
6 know, I don't go in my nightie to the house meetings,
7 even when they are at 6.00 in the morning. I don't.
8 I mean, you never do. So how come this gentleman, that
9 had never met the house before, never met me before,
10 comes to this -- sorry. I just thought -- sorry, this
11 is -- if he does that when he doesn't know anybody, what
12 is he going to do when he knows us all well?

13 And I expressed my -- my -- my feelings as clearly
14 as you can imagine, me being Spanish and all, to
15 everybody that will hear me, and he was appointed. But
16 sadly -- not sadly -- he never reached to get the
17 position, because a scandal was discovered in his
18 previous school.

19 You see? And to me it's just that -- no. No.
20 People want to be paid for what they're worth and for
21 what they work, and if they want to be a special tutor
22 in art history and take the kids to the museums because
23 they really enjoy art, then you pay them an extra
24 allowance for being in charge of art education. But if
25 someone suddenly says, "Oh no, I'll do that", you have

1 to think why?

2 Sorry. This is me being cynical, but that is

3 what -- sorry. That is what I think.

4 Q. Perhaps a CPC should be cynical.

5 A. Maybe. Maybe. Helps a lot to be cynical, yeah.

6 Q. Is there anything else you would like to add?

7 A. Can I ask something very simple: what is the point of

8 this?

9 MR BROWN: Shall I answer or would you like to answer,

10 Lady Smith?

11 LADY SMITH: You first.

12 MR BROWN: There are a number of purposes for this Inquiry.

13 Firstly, to allow people to be heard and to have

14 their experiences recorded and those records kept.

15 And I think, thinking of what we've been talking

16 about for the last little while, things that can be done

17 better still. Recognising that there's been significant

18 change as you've described --

19 A. Oh yeah.

20 Q. -- in the 30 years that you taught, and that's why I was

21 asking: what would you change now?

22 A. Yeah. Okay.

23 Q. Is there anything else you think should be changed?

24 A. No, I would say that the degree of independence would

25 be -- and a -- and maybe a counselling body outwith the

1 school that is there to support. In a way, a bit like
2 the Amethyst group, the police group was. Something
3 like that I think might be a very good avenue, you know,
4 to give support to the CPCs.

5 Q. And schools generally?

6 A. Well, generally, but -- and to the school as well.

7 Q. And, from what you've been saying, given your experience
8 as a CPC, transparency about what people have done --

9 A. Oh well, the access --

10 Q. -- or as happened in the past --

11 A. Access, access, yes, access. But I presume that that is
12 now okay. I don't talk about that, but I guess now --
13 I have the suspicion -- I have the vague memory that
14 my -- the person who did it after me did get access to
15 all the staff files.

16 Q. But whether it's staff files or anything else, there has
17 to be transparency?

18 A. I know, I know. I say staff files, it was something
19 I mentioned that I didn't have access to.

20 Q. Yes.

21 LADY SMITH: Victoria, let me help you in two ways to
22 understand what this is all about. The technical, if
23 you like, academic way is to read the terms of reference
24 for this public inquiry, which you'll find on our
25 website. Those are set by a government minister, who is

1 persuaded that there's a matter of such public concern
2 that it has to be investigated and looked into by a body
3 that is independent of government. That's the technical
4 answer.

5 If you like, you also need to understand that, as
6 Mr Brown has explained, we are listening to people
7 telling us about having been abused as children in care,
8 and that can be any form of care, whether in a boarding
9 school, in a children's home, foster care we'll be
10 moving onto, secure care for children, anywhere where
11 they're not living at home and others are caring for
12 them, and these are people who are telling us about
13 what's happened within living memory. In fact, the
14 earliest account I have of abuse is about 1916, which
15 was given to us by a daughter of somebody who was abused
16 in care.

17 We've also been looking at the child migration
18 programme --

19 A. Oh gosh.

20 LADY SMITH: -- the history of which, of course, goes back
21 to the late 19th Century, gathering together very
22 important evidence about bad things happening to
23 children, abusive things happening to children.

24 Why? Because if societies do not face up to their
25 past and the bad things that happened in the past,

1 societies are condemned to repeat them.

2 So that's one aspect of it. But, of course, the
3 other aspect is we're all the time looking to see
4 whether there were systems in place to protect children
5 or not. If there were, how it was those systems failed
6 and what the failures were. If there weren't, what
7 systems there should have been and need to be for the
8 future, and make recommendations about any changes in
9 practices and procedures. Including whether there needs
10 to be fresh legislation to protect children for now and
11 for the future.

12 A. Mm-hmm.

13 LADY SMITH: Does that help?

14 A. Okay. Yeah, yeah, yeah, it helps, it helps.

15 I must say, one thing I would add is that the
16 30 years I worked at Merchiston, I was extremely happy.
17 Boys were our concern. I mean, we would -- when a boy
18 was in trouble ... the kerfuffle it was, you know?
19 Because even when a boy was going -- about to be
20 expelled, you will have people who will be in favour,
21 people who will be against and there will be
22 a discussion and why would you defend it, tell us
23 something -- and the headmaster will have people coming
24 and saying, you know, "I'm supporting this request for
25 him to stay because this, this, this, this", or not

1 because of this, this -- I mean, sorry, but a boy has
2 a toothache and the whole -- you know, makes sure that
3 he has his painkillers.

4 There was a boy who was anorexic. That was
5 terrible. You know, through the history of that, every
6 time there was a boy with a problem -- I mean, there was
7 a -- this is a very long time ago when the troubles in
8 Northern Ireland still were there. There was a boy
9 whose grandparents were bombed by the IRA and nobody had
10 told the school or the boy and he was watching the news
11 in the house when he suddenly realised that was his
12 grandparents' house and he was -- they were being taken
13 out in plastic bags. You know, and then the school had
14 to suddenly go and be there for him.

15 It's so many different things that you think -- when
16 JRB committed suicide, the boys, oh my gosh, the number
17 of 17-, 18-year-old boys I had crying, upset, because of
18 what had happened to him. You know, I mean it was ...
19 I felt it was a very rewarding job.

20 LADY SMITH: Victoria, thank you for that.

21 A. Not at all.

22 LADY SMITH: And be assured I have been hearing evidence
23 throughout this Inquiry about positive experiences that
24 people had as children, as well as the negative ones,
25 and it's important --

1 A. Yes, absolutely.

2 LADY SMITH: -- to see where each fits and how it was that
3 an organisation may have delivered good care for some
4 people but not for others.

5 A. Yeah.

6 LADY SMITH: Let me finish by just thanking you for
7 everything you've given us --

8 A. Not at all.

9 LADY SMITH: -- both in terms of your written statement and
10 by coming here and talking as clearly and fully as you
11 have done, it really has helped me improve my
12 understanding of Merchiston.

13 A. Thank you.

14 LADY SMITH: I'm pleased to be able to let you go, you're
15 free for the rest of the day.

16 A. Great, thank you very much.

17 LADY SMITH: Thank you.

18 (The witness withdrew)

19 LADY SMITH: Mr Brown.

20 MR BROWN: My Lady.

21 LADY SMITH: Time for the morning break?

22 MR BROWN: Time for the morning break and the second live
23 witness I'm sure is here and will, I think, be a little
24 shorter.

25 LADY SMITH: Thank you.

1 (11.51 am)

2 (A short break)

3 (12.14 pm)

4 LADY SMITH: Mr Brown.

5 MR BROWN: My Lady, the next witness is 'Robert'.

6 LADY SMITH: Thank you.

7 'Robert' (affirmed)

8 LADY SMITH: A couple of things before we begin your
9 evidence, 'Robert'. Please make sure you use the
10 microphone, it's a big room and also the stenographers
11 need to hear you through the sound system.

12 You've opened the red folder, well done. That has
13 a hard copy of your statement in it, if you want to use
14 that at all. We'll also put it up on the screen for you
15 if you find that easier. You don't need to use either
16 if you don't want to. It's a matter for you.

17 If you have any questions or concerns during your
18 evidence, please let me know. You're not being rude by
19 interrupting. It's important that you let me do
20 anything I can to try and make the experience of giving
21 evidence as comfortable as possible for you.

22 A. (Witness nods)

23 LADY SMITH: If you have no questions at the moment, I'll
24 hand over to Mr Brown and he'll take it from there. Is
25 that okay?

1 A. Thank you.

2 LADY SMITH: Mr Brown.

3 Questions from Mr Brown

4 MR BROWN: My Lady, thank you.

5 'Robert', hello again. You have the statement in
6 front of you, it has a reference number WIT-1-000000502.
7 As we can see, both on screen and in paper form, it runs
8 to 33 pages. That's appearing on the screen in front of
9 you. You signed the statement on 9 November 2020?

10 A. (Witness nods)

11 Q. We see from the last paragraph that when you signed it
12 the last thing you'll have read was:

13 "I have no objection to my witness statement being
14 published as part of the evidence to the Inquiry.
15 I believe the facts stated in this witness statement are
16 true."

17 And that's correct?

18 A. Yes.

19 Q. You are now 41?

20 A. Yeah.

21 Q. Your connection or interest to the Inquiry is that you
22 taught at Merchiston between 2001 and 2005?

23 A. Correct.

24 Q. Your background is set out and we can read the detail of
25 it, but what is striking, perhaps, is that you were at

1 university until June 2001, when you are still 20 years
2 old?

3 A. Yes.

4 Q. And within two months, you're at Merchiston.

5 A. Yeah.

6 Q. I think, as we know from the statement, you started [REDACTED]
7 [REDACTED] after your 21st birthday?

8 A. That's right.

9 Q. I think it's fair to say that when you graduated, the
10 idea of Merchiston wasn't in your head?

11 A. No.

12 Q. Things happened very quickly?

13 A. Very quickly.

14 Q. And, as you say, you hadn't worked out a career path
15 during your time at university. I think you had
16 probably in your mind, given the totality of your
17 statement, a direction which you ultimately followed?

18 A. Yeah.

19 Q. But, because of connections, you receive a letter from
20 a senior teacher at Merchiston, because they're looking
21 for a teacher and you might fit the bill?

22 A. (Witness nods)

23 Q. Is that a fair summary?

24 A. Yes, that's right.

25 Q. So you go for interview and get the job?

1 A. Yes. When I received the advertisement, I looked at it,
2 thought it was something that I could potentially do and
3 when I wrote the -- it was just requiring a letter and
4 a CV, so I thought that's very manageable to do, and
5 I thought it would take quite a while for anything to
6 come of this. I'd never applied for a job before, never
7 had an interview for a job before.

8 Q. I think in fairness, I'm sorry, it's my fault, I was
9 misrepresenting. You obviously knew of the job before
10 you graduated?

11 A. Yes.

12 Q. Because this all took place in January. Sorry, my
13 confusion, when you certainly are 20. You set out --
14 you have just said you thought it would take some time,
15 but in fact you send your -- looking at paragraph 3 --
16 CV with covering letter and very quickly you're summoned
17 for interview?

18 A. Within two days.

19 Q. This was your first experience of Scotland and it was
20 snowing?

21 A. Yeah. I came up for 36 hours, I think, and it was
22 a very rapid process.

23 Q. You set out the process in paragraph 4. Arriving Monday
24 night, Tuesday was a really full-on day. You meet
25 Andrew Hunter the headmaster, deputy head, heads of

1 department and deputy heads of department, there's
2 a tour of the school, you teach a lesson.

3 A. (Witness nods)

4 Q. You had had some experience, it would seem, of teaching
5 when you were at university?

6 A. I wouldn't say it was teaching. It was more I went in
7 as a support [REDACTED] kind of thing. There was a nearby
8 primary school that they had been looking for [REDACTED]
9 buddies from the university, and we'd go in and it was
10 generally with problem students or students that needed
11 a little bit more individual attention and you would
12 just go [REDACTED]. That was it.

13 Q. So that was your experience --

14 A. That was my experience.

15 Q. Other than your own schooling?

16 A. Yeah.

17 Q. As you say, one gets the sense you're slightly puzzled
18 because it's Valentine's Day and you're phoned after
19 10 o'clock at night by the headmaster to tell you you
20 have got the job?

21 A. Yes. The interview happened about the end of January
22 and I know two weeks went by and every couple of days
23 I was getting a call from the headmaster's secretary to
24 say, "Just to let you know, the head's interviewing for
25 several different jobs and he's going to decide on all

1 of them at the end, so he will let you know", and in my
2 head I was, "Please, take all the time you want, I don't
3 need a quick response", and then it was 14 February at
4 about 10.15, I'd just come out of somewhere and my phone
5 was on silent and I saw it flashing and answered it and
6 it was the head offering me the job.

7 Q. I think, as your statement says, you'd just come out of
8 a theatre show?

9 A. Yes.

10 Q. From what you say, it's recognised it's perhaps a little
11 bit late in the evening and you agree to speak the
12 following morning?

13 A. Yeah.

14 Q. To be clear, you were being interviewed for a teaching
15 post?

16 A. Yes.

17 Q. But I think, as we see from paragraph 5, the foot, there
18 is a subsequent call at 9.30 the next and the specifics
19 of the job are then discussed in more detail?

20 A. Yes.

21 Q. From what you have said, we should understand that it's
22 at that point that you discover there's possibly more to
23 it than just teaching, there's also house
24 responsibility?

25 A. Yes. Before that, there'd been talk of extracurricular

1 activities and involvement in that, but it was during
2 this phone call that it then went, "And maybe we could
3 look at providing you with accommodation as well, which
4 would mean this", and it just kind of spiralled as we
5 went on with more and more information about what would
6 be required or asked/being given in this one phone call.

7 Q. I think then, for completeness, there's recognition that
8 there's quite a lot to think about?

9 A. Yes.

10 Q. So you were given until 4 o'clock that day to come to
11 a --

12 A. That's right. I remember across this call, as more and
13 more details came in of what it was requiring, this
14 growing sense of panic in me, and I was just about to
15 ask for time to think about it when he said, "I know
16 this is a big decision and you'll need time to think
17 about it", and I remember the relief at that point and
18 going, "Thank you so much, when would you like me to let
19 you know by?" And he said, "4 pm".

20 Q. And you said yes?

21 A. Yeah.

22 Q. Forgive me, but you have a beard, you're 41, but you're
23 quite a young-looking 41, some might say.

24 A. (Witness nods)

25 Q. When you were 20 or 21, did you have the beard?

1 A. No. The beard is an addition of the last two years.
2 And I was quite fresh-faced.

3 Q. Were you concerned about going into -- this is secondary
4 teaching.

5 A. Yeah.

6 Q. Senior school. You would be 20/21 when you start and
7 potentially, I suppose, teaching 18 or even
8 19-year-olds, given the A-level syllabus.

9 A. Mm-hmm.

10 Q. Was that a matter of concern to you?

11 A. It was very daunting as a thought, and -- and I remember
12 being relieved that when I got my timetable I didn't
13 have an upper sixth year, I had a lower sixth year, so
14 at least that gave a buffer of one more year. But even
15 with that in place, with everything else that was part
16 of working in that school, I would still work
17 essentially -- not teaching, but having to lead or
18 educate in extracurricular stuff or in house matters
19 with students that were 18.

20 Q. Can I take it you were the youngest teacher at
21 Merchiston?

22 A. I was, for my entire four years there.

23 Q. This is not a memory test, but do you remember what age
24 the next --

25 A. There was one teacher who was one year older than me,

1 who joined at the same time, who had gone through
2 a teacher training course, and then across -- after that
3 it was a jump of a few years. In my first couple of
4 years, a few other teachers of a similar age joined, but
5 I was still the youngest all the way through.

6 Q. I think we've heard that gap year students are used in
7 schools, were they used in Merchiston?

8 A. They were, from New Zealand or Australia. I think there
9 were two or three that came over each time, and on my --
10 my first day, I was standing with the housemaster I was
11 working with and one of the -- and the first parent
12 arrived and asked if I was one of the gap year students.

13 Q. Had that been canvassed at interview, the fact you were
14 so young?

15 A. I don't remember it being at all.

16 Q. All right. You talk about going up to Merchiston for
17 a couple of days prior to term starting.

18 A. Yeah.

19 Q. By way of introduction and induction; is that fair?

20 A. Yes.

21 Q. I think that was in the last week of June 2001?

22 A. Yeah.

23 Q. So that will be just after you finished university?

24 A. Yes.

25 Q. Pre-graduation?

1 A. Not graduated yet.

2 Q. All right.

3 A. So finished the course, finished my exams. I can't --

4 I think I may -- no, I didn't have my exam results

5 either by that point.

6 Q. Okay.

7 A. But came up for two days as a sort of induction to meet

8 more of the staff that I'd be working with, find out

9 more exactly about what I'd be doing.

10 Q. As part of that, were you issued with a policy manual?

11 A. Yes.

12 Q. Was it a substantial document?

13 A. It was an arch file that was quite thick.

14 Q. Did you read it?

15 A. Yes. It was the -- I remember thinking this is the only

16 thing I've got to go on, essentially. I've got to know

17 what's in this and have it -- and I'm pretty sure that

18 in my first term as I was getting used to things I would

19 refer to it from time to time to see what does it say

20 here, because that was the information.

21 Q. What about the two-day induction course? Did you learn

22 a lot that was useful or was it --

23 A. It was more logistics. I know that I found out my

24 timetable in that time and had a meeting with the head

25 of department to discuss exactly what I would choose to

1 teach within those classes. In that time I met the
2 housemaster that I would be working with. I saw the
3 flat that I would live in. But each thing was very
4 brief, and it was all centred around, "This is ...
5 you'll be doing this so you need to know this", kind of
6 thing, and none of it was about actual -- the workings
7 of the school or the -- any methods behind that,
8 I guess.

9 Q. Right. You're talking about the academic side --
10 A. Yes.

11 Q. -- what you're employed to do as a teacher.
12 A. Yeah, essentially what I was employed to do, without
13 anything of what that effectively meant.

14 Q. Right. But in terms of you're living in a house?
15 A. Mm-hmm.

16 Q. Which house?
17 A. It was Rogerson West -- no -- yes -- no, that's my
18 second one. Chalmers West first.

19 Q. I think we know that that's for the first year intake,
20 13/14-year-olds?
21 A. Yes.

22 Q. Your function in the house was to be what?
23 A. It was called a resident tutor at the beginning, and it
24 was there to live in and support the housemaster is
25 I think how it was defined at the beginning. In one

1 sense I think it was slightly up to the housemaster to
2 decide exactly how that worked, but you would be there
3 specifically -- each house had five or six tutors, but
4 you would be there permanently, living in and being
5 around more than the other tutors, particularly over
6 weekends and evenings.

7 Q. You would occasionally cover for the housemaster?

8 A. Yes.

9 Q. You said it was very much down to the housemaster --

10 A. Yes.

11 Q. -- within the house, they are the top of the tree --

12 A. Yeah.

13 Q. -- and what he or she decided would be the way it
14 worked, I take it?

15 A. Across my time I worked with three housemasters and each
16 one was quite different in their workings of things. At
17 the worst side of it, there would -- one housemaster,
18 there would be times that on a weekend I would actually
19 be going out in the middle of the day into town or
20 something, I'd come downstairs and discover that my name
21 was up on the board as the person in charge at the time,
22 which I didn't know that I was supposed to be on duty
23 then because no one had -- there wasn't a rota as such.

24 With other housemasters it was -- there was more of
25 a system and it was developed, but there were definitely

1 occasions where suddenly I'll go, "Oh, apparently I'm in
2 charge right now".

3 Q. Did you receive any formal training as to how you were
4 to act as house tutor?

5 A. Not at the beginning, no. No. It was -- I remember in
6 the first -- in my first week of being up there, it was
7 kind of decided that I wouldn't be on duty by myself for
8 about a week so that I could effectively shadow or
9 follow the workings of it to kind of see what was
10 involved, and then across that time it sort of slowly
11 the housemaster would sort of retreat, leaving -- until
12 we got to a point where, "Okay, now you're in charge
13 tonight and on duty".

14 Q. So you were learning on the job by shadowing?

15 A. Yeah.

16 Q. When you were finally let loose, what were you expected
17 to do? What did being in charge of Chalmers West
18 entail?

19 A. You were sort of there as, I guess, the chief authority
20 at that time. If there were a problem, the pupils would
21 come to you to sort it out. If there were phone calls,
22 if -- if there was a fire alarm, then you would be the
23 person taking charge of that.

24 The rotation of duties amongst the five or six
25 tutors used to be specifically for the evening slots,

1 which would be -- there'd be a period of homework time
2 and so you would be sort of supervising that, making
3 sure that the pupils were working and so on, and then,
4 particularly in Chalmers West, as the pupils were
5 younger, there would probably be some kind of activity
6 after that, which might be -- they might be going
7 swimming there, there might be a movie night or
8 something, so you would have some kind of activity to
9 look at as well.

10 When I was in an older boarding house that bit
11 wasn't so applicable, because they could kind of cater
12 for themselves, but that meant you had to be more on the
13 lookout of things because they -- it wasn't like all of
14 them were in one place as such.

15 So a lot of the time, if you were on duty in the
16 evening it was about wandering around the house and just
17 keeping an eye on things.

18 Q. Were you proactive with the pupils of the house?

19 A. Yes. I -- I used to think that I taught a very small
20 section of that year group, and so actually being in the
21 house was a time that you could get to know the other
22 pupils as well and so that you were -- you would be able
23 to support anyone in that house, and so it was a good
24 way of getting to know your year group, as such.

25 Q. Obviously we have an interest in child protection

1 matters.

2 A. (Witness nods)

3 Q. Thinking of your first term at Merchiston, you're
4 finding your way, where did child protection fit into
5 your learning?

6 A. There was a section in the policy book, I remember, and
7 I know that at different points -- so at the beginning
8 of every year there would be two days of INSET training,
9 which would generally have the format of -- there'd be
10 a whole staff meeting, a head of -- a department
11 meeting, a house meeting, and I think there was usually
12 one session, maybe two, that was a -- sort of an area of
13 something, and we definitely had a child protection
14 session at some point, but I'm not sure if that was my
15 first term, my third term, my fifth term, I don't know.
16 A lot of it, I think, was for -- well, essentially it
17 was from reading that page in the policy document and
18 from talking to the housemaster and gaining what I could
19 from observing other people.

20 Q. I think we see at paragraph 71 on page 19 you say:

21 "If a child wanted to speak to an adult about any
22 concern they had, they could talk to Mrs Prini-Garcia,
23 who was the head of child protection."

24 A. Mm-hmm.

25 Q. Was that something that was understood by the boys in

1 the house?

2 A. I think so. I know that every term everyone, pupils and
3 staff, got a term calendar, a little booklet or so on,
4 and it had a full list of staff at the beginning, and it
5 definitely listed the two of them with those roles
6 there, and I think -- I know that there was a payphone
7 and I'm pretty certain there was a Childline number next
8 to it as well, as another point of contact for people.
9 But I definitely think it was widely known amongst
10 everyone that there was a child protection officer and
11 a deputy and who they were.

12 Q. All right. But in the house setting, if you were on
13 duty, were you expecting the boys in the house to come
14 to speak to you about problems or was that something --

15 A. It was definitely part of it. And that could be
16 something very minor in the way of adolescence or it
17 could be a much bigger thing across my time. One pupil
18 had a brain tumour himself, which was diagnosed quite
19 suddenly, and that led to some of his peers wanting to
20 talk about that. Another time, different pupils had
21 parents pass away. So it was a real mix of things.
22 Sometimes there would be some -- you would have a pupil
23 experiencing quite a major life event and other times it
24 might be a very simple squabble between two people.

25 Q. These situations, which could be thrown up, I suppose,

1 at any time, did you feel you were trained to deal with?

2 A. Not trained as such. I thought it's kind of a --

3 I think I had the thought you can't prepare for every
4 eventuality, so you see what happens, and if I'm not
5 sure, then I can talk to the housemaster about this is
6 the next step.

7 I remember early on, because I remember this staying
8 with me, I think it was from one of those child
9 protection sessions, that if a pupil comes to you to
10 talk about something, you can't guarantee them
11 confidentiality, you have to say that to them.
12 I remember that as a definite guiding principle kind of
13 thing and that always stayed with me.

14 Q. Had you had previous experience of boarding schools?

15 A. No. None.

16 Q. What was your sense of Merchiston in terms of ethos when
17 you arrived?

18 A. I think there was a -- generally quite a strong sense of
19 camaraderie between the boys and a -- and they were all
20 very pleasant pupils. A good atmosphere amongst them.

21 It was a very macho, male-oriented place. Sport was
22 very important, and particularly rugby, and would
23 dominate most proceedings, most policies, most things
24 revolved around that.

25 Q. It was a very macho culture.

1 A. Yes.

2 Q. I think as we know from your statement, in terms of your
3 own sexuality, at that time it wasn't clear to those
4 around you --

5 A. Yes.

6 Q. -- and perhaps not absolutely clear to you at that point
7 publicly where you stood?

8 A. Yes.

9 Q. Was that sort of a culture where you were disinclined to
10 share your sexuality?

11 A. Definitely.

12 Q. Why was that?

13 A. I didn't think it would be a welcoming place to it.
14 I didn't think it would be a supportive place.
15 I thought it would be viewed with suspicion and I -- and
16 there was enough -- there was a sort of regular banter
17 amongst both pupils and staff which very much was framed
18 in ways where it talked about it derogatorily and was
19 definitely a place that I wouldn't have felt comfortable
20 to broadcast -- or not even broadcast, just say it.

21 I didn't feel it had anything to do with what I did
22 there as a job and that's why I didn't do it.

23 I also had -- when I was at university, after I got
24 the job, I discovered that a friend of mine had actually
25 been to Merchiston and when -- in the couple of months

1 before I started -- he was talking to me about his
2 experience there and told me a story about a teacher
3 that was still present all the way through my time there
4 who had been ... who had given an assembly to the whole
5 school and during which had made a bit of an attack on
6 homosexuality and used some particular metaphors to
7 describe it as essentially a way of destroying society.
8 And my friend, who was a straight person but had been so
9 outraged that they had walked out of that assembly. And
10 knowing that, that kind of strengthened my thoughts.

11 Q. Two parts to that.

12 Pupils, was it used as a term of abuse?

13 A. Yes.

14 Q. "Gay"?

15 A. Yes.

16 Q. This is 2001, it's still being --

17 A. Yeah.

18 Q. Because we have heard of it before. But you mentioned
19 about some staff?

20 A. Yes. Because of the -- the nature of the atmosphere
21 around -- there was -- it was just a lot of jokes, again
22 some mild insults that -- it was just commonplace,
23 and -- and it was particularly some -- that made it
24 particularly somewhere that I didn't feel comfortable in
25 having that -- it's not to say that it was a complete

1 secret at all. There were a couple of people who were
2 very good friends of mine that knew, but that was very
3 carefully chosen, as such.

4 Q. One of the things you point out about abuse -- and this
5 is paragraph 73 -- you say halfway through that
6 paragraph:

7 "Because the school covered from 8 to 18 years old,
8 we had to be aware of the differences in children of
9 different ages and the way we spoke to the younger
10 children was different from the way we spoke to older
11 children."

12 A. (Witness nods)

13 Q. It makes sense.

14 "I can remember talking about the use of sarcasm and
15 how to avoid that."

16 A. Yes.

17 Q. Did you feel that sarcasm was a common use --

18 A. I think it was, yes. That definitely came in -- there
19 was an outside person talking about child protection in
20 one of those early INSET days at the beginning of term.
21 Again, I couldn't tell you which year this came in, but
22 I remember one of the points that she made was
23 specifically that, and that particularly at the younger
24 end pupils are very likely to take you at your word and
25 wouldn't necessarily have that distinction, and so to be

1 really mindful of the language that you used or how you
2 framed something.

3 Q. Did you think, viewing the staffroom, that that was
4 a necessary instruction?

5 A. I don't think that was fully applied within the
6 staffroom, no.

7 Q. Was it learnt?

8 A. Was it?

9 Q. They were being presumably taught this?

10 A. Yes.

11 Q. Did they accept it, some of the teachers?

12 A. I think it was -- it was very much a sort of laddish
13 culture there amongst the staffroom.

14 Q. Yes.

15 A. And that -- and that would filter down a little bit
16 through the school.

17 Q. Was the tone of the school somewhat derogatory?

18 A. Yes.

19 Q. It's laddish culture --

20 A. Yes.

21 Q. -- banter --

22 A. Mm-hmm.

23 Q. -- was the norm.

24 A. Yeah.

25 Q. Could the banter be cruel?

1 A. Mm.

2 Q. Did you see pupils who were upset by what staff were
3 saying to them?

4 A. Yes, I'm not sure if I ever sort of saw a particular --
5 don't know of anyone necessarily being upset by things,
6 but I do remember one -- I think this was near the end
7 of my time there was a little group of my tutees
8 together and one of them used "gay" as an insult at that
9 time, and I knew that one of them in that circle's older
10 brother had come out a couple of months before. I don't
11 think anyone else in that circle knew. I didn't know
12 whether that boy in question knew, but I remember saying
13 to them, "You should think about what you say, because
14 you have no idea who you may be affecting, whether it's
15 someone specifically or a relation of someone", and they
16 hadn't -- that hadn't really been a thing before.

17 Q. Okay. We touched on the ages of staff, presumably
18 within a common room there are obviously more
19 traditional teachers who have been there for decades?

20 A. Yes.

21 Q. Was that common?

22 A. Yes. There was a real -- there was quite a -- it sort
23 of felt like the common room divided into three-quarters
24 and another quarter. Three-quarters had been there for
25 a very long time and the other quarter was almost quite

1 transient, it would change quite a lot.

2 Q. What about leadership from the top? The headmaster who

3 appointed you, Andrew Hunter?

4 A. He was there all the way through my time.

5 Q. What was his approach?

6 A. It was very varied. He would quite often change his

7 mind about things. I think as -- this wouldn't have

8 been apparent at the beginning, but as my time went on

9 I think the general feeling amongst staff was that the

10 answer or the final solution will be based on whoever

11 the last person he talked to was. So if he'd spoken to

12 someone with one viewpoint, then that will sway the

13 opinion at that particular time, but then two days later

14 he may have spoken to someone with a completely

15 different viewpoint and that would change again.

16 Q. I think you became head of the common room at one stage?

17 A. I did, in my final year.

18 Q. Was that a surprise?

19 A. Ish. It was a voted position and I think in my third

20 year it -- there'd previously been a head of the common

21 room and a deputy, and in my third year they created

22 almost like a little committee and I was part of that,

23 so then when -- I can't even remember who was the head

24 of the common room before me. When they stepped down,

25 which may have been because they were leaving or just

1 stepping down for the end, I, with the other members of
2 the committee, felt that I'd put myself forward for it
3 and then was voted in by the rest of the staff.

4 Q. All right.

5 When you were head of the common room, did you have
6 greater engagement with the headmaster?

7 A. There would be a weekly meeting with him to talk about
8 issues or touch base over different things relating to
9 the common room, and by that I mean the body of staff
10 working there. Sometimes that was down to the way
11 holiday lets worked within -- because a number of staff
12 lived on site, so how they were affected if an outside
13 let came in during a holiday. Other times it might be
14 about -- at one point there were thoughts about a staff
15 clothing policy coming in, that being discussed.

16 It was sort of -- every week people knew it was
17 happening and so they could bring issues to me to then
18 discuss with him or vice versa.

19 Q. You mentioned -- and did you get consistent responses
20 from him?

21 A. Often you'd have a good conversation about something and
22 feel like, okay, everyone will be happy that we've come
23 to a result of this, and then either nothing would
24 happen or it would swing the other way.

25 Q. You talked about staff dress --

1 A. Yes.

2 Q. What was being sought, so far as staff dress was
3 concerned?

4 A. At one point it was -- the head wanted to bring in
5 a policy that outlined more what people could wear to
6 work or not, and essentially it was about he wanted them
7 to look smarter. I remember that one part of it, he
8 didn't want facial hair to be part of it. That all male
9 members should be wearing a jacket and that they should
10 have that on at all times. It was varied but quite
11 specific in its thoughts and it was not something that
12 went down well with the staff as a whole.

13 Q. Was it put in place?

14 A. I don't think so.

15 Q. What about --

16 A. I remember the topic rumbled on for a while, and I'm not
17 sure if it officially became policy, but at the same
18 time that definitely didn't stop the head from, as he
19 passed you in the corridor, saying, "Why aren't you
20 wearing your jacket?" or, "You need to have a shave".

21 Q. Did that also apply to female teachers?

22 A. There were definitely points relating to female
23 teachers. I can't remember them quite in the same way,
24 because I remember which ones I didn't like.

25 Q. Do you know if he took female teachers on about their

1 dress?

2 A. Again, I think actually that was one of the bones of
3 contention in that it was easier to prescribe what the
4 male teachers could or couldn't wear than it was the
5 females.

6 Q. All right. You set out about how you progress --

7 A. Yes.

8 Q. -- through 2001 to 2005, taking on greater
9 responsibilities, developing teaching, and that includes
10 passages about, given your particular subject, the
11 impact that that had on sports --

12 A. Yeah.

13 Q. -- which we understand matters a great deal at
14 Merchiston.

15 A. Yes.

16 Q. We read obviously in particular paragraphs about it
17 being sanctioned for you to take people out of rugby
18 teams for your purposes?

19 A. Yes.

20 Q. And that being sanctioned but not being properly
21 understood that it would involve a lot of pupils.

22 A. Mm-hmm.

23 Q. And you then meeting abuse --

24 A. Yes.

25 Q. -- from coaches --

1 A. Mm-hmm.

2 Q. -- for decimating their teams?

3 A. Yeah.

4 Q. In the staffroom?

5 A. Yes.

6 Q. How did that resolve?

7 A. It was a very strange situation. I remember I'd brought
8 up the topic with the head at some point and I expected
9 it to be a harder conversation than it actually was, and
10 similarly I didn't think it would necessarily come
11 through as a yes this will happen. And the head spoke
12 to the head of rugby, agreed, and I remember being very
13 surprised how that went down very easily, it seems.

14 Then it was the day before this was supposed to
15 happen and I was either coming back from lunch or I'd
16 just finished teaching a lesson and I walked into the
17 staffroom and immediately 15 people surrounded me in
18 a circle. They'd just found out this news and the head
19 of rugby had misinterpreted what I said and these
20 coaches were all in a circle around me very, very angry.

21 The way it actually got out of it was the head of
22 rugby having, "No, no, I misinterpreted this, it's done,
23 we can't do anything about this", and he calmed the
24 situation down in the immediacy. It didn't calm all of
25 those individuals, who made it very clear for a little

1 while longer that they were very unhappy about this.

2 Q. Was your youth a factor in their criticism?

3 A. Was -- sorry?

4 Q. Your youth?

5 A. Yes.

6 Q. You don't know the system?

7 A. Yeah.

8 Q. Thinking of that youth again, though, you've gone very

9 early, it doesn't seem to have been addressed as

10 a matter of potential concern, but were you worried

11 about how you would relate to pupils who were broadly

12 closer in age to you than most of your teaching fellows?

13 A. Yes. I was -- I wasn't worried about how to approach

14 them or how to essentially talk to them and deal with

15 them on an everyday basis, but I was worried about --

16 and by that I mean in a classroom setting I thought,

17 well, you know, we'll do this, I've got enough

18 experience of being in classes to remember -- I remember

19 liking this from how a teacher talked to you or so on,

20 and my thought was very much about talking with them

21 rather than to them. But I was definitely feeling

22 apprehensive about when it came to -- for example,

23 I had -- in my first year I had five lower sixth tutees

24 and knowing that part of it was you would have

25 one-to-one meetings with them to discuss things, and in

1 terms of the actual conversation, I remember that
2 being -- that's fine, but what are the logistics of
3 having this meeting? How do we do this?

4 And the very first one I did, I thought this should
5 be somewhere public or where someone could come in kind
6 of thing, so I took him into the staffroom to do the
7 meeting and there was another considerably older member
8 of staff there working at the table during that time.
9 We did the meeting all the way through and then he went,
10 and the other member of staff said to me:

11 "Just so you know, we don't bring pupils in here.
12 You should do this back in your office in the boarding
13 house ... talk to their housemaster and they'll tell you
14 about it."

15 So then that was my first one of doing five of them,
16 so I then talked to the head of sixth form about it and
17 saying, "How do you want this to work?" And he said,
18 "Oh, it's fine, take them into your office", which was
19 part of my flat, "Give them a beer, make it a nice
20 casual conversation", or the -- I always remember it,
21 because I remember talking about this whilst I was at
22 university with my friends. There was this line in the
23 policy booklet about you're very -- I can't remember the
24 exact wording, but it was essentially, "You are free to
25 be able to offer a beer to members of the sixth form at

1 times when having meetings with them".

2 Q. Did this perplex you?

3 A. It felt a very bizarre sentence to be within this staff
4 manual as a thing.

5 Q. I think you mention elsewhere in the statement that
6 during your time it was put in place that you should
7 have doors open --

8 A. Yeah, and I can't remember if that's the head of sixth
9 form telling me this or my head of department, the
10 housemaster, but at some point I remember the -- again
11 another fundamental rule being if you're meeting with
12 someone by himself, just have the door open. And my
13 office was on the top floor of the boarding house, sort
14 of right next to two prefects rooms, there were two
15 dormitories on that floor, so the door open, you can
16 hear people at the end of the corridor.

17 Q. Did you feel that at times the guidance you were being
18 given was a little bit contrary?

19 A. Was a bit?

20 Q. Contrary?

21 A. Yes. It was -- it seemed -- I think the general sort of
22 ethos or thought was they wanted you to treat
23 particularly the sixth form more as human beings,
24 I guess, and there was a lot about encouraging them to
25 have opinions and conversation with them, but then at

1 other times it would be -- almost seem complete opposite
2 in terms of that.

3 Q. I think you talk -- we don't need to go into the detail,
4 because you've gone into the detail in your statement --
5 about sharing of telephone numbers.

6 A. Yes.

7 Q. You were condemned for sharing your telephone number,
8 but subsequent to that your telephone number was shared
9 by other more senior members of staff for particular
10 purposes?

11 A. Yes.

12 Q. That's an example, I think, of the sort of contrary --

13 A. Exactly.

14 Q. -- approaches?

15 A. Exactly, yeah. The very first incidences of it was two
16 members of staff giving my mobile number to pupils for
17 whatever reason without me having any knowledge of the
18 fact that they'd done that, and then again later, when
19 sort of there'd been a conversation about, okay, all
20 fine, and then again given out without me knowing.

21 Q. During your time as a teacher at Merchiston, was concern
22 ever expressed to you by your line managers at whatever
23 level of the way you behaved with pupils?

24 A. No. At every point, every evaluation, every meeting,
25 every aspect of it including my -- the leaving speech

1 given to me [REDACTED]
2 [REDACTED] every single one praised the way that I knew
3 the boys, the way I could talk to them. The headmaster
4 frequently said, "You know these tutees so well, reading
5 your reports, it is so evident", and would always praise
6 it, and by the time I left the school I had the highest
7 number of tutees in the entire school.

8 Q. We know from the statement that you go back to perhaps
9 the more obvious career path and you stayed in that
10 career path, which is the one presumably you'd
11 originally been thinking of at university?

12 A. Yes.

13 Q. But did you enjoy your four years at Merchiston?

14 A. I did. It was very hard-working. It was very immense,
15 but I -- and at times it was very stressful, but
16 I learnt a lot in that time and even though it's not
17 a profession that I work in now, a lot of that
18 transferred into the job that I do. Some of the work
19 that I did at that school I think is some of the best
20 work I've ever done, and -- yes, it had its tricky
21 times, it had difficult moments, but the overall feeling
22 was a very positive one when I left.

23 Q. But as we read, and again we don't need to dwell on the
24 detail, but we see on pages 25 and 26, to use your
25 words, after you left, things started to get a bit

1 cagey?

2 A. Yes.

3 Q. Because you are coming back, you have year groups who
4 are coming to the end of their careers, you're invited,
5 for example, to leavers balls and the like?

6 A. Yes.

7 Q. This is all in 2006?

8 A. Yes.

9 Q. The year after you have left?

10 A. Mm-hmm.

11 Q. There may have been tensions about a blog you wrote, but
12 you took the blog down?

13 A. (Witness nods)

14 Q. But you are being contacted by the headmaster by
15 telephone unexpectedly?

16 A. Very unexpectedly. I was standing in a shopping centre
17 about to meet someone and there was -- my phone went and
18 the headmaster's secretary said, "I've got Andrew Hunter
19 on the line for you", click, and transferred me to him.
20 There was no warning about this call. I was standing
21 there, I had no opportunity to write anything down, do
22 anything.

23 Q. I think, as we read from paragraph 88, he read through
24 a list of numbered points, including allegations you'd
25 undermined a new teacher, about the blog, and you take

1 issue with things he's saying. It's a 30-minute
2 conversation. You agree to remove the blog.

3 A. Yes.

4 Q. There was then following telephone calls which end with
5 him saying that you shouldn't attend for the leavers
6 ball and that's what you did. You met your tutees
7 elsewhere, but you didn't go to the ball because he'd
8 asked you not to?

9 A. Yes, he'd said, "You must come up, you must see them,
10 but I think that the temperature is running a little
11 high here so don't go to the ball, but come, see them
12 afterwards and make sure you have that".

13 Q. Did you have any idea what was going on?

14 A. No.

15 Q. But I think as we read on, on pages 26 and 27, that sort
16 of behaviour repeats itself?

17 A. Yes.

18 Q. In terms of you being back in the area -- at one stage
19 you visit the school to see one of your former
20 colleagues?

21 A. (Witness nods)

22 Q. And that's discovered and the former colleague is
23 immediately phoned and you're told to leave?

24 A. Yes.

25 Q. Again, at that point did you have any idea what was

1 going on?

2 A. I had no idea. And I think I just -- it was an absolute
3 shock when it happened. I was completely bewildered by
4 what was happening, and very upset by it. I think
5 I just presumed that he'd changed his mind again. But
6 I was so confused about why.

7 Q. I think you now know what was going on.

8 A. I do.

9 Q. If we look briefly at CIS096, and this is a document
10 from the headmaster dated April 2006, so in the year
11 after you've left, and what this is focusing about,
12 reading short, is, looking over the page on page 2:

13 "As part of a regular meeting with the headmaster,
14 the chairman indicated he had met recently with a former
15 parent [this is chairman of the board] the latter
16 alleged that his son had been sexually abused by
17 a former member of staff ..."

18 You, correct?

19 A. Sorry, I missed what you said.

20 Q. I'm just reading the first bullet point.

21 A. Yeah.

22 Q. Which is there's a complaint to the chair of the board
23 from a former parent, which alleges that you had
24 sexually abused his son.

25 A. (Witness nods)

1 Q. Now, I think you should be aware that the Inquiry is
2 aware of the allegation and is aware that the allegation
3 was unfounded.

4 A. (Witness nods)

5 Q. Because, in due course, the son was spoken to and
6 confirmed that nothing had happened.

7 A. (Witness nods)

8 Q. But what follows over this document, and we needn't
9 trouble it because we can read it, is four pages,
10 looking to the final page, from the headmaster, this
11 document being dated 18 April, of a great deal of
12 concern about what should be done.

13 A. (Witness nods)

14 Q. And all manner of anxieties being expressed. Looking to
15 the last page, item 8:

16 "What do we do about the allegation with regard to
17 the alleged perpetrator? Do we put the allegation to
18 him? Can we envisage how he would react? Should we
19 bear in mind that one is innocent until proven guilty?
20 Irrespective of the allegation, can this former member
21 of staff be prevented from visiting MCS at all times,
22 whether term time or holiday time? What do we do about
23 other potential Merchistonian victims?"

24 Another document we have is Merchiston 295, if we
25 could go to page 40, please. Stop there. You can see

1 there's a post-it at the top, which I think has the
2 words "not sent", and this is a letter to you dated
3 8 June:

4 "I am sorry to have to write to you about
5 a potentially very serious matter. In April this year,
6 during a regular meeting with the chairman of the board
7 of governors, he notified me that he had recently met
8 with a former parent ..."

9 That was never sent?

10 A. No.

11 Q. You never received any letter?

12 A. No.

13 Q. And never understood any of this background?

14 A. Nothing.

15 Q. I think you are aware that the complaint was made by

16 ██████████?

17 A. Yes.

18 Q. And you have concerns about the ease with which
19 an allegation, which ultimately turned out to be
20 unfounded --

21 A. Mm-hmm.

22 Q. -- when the son was spoken to, could generate this sort
23 of heat and light --

24 A. Yeah.

25 Q. -- but not be shared with you?

1 A. Mm-hmm.

2 Q. In terms of your dealings with [REDACTED] and
3 perhaps particularly this [REDACTED] do you have any
4 observations?

5 A. He was a very ... intimidating, influential man within
6 the school. He ... if he was unhappy about something,
7 he would be very clear about it. And I -- I think he
8 carried a lot of influence within the school.

9 Q. Too much influence?

10 A. Sorry?

11 Q. Too much influence?

12 A. Yes, I think so.

13 Q. Did you have experience of that?

14 A. I did, where after his son had left the school, before
15 going to university he came in to say goodbye to several
16 members of the staff and I gave the son a good luck card
17 for university, as I had done with other tutees and so
18 on, and the front of the card had a picture to the song
19 "YMCA" on it.

20 About two weeks later, my head of department asked
21 to see me and was very uncomfortable and made it clear
22 that he did not think he should be having this
23 conversation, but in his words, he had been summoned to
24 this [REDACTED]'s office in town, where the [REDACTED] had
25 expressed his -- his anger at me giving his son this

1 card and that he wanted me to be severely reprimanded.

2 That's the expression I used in my statement. I'm
3 certain that the expression he used was he wanted me
4 sacked.

5 Q. To put it in context, why had you selected that card for
6 that boy?

7 A. He was a very flamboyant character around the school and
8 would use that in his -- in his manner around with
9 fellow pupils, with teachers. It was just his general
10 way of being and he was very assured in that way, and
11 I chose the card like you would any other, to match that
12 to his personality.

13 Q. Now, obviously you weren't formally reprimanded or --

14 A. No.

15 Q. -- sacked?

16 A. The head of department said that he didn't see any point
17 or reason for anything to happen and that he was sorry
18 that he'd had to have that conversation.

19 And then I came out of that meeting and went
20 downstairs to the common room, and in the small
21 pigeonhole room this [REDACTED] was actually standing
22 there at that exact moment and it was just the two of us
23 in that room and he didn't say anything to address the
24 issue, but it was -- it felt a very physical,
25 intimidating presence there with him in that room.

1 Q. Was that taken further?

2 A. No.

3 Q. Did you feel it should be taken further by the school to
4 stop such behaviour by a [REDACTED]?

5 A. I think I was so taken aback by it, and -- and I think
6 now if that were -- was the person I am now, hearing
7 that, then I think I would have spoken up and gone, "Why
8 are you allowing this to happen? Why is this being
9 addressed?" But at the time it was just such a surprise
10 and -- and yeah, I didn't -- I didn't know what to do in
11 that situation, and also I think I felt assured that the
12 head of department had said nothing needs to happen from
13 this.

14 Q. All right. That was obviously 15 years plus ago. You
15 have not been involved in teaching since?

16 A. No.

17 Q. Looking at the penultimate paragraph, you say in terms
18 of lessons to be learned:

19 "I think the practice of the school was set up quite
20 well. The layout of the buildings helped that.
21 However, I think there could be more training. I feel
22 like I got a lot of academic training but I feel there
23 could have been more formal training of the pastoral
24 side of things rather than picking things up from
25 observing people around you, which is what my

1 recollection is of how things happened."

2 A. Yeah.

3 Q. I take it you hope that that's happened in the
4 intervening 15 years, that change?

5 A. Yes.

6 Q. But, overall, do you still remember your time at
7 Merchiston fondly?

8 A. It's -- it's very difficult to think about it as
9 a place. It was -- it was a chapter of my life that
10 enormously influenced who I am as a person, my way of
11 working, things it taught me. And when I left the
12 school, I very much thought of it in those terms.

13 When this happened, particularly in the 2007
14 incident, it -- it really changed after that. It became
15 something that I almost had to block out, even though
16 I had no idea of actually the extent of what was going
17 on here, but it was -- having left the profession,
18 having left the city, working in a very different field,
19 in a very busy time and also with some -- particularly
20 at that time my father was dying, there was a lot else
21 to focus on and it became easy to block it off.

22 I can remember when in 2008 I came back for
23 a wedding, feeling this quite sense of panic and worry
24 in the week before about going to a very good friend's
25 wedding at the school, in case I was going to get there

1 and be told that I had to leave, and so I emailed the
2 headmaster's secretary to see if I should be going, and
3 she came back with, "Of course, yes".

4 At the wedding, I suspected that I would see the
5 headmaster. I was not prepared for him to come up to me
6 and spend so much time talking, as if nothing had
7 happened at all, and behave as if it were November 2005
8 when I'd left and come back for an invited visit by
9 them.

10 And then later that evening, he apologised and said
11 that he had -- it had been a very difficult situation,
12 that he had been caught in a rock and a hard place, but
13 he was very sorry for what happened, and he even talked
14 about me coming to the school to give a careers talk or
15 something. And at this time I still had no knowledge of
16 what had happened.

17 That kind of -- at least it -- it eased at that
18 point how I felt about the school, but the whole
19 experience had been very tainted by it, and I know that
20 I -- I definitely did not keep up with some key
21 colleagues and friends from that time, because it --
22 there was so much bound up in that.

23 And then when I actually last year discovered what
24 had happened, it -- it -- it made me feel like I just
25 wanted to chop those four years out so that I --

1 I didn't have to include them in my life, because
2 I could not understand how something of such magnitude
3 could happen and me not have any knowledge of it. That
4 it could be completely proved that there was nothing in
5 this and -- and that still I believe that they went on
6 to write to a section of that school to declare this as
7 a -- as an actual thing, and I just don't understand how
8 that can happen.

9 And seeing those documents for the first time, the
10 thing that really shone out at me, there was a second
11 paragraph there where it said:

12 "I believe these two teachers have already expressed
13 concern about sexual orientation."

14 And that is exactly the reason why I felt it was --
15 it was not the place to express that earlier.

16 MR BROWN: 'Robert', thank you very much indeed.

17 LADY SMITH: 'Robert', I don't think there are any other
18 questions for you. Thank you so much for coming here
19 today to give oral evidence in addition to the written
20 statement you've already given us. It's plain how
21 difficult it is for you to talk now about your time at
22 the school, but you doing so has helped me enormously to
23 understand how it was functioning in these more recent
24 times that you were there.

25 I hope you're able to put this away as you leave

1 here today and reflect with more relaxation, I'm sure,
2 as you were experiencing as you approached today.

3 Thank you for everything you've done for us and for
4 my learning.

5 A. Thank you. Because until this time -- I was very
6 apprehensive about this process, but until this time,
7 no one has ever asked my thoughts or -- on what happened
8 or asked for any opinion on it at all.

9 LADY SMITH: Well, I hope it helps that we've been able to
10 do that.

11 A. Thank you.

12 LADY SMITH: You engaging with us has helped us, so maybe
13 it's worked to mutual benefit. Thank you.

14 I'm now able to let you go.

15 (The witness withdrew)

16 LADY SMITH: Mr Brown?

17 MR BROWN: My Lady, lunchtime, and for the remainder of the
18 day, as I indicated yesterday, there are two read-ins.

19 LADY SMITH: If we try to start again around 2.15, can we do
20 that?

21 MR BROWN: Yes, thank you very much.

22 (1.26 pm)

23 (The luncheon adjournment)

24 (2.22 pm)

25 LADY SMITH: Good afternoon.

1 MR BROWN: My Lady.

2 LADY SMITH: Mr Brown.

3 MR BROWN: My learned junior will be reading two statements.

4 Just to say that tomorrow it will be the same

5 routine, two live witnesses in the morning and then

6 further read-ins after that, but if Your Ladyship is

7 content, I will take the chance to go back to my desk.

8 LADY SMITH: I'm sure I should encourage you to do that,

9 Mr Brown. Thank you.

10 MR BROWN: Thank you.

11 MS BENNIE: Thank you, my Lady.

12 'Nicola' (read)

13 MS BENNIE: The first statement to be read-in bears the

14 reference WIT-1-000000693. This is the statement of

15 'Nicola'.

16 "My name is 'Nicola'. My year of birth is 1981."

17 My Lady, in paragraph 2 the witness sets out her

18 professional qualifications:

19 "I was employed at Merchiston Castle School from

20 2008 to 2015 as a teacher. During my time at the

21 school, I was employed in various positions in addition

22 to my teaching post.

23 At the beginning of my employment, I was

24 an assistant house tutor in the sixth form day pupil

25 house. This role involved providing academic and

1 pastoral support to pupils, assisting in social events
2 within the house and providing the children additional
3 academic tutoring support.

4 At some point later I became a resident assistant
5 housemaster to the fifth form boarding house.
6 Thereafter in 2010, I moved to become the resident
7 assistant housemaster to the lower and upper sixth form
8 boarding house.

9 In 2010, I was employed as the head of personal,
10 social and health education (PSHE) at the school. I was
11 responsible for writing and creating the PSHE curriculum
12 and managing a large team of staff to implement the
13 specific PSHE programmes to each year group in the
14 school. I was still assistant resident housemaster at
15 this time. In 2012 I was employed as a Deputy Child
16 Protection Co-ordinator. This role involved supporting
17 the Child Protection Co-ordinator at the school,
18 attending training on child protection and presenting
19 training to staff members. The Child Protection
20 Co-ordinator at this time was Alex Anderson. Management
21 was aware that I was keen to enhance my professional
22 development. The post of head of personal, social and
23 health education was offered to me. I did not apply for
24 this post. I did not have training for the role.

25 In 2012 I moved out of resident accommodation to

1 private accommodation in Edinburgh. Around 2014, I was
2 offered the role of resident assistant housemaster and
3 I began the role later in 2014. These roles involving
4 assisting the housemaster in providing pupil support and
5 pastoral care to pupils, additional academic tutoring
6 support and supporting the children with social events
7 and house dinners. I retained the role of deputy child
8 protection officer when I returned to Rogerson House.

9 In 2014 I was appointed Child Protection
10 Co-ordinator. This role involved managing the Deputy
11 Child Protection Co-ordinator and ensuring the
12 implementation of the school's child protection
13 policies.

14 Recruitment process.

15 I was required to be registered with the GTCS as
16 a prerequisite for my employment. I was also required
17 to complete an enhanced disclosure/PVG as part of the
18 recruitment process.

19 The recruitment process for the teaching post
20 involved an interview with the headmaster and the head
21 of department. I was also required to attend
22 an interview with the deputy headmaster for the
23 assistant housemaster post. I was interviewed by
24 Andrew Hunter, headmaster, to take on the PSHE
25 co-ordinator position at the school. I was not required

1 to apply or have an interview before a panel for this
2 position. It was an informal discussion with the
3 headmaster. Upon acceptance of any role at the school
4 I was required to complete a probationary period. For
5 example, my first year as assistant housemaster was
6 a probationary period. At the end of the probationary
7 period, the school undertook a review of the
8 probationary status, as part of their review and
9 development process. I did not require to obtain
10 references for the additional positions applied for
11 whilst employed at the school.

12 In my position as teacher, my line manager was the
13 head of the department. Continued monitoring by the
14 head of department involved lesson observations in my
15 classroom and the completion of classroom observation
16 reports. I received pre-appraisal summaries from the
17 head of department and was required to attend appraisal
18 interviews with the head of department. I was required
19 to complete self-evaluation forms, which were reviewed
20 by the head of department. I was required to
21 participate in the peer lesson observation programme.
22 My teaching was also observed by the school leadership
23 team.

24 In the role of assistant housemaster, my
25 line manager was the housemaster. I do not recall any

1 formal appraisal process taking place.

2 In my role as head of PSHE my line manager was
3 Peter Hall the deputy headmaster. In my role as Deputy
4 Child Protection Co-ordinator, my line manager was the
5 Child Protection Co-ordinator, who mentored me during
6 this role. When I was appointed the Child Protection
7 Co-ordinator, my line manager was Peter Hall, the senior
8 deputy head.

9 Training.

10 I was required to complete an induction and undergo
11 training before becoming an assistant housemaster.
12 During my appointment as assistant housemaster, I was
13 required by the school to complete the BSA diploma
14 course in boarding as part of my ongoing professional
15 development. This course was funded by the school.

16 During my appointment as Deputy Child Protection
17 Co-ordinator I attended and completed child protection
18 training at the school and completed level 4. I recall
19 attending a child protection training session in 2014.
20 The child protection training was provided and arranged
21 by the school and was also delivered as part of
22 in-service training. I attended two in-service training
23 days which delivered presentations on child protection.
24 I attended an in-subcontractor day training on 'Child
25 protection presentation (suicide prevention and sudden

1 death policy)' in January 2015. I attended a further
2 presentation on updated well-being, safeguarding and
3 child protection policy in April 2015, which was
4 delivered by the school's senior deputy head Peter Hall.
5 During my time in this role, I was mentored.

6 Policy.

7 I was involved in and had responsibility for policy
8 in relation to the care, including the residential care,
9 of children at the school during my appointment as
10 Deputy Child Protection Co-ordinator and then Child
11 Protection Co-ordinator.

12 Policies were in place when I took up the position
13 and to my knowledge they did not change during my time
14 at the school. All staff received training in child
15 protection. I was not involved in the recruitment of
16 staff. No formal qualifications were required for staff
17 members who were not in positions of responsibility.
18 I was not involved in staff appraisal. The staff
19 complaints procedure involved initial discussion with
20 your relevant line manager and subsequently senior
21 management if necessary.

22 Discipline and punishment of children was carried
23 out by housemasters and/or the senior management.
24 Complaints and allegations against staff members were
25 made to senior management. I am assuming records were

1 kept by senior management of any complaints or
2 allegations. The consideration of appropriate
3 discipline and punishment was left to the individual
4 housemaster.

5 Strategic planning.

6 I was involved in strategic planning in relation to
7 the school. My involvement and responsibility in the
8 school's strategic planning was to the extent of
9 ensuring its implementation during my appointment as
10 child protection officer. The potential for abuse
11 featured in the school's strategic planning in terms of
12 bullying and self-harm.

13 I can only comment on my involvement in
14 implementation of the child protection policies. These
15 policies were designed to ensure that students were both
16 physically and emotionally safe whilst they were at
17 school. This included policies for bullying, drug and
18 alcohol misuse, mental health, including self-harm and
19 suicidal thoughts.

20 Staff training.

21 During my employment with the school, I was involved
22 in training of staff but not in the personal development
23 of staff. During my appointment as Deputy Child
24 Protection Officer and then Child Protection Officer
25 I was involved in the training of staff. I presented

1 child protection training during in-service training
2 days at the school. I cannot remember how often or how
3 many I presented. Perhaps once a year.

4 Staff supervision/appraisal/staff evaluation.

5 I was involved in the supervision of staff during my
6 appointment as head of PSHE. I informally evaluated
7 staff performance but I was not required to complete
8 appraisal reports. As head of PSHE I wrote lesson plans
9 for each year group in the senior school and emailed
10 them to those members of staff who were timetabled to
11 present. This included all the housemasters and other
12 staff who had space in their timetable, perhaps 10 or 12
13 people in total.

14 Living arrangements.

15 During my period of employment at the school,
16 I resided in on-campus accommodation. The accommodation
17 provided was a flat that was located in a boarding house
18 on the grounds of the school. There are five boarding
19 houses located on the school grounds. Housemasters,
20 deputy housemasters and assistant housemasters reside in
21 their respective boarding house alongside the pupils.

22 There were resident staff members who resided in
23 accommodation on campus and there were non-residential
24 staff members who stayed in accommodation off campus.

25 Other residential staff, the housemaster, permitted

1 guest and pupils had access to my accommodation. The
2 school had a code of residency in place which provided
3 guidance on who was permitted access to my
4 accommodation.

5 Culture within Merchiston Castle School.

6 The school was a typical boarding school.
7 Residential care was provided 24 hours a day and seven
8 days a week. All members of staff held multiple roles
9 and worked extremely long hours. Students' time was
10 heavily scheduled to include both academics, sport,
11 extracurricular and free time. I am not aware that
12 fagging existed within the school during the period of
13 my employment.

14 Discipline and punishment.

15 Children could be disciplined and punished by
16 professional members of staff at the school. Senior
17 teaching staff and the housemaster of each boarding
18 house had primary responsibility for disciplinary issues
19 for all children. Thereafter, the headmaster had
20 overall responsibility for issues relating to school
21 suspension or expulsion of children. Punishments
22 included detention, removal of free time and privileges.
23 I think that there was a formal policy in place in
24 relation to discipline and punishment at the school but
25 in general staff sought guidance from their line

1 manager.

2 All school policies were provided in the school's
3 policy booklet. Disciplinary issues were reported to
4 the housemaster and/or the head of department. Records
5 were supposed to be recorded in each child's personal
6 file held by the headmaster.

7 Discipline was not the responsibility of senior
8 pupils. Senior pupils were required to report to their
9 housemaster or deputy housemaster any disciplinary
10 issues. Prefects were required to attend weekly
11 meetings with their housemaster and/or assistant
12 housemaster, who supervised their role. However, this
13 role did not carry responsibility for disciplinary
14 action of other children.

15 Day-to-day running of the school.

16 As the head of PSHE at the school I was required to
17 create a programme focused on PSHE themes.

18 As assistant house tutor, I was involved in
19 providing academic and pastoral support to pupils within
20 the boarding house.

21 My suitability for these roles was assessed by
22 senior management and overall determined by the
23 headmaster. I sought the role of head of PSHE to
24 advance my career progression. I was offered the role
25 of Deputy Child Protection Officer as it fitted well

1 with my head of PSHE appointment. I became senior Child
2 Protection Co-ordinator by default when the previous
3 appointee unexpectedly resigned this position.

4 Concerns about the school.

5 To the best of my knowledge, the school was the
6 subject of concern to the Care Inspectorate, Police
7 Scotland and parents because of the way in which
8 children and young people in the school were treated.

9 Following Police Scotland's investigation against
10 James Rainy Brown, I am aware that there were concerns
11 regarding his behaviour towards pupils. The parent of
12 the children were made aware of such concerns by the
13 school. The headmaster had the overall responsibility
14 for reporting such concerns to the parents.

15 I think the school's approach to the potential of
16 abuse prior to this event was focused on child-to-child
17 bullying and child mental health and well-being.

18 I think the school was shocked because he was
19 a well-respected, long-serving member of staff. He was
20 liked by staff, pupils and parents. I think the school
21 responded appropriately by contacting the Care
22 Inspectorate and the police. I believe that the
23 school's response was proportionate.

24 Reporting of complaints.

25 If any child in the school, or another person on

1 their behalf, wished to make a complaint or report
2 a concern, the processes and school procedures in place
3 were outlined in the school's policy document. Children
4 and any person complaining on their behalf could make
5 a complaint to the housemaster of their boarding house
6 or any professional member of staff, including the
7 headmaster. Complaints tended to be made to
8 housemasters initially. As far as I am aware,
9 complaints were required to be recorded in the
10 children's personnel file by the headmaster.

11 If a child had any worries including concerns about
12 the conduct or behaviour of other children, staff or
13 others towards them, they were expected to speak to
14 their parents, sixth form prefects and professional
15 members of staff, including assistant residential
16 tutors, assistant housemasters, deputy housemasters,
17 housemasters and teaching staff. Children could also
18 speak to the Deputy Child Protection Co-ordinator or
19 Child Protection Co-ordinator. In my experience,
20 students tended to speak to their housemasters about any
21 concerns. I am aware that children in practice raised
22 concerns in this way. It is normal for children to have
23 concerns from time to time about bullying, classwork,
24 issues at home and so on. These were dealt with in
25 a proportionate, pragmatic way.

1 Abuse.

2 The school had a definition of 'abuse' which applied
3 to the treatment of children at the school and was
4 constituted as anything that affected a child's physical
5 or mental well-being. This definition was communicated
6 and explained to staff working at the school through
7 child protection training. The definition of abuse was
8 introduced before the start of my employment at the
9 school and changed slightly in relation to the impact of
10 social media, although this was always present in some
11 form during my time at the school.

12 Child protection arrangements.

13 Staff were guided and instructed on how children in
14 their care at the school should be treated through child
15 protection training at in-service training days.

16 Staff who became aware of reports of abuse or
17 ill-treatment were encouraged to speak to their line
18 managers or senior management. Autonomy in dealing with
19 certain issues was given to senior members of staff,
20 including housemasters and heads of department teaching
21 staff to manage issues between professional staff
22 members and children. It was normal for children to
23 have concerns from time to time. These concerns would
24 be dealt with in a proportionate way. Sometimes a chat
25 was all that was required. If the issue was more

1 serious or recurring, staff knew that it should be
2 referred up the chain of responsibility.

3 Child protection arrangements were in place to
4 reduce the likelihood of abuse, ill-treatment or
5 inappropriate conduct by staff or other adults towards
6 children at the school. Staff received child protection
7 training and were encouraged to speak to managers and
8 senior members of staff if they had received any reports
9 of abuse. In the boarding houses children were only
10 permitted access to the study of the resident staff
11 members' accommodation if they had one. If staff
12 members were to meet with pupils in their accommodation,
13 the policy in place to protect children was that the
14 door of the study was to remain open. Prefects
15 occasionally ate group meals in staff accommodation.

16 In relation to online abuse the school required
17 staff to sign the 'Agreement for computer and internet
18 use'. There was a policy on electronic communications
19 with pupils in place which was outlined in the school
20 policy document. This regulated the means and for what
21 purpose the pupils could communicate with staff and vice
22 versa using electronic communications.

23 The 'electronic communications with pupils' policy
24 advised that staff were prohibited from communicating
25 with pupils through social media unless authorised by

1 the head of department for educational purposes. The
2 social media account was required to be a school account
3 and a senior staff member was required to have
4 membership of any group created through social media for
5 that same purpose. Any informal means of communication
6 through social media was required to be notified to
7 a senior member of staff. Students were taught about
8 the risk of cyberbullying, how to use social media
9 responsibly and how to protect their identities on
10 social media.

11 I think that if a student or member of staff
12 reported an issue, then it would have been dealt with
13 appropriately.

14 Record-keeping.

15 The headmaster held personnel files on all the
16 children at the school and all professional staff
17 members. I assume that any informal record-keeping kept
18 by a member of staff that was relevant to abuse would
19 end up in these files. I cannot comment on the
20 historical position as regards record-keeping.

21 Investigations into abuse.

22 I was involved in an investigation on behalf of the
23 school into allegations of abuse of a child whilst on
24 a school trip. Some time after the death of
25 James Rainy Brown, a junior school pupil alleged to his

1 parents that during a school trip to an outdoor centre,
2 led by James Rainy Brown, the leader of the outdoor
3 centre asked the boy to shower naked and watched him
4 doing so. The parents reported this to the school and
5 the school reported this to the police and to the Care
6 Inspectorate.

7 Police investigations.

8 I became aware of police investigations into the
9 alleged abuse at the school only after the death of
10 James Rainy Brown. Allegations were made of
11 inappropriate behaviour by James Rainy Brown to primary
12 school pupils during extracurricular/free time. I have
13 not given evidence at any trial concerning alleged abuse
14 of children cared for at the school.

15 Specific alleged abusers.

16 I am aware that the Inquiry has received evidence of
17 allegations about staff and others who may have been
18 employed at the school at the same time as me and I have
19 been asked questions about my knowledge of each
20 individual.

21 [DXP]

22 In relation to [DXP], I did not know this
23 individual.

24 James Rainy Brown.

25 I recall James Rainy Brown. He was at the school

1 when I started in 2008 and I was still at the school
2 when he died. He would have been aged in his 60 or 70s.
3 He worked in the primary school and I had no contact
4 with him. As far as I was aware, he was very
5 traditional, although I did not know him. I believe he
6 was well liked by the pupils. The only time I saw him
7 with children was in the distance in the school grounds.
8 As a result, I cannot comment on how he interacted with
9 the children and I never saw him discipline any child.
10 I never witnessed him abuse any child. The first
11 I heard any suggestion that James Rainy Brown had abused
12 a child was after his death.

13 DRW

14 I have limited knowledge of DRW He would have
15 been in his 40s and was the housemaster of the primary
16 school for a year or two whilst I was there. I had no
17 contact with him so I don't know anything about him or
18 what he was like. I never saw him with children so
19 never saw how he interacted with or how he disciplined
20 the children. I never saw him discipline or abuse any
21 child, nor did I hear of him abusing any child.

22 'Glenn'.

23 I did not know 'Glenn'.

24 Torquil Johnson-Ferguson.

25 Torquil Johnson-Ferguson had involvement with

1 outward bound camps. I never met him.

2 Lessons to be learned.

3 I have no comment to make in relation to the lessons
4 that can be learned to protect children in a boarding
5 school now and in the future.

6 All information provided is true to the best of my
7 knowledge, understanding and belief. I believe the
8 facts stated in this witness statement are true."

9 My Lady, the statement is signed by 'Nicola' and
10 it's dated 8 May 2021.

11 David Spawforth (read)

12 MS BENNIE: My Lady, the next statement bears the reference
13 WIT-1-000000557. My Lady, this is a statement of
14 David Spawforth.

15 LADY SMITH: Thank you.

16 MS BENNIE: "My name is David Meredith Spawforth. My year
17 of birth is 1938.

18 I have answered the questions to the best of my
19 ability and recollection, amplifying where relevant. It
20 should be noted that in some areas my recollections are
21 relatively fresh, prompted by statements I made to the
22 police in 2013 in the course of Operation Yewtree and
23 when I had access to files. As it's now over 20 years
24 since I have retired from Merchiston, I must rely on
25 memory in relation to other matters.

1 My experience both as a pupil and teacher has been
2 solely in boarding schools. I had experience what the
3 author John Rae termed 'The Public School Revolution',
4 one aspect of which was the change from tough male
5 orientated and dominated boarding schools to
6 establishments more in tune with the home, with female
7 staff, married housemasters, closer contact with
8 parents, closer care and supervision of pupils. This
9 coloured my approach when appointed as a housemaster at
10 Wellington College and more particularly at Merchiston.
11 In both posts my wife was totally involved."

12 My Lady, in paragraphs 4 to 7 the witness sets out
13 his professional qualifications and his work history,
14 and I move on to paragraph 8:

15 "I was employed at Merchiston Castle School from
16 January 1981 to August 1998 as headmaster. I was
17 responsible to the board of governors and with a formal
18 report/review each year.

19 The post was advertised in the Scottish and UK
20 press. I made the application with my CV and the names
21 of two referees. These referees were taken up by the
22 governors who also researched 'outside the box'. I had
23 an interview with the selection committee and then I had
24 a shortlist interview, along with my wife by the full
25 board. To my knowledge it was not a prerequisite that

1 I be married but the job description issued by the
2 governors at that time would be definitive in that
3 regard. My recollections of the nature of my employment
4 are that the governors valued the husband/wife approach
5 to my housemastering at Wellington college and that this
6 was a factor in my selection for interview.

7 Subsequently it was clear that the governors greatly
8 appreciated my wife's involvement and contribution, as
9 did the parents.

10 The board of governors acted as my line manager.
11 I was very fortunate in having a prominent judge as
12 chairman. He visited the school twice a week and roamed
13 freely talking with boys, staff and parents. We had
14 a formal meeting once a week but I could contact or
15 consult with him virtually at any time. He was also
16 keen to be involved in a number of social events my wife
17 and I ran for the boys. These included receptions for
18 parents and former pupils, which we ran all over
19 Scotland, the north of England and Ulster and overseas
20 tours following teams and choirs. I can think of no
21 other chairman who had his finger more on the pulse.

22 Furthermore, when difficult decisions had to be
23 made, he was always there to give advice. These
24 included supporting my resolve to restructure the
25 medical provision at Merchiston, despite the opposition

1 of a longstanding and highly regarded doctor, supporting
2 major expenditure in terms of staff appointments,
3 building projects and improving facilities early on in
4 my time and when the school finances were not strong,
5 advising and supporting me in relation to sensitive
6 issues. At the end of my time he was succeeded by
7 Neil Kilpatrick who operated a similar routine.

8 I attended the new heads training course which was
9 run by the headmasters and headmistresses' conference.
10 It was the chairman's idea that my wife and I should
11 spend one term prior to appointment to research and
12 acclimatise the post. We also met with parents, former
13 pupils, feed schools and various professional bodies,
14 building up trust. All this enabled me to hit the
15 ground running and quickly implement certain changes and
16 policies.

17 It will be appreciated that during my headship
18 legislation covering the protection of children and
19 specific needs and monitoring changed on a number of
20 occasions and with different official bodies to refer
21 to. New policies were introduced. The overall
22 protection of children included regular fire drills and
23 inspections, firearms and bomb threats as we had sons of
24 prominent Northern Ireland citizens and from the
25 military during the height of the IRA activity. We also

1 implemented drugs and alcohol abuse education, sex
2 education, bullying, medical care, spiritual care and
3 links with home.

4 There were regular meetings with housemasters, heads
5 of department, whole staff, chaplain, medical staff,
6 senior pupils and parents. In addition,
7 a transformation of the boarding house accommodation was
8 undertaken for the pupils and for the staff.

9 When I was appointed it was made clear that I was to
10 develop strategic planning in conjunction with the
11 governors, starting with a review of the Merchiston
12 House system and the status of a single-sex school with
13 boarding and day pupils and its ideal proportions. This
14 was to include pupils from overseas, both expat and
15 non-British. The review was to include the care and
16 welfare of pupils. Child protection was interpreted as
17 physical and mental care or welfare, and within that
18 framework to guard against sexual predators.

19 I was responsible to the governors and for their
20 approval regarding strategic planning and the
21 presentation of policies. Clearly within these policies
22 the safety and the welfare of children was a key issue
23 as a number of governors had children in the school.
24 Furthermore reporting on appointments and introducing
25 appointees to the board and reporting all major

1 complaints. I was required to report to the board
2 meeting once a term on any appointments made or pending.
3 Newly appointed staff met with the board at the lunch
4 after the meeting. Similarly any major complaint by
5 a parent, pupil, member of staff or other source was in
6 the first instance referred to the chair of the board of
7 governors and then, after I had acted, for information
8 to the board.

9 Merchiston in 1981 had to my mind not fully made the
10 transformation highlighted by John Rae and certainly was
11 not alone in this respect. Pressure from parents
12 evident to me in my training period was already
13 demanding changes. These related to better academic
14 results, better career advice and better preparation for
15 after school, better communication with the school
16 regarding end of term reports, more contact with their
17 sons namely by telephone, more leave out of the school
18 and more teacher/parent meetings.

19 To understand how Merchiston worked as a boarding
20 school, the following should be known. The Merchiston
21 House system differs from the traditional house system
22 in a boarding school. At Merchiston, the houses are by
23 age. For example, the boys joined at age 13 into
24 Chalmers West, then each year progressed up the school
25 via four succeeding houses and housemasters. The

1 advantages to this system were that there was no
2 bullying of younger boys by older boys in the house.

3 From a group of 60 plus boys you were virtually
4 certain to make friends and also share a wide range of
5 interests. The lifestyle, activities and accommodation
6 were adapted to suit the particular age group.
7 Housemasters therefore could be chosen not by seniority
8 but for particular skills and empathy with the given age
9 group. Senior boys were chosen by the same criteria to
10 assist. For the pupil, there was a real sense of
11 advancing and they did not get bored by the school.

12 There was a year group camaraderie and friends
13 seemed to last well beyond the school days. The
14 disadvantages were mainly for parents who had to relate
15 to a fresh housemaster each year. The headmaster
16 therefore became a constant feature for parents and was
17 also a supra housemaster, involved in observing the
18 development of the pupils and being kept informed on key
19 matters.

20 The head became directly involved in the
21 recommendation or choice of subjects at GCSE, Higher or
22 A-level and career, university or further education
23 applications. Also disciplinary matters, health and
24 home matters. To do this you had to get to know your
25 pupils and in this my wife contributed immensely and was

1 involved 24 hours a day, seven days a week in the life
2 of Merchiston.

3 My wife also involved herself in the families of
4 staff, both teaching and non-teaching. Research would
5 show that she was much loved by all, not least by all
6 the boys who enjoyed her home baking or unofficial
7 popping in to see them. When we retired she had
8 a special farewell party given by the parents. I hope
9 it will not be misinterpreted when I say in the best
10 traditions of the colonel's wife. All this could work
11 in a school of the size we developed, namely 300 to 400
12 pupils, and was a key aspect of child welfare as we saw
13 it.

14 We undertook a major upgrading of the boys'
15 accommodation and facilities in the boarding houses and,
16 according to age, from small dormitories to cubicles to
17 individual study bedrooms, which had two day pupils
18 sharing. The major building programme was also to
19 create 'married-with-family' housemaster accommodation
20 in all boarding houses.

21 Other changes were that more female staff were to be
22 involved in the boarding houses and married, preferably
23 with families. The reason for this is that they would
24 sport family ethos of the school also with children of
25 their own they would be more attuned to or understanding

1 of children in their care. There were to be more links
2 with home and private phone booths, as these were
3 pre-mobile phone days. Following Esther Rantzen's
4 Childline initiative these notices were displayed in the
5 pupils' phone booths. There were particular efforts to
6 keep guardians and overseas parents in the loop. There
7 was better reporting to parents both formally through
8 more detailed end of term reports and annual
9 parent/teacher meetings and informally by holding
10 receptions for parents.

11 All of these took place in addition to events for
12 former pupils. Housemasters were encouraged to have
13 informal parents' events. I introduced a formal rule
14 book which was sent to new entrants with joining papers.
15 Parents were therefore au fait. Staff also had a copy
16 of the rule book and there was a copy in the staffroom.

17 Developing strong links with two girls schools,
18 notably with St George's School for Girls in Edinburgh.
19 Their involvement with drama, music balls, social
20 evenings and discos ensured pretty normal boy/girl
21 relationships. Fraternisation was most certainly not
22 a problem.

23 I technically had overall responsibility for all
24 staff, both teaching and non-teaching. The teaching
25 line managers were the heads of department. The

1 pastoral line managers were the housemasters. The
2 chaplain was the line manager for both pastoral and
3 spiritual care. There was 24/7 medical care, which
4 entailed two general practitioners on contract plus two
5 Accident & Emergency experienced nurses and an on-site
6 surgery with a small ward. There was
7 a Combined Cadet Force and the school had an armoury.
8 The aforementioned all reported directly to me.

9 The second master, or the deputy head, reported to
10 me frequently, if not daily. I had regular formal
11 meetings with the housemasters and also with heads of
12 department. The bursar also had a role of secretary to
13 the governors. I met with him weekly or more often
14 informally.

15 The catering and cleaning manager were employed on
16 an outside contract but reported to me weekly. Their
17 staff were vetted. The same applied to the works
18 manager and his staff. They all reported to me every 14
19 days or as requested.

20 Recruitment of staff.

21 I was responsible for the recruitment of all
22 teaching staff; with the governors responsible for the
23 school doctor and the bursar. The bursar was
24 responsible for the recruitment of works, accounts and
25 reception staff. The catering and cleaning managers

1 were responsible for recruiting staff but details were
2 submitted to the head for vetting and final approval.
3 The CCF were recruited in conjunction with the army
4 authorities. In all cases where I had sole
5 responsibility, references were sought and also vetting
6 was carried out. In the other above detailed areas
7 I went through vetting procedures as per legislation and
8 procedures at that time.

9 All teaching staff were expect to have a degree and
10 initially there was a preference for a teaching
11 qualification which later became mandatory. This only
12 varied in exceptional circumstances if there was
13 a sudden need for a replacement in a key area.
14 An application for teaching post required a letter with
15 CV and the names of two referees. If interested in the
16 applicant, I would seek written references. For those
17 shortlisted, I would phone referees and/or other sources
18 to put further questions, including to ask if they had
19 any problems with sex, drugs, alcohol or discipline. If
20 these responses were okay, the shortlisted candidates
21 were invited to school and interviewed individually by
22 me, the second master and the head of department. The
23 candidates were placed in classrooms or had pupil
24 contact to watch interaction and this whole process
25 lasted most of the day.

1 Vetting procedures evolved with the passage of time.
2 In 1981 vetting of a prospective member of the teaching
3 staff was implemented using procedure A. In the case of
4 a chosen candidate I would refer to the Scottish Office
5 which held a list of persons either convicted of
6 offences of a sexual nature or alleged to have committed
7 offences of a sexual nature. This was called their
8 list 25 and the headmasters' conference held
9 an equivalent list which I consulted in conjunction with
10 the same. These lists covered persons residing
11 throughout the UK.

12 Subsequently as child protection changed,
13 procedure B was implemented and this related to the
14 employment of all staff who would come into contact with
15 children and not just teaching staff. In addition to
16 procedure A, a referral was made to the Scottish
17 Criminal Records Office and covered convictions of all
18 natures, not just those relating to sexual offences.
19 This was valuable as one would not wish to see in
20 a school someone convicted of serious crimes, for
21 example assault, drug taking or child sex abuse.

22 Finally procedure C was implemented and the SCRO was
23 replaced by Disclosure Scotland.

24 Unless they had significant teaching experience, all
25 new teaching staff were applied with a probationary

1 first term. The governors were informed of all new
2 appointments and they met them at the next governors'
3 meeting.

4 Training of staff.

5 All new members of staff had an appraisal at the end
6 of their probationary term. Training was delegated to
7 heads of department. With regards to the personal
8 development, there was a discussion with members of
9 staff at appraisal point or at the request of the
10 individual. Various development courses including
11 pastoral and academic were generally on offer from
12 outside bodies.

13 Supervision, staff appraisal and staff evaluation.

14 In addition to the appraisal, which took place at
15 the end of any probationary term, all teaching staff
16 were appraised every two years. The head of department
17 then presented this and discussed it with me and the
18 second master and/or the director of studies. The
19 second master and the director of studies were separate
20 appointments. In my time at the school, the second
21 masters were Brian Thompson and Ken Houston. The
22 individual concerned then had a short or a more detailed
23 meeting, if needed, with me. A further meeting might be
24 needed if there was unsatisfactory classroom control,
25 late arrival in class, failure to prepare lessons,

1 failure to correct work or poor exam results. However,
2 at any time when a concern about a teacher was raised
3 and from whatever quarter, then this was immediately
4 investigated. If this related to poor teaching or
5 academic results then I operated in conjunction with the
6 head of department.

7 If it was more serious, for example conduct, I would
8 act informing the second master about the issue. Then
9 I would interview the individual concerned. In very
10 serious matters, prior to action, I would consult with
11 the chairman of governors. For example, a senior member
12 of staff with poor exam results who refused to accept
13 the exam board's advice and a retraining course, prior
14 to requirement to step down from the post. In all of
15 the above cases the chairman would also be informed and
16 a record kept in the individual teacher's file.

17 Formal feedback was initially by the head of
18 department who reported to me or my deputy. Informal
19 feedback came from parents, pupils, outside bodies or
20 personal observation.

21 I would also be around the school and frequently
22 entered a boarding house unannounced, including in the
23 junior house.

24 Living arrangements.

25 I lived with my wife and family in the head's house

1 on campus, which was 75 yards away from the main
2 building.

3 Initially some housemasters lived in the boarding
4 houses, others in nearby on-site houses. Under tutors
5 lived in the boarding houses. Under restructuring, all
6 housemasters and families lived in purpose-built
7 accommodation in the boarding houses.

8 Boarding house staff, cleaning staff, medical staff,
9 works staff plus outside bodies carrying out
10 inspections, namely HMI, fire brigade and I would have
11 access to the boarding houses. Other staff required
12 permission from the housemaster.

13 Culture within Merchiston Castle School.

14 Merchiston in 1981 to my mind and in common with
15 many schools, both day and boarding, state as well as
16 private, had not made the transformation so clearly
17 portrayed by John Rae in 'The Public Schools
18 Revolution'. Pressure from parents, taken on board by
19 my wife and me during the training time, demanded change
20 and this was very much to the fore in the chairman's
21 mind. At the time, Merchiston's reputation seemed to be
22 that of a male-orientated boarding school with a strong
23 sporting tradition, notably in rugby. As outlined
24 previously, my aim, and with the full and active support
25 of the governors, was to create together with my wife

1 a more homely, more caring, more family-orientated
2 school in which each individual could flourish in terms
3 of personality and talents and to find or appoint staff
4 to enable this. Two key appointments helped set the
5 course. These were RM Ridley, who was the head of
6 English, and later to become head of Belfast Royal
7 Academy, and FM Hadden, who was head of sport and later
8 became a coach of the Scotland XV.

9 It is ironic that with the reduction of time spent
10 on rugby and much more emphasis given to studies and the
11 arts and with increasing achievements in academic
12 results, music, drama, debating and technology, our
13 achievements in rugby grew even stronger. We sought to
14 develop the family concept to embrace, in addition to
15 the boys, all staff, both teaching and non-teaching, and
16 actively encouraged parents to become involved in school
17 activities, not least to join in our Sunday worship.
18 Indeed, many parents came to see the school as their
19 church, and in turn the two successive and excellent
20 chaplains as their minister, in times of joy and in
21 times of stress and sorrow.

22 As at Wellington College, my wife and I had groups
23 of boys into our home each week for a social which
24 involved food, chat and party games. Likewise parents,
25 visitors, senior pupils and staff were invited for

1 coffee following the church service.

2 Personal fagging, that is juniors for seniors, was
3 not permitted in my time.

4 Discipline and punishment.

5 Corporal punishment was still in place in 1981.

6 I amended this to, 'To be used only by the housemaster'
7 and with my approval for a serious matter such as
8 bullying, theft or bringing alcohol into the school and
9 selling it to others. A record was kept. However,
10 I soon reduced corporal punishment 'to be administered
11 by the head only' and again a record was kept. I felt
12 that whilst there was a case for corporal punishment, it
13 should be seen and administered as a real deterrent.
14 Elevated therefore to be administered by the head and
15 very rarely. Soon afterwards I abolished corporal
16 punishment completely.

17 Prefects were allowed to punish by setting extra
18 jobs, for example cleaning up an area of the boarding
19 house.

20 Several punishments were open to the teaching staff.
21 All staff were aware of procedures. They could send
22 pupils out of class, set extra work, set lines, set
23 weekly detention, set weekly report cards, report to the
24 housemaster, and if necessary to the head, and drop from
25 the team or the school play, et cetera. The same

1 punishments were available to the housemasters, but they
2 could also remove privileges, for example television,
3 leave into town or weekend leave out. All punishments
4 except minor, such as lines or extra work, were to be
5 recorded in the boys' files with the housemaster and
6 major punishments in the boy's file held by the head.

7 As the head I could administer suspension and
8 expulsion. Both of these were referred to the chairman
9 of governors. Parents and all staff would be informed
10 and a record was kept in the boy's file.

11 I have already referred to the blue rule book which
12 I introduced and periodically revised. It attempted to
13 make clear the accepted standards. The formal policy
14 was reinforced and repeated at whole staff meetings, at
15 heads of department meetings and at housemaster
16 meetings. Every member of staff was expected to
17 maintain and reinforce discipline and good conduct.

18 Discipline is best maintained through the respect
19 pupils have for a teacher and a trust and belief in his
20 or her fairness. Pupils will always try it on with
21 a new teacher. Heads of department, therefore, were to
22 assist the teacher but ultimately teachers must off
23 their own bat gain the confidence and respect of the
24 pupils.

25 Senior pupils had responsibility for ensuring the

1 smooth day-to-day running within the school and the
2 boarding house. As with a teacher, they were expected
3 to exercise authority by example and personality and to
4 try and prevent crises. Importantly, they were to bring
5 to attention to a member of staff by whatever means,
6 informal or formal, anything that could damage any
7 individual or the school in general. House prefects
8 reported to the housemaster and senior prefects reported
9 to the housemaster plus the head.

10 All pupils at the end of lower sixth year spent four
11 weeks as acting prefects under the supervision of the
12 housemaster. They were then assessed as potential
13 prefects and the suitability for which age group. All
14 this was decided in a formal meeting between the head
15 and the housemasters. The head decided on the captain
16 and the vice-captain of the school. This was decided on
17 personal qualities, leadership qualities, integrity,
18 respect and care for the school and for others and being
19 able to communicate personality and views.

20 As a headmaster I was involved in the day-to-day
21 running of the school.

22 Concerns about the school.

23 External.

24 In 2013 I gave a statement to the police in the
25 course of their Operation Yewtree Inquiry and following

1 a complaint against James Rainy Brown received from
2 a former pupil. The complaint concerned inappropriate
3 behaviour of showering and swimming naked with pupils.
4 The school responded openly and all relevant files were
5 seen or taken by the police. I was subsequently told
6 that despite extensive trawling by the police and
7 considerable press coverage, no one else made any
8 complaint or accusation against James Rainy Brown or
9 anyone else and the police regarded this as exceptional.
10 Parents were informed by my successor of the police
11 investigation.

12 Internal.

13 I was concerned separately, and at separate times,
14 about the conduct of two members of the teaching staff.
15 This concerned a potential indecent exposure and the
16 possession of pornographic or child pornography
17 material. Following, in one case, complaints from
18 pupils, both indirect and direct, and in the other case,
19 a complaint from an outside source, I investigated both
20 cases, interviewed individuals and consulted with the
21 chairman of governors as per procedure detailed earlier.
22 Both teachers left our employ. I do not wish to name
23 the members of staff. They left Merchiston voluntarily
24 and reference to them in the public domain could raise
25 issues of wrongful dismissal or defamation. The files

1 at Merchiston relating to these two teachers were
2 examined by the police in the course of Operation
3 Yewtree. It is my understanding that further
4 investigations revealed nothing untoward.

5 The police have subsequently checked on the two
6 individuals in their present employment and I was
7 informed that no further concerns were expressed. In
8 these cases, parents were not informed as neither case,
9 at that time, could be deemed suitable for prosecution
10 and the school could have faced charges of wrongful
11 dismissal. These two individuals do not feature in the
12 names provided to me by the Inquiry.

13 Reporting of complaints or concerns.

14 The procedures were laid down in the rule book
15 I introduced and sent with the joining papers to every
16 new pupil. In effect, formal complaints generally came
17 directly to me from pupil, parent, a member of staff,
18 governor, general public or anonymously. I operated
19 an open-door policy.

20 Informal complaints came mainly from boys, usually
21 via social evenings or anonymously, for example using
22 the pupils' notice board.

23 As explained above, a clear complaints procedure was
24 laid down enabling any pupil, parent, member of staff to
25 make a complaint formally and there were also many

1 informal routes. I discussed all with the chairman of
2 governors. As to be expected, there were a number of
3 formal complaints on a wide range of matters and there
4 were also a number of informal complaints on a wide
5 range of matters. All complaints were recorded in my
6 file on any relevant teacher or boy. Serious complaints
7 were reported to the full board of governors.

8 As well as the routes declared earlier, namely via
9 teacher, housemaster and myself, house matrons,
10 particularly in the junior house, and female members of
11 staff were clear sources to take your troubles to. In
12 the case of chaplain or medical staff, total confidence
13 applied unless the problem presented a danger to any
14 other individual or the school. This was clearly
15 understood and was the route chosen by the boys with
16 worries about home and about school. I had meetings
17 twice a week with medical staff and also with the
18 chaplain. It was also made clear to the pupils, parents
19 and staff that they could raise any complaint or concern
20 directly with the board of governors. This happened on
21 occasions, but none concerned any form of abuse.

22 Abuse.

23 Abuse was defined as physical, mental or sexual.
24 Physical was bullying, inflicting punishment with pain
25 and destroying or harming prized possessions. Mental

1 was causing great anxiety or fear, major loss of
2 confidence, destroying or belittling personality or
3 causing unwarranted feelings of guilt. Sexual was
4 sexual approach to or act with pupil both actual or
5 inferred. The definition was communicated during whole
6 staff, housemaster and head of department meetings. My
7 impression was that these definitions were generally
8 understood pre-1981 and subsequently reinforced by me.

9 Child protection arrangements.

10 All staff were aware of school policies regarding
11 the care and the welfare of children. Immediate action
12 files were displayed in the staff room regarding fire,
13 bomb and accident. The expected conduct of staff was
14 made clear at appointment and during their probationary
15 term. No specific guidelines were given regarding abuse
16 except to require staff to report any disquiet or
17 concern by whatever reporting route they wished, formal
18 or informal if more comfortable. Virtually any
19 situation is open to misinterpretation but I found staff
20 would react if really concerned.

21 New staff were vetted and there was appraisal and
22 observation of all staff. The key factor was the known
23 formal and informal reporting system. In my time, the
24 appointment of a child protection officer was not
25 common. The systems in place worked during my time in

1 at least five cases of physical, mental or sexual abuse.
2 These related to the two teachers mentioned previously,
3 the two cases of mental abuse and a case where one pupil
4 attempted suicide in his room at school following the
5 breakup of his parents' marriage of which he had been
6 informed just prior to being brought back to school
7 after leave out.

8 External monitoring.

9 The school had HMI Inspections carried out in
10 respect of the whole school, selective academic
11 departments and welfare. The inspectors spoke with
12 children both individually and in groups. Staff were
13 generally not present when this occurred unless in
14 classroom issues. The inspectors spoke to me and gave
15 me feedback.

16 Record-keeping.

17 Detailed records were kept. The housemasters kept
18 a file on every boy. This was comprehensive and
19 included home details, academic information, including
20 four weekly report cards, interests, achievements,
21 health issues, disciplinary matters and dealings with
22 parents, et cetera. Heads of department and staff
23 within departments kept records of performance, results
24 and pupil confidence.

25 The head kept a file on each pupil from entry to the

1 end of school career. This included end of term
2 reports, involvement and dealings with parents, any
3 confidential matter, any complaint or concern,
4 achievements, serious disciplinary issues, CV and
5 applications to university, et cetera. The head also
6 kept a file on each teacher. I did not have any
7 official handover from my predecessor.

8 Both sets of files were kept intact, on depart
9 either of boy or teacher, for a minimum of five years
10 and stored so that reference could be made on any point,
11 mainly to provide references. Staff and boys' files
12 were generally comprehensive. After five years the
13 files were reduced to key details and stored.

14 Investigations into abuse -- personal involvement.

15 Two instance of physical and mental abuse by
16 a parent at home came to light. In one case the boy
17 concerned confided in the chaplain and in the second
18 case an elder brother hinted to me informally.
19 Unfortunately, both boys committed suicide at home.

20 There was an instance of a teacher being cruel to
21 a pupil. He was constantly belittling the boy in front
22 of the class. This came to light as the result of
23 a report to me by the head of department. For this and
24 for other reasons the teacher left our employment. I do
25 not wish to name the teacher concerned.

1 There were two instances of mental abuse on pupils
2 in the school by outside bodies. Surprisingly the abuse
3 came from the legal departments of public bodies, in one
4 case acquiescing in falsified evidence and a potential
5 major miscarriage of justice. But for the informal
6 intervention of another outside body it would be no
7 exaggeration to say that the boy concerned would have
8 suffered mental torment for the rest of his life. In
9 these cases the systems deployed worked.

10 Reports of abuse and civil claims.

11 I was involved in the case of James Rainy Brown
12 which was investigated by the police. The findings in
13 relation to James Rainy Brown and in relation to the two
14 teachers mentioned earlier were reviewed by the police.
15 These investigations indicated that the school had
16 handled all three cases responsibly and with the welfare
17 of children clearly in mind.

18 What is interesting is the fact that in 2012/2013
19 and the subsequent suicide of James Rainy Brown, which
20 attracted significant coverage in the media, did not
21 elicit at that time any further complaints of historic
22 abuse at Merchiston. In fact, as has been explained,
23 there was only one complaint against James Rainy Brown
24 and of improper behaviour. There was no accusation of
25 sexual activity. It is surprising that allegations

1 against a number of staff should surface now in
2 2019/2020.

3 Police investigations.

4 I became aware of a police investigation as a result
5 of Operation Yewtree. I provided a statement to the
6 police. I never gave any evidence at a trial.

7 I do not know of any person who worked at the school
8 who was convicted of the abuse of a child at the school.

9 Specific alleged abusers.

10 I have amplified responses to specific questions
11 with a general review of each individual, which I hope
12 will be helpful.

13 James Rainy Brown.

14 He was on the staff when I arrived as housemaster
15 after a very small junior house with pupils aged 8 to
16 12. He also taught junior science, namely chemistry and
17 physics. He worked at Merchiston full time until 1997
18 and part-time until around 2007. I was told by the boys
19 that he disciplined by sharp words, making them stand
20 outside his study and await detention or by making them
21 forego activities.

22 For educational and other purposes I quickly revised
23 this age group to ages 11 and 12, as I did not feel that
24 Merchiston was equipped to meet the needs of 8- to
25 10-year-olds. Entry was therefore revised to 11- and

1 12-year-olds, fitting in with the Scottish and English
2 systems.

3 In light of the changes in perception of boarding
4 schools by parents with mothers, not fathers, deciding
5 the school for their child, whilst recognising the clear
6 talents of three bachelor housemasters with younger
7 boys, I felt it was important for a more family regime
8 to be introduced with more female staff mothers, with
9 Accident & Emergency experience as nursing staff in the
10 medical centre.

11 Two bachelor housemasters readily embraced this
12 change, but James Rainy Brown initially less so.
13 A reluctant convert to the new system, it has to be
14 remembered that James Rainy Brown had been a pupil at
15 Merchiston in the 1960s. Brought up in the old
16 tradition, he initially resented female involvement to
17 ultimately accepting and welcoming females, provided he
18 approved of them. He rated highly his house matron,
19 Mrs Skinner, and the boys loved her too. Then
20 Mrs Pat Wearmouth [REDACTED]
21 [REDACTED] and my wife Yvonne. James Rainy Brown
22 was highly rated by all the mothers.

23 My concerns about James Rainy Brown were on the
24 lines of a 'muscular Christianity' and Boys Own paper
25 style. He encouraged adventurous activities and

1 challenges with limited adult supervision and consequent
2 risks. These would have been accepted and revered
3 historically but were now seen as risky and hazardous.
4 He felt that life was challenging and that you should be
5 prepared to rise to the challenge. It will be seen from
6 his file that issues on which he was taken to task,
7 reprimanded or formally warned came into this category.

8 In some ways he was set in what he saw as a golden
9 age, the 1950s and the 1960s, and wished to give those
10 in his charge the benefits of that experience. He was
11 a Mr Chips in many respects, an eccentric perhaps. He
12 wished to protect the boys in a time capsule and to give
13 them challenges and a spirit of camaraderie and also
14 develop self-reliance and independence. The following,
15 now regarded as peculiar or deviant, were, as
16 I recollect myself at the time, not odd at all.

17 Swimming naked in a pool or lake used to be regarded
18 as quite normal as in the novel by EM Forster 'A Room
19 with a View', not wearing underpants for sport or
20 a jockstrap for those aged under 16. I did, however,
21 have concerns that he could place himself in a situation
22 very much open to misinterpretation. He normally wore
23 a bow tie which was fashionable at the time, but is now
24 seen as affected.

25 He was always tempted to sail his own ship,

1 following his own charts and independent of the course
2 or orders of the fleet. The admiral needed to signal
3 him back into line. All this might make him sound like
4 a Kurt Hahn figure. In contrast and much less in the
5 public eye, he would be very understanding about boys'
6 problems like homesickness, problems at school and
7 problems at home. Undoubtedly he helped many boys
8 through difficult periods of their lives.

9 As a classroom teacher he was not outstanding in
10 junior sets. His great value and contribution lay
11 outside the classroom as a housemaster, rugby and
12 athletics coaching and camping. He pushed himself very
13 hard physically and mentally for what he considered
14 important for the boys in his house, in the school as
15 a whole and for Merchiston itself, setting himself high
16 standards of dedication for the job.

17 At no time did I have concerns about the potential
18 sexual abuse of children in the care of
19 James Rainy Brown. In no case was there a hint of lewd
20 comment, conduct or behaviour. Remember the constant
21 consultation and vetting procedures and information
22 routes operating at the time and not least that my wife
23 and I were seeing junior house boys on a very regular
24 basis in a relaxed situation. Indeed, the frequent
25 mention of his name at such times did not elicit

1 a glance, a moment of hesitation or a snigger.

2 I was anxious that his one-man approach presented
3 risks in the case of activities, camping and
4 expeditions. I required him, via admonishment and
5 formal letter, to have a second adult in tow. In fact,
6 as numbers in the junior house increased, he came to
7 realise that he could not do it all himself and he
8 welcomed assistance and support.

9 If James Rainy Brown was a closet homosexual I am
10 confident that he made no sexual advances to any pupil
11 and in this respect he did not pose a risk to any child.
12 Had I or the governors thought otherwise, then we would
13 not have hesitated to remove him from the school.

14 At the start of the police inquiry,
15 James Rainy Brown took his own life and this featured
16 prominently in the media. Despite this, no further
17 allegations, other than one case of improper behaviour,
18 was forthcoming, something which the police themselves
19 regarded as 'most surprising'.

20 It is my belief that James Rainy Brown took his own
21 life believing that he had brought discredit upon the
22 school that he loved.

23 I was not consulted about how he should be treated
24 by the school following his death and it is my
25 understanding that there were a few strongly worded

1 requests to the school that there should not be
2 a memorial service. I know that a considerable number
3 of former pupils expressed their wish for a service.
4 I myself would have attended a service.

5 'Glenn'.

6 'Glenn' was on the staff when I became head. His
7 employment coincided with the whole of my time at
8 Merchiston. I saw him discipline twice and had feedback
9 from the boys. He disciplined using daily report cards,
10 extra house duties, forego privileges or activities and
11 detention.

12 He was a valued [REDACTED] teacher and [REDACTED],
13 which had an age group of 13 plus. This composed of, in
14 the main, entrants from prep schools plus members of the
15 junior school moving up into the main school. His was,
16 therefore, a very important role and he enjoyed a very
17 good rating inside and outside the school from parents
18 and from feeder schools.

19 I cannot recall exactly when he retired as
20 a [REDACTED], but he remained on the staff teaching and
21 in a senior post under my successor until his full
22 retirement. He was a traditionalist at heart but
23 adaptable and was forward thinking in how a boarding
24 house should operate, welcoming reforms introduced and
25 recognising the need, where a bachelor housemaster was

1 involved, of having female and motherly figures actively
2 involved in the life of the house.

3 He always came across as calm and collected and it
4 has to be said that I never saw him lose his temper. He
5 was firm in matters of discipline but not heavy-handed
6 with just the right amount of free rein for this
7 particular age group and, in my experience, always
8 scrupulously fair. Boys and parents were happy under
9 his regime.

10 I had virtually no complaints from any source, save
11 in relation to minor matters such as a parent
12 complaining that leave had been cancelled as
13 a punishment, no adverse feedback, hints or worries, and
14 I had every confidence in him. I am therefore very
15 surprised to see his name mentioned.

16 DRW

17 DRW applied to the school as a student, supported
18 by Edinburgh University, seeking to gain experience
19 prior to taking up teaching. I took him on as a student
20 helper. This was a scheme common in HMC schools to
21 accommodate university students from overseas. His role
22 was to assist the housemaster in the boarding house,
23 particularly with activities, plus school-based
24 activities and sports. I selected the junior house and
25 James Rainy Brown given DRW involvement in the

1 Scripture Union. His outlook coincided very much with
2 James Rainy Brown.

3 When his time was completed, DRW departed and
4 returned some time later, maybe 1994, on a short-term
5 contract. He was in his 20s by this stage. I knew him
6 quite well. He taught [REDACTED] and assisted in coaching,
7 in [REDACTED], [REDACTED] and [REDACTED]. I did not
8 witness him disciplining children as his role was
9 limited to responsibilities, but he may have withdrawn
10 privileges. In my time, no complaints or hints of any
11 form of abuse were received, either directly or via
12 feedback.

13 DXP [REDACTED]
14 I have already indicated the importance and the
15 value of pastoral as well as the spiritual care given to
16 pupils [REDACTED]
17 [REDACTED] I was fortunate to employ in my time.
18 DXP [REDACTED] was known to us from both his time on the staff
19 of another school in Edinburgh, our contacts in the
20 [REDACTED] as well as a popular [REDACTED]
21 [REDACTED].

22 On the retirement of [REDACTED] Alan Robertson,
23 I approached DXP [REDACTED] who was then [REDACTED] of
24 another [REDACTED].

25 I can't recall when he joined Merchiston, but he

1 lived on campus. His employment coincided with mine for
2 a period of approximately six years and he was about 50
3 years old.

4 In addition to his pastoral role as [REDACTED]
5 [REDACTED], he took the [REDACTED] very successfully
6 and enjoyed coaching [REDACTED]. He was a most caring,
7 sympathetic, affable man who was a very good listener.
8 With children he was very sympathetic, did not look for
9 failings and was ready to excuse. At times
10 absent-minded, he was much loved by the boys and all the
11 staff, both teaching and ancillary, and their families.
12 He also had quite a following amongst parents, who came
13 to him with their joys and their problems.

14 He continued in post after my retirement until he
15 himself retired. At no time did I receive any
16 complaint, formal or informal, no hint from any source
17 of anything odd. I am therefore very surprised not
18 least that after many years of silence one or more
19 allegations of some form of abuse should have surfaced.

20 Helping the Inquiry.

21 I have endeavoured to give a full and open response
22 to the questions posed by the Inquiry on the basis of my
23 knowledge of child abuse. As I do not know what the
24 allegations made against individuals are, I cannot
25 comment on how the alleged abuses could have been

1 detected or prevented.

2 There is no foolproof system to detect if a child is
3 being abused at home or at school at the time it occurs.
4 All I can be confident about is that I, together with my
5 colleagues and governors, were very mindful indeed of
6 all aspects of child protection, including physical,
7 mental, sexual abuse both through formal policies and
8 procedures and informal procedures, some of which
9 I suspect would not be permitted today. I would also,
10 without the candidate's permission, approach any
11 contacts I had who had personal knowledge of the
12 candidate, outwith the two referees. Questions posed
13 included personal habits, including drinking and drugs,
14 sexual orientation and temperament.

15 Specifically, in addition to formal vetting
16 procedures together with the more informal procedures
17 and feedback from other sources for example police,
18 press and even gut feeling or intuition and a suspicious
19 nature, I believe nonetheless that no system or
20 procedures can guarantee total safety.

21 However, I would wish to add the following, which
22 I hope will be regarded as helpful. As I have already
23 stated, no system is fool proof and I believe this to
24 apply to child protection too. Therefore, in addition
25 to established vetting procedures, one has to rely on

1 matters which cannot be legislated among which I would
2 see as valuable, such as keeping an ear to the ground in
3 respect of pupils, all staff, parents and outside
4 sources for information, warnings or hints. Operating
5 an open-door policy, which would be one route for
6 whistle blowers, and to try and secure the confidence of
7 the staff, pupils and parents.

8 Have key personnel to whom people will voice
9 concerns, without wishing in the presence of a head to
10 point a finger, such as the chaplain, medical staff and
11 even my wife. In my time, all these were privy to
12 confidences.

13 Unfortunately, to have a suspicious mind and to be
14 prepared to think the unthinkable.

15 I have no objection to my witness statement being
16 published as part of the evidence to the Inquiry.
17 I believe the facts in this statement are true."

18 My Lady, the statement is signed and it's dated
19 4 December 2020.

20 LADY SMITH: Thank you.

21 MS BENNIE: My Lady, that concludes the read-ins for today.

22 LADY SMITH: Thank you.

23 As indicated earlier, that's our evidence finished
24 for today and we'll sit again at 10 o'clock tomorrow
25 morning. That's with a witness in person; is that

1 right?

2 MS BENNIE: Yes, my Lady.

3 LADY SMITH: Until 10 o'clock tomorrow morning. Thank you.

4 (3.37 pm)

5 (The Inquiry adjourned until 10.00 am on

6 Friday, 21 January 2022)

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