

Friday, 21 January 2022

1

2 (10.00 am)

3 LADY SMITH: Good morning and welcome to the last day of
4 this week on evidence regarding the provision of
5 residential care at Merchiston Castle School. This is
6 a day in which we're going to begin with two in-person
7 witnesses and I think the first one's ready, Mr Brown.
8 Am I correct?

9 MR BROWN: That's correct, my Lady. The first in-person
10 witness is 'Glenn'.

11 LADY SMITH: Thank you.

12 'Glenn' (sworn)

13 LADY SMITH: 'Glenn', you'll see there's a microphone with
14 a red light on it quite close to you.

15 A. Yes.

16 LADY SMITH: Can you try to make sure that you use that
17 microphone, we need to be hearing you through the sound
18 system.

19 You also have a red folder in front of you. That
20 has a hard copy of your statement in. You'll also see
21 your statement coming up on screen as we refer to
22 various parts of it, so do feel free to use the
23 statement if you find that's helpful.

24 A. Thank you.

25 LADY SMITH: Otherwise, do let me know if you have any

1 concerns or questions as we go through your evidence.
2 Don't stay quiet, speak up --
3 A. Right, thank you.
4 LADY SMITH: -- if you want to do so. You're not being rude
5 by interrupting, far from it. I want to know if you
6 have any questions at all.
7 Finally, if you need a break at any time, that's
8 absolutely okay by me. If it works for you, it works
9 for me, all right?
10 A. Thank you.
11 LADY SMITH: I'll hand over to Mr Brown now, if you're
12 ready, okay?
13 A. Yes, thank you.
14 LADY SMITH: Mr Brown.
15 Questions from Mr Brown
16 MR BROWN: My Lady, thank you.
17 'Glenn', good morning again.
18 A. Good morning.
19 Q. You have in front of you -- I'll let you pour your water
20 first. You have in front of you, and you can see it on
21 the screen as well, your statement. We see it has
22 a reference number, WIT-1-000000570 and that it runs to
23 16 pages. On the final page we see you signed it on
24 11 December 2020.
25 A. (Witness nods)

1 Q. And confirm, just above the signature, that you have no
2 objection to your witness statement being published as
3 part of the evidence to the Inquiry and that you believe
4 the facts stated in this witness statement are true, and
5 that remains correct, you're happy it's accurate?
6 A. That's correct, yes.
7 Q. Thank you very much indeed.
8 As you understand, we don't need to bore into all
9 the detail that's contained, because we have it.
10 A. (Witness nods)
11 Q. You also have in the folder a list of pseudonyms.
12 A. Yes.
13 Q. So if you bear that in mind and I'll try and assist you,
14 should we discuss any of the named people there.
15 You are 71?
16 A. 71, yes.
17 Q. Born in 1950. [REDACTED] a teacher at Merchiston,
18 which we'll come to talk about, [REDACTED]
19 [REDACTED]
20 A. I was, yes.
21 Q. [REDACTED]
22 [REDACTED]
23 A. Yes.
24 Q. [REDACTED]
25 A. That's correct.

1 Q. [REDACTED]

2 A. [REDACTED].

3 Q. [REDACTED]. By way of background, you're not from Edinburgh,
4 you came from the west, the detail doesn't matter.

5 A. (Witness nods)

6 Q. [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 A. [REDACTED]

10 Q. [REDACTED] So we're therefore interested [REDACTED]

11 [REDACTED]

12 because you have a knowledge of Merchiston [REDACTED]

13 [REDACTED]

14 A. Mm-hmm.

15 Q. [REDACTED], you will have seen Merchiston in very
16 different lights and Merchiston changing dramatically.

17 A. Yes.

18 Q. [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 A. [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1

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4 Q.

[REDACTED] Was there any formal induction, as you would understand when you were a senior teacher, [REDACTED]

7 A.

Sorry, are you talking about [REDACTED] as a member of staff [REDACTED]?

9 Q.

No, what I'm drawing is the contrast between the experience of boys, thinking in the first decade of the 21st century when you were SNR [REDACTED] presumably at that stage there were inductions, there were welcomes?

13 A.

There were. As I mentioned to you earlier, I find it very hard now to remember one from the other. They're a bit of a jumbled heap. But yes, we did. It was -- preparation was made and provision was made for that, yes.

18 Q.

Because you're taking, particularly Merchiston of the 21st century, boys are starting younger [REDACTED]

20 A.

Mm.

21 Q.

They're going into a very different environment from home?

23 A.


Yes.

24 Q.

And presumably that is one of the dramatic changes that you saw [REDACTED] that the school

25

1 itself was making great efforts to smooth the --

2 A. Oh, yes, definitely, a great deal of difference. Most
3 of the boys, for example, towards the end of my time at
4 the school would have come over -- come to the school on
5 several occasions to see it or to have a sleepover or
6 a weekend activity or whatever, so they would have been
7 much better prepared latterly 

8 Q. 

9

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11 A. 

12 Q. 

13 A. 

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17 Q. 

18 A. 

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23 Q. That, if I may say, is a theme that we perhaps have
24 heard from other witnesses --

25 A. Yes.

1 Q. -- of Merchiston in the past. You were expected just to
2 get on with it, you learnt as you went.

3 A. Yes, I think that would be a fair way of putting it.

4 Q. [REDACTED]
5 [REDACTED]
6 [REDACTED]

7 A. [REDACTED]
8 [REDACTED]

9 Q. Okay. [REDACTED], would we understand that
10 a pupil starting at Merchiston in your last years as
11 a teacher would have been given much material to
12 consider?

13 A. Yes. Andrew Hunter was responsible for a lot of that,
14 and, yeah, I think a child coming -- starting at the
15 school would feel much happier and much, much firmer
16 ground about his knowledge of the school and what was to
17 follow.

18 Q. [REDACTED] in Chalmers West
19 [REDACTED] a housemaster, Mervyn Preston?

20 A. That's right, yes.

21 Q. [REDACTED] -- again we would
22 understand at that stage really the person in charge [REDACTED]
23 [REDACTED] would be the housemaster, that's the directing
24 force?

25 A. Very much so, yes.

1 Q. Rather than the headmaster?

2 A. Yes, definitely.

3 Q. The house was the key?

4 A. Yes, [REDACTED]

5 Q. Was there any induction by Mr Preston?

6 A. I think probably there was. [REDACTED]

7 [REDACTED] used to have quite a lot of

8 group meetings, [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 information about the school, guidance as to how to make

14 the most of it and so on and so forth. He did talk [REDACTED]

15 [REDACTED] in groups, rather -- not so much as individuals. In

16 groups.

17 Q. Although I think, [REDACTED] one thing that

18 was done individually was sex education?

19 A. That's right, it was.

20 Q. In his quarters?

21 A. Yes.

22 Q. [REDACTED] just about the

23 mechanics?

24 A. Very much so.

25 Q. [REDACTED]

1 A. [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED] there was nothing that was untoward or
5 unsettling.
6 Q. I think that is true [REDACTED] of Mr Preston?
7 A. [REDACTED]
8 Q. But am I correct in saying there was an understanding
9 amongst the boys that -- [REDACTED]
10 [REDACTED] from elder years, that he was known to be perhaps
11 somewhat eccentric, to use a neutral word?
12 A. Possibly, yes, possibly.
13 Q. [REDACTED]
14 A. [REDACTED]
15 LADY SMITH: What did others say about him?
16 A. I think the older -- the older boys probably sniggered
17 a little bit. I -- as I was saying -- sorry, to Andrew,
18 I beg your pardon, I've forgotten your name.
19 MR BROWN: That's quite all right.
20 A. As I was saying to Andrew, he did have one or two
21 peculiar habits, one of which was on occasion, not
22 regularly, I believe, but on occasion speaking to
23 someone whilst in his bath, a pupil, while he was in his
24 bath, possibly around this door, but, you know, or
25 possibly in the same room.

1 I don't think that happened on a regular basis, [REDACTED]
2 [REDACTED] but I think some of the
3 older students or pupils would relate to that.

4 [REDACTED]
5 [REDACTED]

6 LADY SMITH: When you say that older boys sniggered about
7 him, was it just the bath matter or were there other
8 aspects to it?

9 A. I -- that's the only one I can think of. I think
10 possibly the sex talk. I'm guessing a bit here, but,
11 yes, I think probably that would have been a source of
12 some -- some humour.

13 LADY SMITH: Thank you.

14 Mr Brown.

15 MR BROWN: Thank you, my Lady.

16 I think you said there were some peculiarities,
17 plural. What else were you thinking of?

18 A. Well, I'm not sure. [REDACTED]

19 [REDACTED] (Pause)

20 The only other thing I can think of, peculiar you
21 might call it, [REDACTED]
22 [REDACTED], pupils wore a protective thing in the
23 front of their -- under their trousers before going out
24 and playing cricket, a box they were called.

25 Q. Yes.

1 A. And he, [REDACTED] because he ran a team
2 from that age group -- did ask them whether they needed
3 a box or wanted a box or -- and I don't know if there
4 was anything further than that, but that subject was
5 brought up and that was one of the subjects [REDACTED]
6 that there might have been some tittering about, you
7 know.

8 Q. One thing we've heard about him was that he had
9 a connection with the New Club.

10 A. Yes, I think he stayed there latterly.

11 Q. The suggestion is he may have taken pupils for dinner?

12 A. Yes.

13 Q. Do you remember that?

14 A. No, but I'm not surprised if he did. In fact, he took
15 some former pupils -- sorry, after he'd left, he came
16 back to visit the school, stayed with the then
17 headmaster for a period of time, and he took some of the
18 senior prefects, senior boys in the school, out for
19 a dinner.

20 So that might be the sort of thing that's being
21 referred to. [REDACTED] but -- and
22 I'm not sure the boys currently in the school -- I think
23 it was possibly more former pupils, but of that I'm not
24 quite sure.

25 Q. Thank you.

1 [REDACTED] person that you recollect, and here we go
2 to the list of pseudonyms, he's referred to as BRW ,
3 who was, I think --

4 A. Yes.

5 Q. -- a teacher [REDACTED]
6 [REDACTED]

7 A. Yes.

8 Q. [REDACTED]
9 [REDACTED]

9 [REDACTED] You've described him in
10 conversation as a flamboyant character.

11 A. Yes.

12 Q. Was he someone, [REDACTED] who had
13 a reputation amongst the boys?

14 A. Yes, to a point. I think they liked him.

15 Q. Yes.

16 A. But he -- he did have a habit of putting hands on
17 shoulders, hands on knees when he was going round and
18 looking at work. Never beyond that. But it was --
19 I would say it's more that he was a character,
20 a flamboyant character, rather than a fear or dislike of
21 him or anything of that sort.

22 Q. Indeed. [REDACTED] other teacher that
23 you've talked about in your statement -- we'll come back
24 to him -- is James Rainy Brown --

25 A. Yes.

1 Q. [REDACTED] he came back to the school as a teacher,
2 having been a pupil in the school?

3 A. Yes.

4 Q. I think in 1960, [REDACTED]
5 [REDACTED]

6 A. That sounds about right, yes.

7 Q. He was a physics teacher [REDACTED]

8 [REDACTED]
9 [REDACTED]
10 A. [REDACTED]
11 Q. [REDACTED]
12 A. [REDACTED]
13 [REDACTED]
14 Q. [REDACTED]
15 [REDACTED]
16 A. [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 Q. Okay. Thinking of Merchiston [REDACTED] you talked
20 about the briefings from Preston as the housemaster in
21 Chalmers West.

22 A. Yes.

23 Q. We would understand that prefects were attached to each
24 of the houses?

25 A. There were, yes.

1 Q. I appreciate this is a long time ago and it's just
2 perhaps more sense, but what was the break up of
3 responsibility between housemaster and prefects? Who,
4 [REDACTED] see more of in the house?

5 A. I would say both. Mervyn Preston -- oh, sorry -- I can
6 use his name?

7 Q. Yes.

8 A. Mervyn Preston was around the house a lot. He lived in
9 the house for one thing. The prefects were chosen
10 I think because it was felt they would be good with that
11 age group. The house system was one which, as you'll
12 know, split the boys into age groups.

13 Q. Yes.

14 A. [REDACTED]
15 [REDACTED]

16 [REDACTED] others who were there from the
17 pupil body were the prefects, and they were picked
18 ostensibly because it was hoped/thought they would be
19 good in dealing with younger children, I think.

20 Q. Were they?

21 A. In two cases I can think of, yes, they were. [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 Q. One of the thoughts behind the horizontal approach,

1 which is what you just described --

2 A. Yes.

3 Q. -- the year stays together and moves from house to
4 house, as opposed to staying in the house with boys of
5 all ages, as happens in other schools --

6 A. Mm-hmm.

7 Q. -- is that there's less scope for older boys bullying
8 younger boys.

9 A. Yes.

10 Q. Thinking of bullying [REDACTED] do you
11 remember that being a problem within the year groups or
12 from older pupils?

13 A. No, [REDACTED] kept apart from the older pupils, by and
14 large. [REDACTED] the opportunities
15 for bullying probably were relatively remote. There was
16 bullying from within the year group. Again, just as
17 I was saying to you about the corporal punishment, there
18 was less than I might have thought -- or one might
19 think. Possibly the house system had something to do
20 with that. But there were 50 or 60 boys crammed into
21 a relatively small space, so you would expect there to
22 be some barneys, for want of a better expression.

23 But the bullying that I came across was fairly
24 minimal, fairly minor, and fairly infrequent.

25 Q. Within any body there will be a hierarchy.

1 A. Yes.

2 Q. We know that Merchiston is a school where sport was
3 important.

4 A. Yes.

5 Q. Is that something you saw change in the time -- the
6 balance between sport and education, for example?

7 A. I would say it was considered important. I would say
8 that [REDACTED] it was
9 still important, but I think that's not just the ethos
10 of the school, I think that's a boys' thing, you know.
11 Perhaps a lot of the boys who went to the school were
12 sent because they enjoyed games, physical exercise.

13 Yes, it was part of the culture. I'd like to think
14 that it was -- especially latterly, it was a school
15 which catered for people of all interests, abilities,
16 tastes, you know, in terms of activities and so on,
17 probably much less so -- that was to a fairly large
18 extent less so when I first started, you know.

19 There were certain things that were ... sort of
20 expected. Interests that you were expected to show.
21 Sport would be one. If you weren't interested in sport,
22 you might have been at some sort of disadvantage.
23 Latterly I think things changed quite markedly in that
24 respect and people were respected for their musical
25 ability or whatever it might be.

1 Q. [REDACTED] you're talking about your time as
2 a teacher?

3 A. Yes, [REDACTED] there was
4 a perceptible shift in certain things, [REDACTED]

5 [REDACTED]

6 Q. Thinking back, that's perhaps down to people growing up,
7 thinking of 17-, 18-year-old boys who are perhaps
8 thinking more academically as well as sportingly?

9 A. Yes.

10 Q. Thinking back [REDACTED], if you
11 were at an disadvantage because you weren't sporty. what
12 was the impact [REDACTED]?

13 A. You could -- you could be left out, I think, have
14 a feeling of being left out. Some people, I think, made
15 more of that aspect than others. [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 Sorry, I can't remember the initial bit of your --
21 part of your question.

22 Q. Well, I suppose in essence, did boys who weren't sporty
23 and didn't, [REDACTED] play the game, did they suffer for
24 that?

25 A. Some would, I think, yes. Yes. Not necessarily through

1 physical bullying, but perhaps name-calling. But
2 perhaps more generally just perhaps the feeling that
3 they would receive that they were not quite fully
4 integrated, you know, that they were being left out of
5 certain things.

6 Q. Was anything done by the school to try and address that?

7 A. I think [REDACTED]
8 there was a conscious effort to increase the range of
9 activities and ... interests that children could have.
10 I think the range was more narrowed [REDACTED]
11 [REDACTED]
12 [REDACTED], there was a marked
13 difference. Rugby, for example, is and was still
14 important, but there were a huge amount of other things
15 that one could get one's teeth into, and equally things
16 which had a sort of kudos associated to them, which was
17 what rugby gave you, certainly, in days of yore, a sense
18 of achievement and kudos.

19 Q. Thank you.

20 You mentioned corporal punishment. Corporal
21 punishment, I think, [REDACTED] was still
22 open to the senior prefect?

23 A. I think it was just the captain of the school.

24 Q. The captain of the school?

25 A. I think so.

1 Q. Was corporal punishment from the captain of the school
2 a common thing?

3 A. No.

4 Q. No.

5 A. No, it wasn't. I think I said -- I mentioned that to
6 you as well in our earlier discussion, there was less
7 corporal punishment used than I might have expected.
8 Certainly thinking back, definitely less than --

9 Q.

10

11 A.

12 Q.

13 A.

14 Q.

15 A.

16 Q.

17 A.

18 Q.

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21 A.

22 Q.

23 A.

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1 Q. Okay. Turning now to your statement on page 1, we see
2 the background [REDACTED]
3 [REDACTED] obtained
4 teaching qualifications, and you work briefly in Glasgow
5 [REDACTED] then you join Merchiston in
6 1976 and you stay there until 2009.

7 A. Mm.

8 Q. [REDACTED]

9 A. [REDACTED]

10 [REDACTED] It came about more by accident than design.

11 [REDACTED]
12 [REDACTED]
13 [REDACTED] at that stage there was a -- they were desperate
14 to have someone to take one set of [REDACTED] and I was
15 available and I said yes, I would do that. I then --
16 that was for a couple of terms. I went away abroad [REDACTED]

17 [REDACTED] When I came back, there was
18 a full-time job, which they offered me. They got in
19 touch with me when I was abroad. And at that point jobs
20 were hard to get. There had been a huge swing from
21 there being plenty of jobs in the early 1970s to there
22 being a shortage of jobs, so I was planning to go into
23 the state system and that was looking increasingly
24 unlikely that there would be something for me. The
25 Merchiston thing came up and I was pleased to have been

1 asked and pleased to take it, but it was rather by
2 accident rather than design.

3 Q.

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8 A.

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13 But I decided (a) it was a job when jobs were, as I say,
14 hard to get, but (b), you know, I'd enjoyed my time
15 briefly doing the part-time teaching and I was pleased
16 that I'd been asked and I accepted, and I don't have any
17 regrets about that.

18

19

20 Q. Did you intend to stay as long as you did?

21 A. No, no, not at all. Quite the opposite. I sort of --
22 all along I'd seen my career as being two years here,
23 two years -- that's probably naive, but that was how
24 I was envisaging it, but it turned into something quite
25 different, obviously, at Merchiston, because I stayed

1 for a lengthy period.

2 I did apply for some jobs, other jobs, headships

3 mainly, without success.

4 LADY SMITH: I think you were there for, what, 33 years in

5 total?

6 A. Sorry.

7 LADY SMITH: I don't know what it is about the sound system,

8 but when I speak it sometimes sounds as if it's from the

9 back of the room. 33 years in total employed at

10 Merchiston, do I have that right?

11 A. I think that's right, yes.

12 LADY SMITH: 1976 to 2009?

13 A. 1976 to 2009.

14 LADY SMITH: By far the major part of your working life?

15 A. Absolutely.

16 LADY SMITH: Thank you.

17 MR BROWN: From what you're saying, that's just how it

18 turned out rather than being a plan?

19 A. Yeah -- well, I certainly had no plan to stay for a long

20 period of time, but I mean I -- I have no regrets.

21 I enjoyed the bulk of my time at the school.

22 Q. Yes.

23 A. I was well looked after.

24 Q. As we see, you progressed from simple teacher to

25 [REDACTED] to SNR [REDACTED]

1 A. Yes.

2 Q. There's ever-increasing responsibility and presumably,
3 from what you and others have said, in term time,
4 particularly as [REDACTED] on, your life is, from the
5 start of the day to the end of the day, consumed by the
6 school?

7 A. Certainly very demanding in terms of the hours required
8 to do the job, yes.

9 Q. Thinking back to your appointment, they sought you out
10 [REDACTED] There would be
11 presumably an interview?

12 A. Yes.

13 Q. But -- and I'm not being critical -- were references
14 taken up or was it more casual than that?

15 A. I certainly had an interview. I had to come across to
16 Edinburgh for that, I remember that. I'm not sure about
17 the references, to be honest. I can't comment what was
18 done there.

19 Q. All right.

20 A. It may be that there weren't any requested because,
21 I suppose, [REDACTED]
22 [REDACTED]

23 Q. In terms of induction as a teacher, [REDACTED]
24 [REDACTED] but thinking
25 back to that period in 1970s or early 1980s, was

1 induction of teachers a common thing or were you just
2 expected to get on with it?

3 A. Pretty much the latter, I would say. I can't remember
4 much in the way of inductions. You got quite a lot of
5 assistance through your heads of department -- your head
6 of department. If you'd been a resident tutor,
7 I suppose from the housemaster too. But there was not
8 a formal structure in place for that sort of thing.

9 Q. Again I asked you about would you be given the school
10 rules, what would you get as a new teacher in terms of
11 documentation to explain how the school worked, what was
12 expected of you, what you should and shouldn't do?

13 A. It sounds weak, I just can't remember that far back.
14 I think we got very little. Certainly very little in
15 printed form. I think a lot of it was dependent on the
16 contribution that your head of department or other
17 colleagues or housemaster, if you were a resident, would
18 give you. That would be what I would have remembered.
19 There may have been some documentation, but if there was
20 it was in short supply. I can't remember anything about
21 that.

22 Q. Now, as you say in the statement, you were then
23 appointed as [REDACTED]

24 [REDACTED]

25 A. (Witness nods)

1 Q. Again, though, that's a different skill set from simply
2 teaching --

3 A. Mm-hmm.

4 Q. -- for which you have professional qualifications. What
5 sort of training was there to be a [REDACTED]

6 A. Well, I suppose you could say indirectly, although it
7 was important, if you were a tutor, and quite a lot of
8 us were -- I wasn't a resident tutor, but I came in and
9 did my duty -- you learnt quite a lot from that
10 experience and from discussing things with the
11 [REDACTED] himself.

12 Sorry, what was the other --

13 Q. I was asking what sort of training there was to be
14 [REDACTED]

15 A. Training, yeah. Otherwise -- no, there was nothing.
16 There was no official training programme. You asked,
17 you were told, but you also had to go and ask and you
18 found out that way. But definitely not -- I'm trying to
19 be fair here. I don't think there was any written
20 documentation that we got that helped, that referred to
21 the responsibilities you were going to undertake, the
22 duties you had to perform.

23 Q. What about punishments? [REDACTED] the
24 system, blue papers, there was beating in your day --

25 A. Mm-hmm.

1 Q. -- when you rejoined in 1979, there would still be blue
2 papers?

3 A. Yes.

4 Q. There was still the scope for staff to beat?

5 A. Mm-hmm.

6 Q. Were you given any guidance about when you should beat?
7 For what?

8 A. Oh, I think so, because you had -- if you were a member
9 of staff, just an ordinary member of staff, you had to
10 ask the permission of the housemaster, and I remember,
11 you know, it was -- obviously you discussed the reasons
12 why you should or you shouldn't be taking this course of
13 action, so that was a way of giving you then that sort
14 of information. You couldn't just beat a boy because
15 you felt it was right to do so. You had to go through
16 the correct channels.

17 Q. From what you say, there would be an element of
18 oversight by the housemaster, and would it be recorded
19 as well?

20 A. Yes.

21 Q. But that would be kept by the housemaster?

22 A. It would be kept by the housemaster, but there was also
23 a punishment book in the common room, which had to be
24 completed.

25 Q. From the time you started teaching?

1 A. [REDACTED] from
2 the time I started teaching, if corporal punishment was
3 administered, you had to fill in -- make an entry in
4 a punishment book, which was kept in the common room,
5 the staffroom.

6 Q. Thank you.

7 Again thinking back to that period, late 1970s into
8 the 1980s, you've talked about the way the houses were
9 formed on the horizontal approach, so boys are in the
10 same year. [REDACTED]
11 options to do things expanding, in terms of other sports
12 rather than just rugby.

13 A. Yes.

14 Q. When you came back in 1979 into 1980, did you see that
15 things had progressed?

16 A. Yes. They progressed a lot more in the years that
17 followed, but there had been changes, yes. There were
18 changes for the better, a slightly more liberal
19 approach, I would say, even in that relatively short
20 period of time that I was away. But the more major
21 changes came thereafter.

22 LADY SMITH: 'Glenn', you told me that an ordinary teacher
23 didn't have the power to administer corporal punishment
24 unless the housemaster had given permission. Do you
25 remember housemasters ever refusing permission for

1 corporal punishment to be administered?

2 A. I remember one case where there was a bitter argument,
3 because we overheard it, and it was in the common room.
4 Whether anyone was successful in overturning it, I don't
5 know is the honest answer. I don't know. I think
6 normally -- no, I'll rephrase that. I think if the
7 decision was changed, it was usually because the
8 housemaster had explained things slightly differently,
9 put a different slant on it, and the person who was --
10 had requested permission to use corporal punishment had
11 a change of heart and felt, yes, that was fair enough,
12 perhaps I didn't know about that or perhaps I should
13 have taken into consideration this.

14 So that sort of conversation did go on, and I do
15 remember this full-blooded argument.

16 But generally I would say, you know, the
17 housemaster's word would have been accepted -- or not
18 word, you know, view would have been accepted a and
19 I think there would have been people who would say:

20 "Right, we'll try another approach, corporal
21 punishment perhaps isn't appropriate here."

22 LADY SMITH: I just wondered whether it could work the other
23 way round, that the housemaster feels they have to
24 accept they have no direct knowledge of what happened
25 and if a teacher is telling them that what happened

1 merits corporal punishment, it would be difficult for
2 them to dispute that, but at least they knew it was
3 happening.

4 A. Yes, yes, possibly. I don't think it was one of these
5 things that was a bone of contention. I can't remember
6 bitter arguments occurring over matters such as corporal
7 punishment. As I said earlier on too, there was less of
8 it used than I might have expected. [REDACTED]

9
10
11

12 LADY SMITH: If a teacher just went ahead and administered
13 corporal punishment without having first spoken to the
14 housemaster, would the housemaster find out?

15 A. (Pause)

16 Not necessarily. The boy could go to the
17 housemaster and complain, you know, he could have found
18 out about it that way. But no, I suppose there were
19 loopholes. But I mean I'm fairly certain for the vast
20 majority of the time everything was recorded, and if
21 everything was recorded, that in turn meant that if it
22 was the housemaster who had -- who was involved, that
23 housemaster would have been spoken to beforehand,
24 otherwise the housemaster would see a name in the book
25 and say, "Oh, I didn't give permission for this to have

1 happened".

2 As you say, it's possible that some people bypassed
3 the system altogether. I wouldn't have thought there
4 were too many in that situation.

5 LADY SMITH: Would boys be told specifically that the
6 housemaster had given permission for the beating?

7 A. I think it was just known. It's one of these things
8 that was not necessarily -- latterly perhaps --

9 LADY SMITH: Assumed?

10 A. Presumed --

11 LADY SMITH: Assumed that permission had been given?

12 A. Yes, possibly, possibly, possibly.

13 LADY SMITH: Thank you.

14 Mr Brown.

15 MR BROWN: Thank you, my Lady.

16 I was coming onto the issue of complaints, because
17 I think we have heard evidence that boys could challenge
18 corporal punishment.

19 A. Yes, I imagine --

20 Q. Do you remember that ever happening?

21 A. Yes, I do, yes.


22 Q. With you?

23 A. No, not with me, no. I remember with a colleague who
24 lived next door to me. But it's a bit like what we've
25 just been talking about. It was challenged, the person

1 who was challenged thought about it further and decided
2 in this instance that the boy had a case to make and he
3 overturned --

4 Q. The original decision?

5 A. The decision, yes.

6 Q. 

7

8

9 A. 

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18 Q. Indeed.

19 A. These would be the people -- sometimes I would say the
20 house prefect, if he was good, would, in one way or
21 another, help the situation by talking to the boy who
22 was distressed or upset or worried.

23 Q. Would it turn very much on individual characters,
24 though?

25 A. Yes, I think to an extent it would.

1 Q. Presumably there would have been housemasters you might
2 not have spoken to because you would assume there
3 wouldn't be a very sympathetic response?
4 A. True, although that self-same housemaster one would be
5 leaving behind after a year, so it wasn't quite so bad.
6 Q. It was finite?
7 A. Yes, it was finite.
8 Q. Was there any formal -- [REDACTED]
9 [REDACTED] -- understanding by the boys, shared by the
10 school: if you have a problem, this is who you talk to?
11 A. [REDACTED]
12 Q. [REDACTED]
13 A. Yeah. I would say no.
14 Q. Had that changed [REDACTED]
15 A. Yes, it still wasn't as good as it should have been,
16 a lot of the improvements came in the last ten years
17 that I was there.
18 Q. So that would be the first decade of the 21st century?
19 A. Yes, yes.
20 Q. Again, I appreciate -- I'm not asking for details,
21 because we're talking about decades ago. Thinking of
22 the period 1979 when you started up to the year 2000,
23 was change slow or --
24 A. This is where I find it very difficult, as I said in my
25 statement, to remember exactly what happened when and in

1 what shape or form. I would say the changes in my last
2 ten years were a good number of them. Things -- child
3 protection would be the obvious example. Things were
4 moved on pretty quickly with Andrew Hunter, that
5 vintage, that period. There was awareness there was
6 a lot more that needed to be done, obviously, that the
7 school didn't do very well, hence the inspections that
8 followed.

9 I would say the most dramatic range of changes
10 happened in that ten years, and the ten years before
11 that with David Spawforth as well.

12 Q. I was coming to that. The two headmasters who would
13 have effected change because of the times they were in
14 post would be David Spawforth up I think until 1998 --

15 A. Yes.

16 Q. -- and then Andrew Hunter taking over for the next 20
17 years, roughly.

18 A. Yes.

19 Q. What do you remember -- first of all, do you remember
20 these headmasters being brought in with particular
21 purposes to address?

22 A. Yes, I think so. I think we assumed in many cases, and
23 assumed correctly, and I think we were told, to
24 a point -- yes, we were told, to an extent, as well.
25 I think in the case of David Spawforth the school was

1 struggling a bit --

2 Q. In terms of numbers?

3 A. Numbers, direction. The then head was due to retire and

4 I think he'd lost a bit of his interest in the school.

5 So I think David Spawforth's brief was to modernise and

6 to drag the school up in so doing, and he definitely did

7 do that. You know, everything from improving

8 accommodation and uniform to longer leave-out weekends,

9 things like that. So a lot happened with him and a lot

10 thereafter with Andrew Hunter. He had to deal with even

11 more, though, more in the way of documentation and

12 inspections and that side of things than --

13 Q. Policy?

14 A. Policy, yes, probably sums it up, yes.

15 Q. Thinking of Spawforth, is one of the changes that he

16 introduced an introduction of fresh blood into the

17 staffroom?

18 A. Yes.

19 Q. Was that something that you remember from the 1980s on,

20 that there was an awful lot of elderly teachers?

21 A. There was. I don't think the school was different to

22 many others in that respect, but no, I think he

23 definitely -- he tried to bring in younger people, but

24 I think he also tried to bring in people with a range of

25 interests and talents, not just the good rugby player or

1 the academic or -- you know, to widen and throw a net
2 around a wider area, I think.

3 Q. Broadening the school's horizons?

4 A. Yeah. Yes, that would be a good way of putting it.

5 Q. All right. But then, from what you said, once he goes
6 and Andrew Hunter takes over, that's when things
7 accelerate in terms of change?

8 A. I don't know about accelerate. I think there was -- to
9 an extent they accelerated because I think there were
10 a lot more things that had to be covered, paperwork,
11 policy, as you yourself have said, and I think Andrew --
12 child protection, health and safety. There were,
13 I think, a lot more of those or even more of these than
14 had been the case with David Spawforth.

15 Q. One thing you talk about is record-keeping.

16 A. Yes.

17 Q. There was some recording, from what you're saying --

18 A. Yes.

19 Q. -- particularly in terms of discipline?

20 A. Yes.

21 Q. Beyond discipline, thinking back to when you started,
22 was anything else recorded as a matter of routine?

23 A. There was far less of it than there should have been,
24 you know, with the value of hindsight. I really can't
25 remember, and I feel I should. I think the answer

1 I would give is no, there wasn't a huge amount going on.

2 Q. When changes were put into effect, you've talked about
3 the benefit of hindsight, thinking of amongst the
4 staff -- and you were becoming progressively senior --
5 were you reflecting at all thinking: why didn't we do
6 this?

7 A. Yes. There was probably a degree of complacency.
8 I mean the bee in my bonnet was co-education, which
9 I thought was definitely something that we should be
10 going for in terms of the future of the school as well
11 as, you know, the benefits that current pupils would
12 have, and we looked into that. We had a sister school,
13 St George's. We did, and still do, I think, a lot with
14 them. But -- I'm sorry, the first part of your question
15 again?

16 Q. No, no, it was -- I was asking you, as you became
17 progressively more management, as change was effected,
18 did you reflect and think: why didn't we think of these
19 things sooner?

20 A. Yes, I think that would be a fair comment. I think we
21 did so -- especially when Andrew Hunter came, we had
22 umpteen committees and meetings and groups and policies.
23 It's faded into the background as far as I'm concerned.
24 Even when one was there, it was sort of hard to take it
25 all in. But I think he -- the very fact that we had

1 more pointed out that we probably needed to do more, and
2 I think he was the person who was at the forefront of
3 that.

4 Q. Did you have any concerns about, from what you're
5 talking about, the scale of paper and policy?

6 A. Well, I remember laughing because people said when
7 emails came in it will cut down the amount of paperwork,
8 and it seemed to me to be the exact opposite. (Pause)
9 Sorry, again?

10 Q. No, no, it's just one wonders if there was a great
11 drive -- whether, put it this way: was there a drive to
12 have a policy for everything?

13 A. There were policies for lots of things. I'm sure most
14 of them necessary, but I felt sorry for the people who
15 had -- you know, the child protection would be one
16 example, there was an awful lot that they had to get
17 their teeth into. Yes, perhaps we were slow in getting
18 around to aspects of that too, but I go back to my
19 previous point. I definitely got the impression -- and
20 after I'd left -- that the ten years, my last ten years,
21 the school moved ahead pretty ... pretty well in terms
22 of policy and making changes.

23 Q. Did anyone read the policies?

24 A. I think so. I can't ... I -- I imagine they would.

25 Q. Well, we heard yesterday of a teacher joining in 2001

1 and being given a lever-arch file of policies and
2 instructions.

3 A. Yes.

4 Q. To be fair to him, he read them.

5 A. He would have been told -- would he have been told,
6 though, who he might be able to discuss them with?

7 Q. I think the suggestion really was he would pick things
8 up as he went.

9 A. Yes, well, fair comment. I would have said that would
10 have been much less the case then, the time he's talking
11 about, than it was 10 years or 15 years or whatever
12 before. Perhaps there were still big gaps to fill.

13 Q. One of the anxieties perhaps is if you're spending so
14 much time creating policies, writing them, publishing
15 them, having committees about them --


16 A. Yes.

17 Q. -- that sight is lost of how the school is operating.

18 A. Yes. I mean, they took up a lot of time, but I think it
19 was felt -- well, putting it bluntly, I think it would
20 probably have been felt that if we hadn't done these
21 things, or some of these things, we would have been
22 taken to task by outside bodies, ie the inspectors.
23 They wanted to see proof of this or that, and perhaps we
24 didn't follow -- cross Ts and dot Is and check in
25 sufficient detail as to whether people actually read the

1 thing.

2 I think, from recollection, a fair number of them
3 were introduced/discussed in INSET, so, to be fair,
4 there would have been that to bear in mind.

5 Q. You touched about inspection. 

6

7

8 A. 

9

10 Q. Again, would we understand there's a correlation between
11 the development of policies and the change you talked
12 about with David Spawforth and then Andrew Hunter,
13 there's a correlation with involvement in the school by
14 inspectors of whatever type?

15 A. Mm.

16 Q. Is that accurate?

17 A. Yes.

18 Q. Thinking back to when inspection began to pick up --
19 this would be HMIE, I think, to begin with, and became
20 more regular. Was that viewed, do you remember, by
21 staff as a good thing or a bad thing?

22 A. I think probably a good thing, on balance, yes.

23 Q. What was your take on inspections? Did you welcome
24 them?

25 A. I -- the ones I didn't welcome were the ones I didn't --

1 thankfully wasn't there for. I thought the school got
2 quite a tough deal, quite a hard ride with the ones that
3 followed on in -- well, just after I'd left, the period
4 of two or three years they seemed to have inspections
5 and more inspections, and I felt that -- from what
6 I understood, obviously I wasn't party to all the
7 discussions at that stage, I had left the school, but
8 I do think that things were a case of over egging the
9 pudding. And I got the impression some of the
10 inspectors weren't particularly helpful, whereas my
11 recollection of seeing them the previous decade was that
12 they were.

13 Q. That's what I'm interested in, that's the inspections
14 you experienced.

15 A. Mm-hmm.

16 Q. Did you as a teacher, and then as **SNR** welcome
17 inspectors in?

18 A. Well, I think perhaps because we had a reasonably good
19 ride thus far. I think they were only not welcomed when
20 they rather gave us bad press and it was felt by some
21 that that had been overdone or had been unfair. But
22 I think by and large, no, the process of inspection
23 everyone accepted and thought to be a good thing, you
24 know, getting an outside view. I don't think there was
25 resentment about them coming in. It took a bit of time

1 preparing for them, I do know that, the documentation
2 that they wanted to see, but apart from that inspection,
3 the one I've just referred to, which occurred after I'd
4 left, where clearly things didn't go terribly well for
5 the school and, rightly or wrongly, they were
6 criticised. I think up to that point the inspections
7 were -- people were happy for them to occur and
8 generally fairly pleased with the results.

9 Q. Did you see them as an opportunity to learn?

10 A. I think so, yes. I mean, there was a lot of discussion
11 about them, various meetings and groups. No, I think we
12 did. And I mean in the case of the ones which happened
13 and after which criticism was levelled at the school, we
14 had to, I think -- we may not have felt it was entirely
15 fair, but I think they had to sit down and rethink
16 things to quite some extent in certain areas.

17 Q. You've just said "we", did you remain engaged with the
18 school after your retirement?

19 A. No, no. I had friends, colleagues, who were still there
20 and whom I met socially, so, you know, my news tended to
21 come from them. There aren't any left now, I think
22 there's only one from that vintage.

23 Q. But you were heavily engaged, you were aware of what was
24 going on?

25 A. Yes. I can't remember the details about it, but

1 I remember the inspections and people feeling that they
2 got a bit of a raw deal.

3 Q. You talked about preparing for inspections. You liked
4 it, clearly, when the inspections were coming back with
5 positive --

6 A. Yes.

7 Q. -- results. Was there a great deal of preparation to
8 try and achieve that?

9 A. Well, that would suggest that the preparation was just
10 there for show.

11 Q. Well, that's what I'm asking.

12 A. No, I --

13 Q. You know what's expected of you, so did you try and
14 ensure that you received the good results you wanted?

15 A. Well, I think we tried to make sure -- I wasn't involved
16 in this to any great extent, it wasn't my remit,
17 I wasn't really involved, my remit wasn't so much
18 involving that, but I think to his credit Andrew Hunter
19 was quite good in that respect, because I think he
20 got -- you know, and his management team, his academic
21 management team prepared well for the visits and they
22 did that by producing the documentation that the
23 inspectorate asked for. I don't think it was -- you
24 know, it was a case of trying to do the right things and
25 get on the right side of the inspectors. They demanded

1 this, that and the next thing, and I remember these
2 boxes coming in and them being filled with stuff that
3 the inspectors had asked for. I think the school
4 prepared well in that regard for their imminent arrival.

5 Q. That's perhaps the paper exercise part you're talking
6 about. Inspectors progressively engaged with pupils,
7 for example.

8 A. Yes, yes.

9 Q. Was there any effort to encourage the pupil body to
10 respond positively?

11 A. I think so, yes. I think housemasters asked for
12 volunteers because the inspectors wanted to speak to
13 groups of boys, and I think perhaps they asked for
14 certain ones and the housemasters also produced certain
15 groups who had expressed a willingness to help. But
16 certainly there was quite a lot of interaction.

17 Q. It was just a selection of who spoke to the inspectors
18 I was --

19 A. Yeah, I don't think -- you mean it was a case of
20 cherry-picking?

21 Q. Yes.

22 A. Yes. I'm sure there will be groups where, you know, you
23 wanted to put your best foot forward so you produce some
24 of your best pupils, yes, I think so. But I do also
25 remember that boys were asked if they wanted to help,

1 and I'm sure if that had been the case, that they would
2 be allowed to, you know, in terms of assisting the
3 inspectors with their questions.

4 But, yes, I think it would be foolish to say that
5 there weren't going to be cases where you picked boys
6 who you think would give the best response.

7 Q. Yes. From what you're saying, Andrew Hunter had a great
8 weight of responsibility to deal with policies and the
9 like?

10 A. Yes.

11 Q. What sort of headmaster was he, from your perspective?

12 A. Hands on. He wanted to be -- to know about, not
13 necessarily to be involved, he wanted to know about
14 everything that was going on. Put in the hours. Not
15 always in the best possible way, because I think
16 sometimes he got very tired and he still dashed off
17 emails and things, which might have been better left to
18 the following day. Very good with parents in terms of
19 the amount of time he spent with them.

20 Main weakness in general terms would be a volatile
21 temperament. He lost his temper on occasions when -- on
22 his own admission too, I think -- he shouldn't have
23 done.

24 But I would say that he wasn't everyone's cup of
25 tea, but he left the school in a pretty good state.

1 Q. Leadership of a school matters.

2 A. Mm-hmm.

3 Q. Do you think he was a good leader?

4 A. In some ways, yes. In some ways, not so much. Because

5 of the temperament thing, that made some people feel

6 that they didn't want to spend as much time with him as

7 there might otherwise have been the case. No, he had

8 a lot more strength than weaknesses.

9 Q. Was he decisive?

10 A. He wasn't afraid to accept when he got things wrong, so

11 he sometimes went back on decisions. Possibly there

12 were times where he could have been a little bit more

13 decisive. I would say as regards that it was more that

14 on occasions he rethought something -- I suppose it is

15 a form of indecisive, but it's also a strength that he

16 realised he hadn't got this right and he would come up

17 with solution 2 as opposed to solution 1.

18 Q. One way that has been put by another witness is you

19 wanted to be the last person to speak to him, because

20 the last person's view was the one that would count.

21 A. That's a little harsh, but I can see where that person's

22 coming from.

23 Q. All right.

24 Obviously you've touched about child protection and

25 that's something that transformed over perhaps the last

1 20 years of your time at Merchiston. That's where it
2 began to become more obviously important.

3 A. Yes.

4 Q. And there were various appointments. We know there was
5 a Child Protection Co-ordinator appointed, who I think
6 initially was the deputy head, Rickard?

7 A. Yes. I'd forgotten he'd had that position, but yes,
8 yes, that's right. And I think Mrs Prini-Garcia was the
9 other one.

10 Q. Yes. Thinking of that first appointment, can you
11 remember -- because you would be ██████████ by
12 that time, I think -- was there thought about who would
13 best fill the role or was it rather more a case of: we
14 have to have one so he can do it?

15 A. I don't know is the answer to that question. I would
16 like to think -- I mean Nigel was sort of a contemporary
17 of mine, Nigel Rickard. I think he was always
18 interested in the pastoral side of things and I think it
19 made him a good candidate for that particular job, to be
20 honest.

21 Q. Although, being deputy head presumably had its own
22 burdens?

23 A. Yes. I mean it was another string to his bow, another
24 burden, if you like, but he'd had a lot to do with the
25 pastoral side of the school's life, not least in the

1 form of dealing with housemasters and chairing meetings
2 with housemasters, so, you know, he had a lot on his
3 plate, but I think it was work that he'd always
4 expressed an interest in and an aptitude for.

5 Q. Okay. From your perspective, did you ever have concerns
6 about child protection issues that you remember within
7 the school?

8 A. (Pause)

9 No, I can't -- I can't think of -- of anything
10 specific.

11 Q. I think, for example, you were aware that one teacher
12 was simply dismissed?

13 A. Oh, mm-hmm.

14 Q. I think we know the background --

15 A. Yes.

16 Q. -- that's perhaps less important for today. But the
17 effect was, having been involved with pupils, he was
18 gone the next day.

19 A. Are you talking about OZK ?

20 Q. OZK .

21 A. Yes. Yes, I mean -- and I would say that was entirely
22 typical of what happened in schools at the time.
23 I don't know all the ins and outs of it, but it was --
24 to use your term, there was an extent of shovelling
25 things under the carpet there.

1 Q. But when that happened, can we take it that up until its
2 discovery Merchiston was sailing along thinking there
3 were no problems --

4 A. Yes, I --

5 Q. -- taking place?

6 A. I think, to be fair, you're right to the extent that
7 that particular gentleman, there was some concern
8 expressed by a member of staff, who I think spoke to the
9 housemaster and the headmaster, certainly the
10 headmaster, and what happened as a result of that I'm
11 not sure. That was prior to the incident which left --
12 which resulted in his departure.

13 Q. Yes.

14 A. But, yes, that would be fair comment, that there had
15 been a discussion about him at least on one occasion.

16 Q. But nothing had happened?

17 A. No. No -- well, not to my knowledge. It was reported,
18 but I don't think anything was --

19 Q. He continued to teach?

20 A. Oh yes, indeed, yes. I don't know whether he was
21 censured in any way.

22 Q. No, but once he was "down the drive", as we've heard it
23 described, was there any learning by the school? Was
24 there any discussion amongst the staff about steps --

25 A. I imagine that the headmaster would have spoken to the

1 housemasters at the meeting at the start of the
2 following term. I'm 99 per cent certain that would have
3 happened, but that was the extent of it.

4 Q. Then would it be fair to say the matter subsided and
5 Merchiston carried on?

6 A. Yes, I think that would be fair.

7 Q. To use the word Her Ladyship used earlier in another
8 context, just assuming everything was all right?

9 A. Yes, it's a way of putting it. But I think that -- that
10 was probably the approach taken by a lot of schools at
11 that time. I'm not trying to say Merchiston got it
12 right, probably they didn't, in fact, but I think that
13 was more or less the norm, that course of action,
14 really.

15 Q. From your statement, to put it simply, you don't really
16 recall concerns on your part?

17 A. No, I wasn't living in the school at that stage, so
18 I hadn't -- you know, perhaps the closer knowledge that
19 I might otherwise have had. But, no, I can't say that
20 I had concerns of that sort at that point.

21 Q. But, as we know, you progressed to become [REDACTED]
22 [REDACTED] SNR [REDACTED]

23 A. Mm.

24 Q. Even as [REDACTED] SNR [REDACTED] were you unaware of any concerns?

25 A. About members of staff?

1 Q. Yes, or other abuse.

2 A. I was. I mean, some of which -- whose names are on that
3 list. I'm just trying to ... (Pause)
4 I think I've commented on them all.

5 Q. Yes.

6 A. When I could, where I could.

7 Q. Where you could.

8 I think the point is from your statement, really,
9 there was -- there's reference obviously to OZK and
10 his departure, but beyond that -- and allegations
11 against one other --

12 A. Well, BKO I didn't have anything to do with because
13 he came after I had left.

14 Q. Yes.

15 A. OZK we've talked about.

16 CDR I put some mild criticism if you like there.
17 I didn't have any concerns about him, serious concerns
18 about him.

19 BRW we've talked about.

20 FQY I knew nothing about that. That may again
21 have happened after I had left.

22 QZL no, I --

23 Q. I think we can read what you say about these people.

24 A. Yes.

25 Q. Let's look at James Rainy Brown, though --

1 A. Right.

2 Q. -- because obviously you're aware that following his
3 death that is when there was a --

4 A. Yes.

5 Q. -- great deal of inspection, and you've heard things
6 since. When you were at the school -- he was a teacher
7 throughout the entire time you were in Merchiston, [REDACTED]
8 [REDACTED]

9 A. Mm-hmm.

10 Q. -- what was he -- as a colleague, how was he?

11 A. Well, he was -- I mean he spent 24 hours a day working
12 for the school, as it were. That consumed all his time.
13 He was very dedicated, but he was very stubborn and
14 things had to be done, as far as he was concerned, his
15 way, and of course he ran a junior boarding house for
16 a large portion of that time, so it was very much done
17 according to his wishes.

18 Q. Was there concern about that obduracy?

19 A. Yes. Many staff had arguments with him, myself
20 included.

21 Q. But nothing, from what we see, ever changed, he was
22 allowed to carry on --

23 A. Well, he wanted to carry on for longer than he did carry
24 on for, in terms of his housemaster's post, but that
25 was -- I think it would be David Spawforth decided that

1 change was required there.

2 Q. Yes.

3 A. And made that change.

4 Q. But were there anxieties about a man who lived
5 Merchiston? Whose life was Merchiston?

6 A. Well, yes, it would be swings and roundabouts. Most
7 people appreciated the amount of time he spent running
8 his house, dealing with the boys. At the same time it
9 was accepted that, you know, he could be -- thrawn would
10 be the Scottish word.

11 Q. Yes. I think it's clear from a variety of statements we
12 have on this, he was thought from a teacher's point of
13 view to be a great thing because he took the burden off
14 you as a teacher, because he was always willing to do
15 stuff.

16 A. Mm-hmm. Yes, to a point. I mean that -- I suppose that
17 was a strength and possibly a weakness too.

18 Q. But was it something that ever -- this is from your
19 perspective as SNR -- raised alarm bells,
20 thinking: why is he doing this?

21 A. Well, if one is going to be uncharitable, I suppose that
22 sort of thought would have gone through one's head. Or
23 uncharitable's the wrong word, actually, but ... (Pause)

24 I think we -- because he was thrawn and because he
25 was very opinionated, you got the impression that there

1 might have been some brainwashing going on, you know,
2 kids of that age taking in what he said and seeing it as
3 being gospel.

4 In terms of, you know, any sexual impropriety, if
5 you can use that phrase, I -- I -- I think there were
6 only two things that ever came to my attention that
7 I was slightly unsure about, and I think I've put them
8 in my sheets, in my statement.

9 Q. Yes, where you talk about health and safety?

10 A. No, over -- health and safety is a separate unit.

11 I mean he was definitely -- the word I'd use -- cavalier
12 about that to the extent of -- yes, there were certainly
13 concerns about that. But I was thinking of if there was
14 any sexual impropriety.

15 Q. I think you mention naked swimming on camps.

16 A. Yeah, and the other thing which I didn't -- which
17 I remembered, having seen reference to it in one of the
18 press reports, was ducking for apples.

19 Q. Naked ducking?

20 A. Yes. My knowledge was that was just for one person,
21 but, you see, I don't think that's necessarily right, so
22 I'm not quite sure when this was supposed to have
23 happened either, but ...

24 Q. But these things were known by senior management?

25 A. Yes.

1 Q. Did they trigger alarms or not?

2 A. I think so, because I think -- and you've probably got
3 some information on this. I think the previous
4 headmaster, David Spawforth, had to have words with
5 James about his -- aspects of his performance. They
6 weren't shared with us in terms of what he said exactly,
7 but I believe that did happen.

8 I know that Nigel Rickard, who was in charge of the
9 pastoral side, had expressed some concerns about him,
10 but I think, like me, a lot of that revolved around the
11 health and safety. When it got to the bit there wasn't
12 evidence of the stories that have appeared in the
13 newspapers in recent days, put it that way.

14 Q. He is a figure -- a very well-kempt figure at
15 Merchiston.

16 A. Yes.

17 Q. He's always there. You talked about him, by the sound
18 of it, proselytising his charges to his way of thinking?

19 A. Yes, I think he did do that. I mean, I don't think he
20 was alone, I think teachers as a breed that can happen.

21 Q. Who else are you thinking of?

22 A. I'm not necessarily thinking of anyone here, I'm just
23 talking about the teaching profession.

24 Q. I see. But was there a tremendous loyalty to him
25 amongst the boys?

1 A. Amongst a lot of them, yes.

2 Q. Amongst the governors?

3 A. Yes, I would say so.

4 Q. Who were at one stage presumably almost exclusively old
5 boys?

6 A. Exclusively? Yes, I don't know what the breakdown was.
7 There were a lot of Merchistonians on the board, yes.

8 Q. He's been there since the 1960s, so his impact is wide?

9 A. Mm.

10 Q. Do you think he was protected -- I don't mean that in
11 any sinister way, but just he was such a known quantity
12 that the attitude was, "Oh, it's JRB", and he was given
13 freer rein than perhaps he might have?

14 A. Yes, I think that's probably a fair way of putting it.
15 Yes. He did so many good things that possibly some of
16 the less good were tolerated, whereas, you know, under
17 other circumstances they perhaps weren't. But I would
18 say that most of the serious cause for concern came in
19 his disregard to health and safety. Not -- well, I'll
20 rephrase that. That was as important as any other
21 concerns. He certainly didn't show any, in my view,
22 great respect for health and safety.

23 Q. Did that ever change?

24 A. Yes, he had to, it had to change. He wasn't allowed to
25 take a camp away without a right-hand man, you know,

1 that was -- it wasn't providing -- the current situation
2 wasn't providing acceptable support.

3 Q. We've heard mention of two gentlemen he was, we would
4 understand, friendly with. One is
5 Torquil Johnson-Ferguson. Does that name mean anything
6 to you?

7 A. Yes, I remember him, yes. I know of the background.

8 Q. Yes.

9 A. [REDACTED]

10 Q. But he was a friend of JRB's?

11 A. I didn't know that until he -- [REDACTED] came to the
12 school.

13 Q. Right.

14 The other was a Church of England minister who we
15 know occasionally visited the school by the name of
16 Woodward, does that --

17 A. Yes, yes.

18 Q. Do you remember him coming to the school?

19 A. Yes, he came regularly until about a year before he
20 died. He was -- had a way of -- a novel way of teaching
21 languages, that's how he was first invited into the
22 school, and then he became -- his visits once a year,
23 I think, became sort of permanent fixtures.

24 Q. Who introduced those visits?

25 A. Who, sorry, I beg your pardon?

1 Q. Who introduced him to the school?

2 A. I think it would be James Rainy Brown, because it was in
3 his house that Reg Woodward did these experimental
4 French or Spanish classes.

5 Q. Do you remember any concerns about --

6 A. No.

7 Q. -- that?

8 A. I would have to say that. I mean, he wandered around
9 the house, he sort of saw the house as the extension of
10 his own house -- the house, I mean the boarding house.
11 Almost in some ways I would have thought perhaps
12 a little -- I don't know, assuming more than he should
13 have assumed in terms of what he -- where he went and
14 how often he went and so on. But, no, I couldn't say
15 that there was anything which gave me any concern.
16 I just found him -- I couldn't relate to him terribly
17 well. I found him -- I think the word I would use is
18 slightly "unctuous".

19 Q. So a slightly unctuous man from your perspective is
20 coming to the junior house, Pringle, at the invitation
21 of the housemaster, JRB, and treating it as though it
22 was his own?

23 A. Well, there was an element of that, yes, yes. There
24 would be others who are better able to comment on his
25 involvement than I am.

1 Q. Would that be Andrew Hunter, for example?

2 A. I don't know about Andrew Hunter. I think it might have
3 been pre-Andrew Hunter when he first arrived.

4 Q. So it was longstanding?

5 A. It's longstanding, definitely, yes, yes. I would say
6 12 years or more.

7 Q. Okay. But that you obviously were perhaps somewhat
8 uncomfortable about it, if that's the right word?

9 A. I'm not sure about that. I -- I had nothing that --
10 nothing to -- I mean, nothing that provided proof that
11 something was wrong. It was just he -- yes, he just
12 assumed a little -- I'm not putting this at all well,
13 I apologise. (Pause)

14 Q. Whatever the word is --

15 A. Whatever, he did not give me cause for serious concern.
16 That's the main thing, I would say. I felt most people
17 were beginning to come to the conclusion that he had
18 outspent his welcome too, but, you know, he did
19 contribute when he came up and he was quite
20 a resourceful individual, so I suppose there were pluses
21 to having him, but he necessarily wasn't my cup of tea,
22 I suppose.

23 LADY SMITH: You're giving me the impression that you
24 weren't, let's put it, entirely comfortable with his
25 continued presence. Does that capture what you're

1 trying to put across?

2 A. I know what it suggests --

3 LADY SMITH: It's not meant to suggest anything, just

4 that --

5 A. It suggests something to me. When I used the phrase,

6 I was aware of that.

7 Yes, I suppose ... (Pause)

8 I -- I don't know it's fair to add anything more, my

9 Lady, to what I've said. There was no time when I felt

10 this person shouldn't be here, that he was a danger to

11 children or anything like that. But he -- perhaps he

12 was just a little bit too cosy with them. Does that

13 make --

14 LADY SMITH: That helps me, thank you.

15 Mr Brown.

16 MR BROWN: Thank you, my Lady.

17 We're talking about other people. If we can talk

18 briefly about you.

19 A. Mm-hmm.

20 Q. Because there are two episodes which you obviously speak

21 about where there was interest in what you had done.

22 A. Mm-hmm.

23 Q. The first of those was in 1995, when you spanked

24 a child.

25 A. Yes, yes.

1 Q. You set out at paragraph 81 on page 14, after explaining
2 context of difficult boys and their behaviour, which was
3 found to be unacceptable, and you came across one of the
4 boys on his way back from the games field, having been
5 sent away by the same member of staff for mucking about:

6 "As a consequence, and because of my exasperation at
7 the time, I punished him by putting him over my knee and
8 smacking him on the bottom."

9 What age was the child?

10 A. 14, I would say.

11 Q. "Afterwards, I regretted taking the action I did.
12 I think I viewed the incident, at the time, as the final
13 straw."

14 A. Yeah.

15 Q. Did you report what you had done?

16 A. No, I didn't report what I had done, no.

17 Q. Why not, if you can remember?

18 A. Probably because I shouldn't have done it, and -- you
19 know, I didn't necessarily want to bring that to the
20 attention of someone else because it wasn't the right
21 thing to have done. We dealt with -- we had the -- the
22 headmaster and I had sessions with the parents, both
23 solo and together. We apologised. I got an official
24 warning letter, you know, for conduct, and it was dealt
25 with that way.

1 As I say, it was inappropriate, I shouldn't have
2 been involved in it, but it did come after a fairly
3 protracted period of trouble from this particular group
4 and this was just, from my point of view, the last
5 straw. But it doesn't condone what I did.

6 Q. Corporal punishment, as we know, had been stopped at the
7 school for I think by that stage nine years.

8 A. Yes.

9 Q. Did it happen to anyone else?

10 A. No, I -- I -- you mean was it a common --

11 Q. Was it a practice you ever deployed on other occasions?

12 A. Oh, I think, following what Lady Smith said, I would
13 prefer not to answer that question.

14 Q. All right. Well, you describe it as somewhere where you
15 lost control, effectively.

16 A. Yes.

17 Q. Were you not troubled in terms of that loss of control
18 in terms of reporting it --

19 A. Well, I would like to think it wasn't characteristic,
20 but it shouldn't have happened. Yes, I regretted it.

21 Q. But there was no other action other than the internal
22 process you described --

23 A. No.

24 Q. -- of meeting and you wrote a letter of apology,
25 I think?

1 A. Yes. And the headmaster saw the parents, I saw them,
2 and I saw the boy too, to apologise to him.

3 LADY SMITH: Do I take it from what you say that nobody
4 suggested to you, for instance, that you might benefit
5 from guidance on anger management?

6 A. No one suggested that.

7 LADY SMITH: Did you think about it?

8 A. No, and perhaps I should have done, because it was
9 a loss of temper, but it wasn't characteristic. I would
10 like to think, you know, 99 times out of 100 it wouldn't
11 have happened that way. But possibly I should have
12 considered that as an option. But no, no one did
13 suggest that.

14 LADY SMITH: Did you think about what the experience must
15 have been like for the child?

16 A. Yes. Yes, I -- I mean, that's -- I felt -- I'm not
17 saying he wasn't badly behaved, because he was, but that
18 wasn't the right way to go about it, and, you know,
19 I was sincere in the apologies I made to him when I did
20 get the chance to speak to him about it.

21 LADY SMITH: Mr Brown.

22 MR BROWN: Thank you.

23 The second episode dates from February and
24 March 2009, and by that stage we would understand that
25 your retirement was understood to be happening at the

1 end of that academic year?

2 A. Yes.

3 Q. You had signed, I think, as we see on document MER294 at
4 page 73, as part of the policies that were being
5 introduced a document which is on the screen in front of
6 you?

7 A. Yes.

8 Q. "Acceptable internal and computer use by staff."
9 We see at the bottom you signed that in May 2002,
10 and the first bullet point is:
11 "All internet activity should be appropriate to
12 staff professional activity."
13 I think, as you accept, you transgressed that?

14 A. Mm.

15 Q. Repeatedly --

16 A. Yes.

17 Q. -- in February and March?

18 A. Yes.

19 Q. And that was picked up by the school IT systems?

20 A. That's right, yes.

21 Q. Which revealed that you were looking at I think what you
22 describe as inappropriate material, which you didn't
23 think was illegal?

24 A. That's correct.

25 Q. I think, as we know, much later on -- we can talk to

1 others about this -- the potential for connection
2 between the 1995 incident --

3 A. Yes, yes.

4 Q. -- and the 2009 material was drawn and steps were taken
5 by the school in 2017.

6 A. Yes.

7 Q. Eight years after the event, but having been given
8 advice. Again, it's perhaps the response of the school
9 that I'm interested in. You had meetings with the
10 headmaster?

11 A. Yes.

12 Q. I think if we look at page 139 of the same document, and
13 reading the somewhat spidery handwriting, which you
14 recognise --

15 A. Yes.

16 Q. "Dear Andrew.

17 Thank you for seeing me yesterday afternoon and
18 doing so with such sensitivity.

19 I apologise again for my misjudgement. It will not
20 be repeated."

21 A. Yes.

22 Q. So, in 2009, your description of what you had been doing
23 and what you had been looking at was "misjudgement"?

24 A. Yes, it was bad misjudgement, yes.

25 Q. I think on page 140 we see a reply from the headmaster,

1 a memo to another gentleman, copied to his PA:

2 "I spoke to the member of staff last night. He
3 accepted that he had been looking at these sites. He
4 understands that he should not have been using the
5 school network for such purposes and he has given me
6 a full agreement that he will not do it again. He felt
7 that he was not doing anything illegal but I reminded
8 him that such pornographic sites are a breach of the
9 school user's policy. I will put a file note on his
10 file to protect myself and the school."

11 Do you know if he was aware of what you'd been
12 looking at?

13 A. Yes, because he had the material with him, I think.

14 Q. All right. Thank you.

15 A. Can I add something to that?

16 Q. Please do.

17 A. It would just that -- I'm not condoning the behaviour.
18 Again, I'd like to think it wasn't typical of me. But
19 I did have a visit as a result of all this from the
20 cyber department of the police at Livingston. I know
21 I mentioned this to you --

22 Q. I think this was in your statement, it was in 2015.

23 A. Is it?

24 Q. Paragraph 88.

25 A. Yes.

1 Q. You had an unannounced visit to your home:
2 "... in the summer of 2015 by a police officer ...
3 and his colleague, who were based in the cyber crime
4 department in Livingston, I was asked if I would let
5 them examine the contents of my laptop."
6 A. Yeah.
7 Q. They did that and no further action was necessary.
8 A. Yeah.
9 Q. I was coming to that.
10 A. Sorry.
11 Q. No, not at all.
12 A. I thought it was -- it was relevant.
13 Q. Yes. Thank you.
14 Would you accept that the 2009 incident and the 1995
15 incident would be relevant in other circumstances, such
16 as your employment in further jobs?
17 A. I would like to think not, but --
18 Q. Why not?
19 A. Because, well, they were in both cases one-offs, albeit
20 one went on for more than just a day, I fully accept
21 that. I didn't feel that -- although it was
22 reprehensible to be involved in pornography at my stage
23 and age, I didn't feel that it was -- I was looking at
24 material which was illegal. You say that's not the case
25 and that concerns me, but I didn't -- I didn't realise

1 that. (Pause)

2 The only other employment I had was the -- as you've

3 mentioned, through ESB. It didn't cross my mind,

4 perhaps quite wrongly, I suppose, didn't cross my mind

5 that I should be letting them know.

6 Q. Well, let's look at this very briefly. You applied for

7 a job at another school, we don't need to look at the

8 documentation, in 1997, at a management position.

9 A. Right.

10 Q. And David Spawforth wrote a reference for you, which was

11 fulsome.

12 A. Yes.

13 Q. Two years after your reprimand for beating a child.

14 A. Mm-hmm.

15 Q. For a loss of control, but there's no mention of that.

16 A. No, no.

17 Q. If you had been taking a teacher from another school to

18 your school, would you have thought that's the sort of

19 thing you would like to know?

20 A. No, no, you make a fair point. In a reference of that

21 sort, it should -- probably that event should have been

22 included, mentioned, yeah.

23 LADY SMITH: You mentioned ESB, 'Glenn' and that stands for

24 the English --

25 A. Speaking Board.

1 LADY SMITH: Are you telling me that it was through them
2 that you got jobs after you left Merchiston? Is that
3 right?
4 Or were you employed by them?
5 A. I was employed by them. It was an oral communications
6 skills, and one went around assessing children and
7 adults, there were adult courses and child courses, for
8 oral communications skills, and I was an assessor.
9 LADY SMITH: Did that take you into schools?
10 A. It took me into schools, yes.
11 LADY SMITH: Just following on what Mr Brown was saying,
12 perhaps one has to accept that the ESB might have
13 an interest in these matters and wish to make their own
14 judgement about you?
15 A. Possibly, I mean --
16 LADY SMITH: If they're being responsible about who they
17 send into schools --
18 A. You mean they should have checked up?
19 MR BROWN: Can I show a document?
20 A. I think they did, did they not?
21 MR BROWN: Can I show you a document?
22 A. Yes.
23 Q. Page 152 of the same. This is an email from
24 December 2009, so --
25 A. Yes.

1 Q. -- within six months of the internet issue. It's
2 an email to Andrew Hunter and it's about you recently
3 being interviewed to join:
4 "... English Speaking Board examining panel as
5 an assessor/examiner and has given your name as
6 a referee.
7 The role would involve working closely and
8 unsupervised with students of all ages and abilities
9 within the UK ..."
10 It's understood that you may be working presumably
11 one to one with children of all ages or students of all
12 ages and abilities?
13 A. I don't know if -- oh, yes, there would be occasions
14 when there would be one to ones, yes, that is so.
15 Q. Hunter's response is the following page, 153, which goes
16 on at some length about your strengths --
17 A. Mm-hmm.
18 Q. -- and concluding in the penultimate paragraph:
19 "In my view, he is ideally suited to the role ...
20 I will also try to telephone you but in the meantime
21 please do not hesitate to contact the school if we can
22 be of further assistance."
23 We can ask Andrew Hunter if he had further telephone
24 calls, but there is no mention of any of the difficulty
25 that led to meetings and apologies in March?

1 A. No, no.

2 Q. Would you agree, thinking of yourself in the point of
3 the appointer of a position, that sort of material would
4 be relevant?

5 A. Yes.

6 Q. I take it you didn't volunteer anything?

7 A. No, I didn't volunteer. I can't actually remember
8 Andrew Hunter writing a letter, acting as a referee.
9 I think you asked that question before, so this is the
10 first time I'm aware of this.

11 Q. I think in fairness we have the documentation, you wrote
12 to him asking that he do so.

13 A. That he -- sorry, I beg your pardon?

14 Q. I think you asked him to do so.

15 A. To write a letter?

16 Q. To be a referee.

17 A. Right, right. Well, I'd forgotten that, yes. That
18 doesn't surprise me that I did ask him, but -- yeah.

19 LADY SMITH: Had he indicated before you left the school
20 that he would be happy to give you a good reference?

21 A. I don't think I brought the subject -- the subject was
22 brought up. I think I started the ESB work about a year
23 after I'd left the school. I must have written to
24 him -- yes, I can't remember the sequence of events.

25 MR BROWN: I think from the dates it's after retirement.

1 That email is the beginning of 2010 and I think the
2 communication is late 2009.

3 A. Right.

4 LADY SMITH: I was just wondering whether before you left in
5 any conversation you had with him or exchange of notes
6 or whatever he'd mentioned that he would be willing to
7 give you a good reference?

8 A. I must have asked him to do it. I can't remember having
9 any discussion about it. Whether -- he probably told me
10 at some stage that he was writing me such a reference,
11 but we didn't discuss --

12 LADY SMITH: I wasn't thinking specifically of this
13 reference, 'Glenn', I was just thinking as a generality,
14 did he seek to reassure you you would get a good
15 reference from him in some way?

16 A. I have to say I don't know. He didn't -- not that I can
17 remember him saying that. Perhaps I'm being
18 presumptuous. I just presumed he would be willing to
19 give me a satisfactory reference.

20 LADY SMITH: Thank you.

21 A. I think that's how I'd look at it.

22 LADY SMITH: Mr Brown.

23 MR BROWN: Thank you, my Lady.

24 You had worked with ESB for some period thereafter?

25 A. I think I worked for about seven or eight years.

1 Q. Okay.

2 Thinking on it now, do you think the reference

3 approach was correct?

4 A. You mean not including --

5 Q. Yes.

6 A. No, I ... (Pause)

7 I think it should have been probably been included,

8 I think, with some of the background information

9 attached to that. Yes, I think you're probably right,

10 it should have been included.

11 Q. So if that sort of practice is still going on, it should

12 perhaps be considered again?

13 A. Yes.

14 Q. More broadly, and to conclude, you worked for 33 years

15 at Merchiston.

16 A. Yes.

17 Q. You were in education for your entire working life.

18 Thinking in terms of what we are looking at thinking

19 ahead, you say in your final paragraphs of the

20 statement -- this is page 16:

21 "For staff, I would say lessons that could be

22 learned to protect children would be regular reminders

23 and updates of child protection issues, especially at

24 'high profile' events (eg INSET). This would include

25 outside speakers.

1 For children I would say the continued development
2 and training of staff with a specific remit on child
3 protection, who among other things, would be responsible
4 for ensuring that children were regularly, and fully,
5 briefed about relevant aspects (including the
6 all-important issue of who the children can speak to)."

7 That was over a year ago. Is there anything else
8 that you would wish to share with us?

9 A. No, I think not. I'm aware with child protection, you
10 know, one has to err always on the side of caution now,
11 rather than take any risks. Be absolutely -- yes, err
12 on the side of caution is probably the way I would put
13 it.

14 I'm obviously upset at the fact that some of the
15 stuff that I might have been watching wasn't legal.
16 I wasn't -- I wasn't aware of that. That has given me
17 food for thought.

18 I suppose there's a sort of slight sense of regret
19 that what I think was 33 years of good work, there were
20 these two blots, but, you know, in the case of the first
21 one, it was a one-off thing.

22 The second one wasn't one-off, because it went on
23 for over a period of time, but it hadn't been a feature
24 in my performance, as it were, before or after, and
25 indeed, from looking at my laptop, not something I had

1 indulged in at any stage at home either.

2 But I know -- I would just repeat what I said
3 before, I regret these two lapses. There's no question
4 that's what they should be seen as, and mistakes that
5 I've made.

6 MR BROWN: 'Glenn', thank you very much indeed. I have no
7 further questions for you.

8 I should say that in terms of the remainder -- the
9 other aspects of your career, it's quite plain from the
10 same documents that we've been looking at that
11 Merchiston held you in very high regard, given their
12 gratitude at the end of your service.

13 A. Well, that's kind of you to say that.

14 One thing I was going to ask, if I may.

15 LADY SMITH: Please do.

16 A. 

17

18

19

20

21

22 LADY SMITH: Please, don't feel you need to apologise about
23 that.

24 A. 

25

1

2 [REDACTED]
3 LADY SMITH: We have redaction policies that go beyond
4 simply changing somebody's name, so please don't worry.

5 A. What about newspapers?

6 LADY SMITH: We'll take account of your concerns, 'Glenn'.

7 A. Thank you.

8 LADY SMITH: That's not a problem.

9 Are there any outstanding applications for
10 questions?

11 'Glenn', that completes all the questions we have
12 for you today. Thank you for engaging with us as you
13 have done, both in terms of your written statement and
14 today dealing with you, [REDACTED]
15 Merchiston and all the additional questions that we've
16 had regarding your long service as a much-valued
17 teacher --

18 A. That's kind of you to say that.

19 LADY SMITH: -- as Mr Brown has already indicated.

20 I'm very aware of the fact we've had to ask you some
21 difficult questions and I thank you for dealing with
22 them so respectfully and professionally and overall
23 helping me to increase my learning about Merchiston. It
24 was really, really good and I'm very grateful to you for
25 it.

I'm now able to let you go, with my thanks.

1 A. Thank you.

2 (The witness withdrew)

3 LADY SMITH: Mr Brown.

4 MR BROWN: My Lady, as with yesterday --

5 LADY SMITH: Time for a break?

6 MR BROWN: Time for a break. But again I would hope the

7 second witness will be more contained.

8 LADY SMITH: Thank you very much.

9 We'll stop now for the morning break.

10 (11.57 am)

11 (A short break)

12 (12.17 pm)

13 LADY SMITH: Mr Brown.

14 MR BROWN: My Lady, the next witness is 'Jane'.

15 LADY SMITH: Thank you.

16 'Jane' (affirmed)

17 LADY SMITH: 'Jane', you'll see there's a microphone with

18 a red light on it. Could you try to make sure that you

19 use that so that we can hear you through the sound

20 system?

21 A. Yes, will do.

22 LADY SMITH: The red folder you'll see has a hard copy of

23 your statement in it and your statement will also appear

24 on the screen as we look at different parts of it during

25 your evidence, so use either or neither of those,

1 statement are true?

2 A. Yes, correct.

3 Q. You've reread it, I imagine, before today?

4 A. Umpteen times.

5 Q. You're happy that it's accurate?

6 A. Yes.

7 Q. Thank you. As you know, we are not going to start on

8 page 1 and solemnly work our way to page 21. We don't

9 need to, because the detail is before us, we've read it,

10 we will read it again. What I want to talk to you about

11 today is a couple of specific things.

12 By way of background, you are now 55 and you have

13 left the profession that you have spent most of your

14 adult life in, one way or another, teaching?

15 A. Yes.

16 Q. Which I think as we see from your statement you view as

17 a vocation?

18 A. Totally.

19 Q. Totally.

20 A. And leaving it has been incredibly emotional, if I'm

21 being honest.

22 Q. All right. We can read your background, and that's

23 sufficient, but what we're interested, clearly, in is

24 your time at Merchiston Castle School and we would

25 understand you started there in 2005?

1 A. Yeah.

2 Q. And continued until 2020?

3 A. Yeah -- yes. The pandemic has lost all dates in my
4 brain, but yes.

5 LADY SMITH: You're not alone.

6 A. Yes, it was 2020.

7 LADY SMITH: Many of us are now looking back on what feels
8 like a vague sea at some times.

9 MR BROWN: Yes.

10 I think, as is plain, you already knew about
11 Merchiston Castle, [REDACTED]

12 A. Yes, [REDACTED]

13 Q. As we can see in paragraph 4 on page 1, your involvement
14 was with the junior school?

15 A. Yes.

16 Q. To be clear, this is Pringle House, which we've heard
17 about, we know about when it was set up.

18 A. Yeah.

19 Q. And it expanded over time too, because I think
20 originally it would only be for one year, then it became
21 two years of boys, 11 and 12, who would then move into
22 the main school up the drive?

23 A. Yes.

24 Q. But when you were there, had pupils been taken even
25 younger?

1 A. Yes. So when I joined -- [REDACTED]
2 [REDACTED]
3 [REDACTED] they were definitely from eight upwards
4 when I joined.
5 Q. Were the youngest children, the seven-, eight-year-olds,
6 day pupils?
7 A. The majority were. In my time there, there were one or
8 two who would have been boarders in J4 and J5.
9 Q. In J4 and J5?
10 A. Mm-hmm. But very few, one or two, and for specific
11 reasons.
12 Q. Yes, that's fine. But the norm would be --
13 A. Day.
14 Q. -- J6?
15 A. That was the first form.
16 Q. First form, second form?
17 A. And third form would be the majority of boarders in
18 Pringle, yeah.
19 Q. In Pringle, all right. Now, when you were taken on in
20 2005, you talk, as we see in paragraph 6, about the
21 interview process being rigorous?
22 A. Very rigorous.
23 Q. Were you surprised at --
24 A. Yes, surprisingly rigorous, considering the position.
25 I mean, and I was very happy to do it, but I had two

1 definite days of interviews, I taught several classes.
2 [REDACTED] I suppose, it was a different step I was
3 taking into the school, not that that made any
4 difference, really, but it was a very thorough -- and
5 I felt fair -- process.

6 Q. What we can see from the narrative is that at that stage
7 there was a SNR [REDACTED]

8 A. Yeah.

9 Q. And by 2012, you take over yourself as SNR [REDACTED]
10 SNR [REDACTED]

11 A. Yes.

12 Q. And you retained that position until when?

13 A. SNR [REDACTED] -- until 2020.

14 Q. 2020?

15 A. Yeah.

16 Q. That's fine, thank you. You set out all the details of
17 meetings, line managers.

18 A. Myriad of people.

19 Q. The myriad of administration and such like. When you
20 started at the school, you knew -- started in the junior
21 school, you knew about it [REDACTED]
22 [REDACTED]

23 A. Yes.

24 Q. What sort of induction did you receive? Did you feel
25 you were properly introduced to life as a teacher?

1 A. Yes. There was a -- I mean the interview process, and
2 then a very clear -- in fact, because I had come from
3 England and I hadn't taught in the Scottish system,
4 I was to -- to be registered with the GTCS, I did
5 a return-to-teaching course at Moray House, so that
6 started my induction, and then through the school I met
7 all the people I needed to meet and had in-service
8 training.

9 Q. You found that adequate and satisfactory?

10 A. Yeah.

11 Q. Were you also issued with paperwork containing policies?

12 A. Yes, yes. A big booklet, a handbook, that you got at
13 the start and was updated every year.

14 Q. It was updated annually. Were you surprised at how much
15 paper there was?

16 A. Yes, as I continue to be in all areas of my life. And
17 the importance and responsibility that you have as
18 a person to make sure you've read all of that
19 information.

20 Q. Did you read it all?

21 A. Yes, because it's the sort of thing I do.

22 Q. Very broad question. You worked at the school for 15
23 years --

24 A. Mm-hmm.

25 Q. -- do you think other teachers read their policies?

1 A. I can't answer for what other people do, but as
2 professionals, I would like to think that, yes --

3 Q. I am just interested -- you can't obviously answer "yes"
4 or "no", but just in terms of tone, were policies
5 welcomed by the common room, to use that --

6 A. Yes, and -- yes, they were and over time policies were
7 increasingly discussed and consulted on.

8 Q. Would that be after the death of James Rainy Brown or
9 was that before?

10 A. I think any incident that happened, you review, evaluate
11 and adjust. And so I would suggest -- I can't remember
12 exactly, but I would suggest, yes, various policies were
13 changed after that and after other incidents.

14 Q. It's just at page 4, paragraph 14, you talk under the
15 general heading of, "Policy changes over time":

16 "There was a focus from 2013 onwards after the death
17 of James Rainy Brown on rigorous checking of child
18 protection and welfare policies. Child protection and
19 well-being was always a focus but it was rightly
20 reviewed and increased after 2013. The allegations of
21 abuse policy 2015-2016 was discussed in draft form.
22 There were changes made to the child protection policy
23 which were ongoing in 2015."

24 So --

25 A. So yes.

1 Q. -- that triggered a great deal of --

2 A. Of focus.

3 Q. -- of focus.

4 A. Which it -- yeah. Which it should do, when something

5 like that happens.

6 Q. Prior to that, though, and this not being critical, was

7 there an assumption that there were policies which would

8 adequately deal with things?

9 A. Yes, because -- yes, there were policies that I would

10 have followed and everybody would have followed and

11 would have been in place.

12 LADY SMITH: Do you know if there was any practice of

13 regular review of policies?

14 A. They were certainly reviewed every year -- to my

15 knowledge, as a member of staff, I would have been

16 reminded at induction every year of any changes to

17 policies and I would have ... they would have been

18 updated in your handbook and reviewed.

19 LADY SMITH: That's not quite --

20 A. I would not have said that before 2013 I have any memory

21 of them being as intense as they were after 2013.

22 LADY SMITH: That's not quite what I was thinking of. In

23 some organisations there is a commitment to reviewing

24 every policy at regular intervals, maybe annually or

25 something like that.

1 A. Mm-hmm.

2 LADY SMITH: Even without a prompt of any sort to do so. Do
3 you know if anything like that operated at Merchiston?

4 A. I -- before 2013, I can't remember. I couldn't say that
5 there was a definite policy to review.

6 LADY SMITH: Thank you.

7 Mr Brown.

8 MR BROWN: Thank you very much indeed.

9 I think in terms of your approach, you read
10 policies, you followed policies.

11 A. Mm-hmm.

12 Q. Although I think discipline was one that you didn't --
13 the discipline policy and blue papers --

14 A. Yes.

15 Q. -- you took issue with?

16 A. Yes.

17 Q. Why was that?

18 A. Because I couldn't see the purpose of them and I didn't
19 use them. And I voiced that. To me, making a child sit
20 down and do a blue paper is of absolutely no use to
21 changing or helping a child to learn why they're doing
22 it. I never gave one. I would rather sit down and
23 discuss with a child an error, if it's forgetting prep,
24 then providing them with the facility to do it. Did
25 they want help doing it? If it was forgotten my books,

1 well, let's put something in place to help you remember.

2 I remember having more than one little boy who did
3 find it difficult to remember their books, so every
4 night before bed his books were in a box in my room and
5 we went through them together.

6 Q. But that's an example where the policy exists, but you
7 didn't think it was the right policy --

8 A. No.

9 Q. -- and said so?

10 A. Yes.

11 Q. And --

12 A. Not suitable for -- certainly not suitable -- blue
13 papers were not issued in Pringle. They crept in from
14 time to time and people were reminded that they weren't
15 for Pringle, and I would question anybody who gave them.

16 I think in third form, as the boys started to move
17 closer to the senior school, there was the understanding
18 that they could be used, but they're not something
19 I used and I did not agree with them.

20 LADY SMITH: How old would the third form be?

21 A. 12, going on 13.

22 LADY SMITH: Thank you.

23 MR BROWN: When you complained about it, were you listened
24 to?

25 A. There's a big difference between listening and hearing.

1 Q. Who would you -- sorry?

2 A. I would have -- people were aware I didn't give them and
3 I didn't like them.

4 Q. All right.

5 The head, as we know, throughout your time, or
6 certainly up to 2018, would be Andrew Hunter?

7 A. Yes.

8 Q. Is that who you would complain to?

9 A. Yes, or -- or in any other department capacity. If --
10 in any meeting where they were being discussed, I would
11 voice my concerns about their -- the benefit of them.
12 I would also question the effectiveness of them, and
13 I would also question -- you've got to remember, not
14 every child is the same, and not every child can
15 complete a task like that in the same time, so I would
16 question the needs of a particular child would need to
17 be taken into account, and so if you were insistent that
18 somebody do it, then take into account their specific
19 needs, and if half of a page is satisfactory, then
20 please accept half of a page and make it something
21 useful.

22 Q. You said people would listen but whether they heard or
23 not was another matter. Who were you thinking of when
24 you said that?

25 A. Well, the blue papers still existed, so I would suggest

1 perhaps I was listened to but not necessarily heard.

2 Q. Who were you thinking of not hearing you? The Senior

3 Management Team --

4 A. Yes.

5 Q. -- or the head?

6 A. Well, the people who decided that that was the best

7 route to go down.

8 Q. All right. Physically we know Pringle, which was housed

9 within the same centre --

10 A. Yes.

11 Q. -- it grows, is physically distant from the rest of the

12 school.

13 A. Yes.

14 Q. You drive in the main gate, Pringle is on your left, and

15 then you carry on up the drive and get to the rest of

16 the school.

17 We've heard a lot about James Rainy Brown, who might

18 be described as a Merchiston institution. Is that fair?

19 A. A Merchiston institution?

20 Q. Thinking of the time you arrived --

21 A. I would suggest -- from the time I arrived, I would say

22 more in with the furniture and the bricks. I'm not

23 sure -- was there all the time, yes.

24 Q. And you would know he'd been a pupil there?

25 A. Yes.

1 Q. And had spent his entire working life there?

2 A. Yes.

3 Q. Other than going to university?

4 A. Yes.

5 Q. And his domain was Pringle?

6 A. Absolutely.

7 Q. Is that a good description: it was his domain, in his
8 head if no one else's?

9 A. I think that's important to stress: in his head, if
10 no one else's. And when I had leadership roles within
11 Pringle, he was a challenge. And I've written that in
12 my statement.

13 Q. Indeed. [REDACTED] how did you find --

14 A. I met him first [REDACTED]
15 incredibly sporty, [REDACTED] slotted in, [REDACTED] enjoyed the
16 fact that there was always somebody there to play sport
17 or to arrange trips. [REDACTED] had positive engagements
18 with James. [REDACTED] I would say I had one question
19 mark.

20 Q. Go on.

21 A. When [REDACTED] went on a camp as a vegetarian, James
22 didn't provide for but was very delighted [REDACTED]
23 [REDACTED]. Well, of course [REDACTED]
24 because you didn't give [REDACTED] anything else. So I think
25 that sort of challenge. [REDACTED] wasn't bothered and [REDACTED]

1 [REDACTED]

2 [REDACTED] that was okay, but I think it was very

3 definitely a challenge from James [REDACTED]

4 Q. When you joined as a teacher, was anything said to you

5 by other staff about him?

6 A. No, other than he's -- he was always there, he gave

7 100 per cent, totally committed, but that he would be

8 a bit stubborn. Set in his ways.

9 Q. Old-fashioned?

10 A. Very much so.

11 Q. As a teacher, did you meet that stubbornness?

12 A. Yes. When I challenged him.

13 Q. When you challenged him?

14 A. Yeah. He did not take well to being challenged by -- by

15 me. I can't speak for anybody else.

16 Q. I think what you may be referring to, and challenging

17 him, is you talk about finding him on one occasion

18 massaging a child's foot.

19 A. Mm-hmm.

20 Q. Is that what you're thinking of or are you thinking more

21 broadly than that in terms of challenge?

22 A. That and -- that in particular, yes. But in other ways.

23 [REDACTED] you know, that's

24 challenging somebody. That's stepping up. [REDACTED]

25 had a name that I asked him not to call him and he

1 called him.

2 Q. Yes. But equally, if you asked him to do something or
3 said -- in my leadership role said, "I need you to do X,
4 Y or Z", or, "Please could you do" -- it was very much
5 in his time and at his pace and -- it would get done,
6 but he would let you know that it would be at his time
7 rather than -- you know, for example, "I need the boys
8 in by 7.30, they need to have their showers, it's
9 freezing cold", they'd be in by 7.45, "We were having
10 a great time". The boys were having a great time, but
11 you were being challenged/provoked.

12 LADY SMITH: You create the impression of somebody who
13 insisted that it was he who was always in control, not
14 other people. Do I have that right?

15 A. He -- he liked to think he was in control.

16 LADY SMITH: Yes.

17 A. I can give an example of that. So I applied for the
18 housemaster role, I can't remember what year, at the
19 same time as DRW and I was very much told by JRB,
20 "Well, why are you applying for that job? You can
21 always go and give your views, but it's not really a job
22 for you, is it?" And I said, "James, I'm applying for
23 this job and I will be giving it my all". So he liked
24 to think that he had control, but he -- he didn't have
25 the control he thought he had would be -- certainly with

1 me, as I showed from -- the reaction, his reaction to my
2 reporting him.

3 MR BROWN: We'll come to that --

4 A. Huge impact for me.

5 Q. In terms of -- from a day-to-day point of view, he's
6 difficult. Bloody minded?

7 A. Bloody minded. I wouldn't say difficult. Bloody minded
8 is a much better way of putting it.

9 Q. All right. Was there any oversight -- you obviously
10 take on increasingly [REDACTED] positions within
11 Pringle.

12 A. Mm-hmm.

13 Q. Was there any oversight from the school, the head, to
14 try and deal with this bloody mindedness?

15 A. I think my memory is that he was spoken to about it, you
16 know, making sure he followed and did things and
17 didn't -- and wasn't difficult. But he was very clever
18 about how he did it. Because if you are giving so much
19 time and effort and commitment and happiness to the
20 boys, you know there was driving the minibus everywhere
21 and organising evening activities, then you're also seen
22 as being very helpful.

23 Q. Did you feel -- he's in with the bricks, he knows
24 presumably lots of people because he's been at
25 Merchiston for so long. Did you have a sense that he

1 was in any way beyond managing?

2 A. (Pause)

3 Beyond managing? My experience of James was I could

4 manage him. He made it difficult, so yes, difficult,

5 and he made it very challenging and upsetting at times,

6 as a professional, to do, but -- you had to be strong.

7 Q. But these are traits which are abnormal, I take it,

8 amongst the teachers --

9 A. Yes.

10 Q. -- in Merchiston?

11 A. Yes.

12 Q. Did anyone at the senior management level think,

13 "Really? Why are we putting up with this?"

14 A. I never had that conversation about why are we putting

15 up with this. I believe he retired a few times and came

16 back, but before I was there.

17 LADY SMITH: How much older than you was he?

18 A. Okay, I'm useless with ages, just to let you know

19 straight away, but he was considerably -- he was older

20 than my dad.

21 LADY SMITH: Okay. You'd be about, what, 39/40, when you

22 began working at Merchiston?

23 A. Yeah. He was --

24 LADY SMITH: Even when you got there, the age --

25 A. He was past what I consider retirement age.

1 LADY SMITH: So past the age that most teachers would have
2 retired?

3 A. Yes.

4 LADY SMITH: Thank you.

5 MR BROWN: Thank you.

6 You talk about the specific episode, and this is
7 paragraph 56, page 14:

8 "In March 2010 I reported a concern I had regarding
9 [him] massaging a boy's foot in his office during duty
10 one evening. I had a gut feeling it wasn't right and
11 that it was not appropriate given he had no medical
12 training to do so."

13 What did you see?

14 A. James has a -- had a study sort of in the heart of the
15 house, and I was on duty that night and I was, you know,
16 checking boys were in their dorms and doing the evening
17 routine, and I went past his study and one of the boys
18 was in his study facing him and James had his foot close
19 to his crotch and was massaging it. And it looked wrong
20 and it was wrong, and so I pulled him up and said -- to
21 the little boy, without alarming the little boy at the
22 time, "Time you were in your bed, it's lights out soon",
23 and then I reported it in line with policy because
24 I knew it wasn't right.

25 Q. When you said, "It's time for bed", what was his

1 response?

2 A. "He'll go to bed when I'm ready."

3 Q. Sorry, say that again?

4 A. "He'll go to bed when I'm ready."

5 Q. So he fought that?

6 A. He thought that?

7 Q. He fought that?

8 A. Oh, he fought it, yes, and he thought that that would be

9 okay, but I stood my ground and the little boy went to

10 bed.

11 Q. Why were you so concerned?

12 A. Pardon me?

13 Q. Why were you so concerned?

14 A. The position of the foot, the time of day, he's not

15 a qualified medic. I akin it to -- and we're all aware

16 of -- there was a photo recently that sprung up on my TV

17 from the Epstein and the photo made me feel sick,

18 because it brought right back the picture in my mind.

19 Q. Was that foot being massaged?

20 A. The foot being massaged.

21 Q. Prior to this, had you had any sense of previous

22 concerns about James Rainy Brown and his connection with

23 boys in the evenings?

24 A. No.

25 Q. Were you aware of concerns about boys being naked in the

1 house?

2 A. No. Absolutely not.

3 Q. That was something you didn't know?

4 A. No, absolutely not. And [REDACTED] had been away on camps.

5 If I thought for one moment or had had any concerns, [REDACTED]

6 [REDACTED] the boys in my care -- at that

7 time I was a tutor who was just on duty once a week --

8 I would have raised it. I don't ever -- I mean, little

9 boys will be little boys running out of a shower, but

10 you quickly say to them, "Make sure you've got your

11 towel" or whatever. I never had any inkling that there

12 were boys naked, no.

13 Q. Would you have gone into a boys' shower room?

14 A. Not unless there was some accident or reason -- and you

15 bang on the door and you say -- sometimes they would be

16 very loud so you'd knock on the door and say, "Boys,

17 pipe down, is everybody okay?"

18 Did I ever have recall to go in? Once, when they

19 flooded it, but they were all dressed.

20 Q. Nothing had been shared with you about James Rainy Brown

21 sharing showers or being in the showers when the

22 children were naked?

23 A. During my time at Merchiston?

24 Q. No, prior to your arrival.

25 A. Prior to my arrival. Later on [REDACTED] DRW disclosed to me --

1 Q. That's a separate issue.

2 A. But for James, no.

3 Q. That was something you were never told about?

4 A. No.

5 Q. Warned about?

6 A. No.

7 Q. To be alive to?

8 A. No, absolutely not.

9 Q. All right.

10 Going back to 2010, you complain, you raised the

11 issue, and what was JRB's response?

12 A. Immature. He put me into Coventry.

13 Q. For how long?

14 A. Months. So it was March I reported it. He certainly

15 didn't speak to me the rest of that academic year, and

16 the following academic year he asked somebody to speak

17 to me.

18 Q. Yes.

19 A. It must have been the next academic year he decided to

20 speak to me again.

21 Q. You mentioned **DRW**, who was a housemaster?

22 A. Yes.

23 Q. You would understand **DRW** had spent some time as

24 a student teacher?

25 A. Mm-hmm, yeah.

1 Q. In the early 1990s at some stage?

2 A. Yeah, I wasn't sure exactly when that was, because,
3 again, useless with age. But I knew it had been when he
4 was a gap graduate or a student and so I put him
5 therefore -- it must have been when he was in his late
6 teens/early 20s was my understanding of that.

7 Q. Yes. He came back as an adult with his family --

8 A. Yes.

9 Q. -- and taught at Merchiston and you talk about him, you
10 thought him -- we see the description you have of him in
11 paragraph 72 to 76. He was clearly someone who had
12 worked with JRB as a student teacher --

13 A. Yeah.

14 Q. -- or a gap year? And then was close to him when he
15 came back and worked as a teacher full time, when he was
16 there with his own family and children?

17 A. Yeah.

18 Q. So he was loyal to him, presumably, given his experience
19 of him?

20 A. He was -- sorry?

21 Q. He was loyal to him?

22 A. Yes.

23 Q. They were friendly?

24 A. Oh, yes. James was very much part of that family. The
25 children -- DRW s' children adored him. He would

1 babysit for them. He was very much part of their
2 family.

3 Q. But I think as we see, just touched on this very
4 briefly, after JRB's death, there was a great deal of
5 talking, I imagine. It's a shocking experience for all
6 those working at Merchiston.

7 A. Mm-hmm.

8 Q. And, as you narrate, in part of that you're talking with
9 DRW and DRW reveals that going back 20 years
10 before, when he was the gap year student, there's
11 reference to various events and you set them out in the
12 statement, which you then report --

13 A. Yes.

14 Q. -- because is it fair to say after JRB's death, as
15 you've already acknowledged, child protection is looming
16 very large within the school?

17 A. Yes, because -- yes, it is. Yes. Not because of
18 anything, just yes. And --

19 Q. Had you learnt that the prior to JRB's death, in the
20 environment pre, do you think you would have reported
21 it?

22 A. Absolutely, I would have reported it. If anything said
23 anything like that to me in a school environment I would
24 report it, yes.

25 Q. All right.

1 A. To me, that was not normal. And I would -- you know,
2 what DRW disclosed to me was something that needed to
3 be shared.

4 Q. Yes. The result of that was practically you didn't see
5 much of DRW thereafter and he returned in due course
6 home?

7 A. DRW found -- took James's death very, very hard, and
8 I -- he was the housemaster at the time and I was in my
9 first year as the SNR the
10 first -- second term. And to keep the -- to steady the
11 ship, you see, the boys are key to this, to make sure
12 that their lives continue -- something traumatic has
13 happened in the lives of 8- to 12-year-olds, a man they
14 saw around the house all the time all of a sudden is not
15 there, so to speak that as -- and the prefects, who were
16 17- and 18-year-olds in the house, and the staff. So to
17 keep things running smoothly, I used to stay over on
18 a mattress upstairs as the housemaster and then go home
19 to my family at 6.00 in the morning just before wake up
20 and things to make sure things just continued as best
21 they could, and I didn't see DRW after that.
22 Now and then in passing.

23 Q. You talk about him being upset. Are you aware of any
24 other restraints on him?

25 A. No.

1 Q. You're suggesting, I think from what you've said, that
2 he's terribly upset so he's not performing duties.

3 A. Yes. That was -- certainly James's death, that was very
4 much the case for me.

5 Q. All right.

6 A. After I shared the information he had disclosed, then
7 maybe things changed, but not -- I wasn't --

8 Q. Okay. You didn't know --

9 A. No, no.

10 Q. -- what the school's response to that was?

11 A. No. Somebody else's information like that would not be
12 shared. He wasn't working at the time, he was on
13 compassionate leave.

14 Q. As far as you understood?

15 A. As far as I understood it, yes. Certainly to my memory,
16 this is such a long time ago.

17 Q. I appreciate that. It's not a memory test.

18 A. No.

19 Q. Just one other thing before we come onto events in 2015.
20 In the statement you talk about one teacher who had
21 child protection responsibilities, and this is page 17.
22 We don't need to name, just talk about **RCQ**

23 A. Okay.

24 Q. I think one of the things that you observed was her
25 dress was a little different from certainly how you

1 would have dressed as a teacher?

2 A. Yes.

3 Q. What was different about it?

4 A. Bright, gregarious, exposing, not in keeping with
5 working in an environment with -- with anyone, actually.
6 It was more of a sort of what you might wear maybe going
7 out. I don't know. Not me, but --

8 LADY SMITH: Not professional?

9 A. Not professional. Not to my mind, no.

10 MR BROWN: Was that something that you obviously noticed,
11 but others noticed?

12 A. Yes. Yes.

13 Q. Was it well known?

14 A. It wasn't -- it would have been known. Well known? It
15 wasn't discussed. I was down in the junior school and
16 RCQ didn't teach necessarily down in -- wasn't
17 on a daily basis in the junior school. It was something
18 that was raised. And my understanding, my memory again,
19 was that she had been spoken to about it.

20 Q. Did that have any change of approach that you remember?

21 A. Not that I noticed.

22 Q. I think you were concerned -- she was buxom, is that
23 fair?

24 A. Very fair, yeah. If I -- it's not -- you're a teacher,
25 you're in a classroom leaning over desks. You need to

1 be dressed in such a way that you're not causing concern
2 to people around you or distraction.

3 Q. Who would have been distracted, do you think?

4 A. Any young boy in a lesson would be distracted. I was
5 distracted in meetings.

6 Q. Okay. Now, as you agreed, she had a [REDACTED]
7 role. Were you surprised that RCQ [REDACTED] had that
8 role?

9 A. From her interaction and engagement with the boys and
10 the time I saw her talking with the junior boys --
11 because I didn't see the interaction with the senior
12 boys -- with the junior boys she was kind, fun, caring,
13 engaging. And some of my little 7-, 8-, 9-year-olds,
14 they wouldn't have noticed what older boys would notice.
15 They were more interested in finding the football and
16 going outside or where the next hot chocolate was coming
17 from. That's --

18 Q. In terms of her appointment, did you assume it was well
19 made?

20 A. She had been involved in certainly a lot of the
21 discussions and roles within houses, but I've never
22 really considered that question before. Would I say it
23 had the same rigour that my appointment that we talked
24 about earlier? Possibly not. But I don't know.
25 I wasn't privy to or involved in the appointment, so

1 I wouldn't be able to sort of comment.

2 Q. You remained at the school to 2020 --

3 A. Yeah.

4 Q. -- thinking of RCQ [REDACTED] just as there had been
5 review after James Rainy Brown's death, was there
6 subsequently review about RCQ [REDACTED] ?

7 A. There was review, I believe, about -- I know, about due
8 diligence in appointments and making sure the right
9 processes were in place to mitigate an error in the
10 future.

11 Q. More lessons were learned?

12 A. Yes, absolutely.

13 Q. All right. We are aware that in the last decade
14 Merchiston was the subject of rigorous inspection by the
15 Care Inspectorate --

16 A. Yeah.

17 Q. -- and was put under review in 2015. We can read the
18 inspection reports and the concerns that were raised and
19 the school's responses to it, and you lived through that
20 and were part of it?

21 A. Lived through it and were part of it, yes.

22 Q. Because I think in December 2015 there was a Care
23 Inspectorate inspection --

24 A. Mm-hmm.

25 Q. -- of the school and concerns were raised about Pringle

1 House, which you were [REDACTED] in terms of how the
2 younger children were disciplined. Do you remember
3 that?

4 A. I remember it, yes. Can't forget it.

5 Q. From your perspective, I'm just interested, and we'll
6 come to what happened to you in a moment, but the
7 inspection process in 2015 for you would have been
8 another inspection. Inspections happened.

9 A. Yeah.

10 Q. Before we think about that specific one, how did you
11 regard inspections? Did you welcome them?

12 A. Yes.

13 Q. Why?

14 A. Because I'm a bit of a show off and I thought that what
15 we were offering was fantastic. We had Education
16 Scotland in and they sat in on -- you know, said, "Oh,
17 we'll come into five minutes of your lesson". I said,
18 "Feel free to come to all of it, the door is wide open".
19 I had nothing to hide. I think inspections are good
20 things to help -- it's about engagement, it's about
21 sharing best practice, it's about sharing what you do,
22 it's about learning, it's about not thinking you already
23 know everything. There's so much to inspections.
24 They're not things you should be scared of.

25 Q. That's your broad approach to inspections.

1 A. Mm-hmm.

2 Q. Focusing on the December 2015 inspection, which I think
3 we know took place over a number of days. I think the
4 last one, from the report, is 4 December. They had been
5 to Pringle, the inspectors?

6 A. Yes.

7 Q. You had engaged with them?

8 A. Yes. Had cups of tea, walked around, chatted with the
9 boys, shared what we were doing.

10 Q. I think part of that included, thinking of the layout of
11 Pringle, there were the interior parts and the exterior
12 parts and there was a bench?

13 A. Yes, we sat on the bench and had a cup of tea.

14 Q. Now this bench I think you would understand had been at
15 Pringle all the time you had been there?

16 A. Yeah.

17 Q. Had it been used for punishment?

18 A. In my time in Pringle the bench was used for a variety
19 of things. It was used for -- it sat outside the
20 kitchen and beside a tannoy table, where we would say
21 announcements to the boys. So if, say they'd been
22 playing on the pitch, five pairs of rugby boots and 27
23 tops were left out on the pitch, somebody brought them
24 in, you would put over the tannoy:
25 "All the kit that has been on the pitch is on the

1 bench, come and claim your kit."

2 I would sit on the bench and talk to boys as they
3 passed down the corridor. I would sit on the bench --
4 the boys would sit on the bench and chat when they were
5 having their break because it was in the kitchen. But,
6 yes, the bench was also somewhere where if you were
7 leaping around and endangering yourself or others and
8 being silly, you were asked, "Go and sit on the bench
9 and just take some time out".

10 At the was -- it could have been a chair. It was
11 a bench. And when the bench -- I sat on that bench with
12 the inspector that day and had my cup of tea at break
13 time. It wasn't a -- in my time, certainly, a scary
14 place. It was a place we used for sitting on and
15 leaving things on and, yes, if I needed time out as
16 a little boy, I went there. If I was keeping everybody
17 awake in the dorm at night, somebody would go down and
18 go, "Right, come on, let's come and have a little sit on
19 the bench" and invariably I would sit with them. You
20 wouldn't just leave them sitting on the bench, unless
21 they needed that time to just sit and gather their
22 thoughts and then go back and join everybody else.

23 Q. Just so we understand, you talk about during the night.
24 You would be living in on some nights, you would be on
25 duty overnight?

1 A. No, if you were a tutor you were on duty until
2 10 o'clock, and then you handed back to the housemaster
3 or the housemother or whoever was resident overnight.
4 From 2013, the summer -- oh, so the start of that
5 academic year, I was on site, so, you know, I would be
6 the person they would hand over to.

7 Q. You would be the overnight cover?

8 A. Yes.

9 Q. Would you get the boys up in the morning?

10 A. Yes. Play music on that tannoy from that bench. They
11 would pick the music. You know, what do I have to
12 listen to tomorrow morning to wake up to?

13 Q. Thinking back to December 2015, you were on duty?

14 A. Mm-hmm.

15 Q. Overnight?

16 A. In 2015? Yes, yes. Yes, I was.

17 Q. But I think your recollection is -- and so far as you
18 recollect, is this the same day as you've been sitting
19 on the bench with the inspector or is it --

20 A. So that day there was restorative training up in the
21 main school, which I was at in the afternoon. I'm not
22 sure if it was that day that I sat on the bench having
23 coffee with the inspector, because I think they were
24 there the day before as well, so -- but certainly during
25 that visit, we had sat on the bench having a cup of tea.

1 And invariably cake.

2 Q. But things then began to happen?

3 A. Yeah.

4 Q. What do you remember?

5 A. (Pause)

6 So, I was in restorative practice, and I can't

7 remember whether it was my phone kept ringing or

8 an email kept pinging on my iPad, one or the other, to

9 which, as I was in a training, I ignored, because you

10 don't ... but it became, like, repetitive, so I checked

11 it and the headmaster was trying to contact me, saying,

12 "I need to talk to you, please excuse yourself from

13 training and come to my study".

14 Q. So once you found the messages, what did you do?

15 A. I spoke to the person running the course and said I was

16 really sorry, I needed to leave.

17 Q. This is during the working day?

18 A. It was -- well, the working day for me is -- I lived on

19 campus, it was all day, so yes, part of the working day.

20 Q. Right.

21 A. But my recollection, it was -- so it was December, it

22 was definitely dark, so it was 4.00, 4.15, 4.30. Must

23 have been after 4.30, 4.45-ish. It was towards the end

24 of the training.

25 Q. You go to see the headmaster, where?

1 A. I went to up to the main school, so we were -- the
2 training was happening in another building, I can't
3 remember exactly which one. And I walked over to the
4 main house, the main reception -- most of the lights
5 were off, so it must have been after everybody --
6 offices and things had finished. And I could hear two
7 voices, cheery voices upstairs, so I walked up the
8 stairs to the headmaster's office.

9 Q. What happens when you speak to the headmaster?

10 A. The headmaster and the then bursar were there and asked
11 me to come in and sit down and handed me a letter to
12 read. That is my memory of it. And I opened the letter
13 and my world almost fell apart. I tried to hold it
14 together, wasn't quite sure what was happening, and
15 I was explained there and then ... that I was being
16 suspended without prejudice and I should leave the
17 campus -- sorry -- with immediate effect pending
18 an investigation.

19 And it was mentioned -- it wasn't really very clear
20 to me why. It was for something that the Care
21 Inspectorate had -- somebody had said something about
22 the bench and the Care Inspectorate had instructed that
23 I had to be suspended pending an investigation.

24 That's my memory of it. You have to remember that
25 it was a little bit of a hammer blow and I was by myself

1 in an office, it was snowing. I then walked down to
2 Pringle House.

3 I was told -- sorry -- that I was not allowed to
4 contact any members of staff or any parents. I was to
5 leave without -- I didn't know anybody else in
6 Edinburgh, other than the colleagues I worked with and
7 parents, [REDACTED] but
8 effectively parents. I didn't have any other contacts
9 in Edinburgh.

10 LADY SMITH: Where were you supposed to go?

11 A. I don't know. Sorry.

12 LADY SMITH: Mr Brown.

13 MR BROWN: I think you eventually found somewhere to go?

14 A. Yeah. I packed -- I asked what -- so this must have
15 been about 5.00-ish. I asked what sort of timescale and
16 I was told as soon as possible, you know, but certainly
17 by 7.00/7.30, so I went down to my flat in Pringle and
18 I didn't have my suitcase, because it was in a storage
19 room underneath the house, so I had to ask a member of
20 staff to just try and get it and put it at my door so
21 I could actually pack something. They said, "Why do you
22 need it?" I said, "Please don't ask me, just put my
23 suitcase at the door".

24 They -- two members of staff, very concerned when
25 I tried to open the door to get the suitcase, pushed

1 their way in and said, "Please tell us what is going
2 on", and I said, "I really need you to leave", I said,
3 and ironically it wasn't actually my suitcase, so
4 I couldn't bring it, it was one of the boys' suitcases,
5 so I put my things in black bin bags on a winter's snowy
6 evening and I put myself and my dog in the back of my
7 car and I drove out and I sat in the car in a layby and
8 phoned my sister in Australia, because there wasn't
9 anybody else to phone because I couldn't get the friend
10 that I just had to phone. She wasn't in. I couldn't
11 phone my parents in Ireland.

12 I'm sorry.

13 LADY SMITH: Don't apologise. (Pause)

14 'Jane', I could break now and start again at
15 2 o'clock if that would help you. Just let me know.

16 A. No, I'm fine.

17 LADY SMITH: Okay.

18 MR BROWN: You managed to find somewhere to stay?

19 A. Yeah. With a very good friend, who took myself and my
20 dog, even though she doesn't like dogs, took him in.

21 Q. Obviously from what you're saying, there were staff in
22 Pringle?

23 A. Yes.

24 Q. But from what you've said previously, by the sounds of
25 it, you were going to be the overnight cover, or was

1 that wrong?

2 A. No, no, I was the overnight cover.

3 Q. So how was that handled?

4 A. I have no idea. I'm assuming the staff would have
5 picked up the pieces and somebody would have stayed
6 overnight. I don't know what the staff were told.
7 I wasn't allowed to contact them. They weren't allowed
8 to contact me is my understanding. In fact, yes,
9 because subsequently I asked and I sort of felt a bit
10 strange that nobody picked up the phone.

11 Given what happened to JRB two years previously,
12 I sort of stupidly, now, thought that maybe somebody
13 would pick up the phone and check I was okay. But
14 nobody did.

15 Q. Were you anxious about the children?

16 A. I was very anxious about the children, because there
17 were little boys in there whose -- I took my role very,
18 very seriously. A parent hands over their child to your
19 care, it's their most precious thing in their lives.
20 They want them -- it's their home from home. The boys
21 thought I was going to be the person there that they
22 would see that evening. I don't know what they were
23 told. I don't -- and I -- what were they going to be
24 told.

25 Parents eventually tried to contact me. People will

1 find ways of finding where you are. And all they wanted
2 to know was that I was okay. And it was coming up to
3 Christmas. I do things in the house like you would do
4 with your own children. I put up a tree, we have
5 presents under the tree, all those things they were
6 excited about. I didn't know what was happening.

7 Q. I think by the end of that week -- or the end of that
8 term, matters had resolved and you were allowed back?

9 A. Yeah. Bizarre feeling of you go through all of that and
10 then told:

11 "Well, you can come back now."

12 "What do you mean I can come back now?"

13 In that state, I didn't know what I was doing or
14 where I was, I wasn't in a fit state to come back. But
15 I knew I needed to make sure that the boys knew because
16 I did hear from one parent that her son thought I was
17 terminally ill and was really worried about me, so one
18 of my priorities was to make sure that the boys saw that
19 I was fine before they went away for their month of
20 Christmas, so the end of term service happens over in
21 a lovely church in Colinton and a member of staff
22 contacted me to say, "Please come".

23 I wasn't quite ready to see everybody at that time,
24 but he said that he'd leave the back door open and
25 I could sneak in around the back. He forgot to leave

1 the back door open, but I did manage to get in and
2 I waited for all the adults to leave and then I just
3 went through and saw the boys and just reassured them by
4 my presence that I was fine. And I went back over to
5 the house to pick up a few of my things, to say happy
6 Christmas to the staff and the parents, and then I went
7 away for Christmas.

8 LADY SMITH: Do you know whether any explanation for your
9 absence had been given to the boys in the house?

10 A. From what the parents that I did see said --

11 LADY SMITH: From the school.

12 A. Not to my knowledge, no.

13 LADY SMITH: Mr Brown.

14 MR BROWN: What about the parents? Did you understand,
15 since they contacted you, from what you just said?

16 A. I do believe the parents had an email to say I was
17 suspended without prejudice.

18 Q. All right. Was it explained to you what had happened to
19 require you to leave so promptly by the staff, by the
20 headmaster when you came back?

21 A. No, when I came back, no. During the week I had -- the
22 investigation happened and I met the headmaster and the
23 senior deputy head in that time. The senior deputy head
24 carried out the investigation, and I met with him, and
25 my understanding then was it was to do with the bench

1 being used as a punitive -- and some reference to ...
2 that it needed to be removed.

3 Then the Christmas holidays happened and a new term
4 started and I -- I'm not sure whether I requested to
5 meet with a board member either during that week -- but
6 I think it might have been after the week, but before
7 Christmas to just -- because I was shocked that nobody
8 picked up the phone to see if I was alive or dead or
9 where I was. People knew I had no family in Edinburgh.

10 So I had a meeting and shared my concerns then, and
11 then I think it must have gone to Christmas. I don't
12 even know whether that happened after Christmas or not.
13 I would have to have a look back.

14 Q. All right. I think just in fairness the Care
15 Inspectorate report says this, and we can look at it
16 separately:

17 "While there was some good evidence that work had
18 been undertaken with boys in relation to keeping
19 themselves safe and the need to speak out if they had
20 concerns it was clear that this had not yet had
21 a positive impact on all the boys. The emphasis on the
22 use of restorative practice in relation to managing
23 behaviour was a positive development in some areas of
24 the school, but during the inspection it became clear
25 that this was not being implemented sufficiently within

1 one of the boarding houses that supports the youngest
2 children. Sanctions which were inappropriate were
3 taking place in the residence and we were told by some
4 boys that they were not able to speak to staff in the
5 school about their concerns. We are concerned about the
6 impact on the dignity and emotional well-being of young
7 people who have received these sanctions. We made
8 an immediate requirement on 4 December 2015 in relation
9 to our findings.

10 In terms of the Social Care and Social Work
11 Improvement Scotland (Requirements for Care Services)
12 Regulations 2011, a requirement was put on the school to
13 carry out a review of the use of sanctions within
14 Pringle House."

15 It details the things that have to be done, so the
16 Care Inspectorate had taken immediate action, given what
17 they understood.

18 A. Mm-hmm.

19 Q. Andrew Hunter, in his statement to the Inquiry, says:

20 "The punishment system being administered in Pringle
21 House [this is paragraph 161 of his statement], our
22 junior house, ran totally contrary to what was happening
23 in the rest of the school. The punishment system was
24 still punitive and involved using a historic sanction of
25 boys 'sitting on the bench'. We thought we had

1 abolished this. We received an immediate requirement
2 from the Care Inspectorate over the course of
3 an inspection, suspension without prejudice occurred
4 because we wished to check that the pupils were safe and
5 we also wished to ensure that the sanction system in
6 Pringle sat within the sanction system in the rest of
7 the school."

8 Does that accord with your understanding --

9 A. That I was running a totally different system in Pringle
10 is basically what I'm being told there.

11 Q. Yes.

12 A. No, I was not running a different system to the rest of
13 the school. I was heavily involved in -- I was at the
14 restorative practice. I was involved in the discussion
15 group that wanted to go down the route of and found the
16 benefits of restorative -- I used restorative practice.
17 Yes, boys sat on a bench if they needed time out, but
18 nobody -- (Pause)

19 To say I was running a different system to the rest
20 of the school is hugely unfair, hugely hurtful, and
21 wrong.

22 Q. Okay. His line, "We thought we had abolished this"?

23 A. Can I just -- "thought we'd abolished it"? If I with --
24 if that was the case, I ask the question: how was
25 I totally exonerated by an investigation that I had done

1 nothing wrong?

2 LADY SMITH: From your recollection of the timescale, that
3 investigation seemed to have been over and done with
4 quite quickly?

5 A. Yes, in a week.

6 LADY SMITH: Mr Brown.

7 MR BROWN: Thank you.

8 For whatever else, you carried on working at
9 Merchiston for another four or five years?

10 A. And that -- coming back after that was -- I asked to see
11 the headmaster before I started back. I wasn't given
12 an opportunity -- I wasn't invited in for a pre, "How
13 are you feeling?" I asked to see, and the first question
14 that was asked was about my health and well-being, which
15 I batted straight back saying, "Quite frankly, none of
16 your business, sorry".

17 I went back to work because I absolutely loved my
18 job.

19 Q. I think the tone of the statement, which really didn't
20 focus on the matters we are talking about, so far as
21 Merchiston's concerned was positive and enthusiastic?

22 A. Yes. I wasn't led to believe that people didn't want me
23 back. I wasn't ... and you come back and you've not
24 spoken to anyone, because you've been told you can't.
25 You walk into that first in-service training and people

1 are sort of walking on eggshells of not knowing whether
2 to talk to you or not, and then some saying, "Oh,
3 welcome back, it's lovely to see you", and you think:
4 really? Is that what we're about? We talk about
5 kindness and standing up and doing the right thing, so,
6 yes, we do it for the boys, but in my current role --
7 and totally away from education, but actually still
8 involving people -- my care at the moment, we have many,
9 many residents in our properties. My social
10 responsibility is to them, but also to my colleagues,
11 and you should never separate the two. If we're
12 a community, we're a community, and it left me wondering
13 who cared about me?

14 Not that it's about me, but it's all a part and
15 parcel of that big community.

16 LADY SMITH: Does it leave you wondering were there
17 comparable circumstances involving a pupil, how would
18 the pupil have been dealt with?

19 A. Oh, gosh. I hope that the pupil was --

20 LADY SMITH: I am not trying to put words into your mouth.

21 A. No, I hope that whoever that pupil was was given more
22 support and care than I was given.

23 LADY SMITH: I'm not suggesting it happened in relation to
24 a pupil. What I'm interested in is looking at the way
25 the organisation conducts itself in relation to those

1 who it has criticism to level at and take action
2 against. It can happen with a pupil. Pupils can be
3 suspended.

4 A. Yes. I would say, however, that in all my time there
5 and any pupil who'd made a mistake -- and that's part of
6 growing up -- the school and particularly the headmaster
7 was very proactive in trying to find a solution. He
8 would never put the axe down very quickly.

9 There were several young people who made mistakes in
10 my time there will who we sat down with parents and
11 I know in perhaps other situations the axe could have
12 come down and they would have been asked to leave, which
13 made it even more hurtful when it was about --

14 I wasn't paying fees.

15 LADY SMITH: You make a good point. Thank you.

16 Mr Brown.

17 MR BROWN: 'Jane', you talk in your statement about your
18 views on education and you were very anxious that this
19 Inquiry shouldn't demonise all teachers.

20 A. Yeah.

21 Q. That was one of your worries, because I come back to
22 where I started, you view it as a vocation and
23 an honourable one.

24 A. Yes, absolutely.

25 Q. You talk about a number of things. Is there anything

1 you would like to add to close?

2 A. Teachers are wonderful people. Everyone -- the ones
3 I've worked with have been totally and utterly dedicated
4 to what they do. Yes, my -- I may see the world through
5 rose-tinted glasses, but I work with young children or
6 I have worked with young children and they tend to see
7 the world through rose-tinted glasses too, and it's not
8 a bad place, by the way.

9 People are inherently good. People want to do the
10 right thing. But there's a way of going about things,
11 and if we talk about -- my current job description, and
12 it's a very simple statement, from my CEO, which was:

13 "Go and make people's lives better or a little bit
14 easier by our actions."

15 That's the best job description I've ever had, and
16 actually it's one that if you just think about people,
17 think about the impact -- because what message were we
18 giving to those young boys by not telling them why
19 I wasn't there or to the parents, not checking that
20 I was okay?

21 Be kind, say thank you, do it the right way. It's
22 actually really, really easy. Life isn't difficult. We
23 make it difficult.

24 MR BROWN: 'Jane', thank you very much. I have no further
25 questions for you.

1 A. Thank you.

2 LADY SMITH: Are there any outstanding applications? No.

3 'Jane', that completes all the questions we have for

4 you today. Thank you so much for engaging with us, both

5 in terms of your written statement and particularly by

6 being prepared to come here today and expand on what's

7 in that statement, which has made what's there come

8 alive, but has increased my knowledge and understanding

9 of your time involved with Merchiston. I'm really

10 grateful for that.

11 A. Thank you.

12 LADY SMITH: I know we have had some difficult questions for

13 you, and it's not been easy, but you'll understand at

14 the heart of this is trying to do the best thing for

15 children --

16 A. Yes.

17 LADY SMITH: -- and I'm sure you appreciate that.

18 A. Absolutely.

19 LADY SMITH: I'm able to let you go and I hope that the rest

20 of your Friday is more restful than the time we have

21 given you so far.

22 A. Thank you so much.

23 LADY SMITH: Thank you.

24 (The witness withdrew)

25 LADY SMITH: Well, Mr Brown.

1 MR BROWN: My Lady, lunchtime. We have two read-ins, which
2 I don't think will take terribly long, perhaps an hour.
3 Perhaps we might recommence at 2.10?
4 LADY SMITH: 2.10/2.15, we'll try and make it that time.
5 Very well, thank you.
6 (1.26 pm)
7 (The luncheon adjournment)
8 (2.17 pm)
9 LADY SMITH: Ms Bennie.
10 Marion Muetzelfeldt (read)
11 MS BENNIE: Thank you, my Lady.
12 My Lady, the first read-in bears the reference
13 WIT-1-000000489. My Lady, this is the witness statement
14 of Marion Muetzelfeldt.
15 LADY SMITH: Thank you.
16 MS BENNIE: "My name is Marion Agnes Sarah Muetzelfeldt. My
17 year of birth is 1947."
18 My Lady, in paragraphs 2 to 4 the witness sets out
19 her professional qualifications.
20 "Employment with Merchiston School.
21 I was employed by Merchiston Castle School as
22 a part-time teacher of mathematics from 1979 until 1985
23 and taught full time from 1985 until 2018. I became
24 head of the maths department in 1996 and held that post
25 until 2015. From 2000 until 2015 I was director of

1 studies, also known as deputy head academic.

2 I do not know what processes the school followed
3 when I was recruited. I was not registered with the
4 General Teaching Council for Scotland when I was
5 recruited. I was employed by Donald Forbes, the then
6 headmaster.

7 As a teacher the mathematics, my line manager was in
8 the first instance Charles Windass and secondly
9 Peter Arter. I was in constant contact with them and
10 received all the help I required. As the director of
11 studies, my line manager was Andrew Hunter.
12 Retrospectively a management course when I became
13 director of studies would have helped me. I was
14 a member of the common room before becoming director of
15 studies and advice on dealing with adults rather than
16 children would have been helpful.

17 I did not have any involvement in, or responsibility
18 for, policy in relation to the care, including the
19 residential care of children. My involvement was purely
20 on the academic side of the school.

21 Most strategic planning in an independent school was
22 about keeping the numbers in the school at a sustainable
23 level. I was not involved with any discussions about
24 abuse. We had a child protection officer called
25 Mrs Prini-Garcia and a governor called Sally Kuennsberg,

1 who were dedicated to child protection.

2 My recollection is that the school's strategic
3 approach was concerned with whether we should extend the
4 entry age downwards and whether we should take girls.

5 I managed the academic staff at the school and as
6 such, I chaired the heads of department meetings.
7 I kept a very close eye on monitoring the progress of
8 the pupils. I was in constant contact with the heads of
9 department as they supplied me with data and reported
10 directly to me.

11 If dips in academic performance were observed,
12 discussions were not of possible abuse but of
13 overloading of a student. Investigations to explore why
14 dips were occurring routinely happened. The
15 investigations were by the subject teachers.

16 I was involved with recruitment of staff.
17 I interviewed all staff recruited for the academic side
18 of the school.

19 The headmaster's secretary managed all job adverts
20 and arranged interviews. References were followed up by
21 her and the headmaster. Financial details were managed
22 by the bursar and the accounts department.

23 References from former employers were always
24 obtained and used as part of the employment process.
25 Referees were spoken to. Academic appointments did not

1 require to be registered with the General Teaching
2 Council for Scotland or the General Teaching Council
3 because this was not a requirement for independent
4 schools.

5 I was involved with the training, personal
6 development, appraisal and evaluation of staff.
7 I instigated the staff appraisal system and a lesson
8 observation system. Everything was recorded
9 meticulously and records reside with the school.

10 Every year each member of staff was appraised with
11 respect to their teaching and co-curricular involvement.
12 I interviewed all of the staff members to discuss
13 progress and future plans. Everything was documented
14 and held by the school.

15 I lived off campus. Some staff also lived off
16 campus and some lived in houses on the campus.
17 Housemasters lived in accommodation in the boarding
18 houses. The housemaster and assistant housemaster had
19 access to the children's residential areas. Other
20 people who had access to the boarding accommodation were
21 cleaners and workmen.

22 The culture within the school was supportive. We
23 encouraged every young man to achieve his potential.
24 The boys were happy and always pleased to see me,
25 whether in the school or on Princes Street. The

1 practice of fagging did not exist at the school.

2 Discipline and punishment.

3 At the beginning of my time at Merchiston, I believe
4 boys were still beaten. I never witnessed a boy being
5 beaten, nor did I discuss boys being beaten with
6 a student. Otherwise, students were punished by having
7 to write about a designated subject on blue paper.
8 There was also Saturday night detention for some pupils.
9 Staff supervised this and records were kept.

10 There was a formal policy in relation to discipline
11 and punishment. All new members of staff were issued
12 with the policy and in-service training kept them up to
13 date. If I thought a member of staff was being too
14 harsh, I intervened when I was aware of the problem.

15 The senior pupils in upper sixth were involved in
16 keeping order. By 'keeping order' I mean exactly that.
17 The senior pupils kept order by being present. The
18 housemaster supervised them. I cannot say how the
19 housemaster supervised the senior pupils as I was not
20 a housemaster.

21 Day-to-day running of Merchiston Castle School.

22 I was not really at the time involved in the
23 day-to-day running of the school.

24 I am confident that, if any child was being abused
25 or ill-treated, it would have come to light at or around

1 the time it was occurring. All teachers care for their
2 students and if I thought any abuse was happening,
3 I would have gone to the housemaster. However, I did
4 not go to the housemaster with concerns about the abuse
5 of any pupil and I am not aware of any other members of
6 staff who did so.

7 Abuse in the school during my period of employment
8 could have occurred and gone undetected as, in a school
9 for boys, there were lots of times when I would not be
10 involved with the boys. For instance, on the sports
11 field. These matters would have been dealt with by the
12 senior deputy head. I would not have heard about
13 instances of abuse because my area was the academic
14 side.

15 Concerns about Merchiston Castle School.

16 The school was a subject of concern following the
17 suicide of James Rainy Brown, a former teacher and after
18 allegations about RCQ . I do not know the details of
19 those concerns. With respect to James Rainy Brown, my
20 information was anecdotal. With respect to RCQ ,
21 I knew nothing.

22 As to what extent the parents of the children were
23 made aware of such concerns and who had responsibility
24 for reporting to the parents, the headmaster,
25 Andrew Hunter, was always meticulous about sharing

1 important information with parents.

2 Reporting of complaints.

3 There was a complaints or reporting process in place
4 if any child in the school or another person on their
5 behalf wished to make a complaint or report a concern in
6 that there was a child protection officer. Records will
7 have been kept. I do not know of any complaints being
8 made.

9 Any complaint against a member of staff was
10 investigated thoroughly and openly. I say openly
11 because I interviewed the parents and the member of
12 staff. The student and/or parent were included in the
13 investigation. All complaints were recorded.

14 A student could contact a teacher or housemaster to
15 speak about any worries they had. The chaplain was also
16 available in this capacity. Children did raise concerns
17 in this way. I know that children did that because that
18 was the system that was in place. Any concerns were
19 confidential.

20 Child protection arrangements.

21 Staff were given advice regularly at in-service
22 training. Training gave advice on how the children in
23 their care at the school should be treated, cared for
24 and protected against abuse, ill-treatment or
25 inappropriate behaviour.

1 We all knew what to do in respect of handling and
2 responding to reports of abuse or ill-treatment of
3 children by staff, other adults or fellow pupils. There
4 was a written policy. All staff knew, through
5 in-service training, the procedure for reporting abuse.
6 This emphasised the requirement not to deal with it
7 yourself but to report it to the child protection
8 officer.

9 The child protection policy was in place to reduce
10 the likelihood of abuse, ill-treatment or inappropriate
11 conduct by staff or other adults towards children at the
12 school. I thought the arrangements worked.

13 External monitoring.

14 I was aware of inspectors or other officials
15 visiting the school. We had many inspections during my
16 time at the school. The inspectors spoke to the
17 children individually and in a group. Staff were not
18 present. The inspectors spoke to me and they gave me
19 feedback.

20 Record-keeping.

21 I was responsible for recording the academic
22 progress of each student. My recording was thoroughly
23 inspected by inspectors and was praised. I was not
24 involved in record-keeping about abuse. As with most
25 schools, record-keeping improved over time.

1 Investigations into abuse.

2 I was never involved in any investigation on behalf
3 of the school into allegations of abuse or ill-treatment
4 of children at the school or into inappropriate
5 behaviour by staff or others towards children.

6 I was never involved in the handling of any reports
7 made against the school by former pupils concerning
8 historical abuse.

9 I only became aware of police investigations into
10 alleged abuse at the school after the suicide of
11 James Rainy Brown. I gave a statement to the police.
12 The school's response was to cooperate willingly with
13 the investigation.

14 I do not know whether any person who worked at the
15 school was convicted of the abuse of a child or children
16 at the school.

17 Specific alleged abusers.

18 I am told that the Inquiry has received evidence of
19 allegations about specific staff members and others who
20 may have been employed at Merchiston Castle School at
21 the same time as me. I have been asked a number of
22 specific questions about those staff members and others.
23 I will attempt to answer those.

24 Gordon Cruden.

25 I knew him. The Inquiry can check the details of

1 our respective timing and roles. He was an excellent
2 teacher. I did not witness any inappropriate behaviour.
3 I only knew about the allegations concerning him after
4 he left.

5 James Rainy Brown.

6 I did not witness anything inappropriate.
7 Retrospectively and anecdotally I heard allegations.
8 I am told that the school record that I complained that
9 James Rainy Brown punished a child by making him sit
10 naked on a bench in the corridor of Pringle House. That
11 statement is wrong. Mr Rainy Brown confiscated the
12 child's trousers because he had left them on the floor.
13 The child had to wait for two hours before
14 Mr Rainy Brown gave them back, enabling him to get the
15 bus home. This is what I told the police when I was
16 interviewed following Mr Rainy Brown's death. The child
17 was not made to sit naked.

18 I did not hear of any allegations prior to
19 Mr Rainy Brown's death. I had heard that if something
20 bad came out about him, Mr Rainy Brown had said that he
21 had the means to do something about it. That did cause
22 me some concern."

23 My Lady, in paragraphs 44 to 51, the witness tells
24 us that she knew DXP, 'Robert', DRW, 'Glenn',
25 RCQ and 'FQY', and that she did not witness

1 anything inappropriate in relation to any of those named
2 persons.

3 LADY SMITH: Thank you.

4 MS BENNIE: "Helping the Inquiry.

5 I am asked what, in my view, are the lessons that
6 can be learned to protect children in a boarding school,
7 now and in the future. The Inquiry's report should
8 clarify this. I am not in a position to answer this
9 question.

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

13 My Lady, the statement is signed and it's dated
14 4 November 2020.

15 LADY SMITH: Thank you.

16 Peter Hall (read)

17 MS BENNIE: The next statement bears the reference
18 WIT-1-000000561. My Lady, this is a statement of
19 Peter Hall.

20 "My name is Peter Kenneth Hall. My year of birth is
21 1958."

22 My Lady, in paragraph 2 the witness sets out his
23 professional qualifications.

24 "I worked at Merchiston Castle School from
25 September 1984 through to my retirement in August 2017.

1 My first position was an assistant master and member of
2 the English department. In February 1986 I took on the
3 additional responsibility as head of drama and in
4 September 1989 I was resident house tutor in Pringle
5 House (for 11- and 12-year-old pupils). I was appointed
6 housemaster of Pringle House for junior pupils in
7 September 1994. In September 1999, I was appointed head
8 of juniors and a member of the school leadership team,
9 and in September 2012, senior deputy head, a position
10 I held until my retirement in August 2017.

11 The process for my initial appointment included
12 a formal letter of application, formal interview at the
13 school and references were taken up. I also registered
14 with the General Teaching Council for Scotland on taking
15 up this appointment. Having already worked for three
16 years in England, I was not required to serve
17 a probationary year before full engagement and was
18 appointed under the school's normal terms of service at
19 the time. The subsequent responsibility appointments as
20 detailed above were always formally conducted with
21 an interview and a formal letter of appointment.

22 My principal line manager when I was first appointed
23 was the head of English. There was considerable liaison
24 and monitoring of performance by the head of the
25 department. I was a tutor at the start in the sixth

1 form boarding house and the housemaster acted as
2 pastoral line manager, responsible for induction and
3 monitoring of performance. The appraisal system became
4 increasingly formalised, culminating in GTCS commending
5 the school's approval procedures when Professional
6 Update was introduced about 2014.

7 As head of drama, my line manager was the head of
8 the English department and I reported also directly to
9 the headmaster and attended head of department meetings.
10 As resident house tutor, the housemaster was my line
11 manager, with whom I negotiated duties. As housemaster,
12 the deputy head was my line manager and as head of
13 junior school, the headmaster was my line manager. Both
14 offered considerable support and oversight of my
15 performance in these promoted posts.

16 From memory, my initial induction in 1984 was
17 effective, if informal. No specific training was
18 provided when I became the head of drama, although the
19 head of English was an effective mentor. The deputy
20 head provided very good induction as a new housemaster
21 and the Scottish Council for Independent Schools
22 provided excellent training courses and the school
23 encouraged attendance. The headmaster provided very
24 good induction and support when I became head of juniors
25 and there were many opportunities for training,

1 including an annual junior heads' conference run by
2 SCIS.

3 Policy.

4 I started to be involved and share responsibility
5 for policy in relation to the care, including
6 residential care of children, from September 1994, when
7 I became housemaster of Pringle, the junior house.

8 There was considerable change and development of
9 policy from 1994 to 2017. Some of this was in response
10 to new national guidelines, particularly in the area of
11 child protection. School INSET became increasingly
12 focused on staff development, with much more time
13 devoted to training of staff involved in the care and
14 welfare of children.

15 From 2005, change was also driven by very regular
16 inspections by the Care Inspectorate, sometimes in
17 conjunction with Education Scotland. The deputy head
18 was responsible for the regular updating of the staff
19 handbook, which detailed policies for all staff and new
20 policies were added and old policies amended,
21 communicated to staff through the issuing of new
22 editions of the handbook and through highlighting and
23 training staff in new policy. I assume this was
24 originally undertaken by the deputy heads at the
25 relevant time, but this became my responsibility.

1 For the most part, inspection reports validated
2 these improvements, with sector-leading quality grades
3 from 2008 to 2013. Following an inspection in
4 October 2014, weaknesses were highlighted by inspectors,
5 particularly in care-planning, and this drove
6 considerable change in policy, included the development
7 of a positive behaviour strategy, with intense training
8 of staff. This replaced a somewhat old-fashioned
9 approach to discipline with a system focusing on
10 restorative approaches to behaviour. I was surprised by
11 the level of weakness highlighted given the excellent
12 gradings the school received for all areas, including
13 quality of care and support for inspections carried out
14 in 2012 and 2013. At the time of the October 2014
15 inspection we were aware of the National Guidance for
16 Child Protection in Scotland, which had been published
17 in May 2014, but were awaiting the Edinburgh and
18 Lothians inter agency child protection procedures to
19 inform the revisions of our child protection policy and
20 care planning. The Edinburgh and Lothians procedures
21 were published in the autumn of 2015, so the school
22 undertook its own review and rewriting of its child
23 protection policy, which was completed by the spring of
24 2015.

25 Strategic planning.

1 I became involved in strategic planning for the
2 school when I joined the school's leadership team in
3 September 1999. The potential for abuse definitely
4 featured, with a profound examination of strategy in
5 2012, 2015 and 2016. Child protection and the potential
6 for abuse rose to the top of the school's agenda from
7 2013, featuring prominently in the improvement plan and
8 defining staff training. There was significant
9 improvement in record-keeping to ensure clearer
10 monitoring of staff.

11 From 1984, the strategic drive was to employ married
12 housemasters where possible and to make provision for
13 a resident assistant. There was good awareness of child
14 protection issues -- although much less formally than
15 from 1999 onwards. There was a strategic drive from
16 1999, with the arrival of a new headmaster, to review
17 and formalise policy across the board, with policy
18 embedded in handbooks, requiring annual updating. There
19 was renewed emphasis on pupil and parent voice, with the
20 institution of parent and pupil forums.

21 There was a strategic review of child protection led
22 by the child protection governor in 2012. Strategy was
23 embedded in development plans, reviewed and audited on
24 an annual basis. There was a major strategic shift from
25 2013 to strengthen the governors' overview of child

1 protection issues, culminating in the setting up of the
2 child protection and compliance committee in 2016.

3 This committee was set up to ensure rigour and
4 transparency and to ensure that the board of governors
5 was fully trained in child protection and aware of all
6 the child protection concerns and incidents. The
7 governors also instigated a report by WithScotland in
8 2015, which further informed strategic planning in the
9 area of child protection and safeguarding.

10 Another key strategic move from 2014 to 2015 was the
11 review of the school's disciplinary policy and the
12 formation of a new policy based on a restorative
13 approach to behaviour management. There was also
14 a strategic review of staffing, leading to the
15 appointment of a deputy head with responsibility for
16 pupil support in September 2015 and much improved care
17 planning for pupils with particular emotional and
18 support needs.

19 Throughout my time at the school, there was also
20 constant strategic emphasis on learning and teaching, to
21 raise pupil attainment and to ensure value was added to
22 each pupils' performance. There was also key emphasis
23 on the school as a charity, with enhanced work in the
24 community, ensuring the school met its targets set with
25 the Scottish charity regulator OSCR.

1 Other staff.

2 I started to manage staff from September 1994, when
3 I became housemaster. I was responsible for inducting,
4 supporting and overseeing the performance of all tutors
5 within the annual professional review and development
6 programme and ensuring there was an annually updated
7 house handbook for tutors detailing policies and
8 expectations, including child protection. When I became
9 head of juniors, this responsibility spread to include
10 primary teachers.

11 When I became senior deputy head, all housemasters
12 reported to me and I chaired weekly housemaster
13 meetings. Other senior managers also reported to me,
14 including a newly created post from September 2015 of
15 deputy head pupil support. I was also line manager to
16 the senior nurse and met very regularly with the
17 school's doctor.

18 Recruitment of staff.

19 I became directly involved in the recruitment of
20 staff when I became head of juniors in September 1999,
21 and this aspect of my work intensified, particularly
22 when I became senior deputy head.

23 I had a very good knowledge of recruitment policy
24 and practices and, from 1999, as a member of the SLT,
25 helped in the strategic development of policy and

1 practice in this area. I recall policy development was
2 driven by a new headmaster and the need to incorporate
3 national guidance and learn from best practice in other
4 schools.

5 At least two written references were sought from
6 referees. There was a questionnaire the referee was
7 required to complete, covering a wide range of issues
8 from professional competence and experience in the
9 classroom, to any disciplinary issues and above all, any
10 child protection issues. All interviewees met with
11 a panel of pupils from about 2005 onwards and their
12 views fed into the decision-making process. Governors
13 were increasingly involved in the interviewing of senior
14 staff from about 2010 onwards.

15 I would say at least one of the nominated referees
16 was spoken to in person and the issue of child
17 protection always featured in any conversation.

18 Training of staff.

19 I was involved in training and personal development
20 of staff from 1994, when I was appointed as housemaster.
21 As housemaster, I oversaw the pastoral work and training
22 of my team, in conjunction with the deputy head. This
23 responsibility broadened once I was appointed head of
24 juniors to include all primary staff. One of my
25 responsibilities as senior deputy head was to plan and

1 oversee INSET for all staff, including child protection
2 training for non-teaching staff as well.

3 The staff handbook detailed the policy for the
4 review and development of staff. There was considerable
5 development in this area post 2000 and a major overhaul
6 in 2012/2013 in preparation for GTCS Professional
7 Update.

8 Supervision/staff appraisal/staff evaluation.

9 I was involved in the supervision/staff
10 appraisal/staff evaluation of staff. As a housemaster,
11 I fed into the review and development of the pastoral
12 role of staff. As head of juniors, this extended to the
13 classroom performance of primary staff. As senior
14 deputy head I had overall responsibility for the
15 school's review and development of staff. The policy
16 underwent further development in the lead-up to the GTCS
17 Professional Update, becoming more rigorous and was
18 scrutinised and approved by GTCS I think in 2014. The
19 360 degree staff review process included feedback on
20 teacher performance by pupils.

21 Living arrangements.

22 Throughout the school, housemasters lived in
23 accommodation within boarding houses. Houses in
24 addition had accommodation for an additional residential
25 tutor. The junior boarding house replaced the resident

1 tutor with a resident housemother from September 2000.

2 All residential staff, prefects, who also lived in
3 boarding houses, and all non-resident tutors when on
4 duty had access to the children's residential areas.
5 Domestic staff also had access to residential areas,
6 with very clear guidelines when pupils were around.

7 Culture within Merchiston Castle School.

8 From my arrival in 1984, I felt there was an open
9 and trusting relationship between staff and pupils. The
10 disciplinary structure was quite formal, with clearly
11 defined punishments, and this could set up barriers.
12 There were examples of bullying and the school worked
13 constantly to address these issues and improve policy
14 and training of staff and pupils.

15 With the arrival of a new headmaster in 1999, there
16 was a steady growth of more formal policies to underpin
17 the culture of the school. There was a governor-led
18 review of child protection in around 2012 showing the
19 increasing centrality of child protection. Pupils had
20 an increasingly strong voice, with the formation of
21 a pupils' council from 2000, pupil-led councils at house
22 level and confidential questionnaires.

23 From 2013 to 2017, the school underwent a period of
24 profound reflection and a review of behaviour policy
25 formed an important part of the attempt to remove any

1 barriers of communication between staff and pupils.

2 There was no system of fagging in the school.

3 Discipline and punishment.

4 There was a clearly defined disciplinary policy,
5 with sanctions for misdemeanour. There was a system of
6 blue papers, detentions, suspensions and exclusion. In
7 1984 I recall prefects were able to issue blue papers,
8 but this changed and only staff were permitted to issue
9 these. Staff could issue a minor Thursday detention and
10 only the headmaster or his deputy could sanction the
11 more serious Saturday detention. Suspensions and
12 exclusions had to be sanctioned by the headmaster. All
13 major incidents were reported to the Care Inspectorate.

14 There was a formal policy in relation to discipline
15 and punishment from the start of my time there. This
16 underwent regular revision, more radically from 2015
17 with the adoption of a restorative approach, which
18 necessitated extensive training sessions for staff and
19 pupils.

20 There was a clear rule book, issued to all staff and
21 pupils and parents. In addition there was further
22 guidance in the staff handbook and house handbooks were
23 developed for pupils. Close records were kept. These
24 became in due course electronic, although I cannot
25 recall precisely when this change was brought in. There

1 was more efficient and rigorous scrutiny of records by
2 housemasters and the school leadership team,
3 particularly with the development of improved efficient
4 electronic record-keeping from 2015 onwards.

5 Senior pupils who were prefects definitely had
6 an important role. Their behaviour was primarily
7 supervised by the housemaster, supported by the deputy
8 head. There was a key development from about 2013
9 putting a great deal more emphasis on prefects' role as
10 role models and supports as part of the school's updated
11 disciplinary policy. Senior pupils were trained by the
12 Place2be charity from about 2005 onwards, which enhanced
13 their understanding of how to best support their
14 charges.

15 Day-to-day running of the school.

16 I was involved in the day-to-day running of the
17 school. As housemaster from 1994, I was a member of the
18 housemasters' group. Housemasters were responsible for
19 the day-to-day care of pupils in their houses. I was
20 responsible for the day-to-day welfare of the junior
21 pupils, monitoring performance through report cards,
22 overseeing discipline and a wide-ranging activity
23 programme. Housemasters were the first port of call for
24 parents. When I was appointed head of juniors, I joined
25 the senior leadership team involved in the strategic

1 running of the school, with further additional
2 responsibility after appointment as senior deputy head
3 in 2012.

4 I would hesitate to be absolutely definitive, but
5 I would like to think that if any child was being abused
6 or ill-treated, it would have come to light at or around
7 the time it was occurring.

8 The size of the junior house was relatively small,
9 so I could get to know each pupil. There was a good
10 system of personal tutors, who would feed back concerns,
11 and parents also knew they had easy access to me to
12 raise any concerns. There were also prefects, who were
13 carefully trained and with whom I met each week, with
14 the child protection co-ordinator. Pupils were also
15 able to confide in the housemother and in the school
16 nurses.

17 However, the alleged sexual relations between
18 **RCQ** and senior pupils only came to light after the
19 staff member and pupils involved had left the school,
20 suggesting an unwillingness to speak out, which
21 prevented abuse coming to light at an earlier time.
22 This led to soul-searching by the senior leadership team
23 and helped to inform reform of behaviour policy in
24 an attempt to remove such barriers of communication.

25 There were clearly examples of undetected abuse.

1 Concerns about the school.

2 The school was the subject of concern to an external
3 body. A former pupil raised concern about the way in
4 which he had been treated by Mr Rainy Brown. This led
5 to a police investigation and the school also instigated
6 its own internal enquiry, led by a former headmaster of
7 Dollar Academy, once the police investigation concluded.
8 This investigation also covered **DRW** 's' time in the
9 school in the early 1990s.

10 I believe the school was very open in sharing
11 concerns with individual parents and the parent body
12 more widely. The headmaster was responsible for
13 reporting to the parents. Former pupils were also
14 informed of concerns on a number of occasions and
15 invited to contact the school or the police or the Child
16 Abuse Inquiry with any historic concerns they may have
17 had.

18 Reporting of complaints.

19 Children and their parents knew that concerns should
20 be raised in the first instance with the housemaster.
21 They also had ready access to the deputy heads and the
22 headmaster. Complaints were recorded in pupil records
23 handed from one housemaster to the next. The headmaster
24 kept the formal complaints file, which from around 2000
25 was scrutinised by a governor, who reported to the

1 educational and pastoral committee. The complaints file
2 was also scrutinised as part of external inspections by
3 Education Scotland and the Care Inspectorate. Post
4 2000, pupils knew they also had ready access to the
5 Child Protection Co-ordinator and his or her deputy.
6 Parents and pupils could also complain to the governors
7 and to the Care Inspectorate. There were repeated
8 requests to former pupils to notify the school of any
9 concerns relating to their time at the school.

10 The process was used with some regularity.
11 An inspection by the Care Inspectorate was triggered in
12 September 2012 by a complaint from a parent. The
13 complaint was not upheld and a rigorous inspection
14 awarded the school grade 6, that is excellent, in all
15 areas inspected, care and support, environment,
16 staffing, management and leadership.

17 There was a difference between formal complaints and
18 more informal concerns. The latter was used regularly
19 by pupils, particularly if they felt unjustly treated.

20 Informal complaints were recorded by housemasters
21 and more formal complaints by the headmaster. The
22 headmaster's complaints file was retained, whereas the
23 housemaster records would not necessarily have been kept
24 after a pupil left. Any concerns raised to the child
25 protection department would have been carefully

1 recorded, acted upon and the records kept.

2 Trusted adult.

3 There was a person in the school or outside of it
4 that a child could speak to about any worries they had.
5 There was a guide for pupils, although I cannot recall
6 when this first came into existence -- around 2000,
7 I think. Pupils were encouraged to speak to
8 housemasters, to tutors, a trusted friend, the
9 headmaster or his deputies. Childline posters were
10 clearly displayed in all houses and pupils were of
11 course encouraged to speak with parents and guardians as
12 well as housemothers, medical staff and the Care
13 Inspectorate.

14 The chaplain could also be approached and the school
15 also appointed a school counsellor, initially for the
16 juniors. The school counsellor's remit spread to cover
17 the whole school. Place2be continued to train senior
18 pupils to act as mentors in local primary schools, which
19 in turn made them more aware when they became prefects
20 in boarding houses in their final year in the school.
21 Post-2013 there was heightened scrutiny of houses, with
22 members of SLT routinely visiting the houses and
23 speaking with pupils. Each SLT member also met
24 a consistent focus group of pupils.

25 I believe children knew the range of opportunities

1 available to them to speak about worries and concerns
2 and in practice concerns were regularly raised.

3 Abuse.

4 I do recall a clear definition of abuse when I first
5 joined in 1984, but there was increasing clarity in this
6 area. Abuse could mean sexual or physical abuse. It
7 could also be mental and emotional abuse, including all
8 types of bullying and neglect. The definition was
9 communicated to staff through a staff handbook, which
10 I think first appeared in 1994. There was also
11 a policies handbook published to all staff, pupils and
12 parents, which was annually updated. Staff were also
13 trained in child protection through at least annual
14 INSET. I think the first standalone child protection
15 policy dated from about 1999.

16 It was introduced more formally from the mid-1990s
17 and then from 2000 there was annual revision. There was
18 a major review and rewriting of policy in 2015,
19 accompanied by intense INSET for staff and training
20 sessions for pupils. Further updates followed Edinburgh
21 and Lothian updated child protection procedures in the
22 autumn 2015.

23 Child protection arrangements.

24 Staff were given increasingly clear advice on how
25 children in their care at the school should be treated,

1 cared for and protected against abuse, ill-treatment or
2 inappropriate behaviour through the staff handbook and
3 through the school's policies. There were periods of
4 more intense INSET, for example post-2015, when
5 an external consultant was engaged to help with INSET
6 and policy review and development.

7 The first formal child protection policy must have
8 been around 1999, with the appointment of the Child
9 Protection Co-ordinator with responsibility for staff
10 training and record-keeping.

11 It was made very clear to staff that any child
12 protection concern must be passed on to the Child
13 Protection Co-ordinator, who was responsible for taking
14 advice from external agencies and overseeing appropriate
15 investigation, action, support and referral and keeping
16 detailed records.

17 For the most part, these worked as well, but the
18 discovery of alleged sexual relations between senior
19 pupils and **RCQ**, which was only revealed after the
20 event by a former pupil passing on a concern to the
21 deputy head pupil support, led to further significant
22 revision of policy to build trust and to try to ensure
23 lines of communication, which had clearly failed in this
24 instance.

25 External monitoring.

1 There were very regular inspections at the school by
2 the Care Inspectorate. I recall there was a major HMIE
3 inspection shortly before my arrival at the school.

4 The inspectors spoke with children, individually and
5 in a group. Staff were not present in pupil interviews.
6 The inspectors spoke with me and they gave detailed
7 verbal feedback, followed up by detailed written reports
8 with quality grades.

9 There was a key inspection by the Care Inspectorate
10 in September 2013, following the suicide of
11 Mr Rainy Brown and allegations of historical child
12 abuse. This inspection focused on child protection
13 arrangements and awarded the school a grade 6,
14 excellent, for the quality indicator relating to child
15 protection and safety. The report noted a review of all
16 child protection arrangements in the autumn of 2012, led
17 by the child protection governor and that improvements
18 had been put in place following this review.

19 The school acted quickly to address concerns raised
20 in an unannounced inspection in May 2015, which rated
21 care and support as weak and highlighted particular
22 development needs in care planning. This remained weak
23 in December 2015 inspection and changes made resulted in
24 good rating in June 2016 and very good by
25 September 2016.

1 Record-keeping.

2 Pupil records were kept primarily by housemasters,
3 with information passed on to the next housemaster.
4 Staff records were kept by the headmaster's office and
5 from 2000 onwards all child protection records by the
6 Child Protection Co-ordinator. I recall policy on
7 record-keeping for staff was documented in the staff
8 handbook.

9 With regards to the historical position as regards
10 record-keeping, from what I saw on the taking up of
11 employment, the records were paper-based and not readily
12 available to all staff. Significant improvements were
13 made with electronic report-keeping from 2015 onwards,
14 making it much easier to share information with
15 colleagues, whilst protecting confidential information.

16 I had access to child protection records as senior
17 deputy head and I felt these were thorough and showed
18 children did report abuse, ill-treatment or
19 inappropriate conduct. There were definite improvements
20 to staff record-keeping post-2013, in particular to help
21 with an overview of any disciplinary issues or concerns
22 about staff. There had been a tendency to deal with
23 staff issues on a case-by-case basis, with details of
24 previous issues buried in a file, making the connection
25 between behaviours over a period of time more

1 challenging. Red flagging of concerning behaviours in
2 files was introduced post-2013, together with the
3 requirement to report staff concern to the governors'
4 child protection and compliance committee, established
5 in 2016, considerably improved practice in this key
6 area.

7 Investigations into abuse.

8 I was involved in the investigations on behalf of
9 the school into allegations of abuse or ill-treatment of
10 children at the school or into inappropriate behaviour
11 by staff or others towards children. I was involved in
12 an investigation into pupil behaviour at a Rua Fiola
13 camp in about 2006. I was briefly involved into
14 an investigation into rumours surrounding RCQ before
15 handing the issue over to the police and informing the
16 Care Inspectorate.

17 Pupils from the school had regularly attended camps
18 at Rua Fiola. Following a camp in about 2006, it came
19 to light a pupil had been on a flying fox naked as
20 a dare. When this came to light, I reported the issue
21 immediately to the child protection officer, who carried
22 out an investigation. Advice was sought from the Care
23 Inspectorate and I attended a meeting held at the school
24 with Mr Torquil Johnson-Ferguson, following which
25 written confirmation was received from

1 Mr Johnson-Ferguson that Merchiston pupils would not be
2 permitted to behave in such a way in the future. I did
3 not raise concerns with other schools in 2006.

4 Having received these reassurances, pupils were
5 allowed to continue to attend these camps. No further
6 complaints were received about Rua Fiola camps, however
7 the school suspended all visits in about 2013, when it
8 became clear other schools had experienced similar
9 issues at the camp. I heard about this through reports
10 in the national press. I am not aware of the schools
11 who used Rua Fiola talking with one another.

12 Mr Johnson-Ferguson was charged with lewd and libidinous
13 practices and found guilty in 2015. I gave a police
14 statement about Merchiston's experience of the camp in
15 2006.

16 Reports of abuse and civil claims.

17 I handled initial reports relating to RCQ as
18 detailed above. We only investigated to establish that
19 rumours had a sufficient basis to merit reporting to the
20 police and Care Inspectorate and the General Teaching
21 Council for Scotland.

22 We were shocked that this had happened, not only
23 that a staff member abused her position of trust, but
24 that it was also concealed from staff members by senior
25 pupils in a position of trust. The unwillingness to

1 speak out suggested that our child protection measures
2 were not working adequately and further urgent
3 development and training was needed.

4 This triggered a report by WithScotland in 2015 and
5 a determination to build on radical improvements already
6 made to child protection policies. As I recall, the
7 report focused on the changes and improvements made to
8 the school's policies and procedures relating to child
9 protection. I recall they felt that they were at the
10 time comprehensive and in line with national guidance.
11 Given the pace of change, they suggested greater
12 cohesion was needed between policies and we worked on
13 this aspect with the support of an external consultant,
14 who assisted with staff training. The report
15 recommended that continued support for staff and pupils
16 was key, as new changes bedded in and that ongoing
17 review should be built in.

18 There was sustained focus on the training and
19 support of all staff, pupils and parents, with radical
20 improvements in the child protection policy and training
21 for all staff, pupils and parents. The key improvements
22 in the child protection policy were made after the
23 December 2014 inspection and involved a rewriting of
24 policy for staff, pupils and parents, to ensure full
25 compliance with national guidance. The WithScotland

1 report was an external audit of the effectiveness of the
2 changes made during 2014 and 2015. This also led to
3 improved scrutiny by governors and the setting up of the
4 governors' child protection and compliance committee.
5 There was also a radical overhaul of the school's
6 behaviour policy, all in an attempt to break down
7 barriers and to build trust between pupils and staff.

8 Police investigations/criminal proceeding.

9 I became aware of police investigations into alleged
10 abuse at the school. I was fully aware of the police
11 investigation into RCQ . As a member of the school
12 leadership team, I was made aware of the allegations
13 against Mr Rainy Brown by a former pupil, following this
14 staff member's suicide in 2013. I was also aware of
15 historic allegations of possible abusive behaviour by
16 DRW when he was a student helper in the 1990s,
17 investigated by the police.

18 As a member of the SLT, I was made aware of perhaps
19 14 other historic issues which the headmaster,
20 Andrew Hunter, shared with the police, having
21 scrutinised staff files. This included an investigation
22 into an alleged relationship between 'Robert' and
23 a former pupil, following a complaint from the boy's
24 father. The police did not press charges as there had
25 been no complaint from the former pupil. The Care

1 Inspectorate was fully in the picture. The school's
2 response was one of total openness and a concern to have
3 feedback on its handling of these cases and a keenness
4 to learn from them.

5 I gave a statement to the police concerning
6 Mr Johnson-Ferguson in 2013 and a second statement
7 related to Mr Rainy Brown following his suicide in 2013.

8 Convicted abusers.

9 The only person I can recall who was convicted was
10 Gordon Cruden, who was convicted in 2015 for indecent
11 exposure at some point between 1980 and 1985.
12 I remember he was given an absolute discharge in 2016.
13 I didn't have any personal dealings him. I cannot
14 comment on how he was recruited by the school as I was
15 not involved in that. I cannot comment on whether or
16 not he had childcare qualifications, childcare training
17 during his employment or if he was subject to
18 supervision and/or monitoring. I don't know if there
19 was any previous allegation of abuse of which the school
20 or staff had been made aware and if it had been
21 investigated by the school or any other body.

22 Specific alleged abusers.

23 James Rainy Brown.

24 I recall a staff member called James Rainy Brown and
25 I worked with him from 1984 until his suicide in 2013.

1 I would say he was in his mid 50s in 1984. His role was
2 that of housemaster of the junior house and he stayed as
3 tutor in junior house post-retirement.

4 Mr Rainy Brown was my pastoral line manager from
5 September 1989 to September 1994 when I was a resident
6 tutor. From September 1994 I became his pastoral line
7 manager when I succeeded him as housemaster. He was
8 very hard-working, energetic in his dealings with the
9 boys. He was passionate about sport. He very rarely
10 took time off and never delegated anything significant
11 to his tutor team. He was a committed Christian.

12 Mr Rainy Brown was not a good team player. He had
13 been a pupil at the school and a member of staff since
14 he qualified. He was highly regarded by many former
15 pupils, governors and parents. He was not easy to work
16 for, and as a resident tutor he kept me at arm's length
17 and did not encourage close involvement. I knew him
18 quite well in a professional capacity, but not outwith
19 the professional setting.

20 I saw him with children. He was charismatic and
21 devoted his life to looking after his charges. He had
22 high expectations of them. He was imaginative in
23 providing fun extracurricular activities, but often
24 pushed the boundaries in terms of health and safety, for
25 example his arrangements for the annual sponsored walk

1 when he was housemaster had far too few checks and
2 limited supervision. These were the areas I needed to
3 tighten up on when I took over from him. I saw him
4 discipline children. He could be strict with them, but
5 generally fair.

6 I did not see him abuse children, but I heard of him
7 abusing children. In 1998, my resident tutor,
8 Stephen Campbell, reported that pupils were seen naked
9 outside a Scripture Union meeting being held by
10 Mr Rainy Brown in the Pringle House day room.

11 I reported this to the headmaster, who followed it up
12 with Mr Rainy Brown. There was also an instance when he
13 reputedly supervised a game of apple dooking and allowed
14 the boys to be naked in his presence. It was also
15 reported to me by the headmaster that there was to be no
16 repetition of this.

17 A year later I had cause to report to the new
18 headmaster rumours of naked swimming at a camp run by
19 Mr Rainy Brown. The headmaster wrote formally to him
20 and he was not allowed to take expeditions on his own
21 from that point onwards. In 2000 there was a complaint
22 from a parent that Mr Rainy Brown was using the pupils'
23 urinals and he was instructed to cease this practice.
24 There was a further complaint in 2001 that he was
25 offering physiotherapy to a pupil against all

1 regulations and a similar complaint in 2010, which
2 resulted in a written warning. I have no doubt that
3 policy developed post-2014 would have resulted in
4 suspension pending a formal investigation, which would
5 have looked at an overview of the member of staff's
6 record.

7 [REDACTED] DRW

8 I recall the staff member called [REDACTED] DRW . I recall
9 he was a student helper in the early 1990s. He then
10 returned as a housemaster of the junior house in 2010 to
11 2013. As I recall he was in his early 20s as a student
12 helper and perhaps mid 40s when he returned.

13 I was his line manager when he returned in 2010.

14 I remember as a student teacher he was very
15 enthusiastic and particularly interested in outdoor
16 education and helping with camps. He was also
17 a committed Christian. As a housemaster, he worked
18 hard, but struggled to adapt to the progress the school
19 had made in areas of health and safety since 1994 and
20 was not always willing to listen to advice.

21 He was energetic and full of ideas, but was intent
22 on running the house as it was run by Mr Rainy Brown in
23 the early 1990s. I knew him reasonably well in
24 a professional capacity, but not in a personal capacity.

25 I saw him with children. He was very enthusiastic

1 and committed and had a relaxed approach. I saw him
2 discipline children and he had high expectations and
3 could be strict when required. I did not see him abuse
4 children. I heard reports that he reportedly swam naked
5 with junior pupils in the early 1990s and showered with
6 a senior pupil. DRW volunteered this information to
7 me after Rainy Brown's death and I cannot recall the
8 precise words used.

9 DRW initially disclosed this information to
10 a colleague and I was asked to follow up the issue with
11 him more formally to establish the facts. We then
12 followed school policy, having taken external advice.
13 Suspension, pending further investigation, including by
14 the police. I recall that the reason he left the school
15 was a breakdown of trust between DRW and the school,
16 which would have made his continued employment as
17 a housemaster extremely problematic. I believe he left
18 the school by mutual agreement, but I am not aware of
19 the full details.

20 'Glenn'.

21 I recall this member of staff and I worked with him
22 from 1984 until his retirement. He was perhaps in his
23 mid 30s in 1984. His role was that of [REDACTED] then
24 he was [REDACTED] SNR [REDACTED] in relation to me, he was
25 a fellow [REDACTED] and then a line manager when he was

1 appointed a SNR [REDACTED]

2 He was a highly committed and had very high
3 standards. He had a good sense of humour. 'Glenn' was
4 supportive and a good teacher. I knew him well in
5 a professional context only. I saw him with children,
6 he was strict, but fair and brought a sense of humour to
7 his job. I saw him discipline children, he was firm but
8 fair. I did not see him abuse any children. I did not
9 hear of him abusing children.

10 DXP [REDACTED]

11 I can recall this member of staff. I do not recall
12 his precise dates I worked with him, but they coincided
13 entirely with my time there. He was in his early 50s
14 when I first met him.

15 His role was that of [REDACTED] He was approachable,
16 good-humoured and very much a family man. I knew him
17 reasonably well in a professional capacity only.

18 I saw him with children and he took a genuine
19 interest in them and was concerned for their welfare.
20 I did not see him discipline children. I did not see
21 him abuse children. I have heard reports that he was
22 involved in the abuse of children. I heard he reputedly
23 tried to look up a boy's kilt, but I do not recall any
24 further detail.

25 RCQ [REDACTED].

1 I recall this member of staff. I do not recall the
2 precise dates I worked with her, but they coincided
3 entirely with my time until she left. RCQ was in
4 her mid 20s when I first met her. She was a teacher.

5 I had some dealings with RCQ, including
6 conversations about dress code. The school had a clear
7 dress code. I recall having to speak with RCQ on
8 one occasion when she attended class in casual dress.
9 She explained that this was because she wanted to teach
10 her class before leaving for an interview at another
11 school and she accepted that she should not have
12 attended class dressed informally without permission
13 from her head of department. I did not have to speak to
14 her again about dress code.

15 I remember she was energetic and was an enthusiastic
16 and talented teacher. She seemed concerned for the
17 welfare of pupils and became a resident tutor for her
18 final couple of years at the school. I did not know her
19 well. I saw her with children and she was lively and
20 friendly.

21 I did not see her discipline children. I did not
22 see her abuse children. I heard of her abusing
23 children. She reputedly had sex with a number of 17-
24 and 18-year-old pupils and circulated a pornographic
25 video of herself to senior pupils.

1 I was concerned about her having friendships with
2 pupils on Facebook. This only came to light after she
3 had left school and was against all school regulations.
4 She agreed to delete all current pupils from her
5 Facebook account and her new employer was informed.

6 I had no worries about her at the time.

7 We were urgently needing extra support to bring in
8 improvements following an inspection and RCQ showed
9 an interest in this area and had an aptitude for the
10 technology needed to improve the tracking of pupils and
11 the sharing of information more effectively.

12 'Robert'.

13 I can recall this member of staff and we worked in
14 the school from 2001 to 2005. He was in his early 20s
15 when we first met. He was a teacher.

16 I remember him as an innovative and inspiring
17 teacher. He was a young teacher, I think straight from
18 university, inexperienced but keen to learn. I didn't
19 know him very well.

20 I saw him with children. He was friendly and good
21 humoured. I did not see him discipline children. I did
22 not see him abuse children. I heard at a later date
23 that a boy's father complained that 'Robert' had
24 instigated a sexual relationship with his son. The
25 police investigated but no charges were brought as there

1 was no complaint from the former pupil."

2 My Lady, moving on to paragraph 109.

3 "I retired from the school and profession in
4 August 2017. As I have not sought further employment in
5 my requirement, I have not approached the school for
6 references.

7 Helping the Inquiry.

8 Merchiston underwent significant review of child
9 protection arrangements and undertook rigorous reform of
10 policy from 2013 to 2017. Had the school applied the
11 rigorous standards which existed from 2014 onwards to
12 some of the incidents and staff members detailed in my
13 statements, then I feel sure the outcome would have been
14 very different and the children better protected.

15 The lessons learned are therefore to have in place
16 a rigorous and regularly reviewed child protection
17 policy. This has to be accompanied by the highest
18 standard of training for all staff, teaching,
19 non-teaching and support staff. Infringements of this
20 policy have to be dealt with very firmly.

21 At the same time, pupils need to know their rights
22 and responsibilities to report any issues of concern and
23 communication with and training of pupils in this key
24 area is paramount. Parents also need copies of all
25 policies and the opportunity for training sessions run

1 by school staff and/or external professionals.

2 Governors need to see all child protection as their
3 top priority and to put in place rigorous monitoring in
4 this area. Merchiston's governors' child protection and
5 compliance committee set up in 2016 seemed to be working
6 well in this regard, making senior staff regularly
7 accountable. There needs to be a culture of trust
8 between staff and pupils and excellent mentors to whom
9 pupils feel confident to talk about any child protection
10 concerns.

11 I also believe a non-authoritarian behaviour policy
12 helps underpin this trust and this lay behind the
13 school's adoption of a restorative approach to behaviour
14 from 2015. Record-keeping must be rigorous and allow
15 easy monitoring of staff records to allow patterns of
16 behaviour over a period of time to be very clearly seen
17 and understood.

18 An objective overview of staff records is critical.
19 External regulators also have a key role in regularly
20 holding schools to account for the quality and
21 effectiveness of child protection arrangements.

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

25 My Lady, the statement is signed and it's dated

1 7 December 2020.

2 LADY SMITH: Thank you very much, Ms Bennie.

3 Mr Brown.

4 MR BROWN: My Lady, that concludes this week's evidence.

5 What remains, as we go into the final week of
6 evidence, on Tuesday when we'll be starting at 10.30,
7 I think, we will be focusing on Tuesday on Care
8 Inspectorate witnesses, one read-in, because tragically
9 the witness has died during the currency of the Inquiry,
10 and then the second will be a live witness.

11 Then, on Wednesday, we will be hearing simply from
12 Andrew Hunter, who will be talking about a number of
13 events.

14 Then finally, on Thursday, we will close, I think
15 hopefully hearing from the current Chair of the Board of
16 Governors briefly and then more fully from the current
17 head.

18 LADY SMITH: Thank you very much for that, Mr Brown.

19 I'm going to rise now for the weekend. I wish you
20 all a very good weekend, and in case you didn't pick
21 that up from Mr Brown, we'll be sitting at 10.30 on
22 Tuesday morning, not 10 o'clock. Look forward to seeing
23 you then. Thank you.

24 (3.16 pm)

25 (The Inquiry adjourned until 10.30 am on

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Tuesday, 25 January 2022).

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