

1

Friday, 25 August 2023

2

(10.00 am)

3

LADY SMITH: Good morning to the last day of our evidence in

4

relation to the case study looking into

5

Edinburgh Academy.

6

I can see we have a witness ready. Would you like

7

to introduce him, Mr Brown?

8

MR BROWN: My Lady, yes. This is Marco Longmore, former

9

rector.

10

LADY SMITH: Thank you.

11

Good morning. I hope the first question is easy for

12

you. How would you like me to address you, by your

13

first name, Marco, or Mr Longmore, either would work for

14

me?

15

THE WITNESS: Marco is fine, Lady Smith.

16

LADY SMITH: Well, thank you, Marco.

17

Marco Longmore (affirmed)

18

(Via videolink)

19

LADY SMITH: Marco, thank you very much for joining us over

20

the link, which I think is during the afternoon for you

21

and our first slot in the morning here in Edinburgh.

22

I'm very grateful to you for making time to do that.

23

First of all, some practicalities. The link seems

24

to be working well at the moment. If you have any

25

concerns about it don't hesitate to let us know. I am

1 aware that occasionally the visual part of the link may
2 go, whether that's because of our end or your end,
3 that's maybe neither here nor there, but if we have to
4 carry on with the audio, so long as the audio is
5 working, that would work for me if it would work for
6 you.

7 Otherwise, if you have any concerns or you want
8 a break or you have any questions please do speak up.
9 I really want you to be as comfortable as you can giving
10 the evidence that we're asking you to provide today.

11 Finally, the other thing is, as you know, we have
12 a written statement from you, and that is evidence
13 before me as well, which I've been able to consider
14 before today. Thank you for that. You'll no doubt be
15 referred to it by Mr Brown in the course of your
16 evidence.

17 If you're ready, I'll hand over to Mr Brown and
18 he'll take it from there. Is that okay?

19 A. Yes.

20 LADY SMITH: Thank you.

21 Mr Brown.

22 MR BROWN: My Lady, thank you.

23 Questions from Mr Brown

24 MR BROWN: Marco, good morning, or good afternoon to you.

25 You have a copy of your statement, which has

1 a reference number WIT-1-000001305 and, as Lady Smith
2 said, it is in evidence, but just for confirmation
3 purposes, you signed it at the beginning of this month
4 and ended by confirming:

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

8 That is correct?

9 A. Correct. On everything that I understood and had at the
10 time, absolutely.

11 Q. Absolutely, thank you very much indeed.

12 You are Marco Longmore, you are now 54 and, as we
13 see from the statement, you have been a teacher --
14 having graduated at Edinburgh and then gone to Moray
15 House -- since 1991, in one form or another. And you
16 progressed through the private system in Scotland and
17 then went on to England, before you came back to
18 Scotland as rector of the Edinburgh Academy. You were
19 rector I think from 2008 until 2017?

20 A. Yes.

21 Q. Given that you started teaching in August 1991, you have
22 lived through what I think we have seen from other
23 evidence as a transition in the way children are looked
24 after in the school system. Is that a comment you would
25 agree with?

1 A. Yes, it is, and it's something I reference in my
2 statement in terms of my experience over that career.
3 At an earlier stage in my professional life the level of
4 understanding of child well-being and care was -- it was
5 always understood as an important part of teaching,
6 that's naturally an expectation, but in terms of
7 expertise and training and specific guidance, that was
8 more generally reserved towards what were called the
9 guidance or pastoral teams within the school. It became
10 a much broader practice and understanding as the decades
11 went on and now happily I think that the expectations on
12 all staff to be as familiar with best practice in terms
13 of well-being and care is something which is built into
14 nearly all schools' practice, good practice.

15 Q. As we know from your statement, you have, since the
16 Edinburgh Academy, gone abroad for teaching, first to
17 the Middle East and now to the Far East. And currently
18 Hong Kong, having had contact with China.

19 Just comparatively, looking at the Middle East and
20 Far East, are they behind the curve, are you going
21 backwards in time on the pastoral side?

22 A. In some aspects, yes, in others, no.

23 If I just put that in proper context. In terms of
24 the practice which I operate with here in Hong Kong,
25 I think that we do operate best practice. It's very

1 much referenced as part of what we have taken from the
2 UK. We actually take that potentially to a higher level
3 even in terms of our vetting and checking, given the
4 understanding that we deal with an internationalised
5 staff body, who do a lot of movement. So the stability
6 of the staff is a shorter-term tenure in international
7 schools compared to traditional UK schools, either state
8 or independent.

9 So our screening is something that we do at great
10 length and we also, at cost, employ an external agency
11 for global screening of background and watchlists to
12 support our own practices with regards to reference
13 checks and follow ups. So, yes, I would say that there
14 is very good practice in terms of individual
15 institutions.

16 Where there is serious challenge, at times, is the
17 way in which schools can access social services and
18 external support, and that is really quite noticeably
19 different in other parts of the world. There are
20 variations within Hong Kong compared to mainland China,
21 compared to the Middle East, but the integration of
22 social care and I've referenced in my statement the step
23 forward I think that was taken with regards to GIRFEC
24 and the idea of having the child at the centre of all
25 agency activity, that is something which is perhaps less

1 well developed in other parts of the world.

2 Q. Thank you. Since you have mentioned it, we'll touch on
3 it now rather than at the end, we have heard evidence
4 about different types of reference taking in the UK or
5 the Scottish experience from the 1950s and 1960s where
6 everything was rather more relaxed, to put it perhaps
7 neutrally, to a situation more recently where it might
8 be described that references were somewhat defensive in
9 nature, in the sense that those who were giving
10 references for teachers were wary of saying too much,
11 lest that might come back and bite them legally if
12 someone didn't get a job or was unhappy with
13 a reference. Do you recognise that from your experience
14 in the UK?

15 A. So I think -- some of the aspects of data access has
16 meant that people have become more reserved in where the
17 reference -- the open nature of references have maybe
18 traditionally allowed more expansive description of
19 pluses and minuses in terms of professional qualities.

20 What I have seen happen and what we do is we make
21 sure that they are very targeted and specific questions
22 with regards to background and experience, particularly
23 in terms of disciplinary or issues of concern and that's
24 fairly common now with regards to reference checks.

25 But even there, what is given in a written reference

1 does need to be followed up. So in terms of current
2 practice, and this is something which has been a part of
3 my professional experience for a good number of years
4 now, is that we will take verbal references over and
5 above a written reference. The written reference has to
6 be in place. It has to be a satisfactory one, but there
7 is also then a check which is done by a senior
8 colleague, either within the HR department or the
9 leadership team, to speak to the most recent supervising
10 line manager, presumably the head, but depending on the
11 background they've come from, to make sure there is no
12 gap in terms of what people are willing to say on paper,
13 compared to what they are willing to disclose in
14 a confidential conversation, which is therefore a more
15 neutral environment for disclosure.

16 And I think that helps to narrow the gap, which has
17 emerged in some references over the unwillingness to be
18 too expansive in terms of detail.

19 LADY SMITH: Marco, at what stage do you take that verbal
20 reference? Is it at the stage that a provisional
21 decision has been made on appointment, so you're only
22 asking for the verbal reference for one person or is it
23 at an earlier stage, where you would be asking for
24 references for more than one person?

25 A. It's usually towards the latter end of a process,

1 because they're quite difficult to obtain, given access
2 and availability of people. So usually it will be
3 before a final round, if there is a small number, or it
4 will be on -- offer subject to satisfactory references,
5 but by that stage we would certainly already have taken
6 all written references.

7 LADY SMITH: How do you deal with the situation where you
8 told somebody that you are offering them a job, subject
9 to satisfactory references, you take the verbal
10 reference and that then gives you reservations and you
11 decide you don't want that person after all, what do you
12 tell them about the reason?

13 A. So we would simply say that in terms of our scrutiny we
14 felt that their references didn't correlate to our
15 understanding of their background and experience. We
16 would be quite upfront about it.

17 LADY SMITH: Okay, thank you.

18 Mr Brown.

19 MR BROWN: Thank you, my Lady.

20 Has that openness you have just described come
21 recently?

22 A. It's been building up over a number of years. I mean
23 certainly when I was -- even when I was at the
24 Edinburgh Academy, when we were recruiting, it was very
25 common for me to try and pick up the phone and speak

1 directly, as well as receive a written reference, to the
2 head of school that the individual is coming from. It
3 wasn't always possible, but it was something I did
4 always try and do.

5 Q. Yes. Is what you have just described the process, you
6 were saying in the Middle and Far East there are perhaps
7 enhanced considerations because of a high turnover in
8 staff, is that essentially what you just described?

9 A. It is, but there is also a very clear vetting system.
10 We use a commercial company to do this and it's done
11 actually on a global basis by the group that I currently
12 work with, so there will be within those checks a global
13 watchlist check, a social media check across multiple
14 platforms, criminality, civil litigation, bankruptcy,
15 credit rating -- not rating, but credit insolvency-type
16 check and then verification is done with the issuing
17 institutions for the key qualifications that have been
18 declared.

19 Actually, I had an issue of query in one of the more
20 recent hirings here, which we managed to get to
21 a satisfactory outcome and understanding, but that
22 process flagged a declared qualification which was
23 questionable.

24 Q. Have you ever seen that level of investigation in the
25 UK?

1 A. Well, the company that I work with is a UK-based one, so
2 it does operate globally.

3 Q. But in your professional experience, had you ever seen
4 any school you've worked for applying that sort of level
5 of --

6 A. No.

7 Q. No. Do you think it should as a matter of routine?

8 A. I think it's another aspect of what is potentially
9 a very good practice, but there is a significant cost
10 element to it.

11 Q. Yes.

12 Thinking about your appointment in 2008 to the
13 Edinburgh Academy, obviously references will have been
14 taken up, et cetera, but from your perspective, when you
15 went to the Edinburgh Academy, did you understand what
16 the expectations of your tenure were to be? In other
17 words, was there a particular purpose in you being
18 brought in change wise?

19 A. Yes, I would say that there was a general understanding.
20 Of course, what is the original purpose and then what
21 ends up being the main focus of efforts and endeavour,
22 it doesn't always align, but the principal purpose was
23 to bring the school forward as a full-day school and to
24 fully integrate the provisions for both boys and girls
25 across all ages. And there are some fairly obvious

1 things that needed to happen for the move to full
2 co-education, some of them were physical, some of them
3 were structural with regards to pastoral provisions, but
4 out of that again I reference it in my statement, that
5 there was a broader review that we took in terms of
6 pastoral provisions and structures, operating vertically
7 through the whole school.

8 In doing that we were aiming to enhance, bring
9 forward, another level of care and support, which was
10 designed to meet individual need and allow individuality
11 to flourish.

12 Q. All right. I think we would understand, as you would
13 understand, boarding had just stopped or recently
14 stopped. But co-education, was that the Court of
15 Directors' real drive that you were coming in to
16 achieve?

17 A. Yeah. Well -- yes, it was. There is no qualification
18 to that. It was. But there were a broader range of
19 purposes that the court were charging me to do and that
20 was to upgrade and develop the school, the curriculum,
21 ensuring that we were best placed for modern education
22 and there were a number of areas such as IT systems and
23 our physical buildings and assets that needed attention
24 and development.

25 Q. I appreciate that. We'll touch upon pastoral discretely

1 if we may in a moment or two.

2 You had worked in Edinburgh in a number of schools,
3 competitor schools to the Edinburgh Academy, bluntly,
4 what was your perception of the Academy before you went
5 there?

6 A. The Academy had a very long and distinguished tradition
7 and it had had success historically, particularly in
8 an academic sphere. That success had slipped a bit,
9 I would say, and I commented on that in terms of my
10 process of recruitment into the role. So clearly
11 I wanted to see some improvement in terms of the
12 academic outcomes. I also knew that it had very strong
13 traditions in terms of its sense of self with regard to
14 single-sex education and I didn't want to lose a number
15 of aspects of that which were positive, and had served
16 many, very well.

17 But, equally, I knew that there was a modernity in
18 terms of co-education and practices and culture and
19 ethos that needed to evolve as well.

20 Q. We have obviously many documents from perhaps the 21st
21 century, fewer from the 20th, but in 2001 in one of the
22 Court of Directors' sets of minutes there is
23 a recognition that the perception of the
24 Edinburgh Academy is that it is elitist. Was that
25 something that you had shared when you had been outwith

1 the school?

2 A. Because of the nature of its curriculum, which was
3 a hybrid of Scottish and English examinations, and
4 because of its fairly hybrid nature being a day and
5 boarding school operating in the city, but it -- it sat
6 slightly apart from the majority of day school
7 provisions, either state or independent, within
8 Edinburgh.

9 So if that is described as elitist, it was certainly
10 separate in terms of its profile.

11 Q. One of the things you say in your statement is schools
12 require to re-invent themselves from time to time. Were
13 you coming in, in 2008, with that in mind from your
14 perspective or was that something that the Court of
15 Directors were anxious to take place?

16 A. Well, I think the Court of Directors recognised the fact
17 that the move to co-education, which was entirely taken
18 ahead of my own arrival and had been arrived at over
19 a number of years, along with the decision to close
20 boarding and focus on day school education, was really
21 a bit of a sea change in the history of the school.

22 You only do that exercise once and so the desire and
23 the need to modernise the school, to take account of
24 that, and make a success, in what is, in terms of
25 independent education, an extremely competitive

1 marketplace in Edinburgh, uniquely so, and to ensure
2 that the Academy continued into the next generation of
3 students in a very positive and meaningful way. So that
4 was really the direction.

5 And beyond that, the Court of Directors placed trust
6 in myself and others within the leadership team to help
7 define the strategy of that. I think again I reference
8 the level of contact, structured contact, that there was
9 between the leadership of the school, the school
10 management team, and the Court of Directors. And one of
11 those was our full-day strategy meeting and that was
12 very much an opportunity for dialogue and a presentation
13 where future need and purpose was put forward from
14 myself and others and the Court of Directors would push
15 back and ask for clarifications and qualifications over
16 what direction was being taken.

17 There was an open dialogue in this.

18 Q. Thank you. But the school you inherited in 2008, you
19 were going to achieve all these things, you hope, did
20 you come in and see a school that, in your view,
21 required change?

22 A. So, yes, I did, but I would also qualify that to say
23 I think it's incumbent on anyone coming into a school to
24 recognise the need for change in areas. It's then
25 working out where the priorities should lie. And, given

1 the focus of our discussions today, I would say that
2 there was a need to update and modernise aspects of the
3 pastoral provision in terms of how that was structured
4 and you will have seen in some of the documents
5 I'm sure, some fairly early decisions that were taken
6 with regards to enhancing time, commitment and focus for
7 some key individuals within the school, to take that
8 lead and manage the care and well-being aspects of
9 students at the school.

10 Q. Yes. Turning to pastoral care, I think you make the
11 point that, and you've made it already, about Scottish
12 education in general, going back to the 1990s, pastoral
13 was there, but perhaps not adequately labelled and
14 identified as such?

15 A. So -- at a fairly early stage in my career I was
16 fortunate enough to be appointed into what was called
17 an Assistant Principal Teacher of Guidance, in my first
18 school. I did that for a number of years before moving
19 on and taking on an academic lead in my next school.

20 So at that time the structure of guidance was the
21 idea of first-line guidance, and that was a class
22 teacher role. That was first point of contact. So the
23 structures were there. What I would suggest is that the
24 level of training and support for staff to exercise that
25 duty was less sophisticated than it is now. There was

1 less emphasis within the expectation on staff at that
2 time to develop their skill sets in a pastoral area,
3 unless they had a specific pastoral designated
4 responsibility.

5 Q. I think we see at the end of your first year you
6 restructure senior leadership and create a distinct role
7 of Deputy Rector Pastoral. And that hadn't been extant
8 in the Academy before. I think we know about class
9 teachers, documents from 1993 are talking about the
10 pastoral role of the class teacher, so that was
11 understood. But from what you're saying, and I'm not
12 trying to be critical, but little had changed in the
13 ensuing decade/15 years?

14 A. The designated responsibility may not have changed all
15 that much, but I think the balance in terms of area of
16 focus for the staff before my arrival did recognise
17 an increased focus around pastoral care and nurture. So
18 I think that would be fair to acknowledge.

19 Q. Right. Why did you particularly want a designated
20 Pastoral Deputy Head, why did that matter?

21 A. It mattered to me because I wanted a further level,
22 a further step forward in terms of the time and focus
23 and commitment that we could give to that. And also by
24 creating behind that role a more discrete team, I think
25 I reference it as tartan-style of pastoral care which

1 has both vertical and horizontal structure. So that
2 style of support I think is a good one, because it
3 allows a specialisation in some aspects of support,
4 which can be academically focused or future career
5 focused, whilst also retaining very, very clear
6 understanding and opportunity for nurture at
7 a horizontal level within year groups as staff have
8 an understanding of that group for a number of years.

9 So it's making sure -- it's making sure that at
10 transition points, this was a key aspect and
11 particularly a school like the Academy which has
12 split-site provisions, that transition points don't
13 negatively impact on the students' progress both
14 emotionally and socially, as well as academically.

15 Q. Presumably part of transition points is the need to keep
16 good records and ensure that there are lines of
17 communication so there's visibility about individual
18 pupils as they transition from one place to another?

19 Was that adequate when you took up post in 2008?

20 A. So there were systems in place, but I certainly felt
21 that we could improve on them. And part of the
22 restructuring of our pastoral team allowed for better,
23 not just handover of record, but more in-person contact
24 in the build up to those transition points. So members
25 of staff were given the time and the licence to go on

1 and to go forward and make contact at an earlier stage
2 with their peers and with the students, so there was
3 an understanding of those students and their needs
4 before they actually made the transition point.

5 Q. All right. In terms of records, should we understand
6 that in the period you were rector, records would have
7 been kept as a matter of absolute course?

8 A. Yes.

9 Q. And for example in relation to the issues, and we'll
10 come on to this in a little while, when you are getting,
11 for example, letters from former pupils about
12 experiences in the past, referencing historical abuse,
13 we've got copies -- can you hear?

14 (10.31 am)

15 (Short pause for technical issue)

16 (10.40 am)

17 LADY SMITH: Marco, I'm sorry about that. I'm told that the
18 stenography problem has now been sorted and I can see
19 it's running here. Is that all right?

20 So we can return to where we were with your
21 evidence.

22 Mr Brown.

23 MR BROWN: Marco, third time lucky. I was asking you about
24 receiving letters of complaint from former pupils about
25 historical abuse and --

1 A. Yes.

2 Q. -- you remember you received a number of these letters.
3 Are you confident that if such a letter was received it
4 would be kept and recorded?

5 A. Yes. I had a specific file kept in my office for that
6 exact purpose.

7 Q. Thank you.

8 Just in relation to that file, when you came to the
9 school in 2008 there would be a handover with your
10 predecessor. Was the issue of previous complaints of
11 historical abuse raised with you by him?

12 A. So there was reference to, and there was some
13 documents -- a lever file, if I recall correctly --
14 relating to an incident in I think 2001 where there had
15 been a press inquiry and police liaison over a comment
16 that was made by the actor Iain Glen, former pupil of
17 the school, and that was picked up in interview and then
18 was speculated upon. And so there was a file note which
19 is part of my own liaison with police enquiries during
20 my time I shared, which had been written up by the then
21 rector.

22 Q. I think for our purposes that is EDA-000000081 and did
23 that reflect a conversation between your predecessor and
24 the actor?

25 A. I think he had been either in conversation or

1 correspondence.

2 Q. Yes.

3 A. That is my understanding at the time, the individual

4 didn't want to pursue the allegation.

5 Q. Yes. We have a copy of that provided by the school. So

6 you saw that and it was canvassed between the two of

7 you?

8 A. You mean discussed between John Light and I?

9 Q. Yes.

10 A. Yes, just as a point of note, yes, I was aware of it.

11 Q. Was there anything else in that discussion that was

12 highlighted?

13 A. No.

14 Q. We've heard evidence this week of a publication by

15 Nicky Campbell, a book, Blue-eyed Son, which makes

16 reference to Edinburgh Academy in his experience, in

17 brief, as part of his life story. Was that something

18 you were aware of?

19 A. No. I did know that Mr Campbell had been approached as

20 part of our development office reach out to Academicals

21 and had declined to get involved in any of the

22 development office activities.

23 Q. When was that?

24 A. I'd struggle to recall that. It must have been in

25 maybe, which we were trying to ramp up some of our fund

1 raising for bursaries and other activities, so that
2 would have been in the early noughties.

3 LADY SMITH: Marco, just on the subject of books by former
4 pupils, were you aware that the late Hugh Padley had
5 published a book entitled I think 'The Joys of
6 Entrepreneurship', but containing a section describing
7 initiation ceremonies, which were pretty nasty, that
8 took place at the Edinburgh Academy, when he was a pupil
9 there? Had you come across that.

10 A. I wasn't aware, no.

11 LADY SMITH: Thank you.

12 MR BROWN: Thank you, my Lady.

13 Sorry, to be clear, so you are talking about trying
14 to fund raise in the early noughties, you said, is that,
15 in other words, in your predecessor's tenure not yours?

16 A. I'm sorry, I beg your pardon, I'm mixing up my decades
17 which is rather poor as a historian, I meant 2010
18 onwards.

19 Q. Right, so your tenure?

20 A. My tenure, yes.

21 Q. All right. That's talking about the reporting of
22 complaints from past pupils.

23 Thinking of the reporting of complaints and concerns
24 when you were rector at Edinburgh Academy, one of the
25 things you point out is that you introduced and expanded

1 a counselling service. Just to be clear, was there

2 a counselling service when you started in 2008?

3 A. So there had been through referral of the then doctor,
4 there had been some limited counselling offered, but it
5 wasn't anywhere as structured as what was brought in
6 when I first arrived.

7 Q. Were you surprised that this provision was not present?

8 A. I was coming from London at the time, where that had
9 been established for a number of years. And in some
10 other schools it had started to become more of the norm,
11 so, yes, it was a need. The fact that the school didn't
12 have a developed service would not have been unique, but
13 again it was really bringing the school forward in terms
14 of what was becoming understood as best practice of
15 support.

16 Q. Right. But from what you're saying there was an element
17 of catch up, perhaps?

18 A. That would be fair.

19 Q. Yes. In terms of access to counselling, what did you
20 understand or what was your view on the need for
21 confidentiality from pupils? Was there a limit?

22 A. Well, yes, there had to be a dialogue and this is
23 actually an ongoing issue of our counselling service
24 here in my current school. There needs to be a degree
25 of confidentiality for disclosure and for the ethical

1 and professional standards that counsellors work within.
2 But also it is ... the counselling service was part of
3 a broader pastoral well-being support team within the
4 school. And so the arrangement with the counsellor was
5 that if there were issues of concern that -- well,
6 actually in most issues of concern, were appropriately
7 distilled to be shared with our Deputy Rector Pastoral,
8 because then there was a co-ordination of activity in
9 terms of what the school could do to support.

10 Now the detail of the concern wasn't necessarily
11 shared, because that was the confidential nature, but if
12 there was a support need, then the counsellor would
13 liaise with the deputy and the deputy would then filter
14 that appropriately into the other layers of support.

15 LADY SMITH: Can I just understand that, Marco. When you
16 talk about appropriately distilling most issues of
17 concern, does that mean that the nature of the matter
18 raised by the pupil may be passed on for distillation,
19 discussion and noting, but the identity of the pupil and
20 the details of how it came to be that that particular
21 issue was being raised would be kept confidential,
22 unless the pupil was happy for it to be shared?

23 A. So, yes, that's the point. That really the whole
24 purpose of the counselling approach to disclosure was to
25 be open and to encourage the pupil to allow disclosure,

1 because of course some of the issues that were being
2 discussed were domestic, in a situation like that the
3 detail of that wouldn't be required at school, but the
4 knowledge that there was a domestic concern, which was
5 affecting the life of the child, is something that would
6 be appropriately referred on to the pastoral support
7 team, so that they could offer their own support.

8 LADY SMITH: Yes.

9 MR BROWN: Thinking about other sides of information sharing
10 and referral, if you had a problem that you were faced
11 with thinking in terms of child protection, who would
12 you have gone to outwith the school? Potentially the
13 police is the obvious one, as necessary.

14 A. As necessary, yes.

15 Q. But --

16 A. So, this --

17 Q. You carry on.

18 A. No, no. So this was principally led by our child
19 protection officers, who were the senior deputy rector
20 for our secondary, senior school, and the head of junior
21 school and they would liaise with the social work
22 department and also with the specialist units if there
23 was a need in terms of mental health and care, which
24 were provided by the Lothian Health Board and centre of
25 particular relevance was based in the Royal Edinburgh,

1 the child base unit there. So it was principally the
2 child protection officers who would make those liaison
3 points.

4 It was one of the advantages we felt with GIRFEC,
5 that there was a structured way in which we could engage
6 with external agencies which traditionally, because of
7 resource allocation, had less to do with independent
8 school educated children.

9 Q. That is what I was wondering about, because having heard
10 other heads on the subject, I think it might be, as
11 a summary, fair to say that they at times didn't know
12 who to contact within Care Inspectorate Education
13 Scotland, because they weren't the normal type of
14 school, if I can put it that way. Do you recognise
15 that?

16 A. Yes, I do. And that was a frustration, but I know that
17 the two child protection officers that I worked with
18 over the years were very diligent in making sure that
19 the child was still at the centre of the conversations
20 and engaging with people, but it is fair to say that it
21 was harder to know exactly how to gain attention, if
22 there was an issue of concern.

23 Q. Did that change over your tenure?

24 A. I believe it did, yes, it did. Because of the structure
25 of GIRFEC there is a requirement for involvement. Now,

1 it's then very much down to the individuals and their
2 caseload and their approach, but we did see more
3 proactive response to queries and concerns that were
4 being raised.

5 Q. Thank you.

6 Again, thinking back to evidence we have heard
7 already, a number of heads have talked about following
8 an English system, the Local Authority Designated
9 Officer, so a council employee, who is the sort of focus
10 you can go and speak to about a range of problems. Is
11 that something you had experience of when you were
12 teaching south of the border?

13 A. So when I was Alleyn's School in south London in
14 Southwark, yes, I had some contact with that, but again
15 we had a designated safeguarding lead who was the
16 principal point of contact for that, and it would be
17 fair to say that Social Services within Southwark were
18 fairly stretched.

19 Q. Does that imply it wasn't a particularly useful point of
20 contact?

21 A. It was. It had limited use.

22 Q. Yes. Then there is of course the police.

23 One practical question during your currency at the
24 Edinburgh Academy, Police Scotland became part of the
25 landscape and we have heard it suggested that at that

1 point the availability of a local officer one could
2 speak to diminished. Again, is that something you
3 recognise?

4 A. It varied over time and we had various liaison officers
5 who were more proactive than others, but to say that it
6 was consistently or a diminished support across the nine
7 years I was there would be unfair. I think it very much
8 depended on again, individuals and allocation of
9 resource from the local office.

10 Q. All right. But I think as we know and if we can now
11 turn to the reports of historical abuse that you
12 received, we know that you were liaising with the
13 police, particularly I think in 2015?

14 A. Yes.

15 Q. "Regularly" is perhaps overstating it, but there were
16 lines of communication open as you received the various
17 letters that we've both seen?

18 A. Yes.

19 Q. To that extent, that was because there were ongoing
20 enquiries, I think, so there were police teams you could
21 speak to. Is that fair?

22 A. That is fair, yes.

23 Q. So it's discrete from the everyday trying to speak to
24 the police?

25 A. Yes, and because we are talking about different

1 involvements, so our local community police supported
2 our curriculum as well as responded to issues of query
3 or concern.

4 Q. Okay.

5 From your perspective as head, you have talked about
6 the handover where you are made aware of previous
7 contact in 2001 and I think we know that in 2008 in your
8 first year, again because we have the record, you are
9 contacted by David Standley, who was highlighting
10 a letter he had received from a former pupil. Does this
11 ring bells?

12 A. Yes --

13 Q. He then contacted you and the matter is kept on record,
14 though no further action is taken?

15 A. That's right. So in that particular case I had
16 misrecalled this when I was preparing my statement.
17 I had thought the contact had come directly to myself.
18 It had actually come to David Standley and was
19 personally addressed to him because of the overlap in
20 timing are historic to the individual's time at the
21 school and his own at an early stage in the career.

22 He had shown that to me. He had responded and he
23 had invited the writer, the person who had written to
24 us, to contact myself, so actually he did that
25 particular response. So I misrecalled that. All others

1 came to me directly.

2 The response then came back from the individual to
3 say that they didn't wish to carry on and do that. That
4 particular incident, there was no named member of staff
5 in the correspondence.

6 Q. But as you have agreed, I think, 2014/2015/2016, are
7 years where there is more regular contact from former
8 pupils?

9 A. That's right. That's correct. On that period, thank
10 you for providing me some of the background, it's given
11 me clarity on recollection. During that period, I think
12 there were four individuals who actually wrote, one
13 twice in follow up.

14 Q. Yes. I think all the paperwork has been recovered so we
15 don't need to go into perhaps the individual, it's the
16 more general approach taken.

17 Do we understand that from 2008 until this burst of
18 activity in the mid-teens, that such complaints didn't
19 cross your desk?

20 A. No.

21 Q. Was the issue of historical abuse however something that
22 was in your mind because it was being discussed by other
23 heads, with whom you would meet presumably in
24 professional bodies' meetings?

25 A. Yes, and -- yes, it was and it was also just part of

1 a broader societal understanding of abuse, historic
2 abuse. I don't know the exact timing but I am aware of
3 broader investigations which were occurring around that
4 time. So it made a reference to these type of issues.
5 So it did come up, because we wanted to address it. And
6 I recall that as part of the discussions through SCIS.
7 SCIS was acting as an opportunity to gain more
8 understanding of what originally I think was conceived
9 as the O'Brien investigation and is now the one that
10 we're here today.

11 So that type of information sharing was something
12 that came up. And of course there was press speculation
13 involving various schools within Scotland and elsewhere.

14 Q. Just taking one, and the individual complainer doesn't
15 matter, but looking at a complaint and this is
16 EDA-000000085 for the record, this is a former pupil who
17 is complaining about Hamish Dawson. Were you aware of
18 Hamish Dawson? Was he ever mentioned prior to these
19 letters of complaint coming in?

20 A. So, no, he wasn't. So the name, Hamish Dawson, and the
21 name Iain Wares, came out from the correspondence during
22 this period.

23 Q. This particular individual is complaining to you and he
24 begins by saying:

25 "Many years ago I composed a letter to the court of

1 the EA highlighting the abuse."

2 He says:

3 "Although it was not painful to write it awoke very
4 strong and repugnant memories."

5 But the letter was never posted for whatever reason.

6 And it's made very clear that in the events of the
7 late 1960s and early 1970s -- or the events of the late
8 1960s and early 1970s had ongoing effect. That wouldn't
9 have been lost upon you, I take it?

10 A. No, no. Receiving a letter like that is distressing,
11 because you consider the impact it's had on the
12 individual who's writing it.

13 Q. But the response, and it seems to be every letter is
14 slightly different, but the common theme of your
15 responses to these letters seems to be you're very sorry
16 to read the recollections that the pupil has given of
17 the time at Edinburgh Academy:

18 "... you have highlighted a number of negative
19 memories of your experience at the school, as I'm sure
20 you will appreciate as the current rector of the school
21 I'm entirely focused on ensuring to the very best of my
22 and my colleagues' abilities the experience of pupils at
23 the school at all levels is as positive and ultimately
24 to their long-term progress."

25 Reasonably you are making the point it's different

1 under your tenure perhaps, the world has changed. But
2 you then go on:

3 "It's clear from your email that a number of aspects
4 of your experience have been taken forward in life and
5 have been very difficult for you."

6 So it's recognised:

7 "I recognise that your memories have caused you
8 continued upset and concern. I believe that the most
9 effective and appropriate way for these concerns to be
10 addressed is for you to make contact with Police
11 Scotland, who will be able to record and appropriately
12 investigate these matters. You have my assurance that
13 the school will offer full assistance to them in order
14 to do so. As you mentioned in your email,
15 an investigation is currently being conducted into
16 matters which may or may not be linked to your own
17 experiences and therefore while this investigation
18 continues I will not be able to comment further. Once
19 again I'm indeed sorry to have sighted the concerns that
20 you have laid out and recommend an early referral of
21 those to the appropriate authority."

22 Now, in this particular file there is also included
23 correspondence from you to the school's solicitors
24 seeking guidance, putting it short?

25 A. Yes.

1 Q. But also reference to the discussions you are having
2 with the BIG Partnership, is this your PR company at the
3 time?

4 A. That's right.

5 Q. And also to the fact that you are engaging with the
6 police.

7 From your perspective, did you know what to do when
8 you received a letter like this? Was there a plan for
9 it?

10 A. So there was no script to follow. That's certainly the
11 case. The fact that the allegation, the nature of it,
12 was clearly criminal in terms of my understanding of
13 what that could potentially be, indicated, and this is
14 why I went to the lawyers to confirm my understanding of
15 that, it therefore seemed the most appropriate way to
16 direct and support the individual to report it to the
17 police as the investigating authority. It was
18 an allegation. I wasn't trying to dismiss the sense of
19 the seriousness of this in any way. But the most
20 appropriate way forward that I felt, and in discussion
21 with the -- certainly the Court of Directors --
22 particularly the chairman, who obviously was supportive
23 of the principle of the school being open to supporting
24 an investigation, was to direct the individual to the
25 police.

1 Because we felt that that was the appropriate
2 investigatory body and the fact that there were active
3 investigations which this could potentially be part of
4 and therefore progress some progress in resolution of
5 the allegation.

6 Q. We have the minutes which make passing reference to this
7 and, yes, indeed there is direction to be open and
8 co-operative as much as possible with the police, but
9 that's one side of it. And we have the records of you
10 speaking with the enquiry officers, police officers.
11 You are sharing information with them. But would you
12 agree you are also trying to find out what the landscape
13 is like so you understand what you are dealing with, in
14 terms of the prosecution?

15 A. Well, yes, but also it was partly because this
16 particular correspondence, so that period, there was
17 press speculation and therefore there was conversation
18 more broadly within the community as to what's going on
19 and naturally people come to the rector for some sense
20 of that. So -- to try and keep abreast of where that
21 process was, that was one of my purposes to go back to
22 the police -- not regularly, but certainly at certain
23 intervals to try and establish the progress of their
24 investigations and where things stood, because
25 legitimately, certainly from the Court of Directors'

1 perspective, they wanted to understand what the -- how
2 the issue was being progressed, how the allegation was
3 being handled, having given a direction to direct it to
4 the police.

5 Q. Was another thing the court of directors and you were
6 concerned about, the possibility of litigation arising
7 out of these complaints?

8 A. Well, ultimately there is clearly that possibility.
9 That wasn't the principal driver in terms of directing
10 individuals to the police, but there was
11 an understanding that that could potentially be a future
12 outcome, certainly.

13 Q. We have the correspondence which suggests that you are
14 engaging with the school's solicitors, seeking guidance
15 and response to you from them indicating that whilst
16 these actions would not be straightforward and there
17 would be a number of hurdles, the court would have power
18 to allow cases late if it feels equitable to do so. So
19 the potential for civil action, would you agree, was
20 something that was in your mind?

21 A. It was recognised as a potential outcome, certainly.

22 LADY SMITH: I should probably interject there, because we
23 have the Academy court and we have the court referred to
24 by you just then, Mr Brown, as being the civil courts,
25 which would be the Sheriff Court or the Court of

1 Session. Just in case anybody thought you were asking
2 whether it was the court of the Academy that had that
3 powers. Because they didn't and they don't.

4 MR BROWN: No, indeed, of course not.

5 Thank you, my Lady.

6 This is something that you and the Court of
7 Directors, can we take it, would be discussing, the
8 potential for civil action?

9 A. It was noted as part of the process of potential further
10 allegations should they come forward.

11 Q. Did it in any way guide your response?

12 A. No, the response was based on what we thought was the
13 correct and proper thing to do to try and find
14 an outcome, which ... towards criminality.

15 Q. There is, however, and this is just for clarity,
16 a record in this particular file of a call from one of
17 the officers at the police public protection unit, which
18 is making the point that the individual complainer, who
19 is engaging with them, is desirous of an apology from
20 the school. Do you remember that?

21 A. Yes. I do remember that.

22 Q. Was that a common --

23 A. I didn't, but I remember it having read through the file
24 note that I took at the time.

25 Q. Yes. Was that a common theme?

1 A. No, no, it wasn't from the others. There was one other,
2 I recall, which -- it was a rather loosely focused
3 correspondence and there was a statement in that along
4 the lines of looking for a personal admission for
5 previous action.

6 The issue that you mention, and that correspondence,
7 I had a conversation with the -- I think it was a PC who
8 was giving this report, having had this conversation,
9 and it linked to a previous -- if it is linked, because
10 obviously the files are redacted with names, but it
11 seems to be attached. So I assume it is linked to
12 previous correspondence I had with the individual and
13 there was a follow up, so we exchanged two letters each.
14 And in that last letter of mine I did invite the
15 individual to come and visit the school. At that time,
16 the tone of the correspondence was not looking for
17 an apology, a public apology from the school. So I did
18 query that with the police officer at the time. She was
19 just saying, "look, I'm just telling you what we were
20 told."

21 So the two things in terms of my own understanding
22 of where that individual was in expectations didn't
23 marry together easily.

24 Q. All right. But what you are getting in the mid-teens is
25 a succession, not a huge number, but a number of

1 letters, complaining about past events. Was there any
2 discussion between you and the Court of Directors about
3 the possibility of issuing an apology?

4 A. So I don't -- well, I don't recall that in terms of
5 an active discussion should we at this time, at this
6 particular moment, be issuing an apology.

7 I want to explain that that was framed in what was
8 a shared view that the most appropriate way to find
9 some, at least immediate resolution for the allegations
10 that were being made, was to involve the individual,
11 encourage the individual, in an active police
12 investigation of concern.

13 It wasn't that the possibility was closed off for
14 that for the future, but at the time the most
15 appropriate response seemed to be to seek the support of
16 proper investigation through the police authority.

17 Q. In terms of you have engaged PR because you have talked
18 about there being some press reporting and speculation,
19 although I think it's fair to say the school having PR
20 support had been in place before you arrived?

21 A. Yes, that's right, yeah.

22 Q. But is it something that became evermore enhanced in the
23 school context while you were there?

24 A. No, I think again it's a process of modernisation. We
25 were -- as the school was -- this is taking -- stepping

1 out of the immediate issues that we're discussing here.
2 The school was repositioning itself as a co-educational
3 leader of educational offer within the city. So, yes,
4 there was more involvement with outsourcing PR
5 expertise, because we didn't have it in-house, so that
6 is true and that's certainly the case.

7 And the PR service and support was a way of helping
8 us to manage any queries, less to do with historic abuse
9 allegations, but any of press speculation or interest in
10 general nature about independent education, about the
11 Edinburgh Academy in general and any specific allegation
12 that would come up about current pupils or staff.

13 Q. But PR, and again we see this from the Court of
14 Directors' minutes, there comes a stage where there is
15 a regular report of PR engagement in the past three
16 months, which can sometimes run to a number of pages.
17 You have already mentioned that Edinburgh stands out
18 because of the competitive market that exists.

19 I'm sure all the schools were doing this, but the
20 primary purpose of PR is to sell the school in
21 a competitive environment. Is that not true?

22 A. Yes. And making sure that the positive nature of the
23 school is properly reflected.

24 Q. Yes. It might be suggested of course that one of the
25 purposes of PR is to manage bad news, is that the case

1 so far as these allegations of historical abuse were
2 concerned?

3 A. If there was a press enquiry that we received then
4 I would engage with our PR consultant as to how do you
5 respond to that. So if that is relevant to the point
6 you're making, I would say "yes". In terms of the PR
7 company's involvement in scripting response to
8 individuals, that's not what the PR company was there to
9 support with.

10 Q. But were they giving you guidance in terms of what you
11 should say to complaining former pupils?

12 A. I don't recall ever receiving guidance on that, and if
13 I had I probably would have ignored it.

14 Q. It would have been kept, we can take it?

15 A. It would have been, yes. It would have been part of the
16 file.

17 Q. But this is something that you would discuss with the
18 Court of Directors, particularly the chair, perhaps?

19 A. Yes, and keep them updated in terms of any contacts that
20 came in and the fact that I was corresponding back,
21 absolutely.

22 And that particular period that you reference of
23 2014/2015, I do remember there was more discussion
24 because of the nature of the public -- the press
25 articles and also the fact that I had briefed already

1 that there was an ongoing police investigation and the
2 Court of Directors wanted to be updated and understand
3 how that was progressing.

4 Q. You mention one of the press articles and I think we're
5 both thinking of EDA-0000000118, which is the [REDACTED]
6 article in [REDACTED] which is headed "[REDACTED]
7 [REDACTED]" and subhead, "[REDACTED]

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 You are quoted in that because you have responded.
12 But, as you know, it goes back to the 2001 allegation,
13 but a further allegation from [REDACTED], [REDACTED]
14 [REDACTED], said when he started
15 at the Academy's prep school one teacher was molesting
16 boys in front of other pupils, is the report.

17 Then it goes on:

18 "Allegations of sexual abuse also arose at Loretto
19 in Musselburgh in 2001, when film director Don Boyd
20 claimed he had been sexually abused by former master
21 Anthony Ray-Hills. Loretto acted immediately by
22 contacting everyone who had ever been taught by
23 Ray-Hills, and the school received 35 letters back from
24 alleged victims of his abuse."

25 There is no question you and the Court of Directors

1 would have seen that?

2 A. Yes.

3 Q. You have seen that in Loretto's case they made the
4 decision to contact former pupils who had been taught by
5 the individual. You are aware of names. Did it occur
6 to you and the Court of Directors that perhaps that was
7 a course of action you should follow? It's been
8 highlighted that another school has done it, so did you
9 think: perhaps we should do it too?

10 A. There is quite an historic separation in terms of the
11 context of that allegation and that course of action to
12 compare to where we were. It didn't occur as the main
13 focus for what we were trying to do to support
14 allegations that were being made, because of the active
15 police investigations that were taking place.

16 Q. Would it not have enhanced --

17 A. So there was a sense of what is the appropriate
18 investigatory body and I don't think anyone, myself
19 included, felt that the school was.

20 Q. Had you provided the police with class lists?

21 A. So I can't recall and I couldn't pick out from -- in
22 detail from what has been shared with me this week
23 whether the two things overlap, but we certainly did do
24 that on a specific request related to an historic abuse
25 allegation. And so we were open to do that and I know

1 that the police followed that up, because in fact
2 I remember at least one member of the Court of Directors
3 received a letter from the police because of the overlap
4 of time that he was at the school to their enquiries.
5 And it was fairly widely reflected back to me as rector
6 from the Academical community that a number of people
7 within the city and beyond had received these letters
8 from the police.

9 So that's also part of an answer to your previous
10 question, that we were open to the principle, but we
11 didn't think it was the right thing at that time for the
12 school to take the initiative to write out whilst there
13 was an active investigation, which more than likely
14 linked to the correspondence I was receiving.

15 Q. It might be said there would have been no prejudice and
16 what it might have achieved would just open up further
17 lines of enquiry by a perhaps less threatening body, in
18 other words the school rather than the police?

19 A. In hindsight, I accept that's an opinion, yes.

20 Q. In hindsight, do you think you might have been better to
21 do things differently?

22 A. I -- there's always the opportunity to do things
23 differently, looking back, but I do think there was the
24 intention and purpose that drove the actions that were
25 taken were for the benefit of a meaningful outcome to

1 those whose allegations were being made that could then
2 find a suitable response. We felt that the criminality
3 that was being suggested in the allegations deserved
4 that.

5 Q. All right. But I think in the following year, you were
6 then, because of press releases and contact from the
7 police themselves, made aware that a teacher who had
8 taught at the Academy had been convicted of sexual
9 offences in relation -- if we can keep the name out of
10 it -- to another school, which he'd gone to after
11 Edinburgh Academy. Is that correct?

12 A. Yes, some time after, I think.

13 Q. Yes. That in a sense is a different type of case,
14 because here there is no doubt, there is no ongoing
15 investigation, this is someone who has been convicted of
16 criminal activity. But it would appear, and we have the
17 records, you were made aware of it, it is discussed in
18 the Court of Directors' minutes, but the one thing that
19 doesn't happen is any response to pupils who might have
20 been taught by him.

21 Is that something that you would accept now might
22 have been handled differently and better?

23 A. Well, I'm always open to suggestion that things could be
24 done better. But I do think there is a distinction in
25 this case in that one of the very specific questions

1 that I asked when liaising with the police over this is:
2 "is there any suggestion or understanding of historic
3 allegations that are associated with the
4 Edinburgh Academy?" And that was made very clear to me
5 in the response from the police and their own
6 investigations that that wasn't the case.

7 So rightly or wrongly, I accept, there is an opinion
8 on this, there didn't seem to be the same potential
9 overlap of need, in that -- for that broader request.

10 Q. In terms of your concern about prejudicing an ongoing
11 investigation, that hurdle is not in place in this case.
12 Again, the teacher was only at the Edinburgh Academy for
13 a relatively brief period. The numbers involved would
14 not have been great. If this happened to you now, would
15 you do it differently?

16 A. Potentially. I'm not saying for sure, but potentially.

17 Q. All right.

18 A. And I think also to reflect back now, there is a broader
19 body of understanding and sense of purpose, which would
20 inform a decision now, which was different at that time.

21 Q. Okay.

22 LADY SMITH: Do you accept that one of the ways in which
23 that understanding has broadened, Marco, is that
24 children don't speak up at the time and even as adults
25 it may take them years to talk about having been abused

1 as children?

2 A. I do see that.

3 LADY SMITH: So the police may not have known about any
4 allegations in relation to the Academy, but that didn't
5 mean that there had been no abuse at the Academy.

6 A. No, I fully accept that as well.

7 MR BROWN: Just a couple more things, Marco.

8 When you left the Academy, did you do a handover to
9 your successor? I think he was someone you had been
10 working with?

11 A. Yes, yes, he -- he had come in as the Senior Deputy
12 Rector and we worked together for a good eight months
13 before my own departure.

14 Q. All right. Would you have briefed him on what we have
15 been talking about, the allegations -- he would be
16 sighted on the allegations of historical abuse?

17 A. He would be sighted.

18 Q. And the complaints, and he would presumably have been
19 aware when that conviction happened in [REDACTED] also?

20 A. Yes.

21 Q. Okay.

22 Discrete question, mandatory reporting is a topic
23 that we have been hearing views on and in particular we
24 know that at one -- one of the schools we have been
25 looking at, Gordonstoun, as a matter of contract there

1 is an obligation on teachers to report and if they
2 don't, disciplinary action can be taken, concerns in
3 other words.

4 Do you have a view on that?

5 A. Can I just be absolutely clear what you are referring to
6 when you talk about mandatory reporting, reporting of
7 concerns of other members of staff, is that the meaning?

8 Q. Yes. It's a stipulation that failure to report
9 a suspicion of abuse would constitute gross misconduct
10 and could therefore lead to summary dismissal. That is
11 the evidence from Gordonstoun.

12 A. Right. Okay. Sure, yes, I think -- that is something
13 that is not quite worded in those ways, but it's part of
14 my current institution's guidance to staff and we have
15 a self-reporting as well as a reporting of other
16 colleagues' system built into our -- the database that
17 we use for child protection concerns.

18 Q. That is the next thing I was going to talk about, the
19 database of child protection concerns. Did such
20 a database exist at the Edinburgh Academy?

21 A. Not in the type of system that we are referring to here,
22 but there were databases of records of concern and
23 well-being that were held within the school and those
24 would be held by the deputy head pastoral, the head of
25 the -- the junior school and obviously the teams that

1 they were working with would have their own files. And
2 those well-being concern files were reviewed. They were
3 reviewed with myself on a regular basis and also we had
4 on a biyearly basis, twice a year, we had the member of
5 Court of Directors overseeing the child safety and
6 well-being would also come in and do a caseload --
7 a case review of issues of concern.

8 We also used the services of Sue Hamilton as
9 an external consultant to review our practices with
10 regards to case reviews.

11 Q. You have talked about well-being. We have heard about
12 in the other schools well-being information systems, in
13 other words digital records that can be inputted by
14 a class teacher in a class, which will then appear on
15 child protection officers' computers, so there is
16 an oversight and information sharing at a very, very
17 significant level. Is that the sort of thing that was
18 in place when you were at the Edinburgh Academy?

19 A. Well, there were systems in place which would allow that
20 reporting on of concerns. The detail of it, I hesitate
21 to try and explore, because I don't recall the exact
22 detail, but there were systems in place to allow that
23 type of reporting, yes, there were.

24 Q. Thank you, we can perhaps ask your successor to give us
25 more up-to-date details.

1 A. Probably.

2 Q. One last question from me. Is there anything else that
3 you think, given your experience in education, that
4 would be of benefit to us, looking at our desire to
5 prevent further abuse, other things that you think can
6 be done and should be done?

7 A. I think we've touched on two areas which have improved,
8 but there is always room for further improvement.

9 And I think the first one is to do with recruitment
10 and vetting, to support schools, whatever background
11 they're in, to have some statutory systems to support
12 that level of scrutiny of background, which I think
13 schools genuinely now have better systems in place than
14 they would have 20-plus years ago for sure. But it is
15 a constant challenge to know how best to access
16 databases, particularly in reference to background
17 checks.

18 Big progress has been made with the PVG system, but
19 it's not foolproof in terms of the background and
20 potential gaps of understanding in individual profiles,
21 so that would be an area of attention.

22 The other one I think, and this is to do with --
23 less to do with historic allegation/historic abuse that
24 has occurred, and more to do with protecting the next
25 generation, is that cross-service integration. Schools

1 are central to the lives of students, but they are not
2 the only part of those lives. And so the integration of
3 welfare concerns, which is very much part of GIRFEC and
4 may well have improved since I left Scotland back in
5 2017, but even then there were still challenges to
6 ensure that the support services that we wanted to have
7 the child at the centre were fully integrated and
8 working in tandem.

9 So those would be the areas from my perspective that
10 would be worth further consideration on reflection on
11 how they can improve.

12 MR BROWN: Marco, thank you very much indeed. I have no
13 further questions.

14 LADY SMITH: Marco, nor have I. I just want to thank you
15 again for joining us today and thank you for helping us
16 to understand further what you can tell us about your
17 time at the school and your thoughts on child protection
18 now and for the future. It's really helpful.

19 I'm now able to let you go, with my thanks and you
20 can switch off the connection. Thank you.

21 A. Thank you very much.

22 (Pause)

23 LADY SMITH: I will rise for the break now, but names, the
24 [REDACTED], were mentioned in
25 a reference to a newspaper report in the past. In any

1 disclosure of our evidence, they mustn't be identified.

2 Thank you.

3 I'll rise now for the break and hope to be able to
4 sit again at about 11.45 am.

5 (11.29 am)

6 (A short break)

7 (11.48 am)

8 LADY SMITH: I'll invite Mr Brown to introduce the next
9 witness in a moment, but before I do that, I need to
10 explain that this witness will give evidence from behind
11 the screens. They'll be closed in a moment, but you
12 will be able to hear her. You won't be able to see her.
13 I simply tell you there are very good reasons for her
14 giving evidence behind the screens that I considered
15 justified it.

16 I'll now invite the team to close the screens, if
17 that's possible.

18 (Pause)

19 Mr Brown, would you like to introduce the next
20 witness?

21 MR BROWN: Yes, my Lady. The next witness is 'Frances'.

22 LADY SMITH: Thank you.

23 'Frances' (affirmed)

24 LADY SMITH: 'Frances', can I just say something about the
25 screens, hopefully by way of reassurance. The way

1 they're placed, we can see you and by "we" I mean your
2 witness support officer, the stenographers and the team
3 that support me here in this part of the hearing room,
4 including the lawyers who are involved with this part of
5 the inquiry's investigations.

6 You cannot be seen by those representing parties who
7 have an interest in this part of our proceedings and you
8 cannot be seen by the public, but you can be heard by
9 them. The cameras that are here have been switched off,
10 so just to reassure you about that. I hope that helps.

11 Now, what are we doing with this part of the screen.

12 (Pause)

13 If I hear any more laughter from the public benches
14 I will ask for anyone who laughs to be removed. They
15 can then go and watch the proceedings and listen to the
16 proceedings from the room that's available for that, but
17 I can't have that going on. So please don't.

18 'Frances', before I hand over to Mr Brown, could
19 I just reassure you that you can't be seen, everything
20 I said before applies. The red folder, which you have
21 already opened, has your statement in it. Thank you for
22 engaging with us to provide that. It's really helpful
23 to have had your written evidence in advance. Thank you
24 for agreeing to come along here today to talk about your
25 evidence and answer specific questions about it.

1 I appreciate we're asking you to go back in your
2 memory, your working life memory, many decades and
3 that's not easy and asking you to do that in these
4 circumstances, which are stressful, high-pressured
5 circumstances isn't easy either. Please let me know if
6 I can help in any way to make your experience a more
7 comfortable one, whether by having a break or just
8 enabling you to pause where you are, and also,
9 of course, if you don't understand what we're asking
10 you, that's our fault not yours, so do tell us.

11 Any questions, speak up at any time. If you're
12 ready I'll hand over to Mr Brown. Is that all right?

13 MR BROWN: My Lady, thank you.

14 Questions from Mr Brown

15 MR BROWN: 'Frances', good morning.

16 A. Good morning.

17 Q. You have the statement in front of you. It has
18 a reference number WIT-1-000005559. We see at the last
19 page you signed it this month and confirm that the
20 statements are true and you are happy for it to be
21 entered in evidence, correct?

22 A. Correct.

23 Q. You are now in your 76th year?

24 A. Yes.

25 Q. And you are a retired psychiatrist?

1 A. Yes.

2 Q. Your statement details, and we needn't worry about the
3 detail, a long career in medicine.

4 What we are interested in is one particular period
5 of your career and that is the time you spent at the
6 Royal Edinburgh Hospital --

7 A. Yes.

8 Q. -- as a trainee doctor in psychiatry, in the mid to late
9 1970s.

10 A. Yes.

11 Q. You have your medical degree and you are moving into
12 psychiatry, which then you have continued with as
13 a career.

14 We understand that this would be when you are in
15 your mid to late 20s, up until I think your early 30s?

16 A. Yes.

17 Q. We would understand that you joined the Royal Edinburgh
18 as a registrar --

19 A. Yes.

20 Q. -- rather than a senior house officer, which is the
21 entry level, because you had already done some training
22 elsewhere --

23 A. That's right.

24 Q. -- in a different country? And after two years as
25 a registrar, you became a senior registrar, which is the

1 highest level of training?

2 A. Yes.

3 Q. But just to understand, you are a junior doctor
4 throughout?

5 A. Yes.

6 Q. Thinking of junior doctors being in the news currently,
7 and you are always under training?

8 A. Yes.

9 Q. Thank you.

10 The only time you're not holding either of those
11 posts, registrar or senior registrar, is in your final
12 three months. You became a locum consultant, because
13 you were acting up and the reason for that was your
14 consultant had gone on sabbatical without any real
15 notice to you?

16 A. That's right.

17 Q. That's correct. Just in relation to those three months,
18 was that something you were in any way expecting?

19 A. No way.

20 Q. Just in terms of being asked to act up at that stage,
21 towards the end of your training, was that something you
22 were happy with, having to take that responsibility?

23 A. I was surprised and worried. I didn't know what was
24 happening, but in terms of acting up, I was comfortable
25 with that, yes.

1 Q. Okay.

2 In relation to that period of training, in
3 psychiatry we would understand that you would go through
4 a rotational process?

5 A. That's right.

6 Q. Getting experience in different aspects of the job. Is
7 that correct?

8 A. Yes.

9 Q. In relation to working as we're going to focus on, in
10 what was called the Professorial Ward, this is Ward 1 at
11 the Royal Edinburgh, and under the consultant,
12 Professor Walton, how much time did you actually spend
13 on Ward 1?

14 A. Six months.

15 Q. Over the whole period or --

16 A. Well, all my training was the six months in Ward 1, yes,
17 and when I was locum consultant I then was involved with
18 the patient on one occasion.

19 Q. But that's simply because you are acting up --

20 A. Because I was acting up. That was all.

21 Q. You weren't specifically attached to Ward 1 or dealing
22 with the patient prior to that requirement to act up?

23 A. I was only there to act up, yeah.

24 Q. Okay.

25 We have heard a little bit about the Royal Edinburgh

1 in the 1970s already, but you were there. What sort of
2 reputation did the Royal Edinburgh have at that stage?

3 A. It was seen as very prestigious, perhaps second to the
4 Maudsley in terms of hierarchy, as it were, of training
5 places and treatment places. It was seen as a good
6 place to be.

7 Q. In terms of the staff structure, you just talked about
8 there being a hierarchy, within a particular unit one
9 can understand there is the head of the unit and in the
10 context we're talking, there are I think two professors
11 who have their own wards, Wards 1 and 2, and we are
12 focusing on Professor Walton in Ward 1. Was there
13 anyone above him?

14 A. No.

15 Q. I think in terms of the hospital, you talk about there
16 being a Physician Superintendent?

17 A. Yes, he was an overseer medically in terms of the
18 hospital, but not line managing the consultants who were
19 the ultimate sort of bosses and responsible for the
20 services that were provided.

21 Q. Was the physician superintendent more organisational
22 rather than overseeing?

23 A. Good question. Organisational, yes.

24 Q. I think you make the point that you were told then that
25 the consultants were responsible to the Secretary of

1 State for Scotland and as a trainee you were responsible
2 to your consultant, who was your line manager?

3 A. That's what I was told, yes.

4 Q. There is a distinct hierarchy, from what you're saying?

5 A. Yes.

6 Q. Thinking back to the 1970s, what about deference?

7 A. Sorry, was there a deference?

8 Q. Yes.

9 A. Absolutely.

10 Q. Tell us about that.

11 A. Consultants were not just the boss, but they ruled the
12 place. They were the people who knew everything. It
13 was -- it's hard to describe unless you have worked in
14 a hierarchy like that. It didn't feel totally
15 oppressive. It felt, thank goodness there are other
16 people who know things, but definitely you were at the
17 junior level.

18 Q. I think you make the point that albeit there are
19 different hierarchies within a ward, there is a nursing
20 hierarchy, there is social work hierarchy, there is
21 psychologist hierarchy, above all that is the
22 Consultant?

23 A. Yes, he has total clinical responsibility for the
24 services he delivers.

25 Q. Just as we have been hearing about headmasters or

1 housemasters perhaps dictating the ethos of
2 an individual establishment or boarding house in the
3 school context, is the same true of consultants?
4 A. Yes.
5 Q. Their personality will direct, impact, the tone of their
6 unit?
7 A. Yes.
8 Q. I suppose some may be very relaxed and friendly and
9 amenable and others may be less so?
10 A. Yes.
11 Q. And that will guide how people behave and respond, fair?
12 A. Yes.
13 Q. Again, just to be clear, in the general sense, you are
14 undergoing training?
15 A. Yes.
16 Q. That from your statement we would understand would mean
17 on one day a week you're actually being taught in the
18 academic sense, you're going to lectures, is that right?
19 A. Yes, though we were also being taught clinically on the
20 wards.
21 Q. But it's not just ward-based --
22 A. Not at all, the academic side was separate.
23 Q. The point to be understood is at the Royal Edinburgh at
24 that stage there are university wards, if you like, the
25 two Professorial Wards?

1 A. Yes.

2 Q. And then there might be, I'm sure it's wrong, everyday
3 psychiatric wards --

4 A. Yes.

5 Q. -- dealing with admissions perhaps more particularly
6 from the community?

7 A. Yes.

8 Q. In relation to Ward 1 and Professor Walton, did it have
9 a particular speciality?

10 A. Not formally. In practice, it largely was people with
11 anorexia nervosa.

12 Q. And why were they going to Ward 1?

13 A. I've no idea.

14 Q. Who would have directed that?

15 A. Professor Walton.

16 Q. Why would he have been interested in treating such
17 patients?

18 A. I don't know.

19 Q. What was his speciality?

20 A. It was -- well, officially just general psychiatry, but
21 he had an interest in psychotherapy.

22 Q. By psychotherapy, give us a pen picture of what you
23 understood that to mean.

24 A. To mean talking with people and understanding people and
25 using that as part of helping them get better.

1 Q. As distinct --

2 A. As distinct from drugs.

3 Q. Which I think we understand Ward 2 might have been more
4 amenable to?

5 A. Ward 2 was social psychiatry. It was more amenable, but
6 not completely. It was more other parts of the hospital
7 really that were very much more drug oriented.

8 Q. All right. Did psychotherapy lend itself well to
9 treating anorexia?

10 A. Yes.

11 Q. I think you say that in the context of what you were
12 seeing in relation to patients such as that, results
13 were being obtained?

14 A. Definitely.

15 Q. Those patients, were they being referred from within
16 Edinburgh?

17 A. Largely, but the whole of Lothian and some from
18 elsewhere, it wasn't limited to particular catchment
19 areas like the main hospital.

20 Q. Okay. In terms of some patients and one patient in
21 particular, and we know we're dealing with -- we'll be
22 dealing with the records of a patient called Iain Wares,
23 he, we would understand, had come from South Africa?

24 A. That's right.

25 Q. When you first become involved with him -- I think in

1 1975, is that right?

2 A. That's right.

3 Q. He had been a patient of Professor Walton's since 1967?

4 A. That's right.

5 Q. Just to be clear, was Professor Walton his consultant
6 throughout the entirety of his treatment?

7 A. Yes, yes.

8 Q. Save for the period where you had to stand in as
9 locum --

10 A. Yes.

11 Q. -- in the last three months?

12 A. Yes.

13 Q. We understand that he had been referred to the Royal
14 Edinburgh because of family connections in South Africa
15 who had known Dr Walton, did you understand that?

16 A. Yes.

17 Q. Was that a common practice?

18 A. No.

19 Q. Was it unique, do you remember?

20 A. I don't remember.

21 Q. All right.

22 A. I would suspect so, but -- yeah.

23 Q. Was that commented upon when you were treating the
24 patient?

25 A. I arrived for his second admission and it was well

1 established by then and he had been resident in

2 Scotland, so it wasn't an issue.

3 Q. No, he had already been --

4 A. He had already been in the system.

5 Q. -- treated in Scotland for the previous eight years by

6 Professor Walton?

7 A. Yes.

8 Q. Professor Walton himself was South African. I think he

9 came from Cape Town; is that right?

10 A. That's right.

11 Q. Tell us about him.

12 A. He was an interesting and controversial man, who had

13 a great interest and knowledge in a number of things,

14 including psychotherapy, and was passionate about

15 spreading that way of looking at things. He was also

16 very passionate about training and trainees and how to

17 advance medical education. He was very cultured and in

18 that sense progressive, avant-garde, and so therefore he

19 was a bit unusual as well as being foreign, but also he

20 was very domineering and he did not seem to have doubts

21 about himself or the ideas he was talking about. He

22 knew everything.

23 Q. You say in your statement at paragraph 42:

24 "The other side [having talked about the avant-garde

25 Professor Walton] was opinionated and powerful. He

1 didn't have any doubts and reservations about the
2 medical advice he would dispense. His views were
3 accepted because he was a consultant and professor."
4 A. Yes.
5 Q. From what you are saying on the one hand he was
6 different and stood out from other consultants of the
7 time?
8 A. Yes.
9 Q. Was he more colourful, perhaps to use a simple word?
10 A. Yes.
11 Q. Could he also be described as more liberal?
12 A. Yes, that was an illusion, but, yes.
13 Q. Why do you say it was an illusion?
14 A. He wasn't liberal in the sense of being able to listen
15 and hear from other people and respect them. He was
16 liberal in some of his ideas.
17 Q. And liberal in his ideas, are you talking generally or
18 specifically for example about psychotherapy?
19 A. I'm talking specifically about psychotherapy. I did not
20 know his other ideas.
21 Q. All right. Why was psychotherapy seen as being liberal
22 at the time?
23 A. Because it was challenging what was seen as
24 an orthodoxy, where patients, people, are largely due to
25 the way our brains work and along with the way society

1 was moving, he pushed the idea that people are complex
2 and their situation and their symptoms are due to their
3 environment, current and their past environment.

4 Q. And is that thinking, that was avant-garde at the time?

5 A. Yes.

6 Q. Has history looked kindly on that view?

7 A. Yes.

8 Q. So he was not wrong?

9 A. No.

10 Q. But is there a but?

11 A. The but is both are necessary, that sometimes and for
12 some conditions, drug treatments are the best way, but
13 drug treatments informed by the whole social
14 circumstances of patients, but to ignore that side of it
15 is a mistake, because a lot of brain conditions are
16 important.

17 Q. All right.

18 At the time were you pleased to be working with
19 Professor Walton because of the qualities you just
20 described, the liberal, the avant-garde, pushing the
21 boundaries perhaps?

22 A. Yes.

23 Q. One very practical question. Were there many female
24 trainees?

25 A. ████████████████████.

1 Q. Just in terms of gender balance. In the medical
2 profession at that time, as a woman were you very much
3 in a minority?
4 A. Yes. Medical school only allowed 13 per cent.
5 Q. That would presumably be filtering through slowly?
6 A. Yes.
7 Q. Had it been worse before, as you would understand it?
8 A. Yes.
9 LADY SMITH: Was that, 'Frances', 13 per cent across all the
10 disciplines?
11 A. Yes, entry to medical school before specialisation.
12 MR BROWN: So once you go out into the specialties the
13 percentage will diminish, because that 13 per cent is
14 being shared between a number of alternative --
15 A. I think psychiatry maybe had more than average, because
16 it was seen as a poor specialty that only -- that women
17 might be able to deal with, in the sense that it was
18 very much Cinderella. So there might ultimately be
19 more, but at that time I was [REDACTED] trainee.
20 Q. But I think going back to Professor Walton, when you
21 went there in the mid-1970s you admired him and, as you
22 say, he seemed to have a genuine interest in hearing
23 from the patient and was that new?
24 A. Yes, and can I say I didn't choose to go and work with
25 him. It was part of a rotation organised by other

1 people. It was only once I got there that I recognised
2 the difference.

3 Q. Yes. But we understand he had a reputation?

4 A. Definitely.

5 Q. And you presumably thought, good?

6 A. Yes.

7 Q. Then you went on rotation and experienced Ward 1. What
8 changed once you were there in terms of your view of
9 him?

10 A. Two things. I gradually realised that what he was
11 talking about wasn't up to date and particularly valid,
12 because I was interested enough to read other things.

13 And, second, because of experience I had, which
14 showed that he wasn't really interested in listening to
15 other people and taking things on board.

16 Q. Can we come back to that?

17 A. Yes.

18 Q. That particular experience.

19 But I think, where we talked about earlier prestige,
20 he has a dual appointment, he's a consultant but he's
21 also a university professor. Did that combination
22 enhance his status but also perhaps his outlook?

23 A. Yes. And people came from abroad to visit to see what
24 he was doing.

25 Q. And I think as you've touched on, one of his interests

1 as well as psychotherapy was medical education?

2 A. Yes.

3 Q. And that is something he pursued with vigour?

4 A. Yes.

5 Q. He would travel a lot?

6 A. Yes, but he seemed to be always present in the ward.

7 Q. But from your perspective as a trainee doctor, I think

8 you say there was a clear sense that he was an authority

9 on talking therapies?

10 A. Yes.

11 Q. Would it be correct in saying that was an impression he

12 was very content to foster?

13 A. He definitely was.

14 Q. How did that influence the people who were working for

15 him on Ward 1?

16 A. I think it influenced us in terms of being excited about

17 being -- having the opportunity to work with somebody

18 who knew so much and was revered and therefore to learn

19 from him and do what he told us.

20 Q. So on a practical level with a patient, it's a teaching

21 hospital, you are involved with the patients on the ward

22 and outpatients as they're followed up upon, if you were

23 dealing with a patient, and I'm speaking generally, and

24 you thought there might be a different approach, first

25 of all, would you say anything?

1 A. I hesitate, because I would say something, but I was
2 more assertive because of my outside experience.
3 I think a lot of times what he said was just taken for
4 granted, because he was the boss, the wise person.

5 Q. Was that the culture at the time?

6 A. Yes.

7 Q. Across all the disciplines on the ward?

8 A. Yes.

9 Q. Would a nurse ever challenge a consultant?

10 A. No.

11 Q. Would a psychologist challenge a consultant?

12 A. No, but behind their back they might say it, yes. But
13 no, they wouldn't challenge. No one would challenge.

14 Q. No one would challenge?

15 A. No.

16 Q. But you as a junior doctor ... and I think what you are
17 referring to is your experience abroad had been in
18 a hospital where you were encouraged to raise issues and
19 concerns and there would be open dialogue; is that fair?

20 A. Yes, there was dialogue, but it wasn't responded to in
21 the sense in feeling it had been taken on.

22 LADY SMITH: You are talking about dialogue in the Royal
23 Edinburgh.

24 A. In the Royal Edinburgh with Professor Walton. He would
25 talk about things, but he did not change his own views.

1 MR BROWN: So you could talk, to be extreme, until you were
2 blue in the face?
3 A. Exactly, yes.
4 Q. If it wasn't his view, it wouldn't matter?
5 A. Correct.
6 Q. Was that the subject of discussion among the underlings
7 on Ward 1, since you talk about psychologists perhaps
8 complaining behind his back?
9 A. Yes, it was discussion.
10 Q. The impression you give in the statement that he was
11 a man who was confident in his ability, confident in his
12 decisions and really not open to any doubt?
13 A. Yes.
14 Q. Is that a fair --
15 A. Yes.
16 Q. -- description? All right.
17 Although, as you say, he was a civilised man so he
18 would be polite about it?
19 A. Absolutely polite.
20 Q. So that is the context of the world you were living in
21 on the ward?
22 A. Yes.
23 Q. Just one other aspect of practice then, and we've heard
24 a little bit about it already. In terms of patient
25 confidentiality, what would your understanding have been

1 in the 1970s?

2 A. That it was sacrosanct and paramount and this is the
3 first time in my life I've ever talked about a patient
4 publicly that's identified. It was ingrained in you.

5 Q. Would there have been situations, thinking back to the
6 1970s, where you would have contemplated breaching
7 confidentiality?

8 A. Outside discussion within a clinical setting, I don't
9 think so. I don't remember any occasion.

10 Q. Again, I do appreciate this is going back 50 years, you
11 were a trainee doctor at the time, what training had you
12 received about confidentiality?

13 A. Just being told you don't do it. You don't talk outside
14 the actual clinical setting.

15 Q. But were there scenarios, for example if someone admits
16 to a murder, taking it to the extreme, what would you
17 have done in that situation or was that just not part of
18 the training?

19 A. It wasn't part of the training. It wasn't anticipated.
20 I know nothing about being told what to do in such
21 situations.

22 Q. Presumably in the training context you might speak to
23 your consultant?

24 A. Yes -- sorry, yes, definitely.

25 Q. So the context, we would understand is it's

1 hierarchical, it's deferential and in the context of
2 Ward 1, Professor Walton's word went?

3 A. Yes.

4 Q. And whilst you might disagree with it, you couldn't
5 successfully challenge it?

6 A. Yes.

7 Q. Unless he thought he was right about what you were
8 saying?

9 A. Yes, definitely.

10 Q. Did that ever happen? Did you ever change his view?

11 A. I remember no occasion of that happening.

12 Q. Thinking in terms of more specific periods, you have
13 talked about the contact you had with this individual
14 patient in the mid-1970s and then late 1970s.

15 He would be one of a number of patients or many
16 patients you would come across, but in the context of
17 this patient, as we have agreed, he'd been under
18 treatment of Professor Walton for eight years?

19 A. Yes.

20 Q. There would be, presumably, a medical file for him?

21 A. Yes.

22 Q. When you went on to the ward in the mid-1970s would you
23 read through the background fully?

24 A. Yes.

25 Q. In that regard, you would understand that he had been in

1 contact with Professor Walton after the referral from
2 South Africa to Walton --

3 A. Yes.

4 Q. -- because of his loss of employment as a teacher in
5 South Africa after he had admitted to touching eight
6 boys in school?

7 A. Yes.

8 Q. He had then, as we know, been diagnosed with
9 "homosexuality (liking for young boys)" and he had been
10 given a character disorder dependent type?

11 A. Yes.

12 Q. To be clear, you would understand there was that
13 background?

14 A. Yes.

15 Q. You would then have read, in his records, that he had
16 become an inpatient at the Royal Edinburgh under
17 Walton's care. The treatment had involved psychotherapy
18 but also some prescription of medicine?

19 A. Yes, and I noted from the record that he'd had LSD.

20 Q. Did that surprise you?

21 A. At that time LSD was sometimes used with patients for
22 therapeutic reasons, so it didn't surprise me, but it
23 seemed sufficiently long ago that I knew it wouldn't
24 happen now.

25 Q. When you say "now" --

1 A. Sorry, I mean in 1975.

2 Q. No.

3 A. It was not common practice then.

4 Q. No. But you would also have read in the medical records
5 from 1967/1968, and then follow up as an outpatient,
6 that the patient, notwithstanding the background, had
7 gone into teacher training and had then gone to the
8 Edinburgh Academy and then, prior to your involvement,
9 moved on to Fettes. Is that correct?

10 A. Yes.

11 Q. Did that surprise you, given the context of his original
12 admission?

13 A. I actually do not remember, which might mean that it was
14 commonplace, but I cannot say what I would feel now
15 about that, because I genuinely do not remember.

16 Q. Right. Do you remember this patient in any detail or is
17 it just one or two episodes that stick in your mind?

18 A. I only remember the details that I'm sure you'll ask me
19 about, about my interaction with him, which is why
20 I remembered him to this day when this request came
21 forward. Other details I do not remember.

22 Q. So you are reliant --

23 A. I'm reliant on the case notes completely.

24 Q. Just while we are on the subject, we would understand,
25 and we have heard this already, that there was as well

1 the input in terms of psychotherapy, there was also
2 psychological input, which I think as you say was more
3 geared towards the sexual side of his behaviour. Is
4 that correct?

5 A. That's what we were told, yes.

6 Q. There would have been records, but they can't or haven't
7 been recovered. They don't seem to be recoverable?

8 A. No, and in the case notes although it's mentioned
9 I think three times that he was receiving behaviour
10 therapy, there is no report of that. There is only
11 report of personality testing.

12 Q. Yes.

13 A. Which psychologists did.

14 Q. Yes.

15 With that distinction in mind, what did you
16 understand when you first met the patient in 1975 you
17 were treating?

18 A. I was told that our focus was on improving and helping
19 the healthy bits of him, whereas the psychologist would
20 be dealing with the bad bits of him, the paedophilia.
21 Our task was to help strengthen the other side to make
22 him better.

23 Q. What were the positive sides?

24 A. The positive sides were that he was a very good teacher
25 and that he certainly benefited, it was said, from the

1 first admission by managing to get married and our task
2 was to help the marriage, which was under some
3 difficulty, and to help him remain in his job as
4 a teacher, because that was seen as positive for the
5 pupils because he was a good teacher.

6 Q. When you say "all of this was thought", whose thinking
7 are you describing?

8 A. That came from Professor Walton.

9 Q. Again, speaking generally, would you agree that looking
10 through the notes, there is a constant which is at no
11 stage does he stop fantasising or thinking about boys?

12 A. No. It says sometimes it was less, but he never says
13 it's completely gone.

14 Q. I think we've heard reference, this is with two other
15 doctors, that at times he was saying he never will and
16 that was his dominant interest, the context being that
17 Professor Walton seemed to be trying to guide him
18 towards more heterosexual adult behaviour by having him
19 form grown-up relationships and in particular get
20 married?

21 A. Yes, that was the focus.

22 LADY SMITH: And this was eight years after he had first
23 started being treated by Professor Walton?

24 A. Yes.

25 LADY SMITH: The interest in little boys had not gone away?

1 A. No.

2 MR BROWN: To be clear, from the medical records it is
3 apparent that he acknowledges contact, not just
4 thoughts, with little boys, at the Edinburgh Academy and
5 also at Fettes?

6 A. It was put in terms of mild, minor, just fondling.
7 Nothing more graphic than that. And this was the first
8 person I had ever seen or have seen with paedophilia, so
9 I think, like everybody else, we accepted that wasn't
10 a big issue, because it wasn't being seen as a big
11 issue.

12 Q. In terms of the treatment that he's been getting for
13 eight years, it's not been seen as a big issue by
14 Professor Walton?

15 A. No.

16 Q. Who, in the knowledge, that having been referred after
17 abusing in South Africa, he is abusing in both schools
18 he's taught in, and yet the treatment goes on without
19 question?

20 A. Yes, and the term "abuse" was never mentioned from the
21 case notes, as I recall.

22 Q. No.

23 LADY SMITH: Of course the extent of his sexual interference
24 with little boys was dependent on what he told
25 Professor Walton?

1 A. Exactly, and it was never asked systematically or
2 recorded what, when, where. No, it was only
3 Professor Walton's.

4 LADY SMITH: Am I also right in thinking that nowhere in the
5 records do we find it being allowed for that the patient
6 may be underreporting his activities with children?

7 A. There is no mention of that, no.

8 MR BROWN: Again, we have all read the records. You have
9 read them again I imagine a number of times. What seems
10 to be clear is there are repeated references saying he
11 won't give details.

12 A. I don't recall that bit, to be honest.

13 Q. I think there is certainly -- I can think of two --

14 A. Oh, no, I accept that.

15 Q. But the other striking thing about it, is his views or
16 reported accounts seem simply to be taken at face value.
17 There is no challenge?

18 A. I agree, yes.

19 Q. Does that surprise you now?

20 A. Completely.

21 Q. Can you explain why that would have been?

22 A. I think part of the ethos that was positive about
23 psychotherapy was that you really listened and you were
24 on the side of the patient and that therefore might not
25 have been challenged by the trainees because of the way

1 Professor Walton put it. It was you had to really
2 listen and what the patient said was paramount.

3 Q. Again, to be clear, I appreciate this is a training ward
4 where the trainees are engaging with the patients, but
5 would we understand Professor Walton would be engaging
6 with patients, and particularly this patient, on
7 a weekly basis, if he was an inpatient?

8 A. As an inpatient it would be weekly or more than weekly.
9 Certainly he would be discussed in the group that Walton
10 took and in the ward rounds and individual case
11 interviews.

12 As an outpatient, it is noted he had co-attended
13 with a number of people and in the letter from the
14 lawyers in 1978, contacting me for a medical report,
15 when he hadn't been seen for a while, the lawyer states
16 that Iain Wares had told him that Professor Walton had
17 seen him personally for two years over the period of
18 outpatient work.

19 Q. So the constant --

20 A. He was constantly involved and the letter from the
21 parents thanking Professor Walton did say thank you for
22 your personal attention.

23 Q. Was that level of a personal attention, thinking more
24 broadly, common to all patients or was there particular
25 focus for this one, do you think?

1 A. Not for all patients. I know of no other, but again my
2 memory for that time and details, but I would say it
3 didn't happen. But again my memory, I don't want to say
4 things that I don't remember properly.

5 Q. Although in context we understand that this is a private
6 referral?

7 A. Yes.

8 Q. Because of social connections?

9 A. Yes.

10 Q. South African connections?

11 A. Yes.

12 Q. Mutual friends of the patient's family and
13 Professor Walton?

14 A. That's clear, and I remember that.

15 Q. So it seems to be personal attention might make sense in
16 that context?

17 A. Yes.

18 LADY SMITH: Just to clarify one point, was the patient
19 an NHS patient?

20 A. Yes.

21 MR BROWN: Initially?

22 A. Always.

23 Q. Always?

24 A. Well, I don't know if he was seen privately as well.
25 I know he was seen in the NHS. He could have been seen

1 in university offices, though patients were not normally
2 seen there. At that time the concept of private
3 patients wasn't really around in Edinburgh, so
4 I wouldn't have thought of it, but that's where the
5 notes would have been better, but certainly there were
6 not notes recorded of Professor Walton seeing him.

7 Q. There were not notes?

8 A. They were not recorded.

9 There was a note that he had seen him in terms of
10 the dealing with the school, but I don't think
11 there's -- there's certainly not a regular note of
12 appointments with Professor Walton. I was surprised on
13 reading through the notes to learn from the lawyer's
14 letter that Professor Walton had been seeing him
15 personally.

16 Q. Yes. But going back to the underlying hypothesis behind
17 the positive treatment that you've discussed, that you
18 were following Professor Walton's leads on, you say:

19 "Perversely it was considered that having
20 paedophilic tendencies could actually make you a good
21 teacher."

22 A. He was clear about that.

23 Q. That was Professor Walton's viewpoint?

24 A. Yes, and he misused some psychoanalytic theory to
25 justify that.

1 Q. Do you say that with hindsight or did you think that at
2 the time?

3 A. I was very puzzled, but accepted that this man knew
4 things that I didn't, about the theory and background.

5 Q. With what you know now, what are your views?

6 A. I think he misused the concept of sublimation and that
7 this -- my view now is that that was completely wrong.

8 Q. I think your words are, "I'm appalled that he was
9 encouraged to return to teaching".

10 A. Yes. Yes.

11 Q. There seems to have been simply no consideration of
12 child protection, and that's going back to the 1960s?

13 A. None at all.

14 Q. Again, to put matters in historical context, was child
15 protection something you were taught about at university
16 or in medical training?

17 A. No.

18 Q. One might say -- as a matter of common sense -- if you
19 have a paedophile, putting him in a school is one of the
20 most extraordinary things you could conceive of?

21 A. I completely agree.

22 Q. And yet from 1967 up until the point you come as the
23 next trainee in 1975, that seems not to have entered
24 anyone's head?

25 A. All I can think of, is that it was more acceptable in

1 terms of the population that this is what happened at
2 boarding schools. That's the only -- the sense that so
3 many of us who were intelligent, educated and caring
4 about patients could tolerate that, has to mean that not
5 just Professor Walton's position, but it had to be
6 somehow more acceptable than you would ever consider it
7 now.

8 Q. Although in context in terms of the notes, as you've
9 pointed out, everything is downplayed?

10 A. Yes.

11 Q. It's minor?

12 A. Yes.

13 Q. And this approach has been going on for seven years or
14 eight years and you --

15 A. Yes.

16 Q. -- go on to your six-month rotation on Ward 1, and it
17 seems to have been the normal?

18 A. Yes.

19 Q. In context, in 1975, where you come in, we would
20 understand that the patient is back in as an inpatient?

21 A. Yes.

22 Q. So far as you understood things, what had triggered his
23 return as an inpatient? What was the particular
24 problem?

25 A. The main thing that did get emphasised, and I think

1 relates to that, was his alcoholism. That his
2 alcoholism and problem handling that was behind what
3 happened with the boys as a cause and as an effect, in
4 terms of when he drank it made him give in to his
5 fantasies and then he would be depressed about what he'd
6 done so he would drink again. And the idea was that if
7 you stopped his drinking he would be more able to
8 control the impulses.

9 Q. Yet alcoholism wasn't a feature when he was first
10 referred in 1967?

11 A. No, but it does crop up continually and Professor Walton
12 previously did have an interest in alcoholism and wrote
13 a book about it.

14 Q. So this was another of his particular focuses?

15 A. Yes.

16 Q. You have psychotherapy which is the treatment he wants
17 to pursue with this patient, who also is of interest to
18 him because there is alcohol issues?

19 A. Yes.

20 Q. Although I think it's only in 1975 that there is
21 a formal diagnose for alcohol. For the previous eight
22 years that hasn't been in place?

23 A. Yes.

24 Q. When you first came across the patient in 1975, were you
25 aware that there had been recent complaints about him at

1 Fettes?

2 A. I don't remember. If it's in the notes I did, but now,
3 looking back, I don't remember.

4 Q. Because I think, as you know, we will come to discuss
5 the approach that was taken by Professor Walton, dealing
6 direct with the school?

7 A. Yes.

8 Q. And I'll ask you for your views on that.

9 But you have touched already, and this is when we
10 come back to it, the reason you remember this patient is
11 not so much because of the patient, but because of the
12 way Professor Walton treated you --

13 A. Yes.

14 Q. -- which stands out in your memory. Tell us about that.

15 A. The patient, in my individual interviews with him on the
16 ward, was behaving towards me in a very sexualised way
17 that was very frightening. Not so much in terms of
18 concrete things that sound very bad, but he kept going
19 on about my make-up, my nail varnish, how I looked, and
20 it was very disturbing in the way he looked at me.

21 Q. Just in context, was this an early meeting or the first
22 meeting, do you remember?

23 A. I don't remember, except my view in thinking is that it
24 was not the first meeting, that it developed over two or
25 three weeks.

1 Q. What sort of impression had you formed of him to begin
2 with? We have read that he is described by Walton in
3 the most glowing terms as being a good man essentially.
4 What do you remember of him?

5 A. I don't remember, except that I do remember being very
6 surprised when I looked at the notes of having no memory
7 of him being this kind, helpful, interested, hard
8 working, in therapy terms, person. But I don't have any
9 concrete memory of the past until I remember the
10 occasion we're going to talk about.

11 Q. And I think, to be fair, we can see this in
12 PSS-0000025851, which is the inpatient notes from 1975,
13 at page 5. If we just stay to the top half of the page,
14 please. These are the discharge notes. They'll appear
15 on the screen in front of you.

16 A. Yes.

17 Q. This is you reflecting on the relationship you had had.
18 I think we would understand that he had first -- your
19 first contact with him is on 2 July 1975?

20 A. Yes.

21 Q. And he left the hospital I think later that month?

22 A. I think the next month, yeah.

23 Q. Yes. So the discharge note, you write:
24 "Iain's relationship with me passed through several
25 stages. Initially he was clearly guarded and anxious

1 and eventually was able to describe his fear of my
2 sexuality in particular the fact that I wore make-up and
3 had dark nail varnish. He related such things to his
4 fantasy of a prostitute and his fear that if he became
5 'normal' sexually that he would end up out of control
6 and indulging in such activities."

7 What are the activities he was referring to?

8 A. I don't recall. What I mainly remember is the way he
9 looked and came across to me more than the concrete
10 details.

11 Q. Tell us about that.

12 A. Except for my appearance kept coming up and up and up
13 and to him that was more like a prostitute or that
14 I wanted him or something like that.

15 Q. What was your emotion?

16 A. I was frightened. I was disturbed. I was out of my
17 depth. I hated it.

18 Q. What did do you about that?

19 A. I went to Professor Walton and told him.

20 Q. Thank you.

21 A. And asked what should I do? I was worried that I had
22 done something and it was true that my nail varnish had
23 triggered something, should I just stop wearing nail
24 varnish? And Professor Walton said on the contrary,
25 this was excellent, that the patient had at last shown

1 a greater interest in women and given it was such
2 progress in therapy, no way should I do anything
3 different.

4 Q. So your distress --

5 A. I was extremely distressed.

6 Q. -- was simply ignored?

7 A. I was ignored. I think it was worse than that. I was
8 ticked off, denigrated, for suggesting that something
9 was bad, when in fact it was a sign of progress.

10 LADY SMITH: Am I to take it then, 'Frances', that what
11 Professor Walton was expecting was that you tolerate
12 this conduct towards you, that you found frightening and
13 distressing, because he thought that would help his way
14 of treating the patient?

15 A. Yes, and that it was almost as if it was my fault for
16 not tolerating it, you know, and for me being the only
17 woman in that context, I was left very unsupported.

18 LADY SMITH: One other thing I saw from that note that it
19 was recorded that Iain Wares had had a fight with
20 Professor Walton on the ward. Can you recall whether
21 that's a reference to a physical fight or a verbal
22 fight?

23 A. It would be a verbal fight.

24 LADY SMITH: Verbal fight, thank you.

25 MR BROWN: I think returning to the way you were thinking,

1 to look at the words you use in the statement, his
2 response was demeaning, not helpful to you, but also
3 probably not to the patient, because you think the whole
4 method was wrong because it was bringing into question
5 his aim of developing sexual feelings towards women and
6 yet the sexual feelings that he's encouraging you to
7 bring out might fairly be described as entirely
8 unhealthy.

9 A. Yes. I felt that what I was describing was important
10 information about the patient, that should therefore
11 change the attitude and the form of treatment and
12 I thought that encouraging saying that -- encouraging
13 him to get relationships with women might be sensible,
14 but that if the relationships and his feelings about
15 women were what he showed me, that was not acceptable
16 and that there was no cure to paedophilia by making him
17 turn into an abuser of women.

18 Q. No. Put in short, it would have no effect on his desire
19 or interest for young boys?

20 A. That I seriously do remember, the sense that things were
21 badly wrong if it was seen as positive the way he made
22 me feel.

23 Q. Yet when you do flag that up you are dismissed?

24 A. Yes.

25 Q. Could you have done anything about it, given the culture

1 that you were working in?

2 A. I don't think so. I reflected a lot obviously in terms
3 of this Inquiry: what could I have done better to stop
4 it? I cannot think of what I could have done.

5 Q. Was the physician superintendent --

6 A. Yeah, I thought of that, but that wasn't really his
7 role, you know. To go behind one consultant's back to
8 another consultant, it wasn't really done. And, again,
9 I was still facing the fact that I was being told I was
10 wrong and I was sufficiently in tune with the fact:
11 consultant knows best. I kept thinking, well, maybe
12 I was wrong, even though I knew I wasn't, but that was
13 my way of dealing with it. My impotence really in terms
14 of handling it.

15 Q. The patient is discharged and is then treated as
16 an outpatient?

17 A. Yes.

18 Q. I think as we know, or we'll cover shortly,
19 Professor Walton remains optimistic --

20 A. Yes.

21 Q. -- about his treatment plan for this patient?

22 A. Absolutely.

23 Q. He never questioned it?

24 A. No, not that I recall.

25 Q. The reason I highlight that is you, we know from the

1 notes, were seeing him occasionally, this is
2 PSS-0000025879, these are the outpatient notes from
3 1975.

4 A. Yes, I saw him monthly, September, October, November and
5 in December there was a crisis and I saw him four times,
6 along with Professor Walton on one occasion.

7 Q. The crisis, again reading short, is he's drinking again?

8 A. Yes.

9 Q. His wife is frantic?

10 A. Yes.

11 Q. His GP, as we know, contacted you?

12 A. Yes.

13 Q. And both he and the wife said essentially the treatment
14 was utterly irresponsible?

15 A. Yes.

16 Q. Allowing the patient to teach?

17 A. Yes.

18 Q. They were both angry and you make the point they seemed
19 to be working together. The reference to the meeting of
20 10 December 1975 is on page 2. If we go to the second
21 half of that page, there is reference to the interview
22 with Iain:

23 "Has started drinking. Not excessive ie two pints
24 three times a week. Rosemary distant."

25 And reference to her perhaps being responsible

1 because of her lack of interest, which makes life more
2 difficult for him:

3 "More boy fantasies. No acting out. School
4 atmosphere difficult."

5 You were joined by Professor Walton, who tells the
6 patient firmly he must stop drinking, acknowledging this
7 is difficult:

8 "... but also firmly told him he should not give up
9 teaching, unless he is thrown out."

10 A couple of things from that. The reference to
11 drinking, would you accept it appears to diminish what
12 was actually going on?

13 A. Yes.

14 Q. Is the classic, perhaps in the general context, how much
15 do you drink a week the GP asks and it would appear
16 almost everybody lies, the same as here?

17 A. Yes.

18 Q. You know there is a crisis because he's drinking far too
19 much and yet there is minimisation?

20 A. There is complete minimisation.

21 Q. And there is then referral of blame?

22 A. Yes.

23 Q. But acknowledgement that he's fantasising more, but is
24 of course not touching?

25 A. Yes.

1 Q. Perhaps now it's easier not having Professor Walton in
2 the room, but would you agree that this account might be
3 one that should have been tested?

4 A. I completely agree and I don't know whether I was naive
5 or I was accepting the given wisdom. Now I think it's
6 dreadful.

7 Q. Yes. But the encouragement is clear --

8 A. Very clear.

9 Q. -- from Professor Walton. He is to remain teaching.
10 And we know, and have looked at these records, that
11 Walton then took matters in his own hands, as it were,
12 and spoke to the rector or the headmaster of Fettes?

13 A. Yes, I see looking through the records that was after
14 I had actually left the ward, the following month, yes.

15 Q. So you were away?

16 A. I'm away.

17 Q. Were you aware he was going to do that?

18 A. Concretely, I cannot remember. But I don't think so.
19 I can't imagine I would have. That would have been part
20 of my memory, because that time since the incident with
21 me I was very concerned about the whole aspect of the
22 way we were treating the patient and his sexuality.
23 I was particularly concerned that his sexuality was very
24 perverse and that should be the major focus.

25 Q. But Professor Walton is undaunted by any of this and

1 presses on with his optimism?

2 A. Yes.

3 Q. And his high regard for the patient?

4 A. Yes.

5 Q. We know, and you have read the record, that after

6 contacting Chenevix-Trench, Professor Walton records

7 that any prospect of dismissal has been removed and he

8 will be kept on without limit of time. I appreciate you

9 had gone away on to the next rotation by this stage, but

10 looking at it now, how would you comment on that?

11 A. I think it's abysmal, appalling. It takes my breath

12 away that this should have happened. Irrespective of

13 the culture at the time and the acceptance, this is more

14 than just accepting something. It's positively putting

15 the patient at risk, therefore, the children at risk.

16 Q. You also comment to be fair on the way his wife was

17 treated at this time?

18 A. Looking back, I feel very ashamed that I was part of

19 treating this woman in that way. I don't care actually

20 if she was difficult and hard to handle, that's part of

21 psychiatry, that you work with people. You don't expect

22 everybody to be kind of nice and obedient and I think

23 she had every right, and thank goodness she did, to

24 argue against him being with students, with -- sorry,

25 pupils and her information, which was vital, was not

1 listened to and a bit like the experience with me, not
2 only was she not listened to but she was denigrated for
3 it. She was told it was her problem.

4 LADY SMITH: 'Frances', a few moments ago, under a reference
5 to Professor Walton approaching Chenevix-Trench and
6 persuading him to keep the man on, you said that it was
7 "positively putting the patient at risk". Tell me what
8 the risk to the patient was.

9 A. The risk to the patient was that he act out. I don't
10 think it was in his interest in the slightest to do what
11 he did, so from a patient perspective it was appalling
12 for him.

13 LADY SMITH: Even putting the children to one side, the
14 patient should have been protected from himself?

15 A. Exactly.

16 LADY SMITH: Mr Brown.

17 MR BROWN: Thank you, my Lady.

18 Your training continues?

19 A. Yes.

20 Q. But you return to the ward in 1978/1979?

21 A. Yes.

22 Q. Is this for another six months?

23 A. I can't remember. The notes don't detail it at all.

24 I assume it to be for another six months. The senior
25 registrar rotations I think were the same as the

1 registrar ones, and by this time as a senior registrar
2 I had rotated round other specialties again.

3 Q. Can you remember how much contact, as a matter of fact,
4 you would have had with this patient in that second
5 period?

6 A. He was no longer an inpatient, so I think I really had
7 no contact until the time when I was acting consultant
8 and I got the letter about him. I was attached to
9 Ward 1, but when you went there you did not take on --
10 as senior registrar you did not take on the outpatients,
11 but by that time he was no longer an outpatient.

12 The notes are a bit tricky, but it does seem that
13 he, from February 1978, I think, he wasn't seeing
14 anybody, except maybe Professor Walton, because we don't
15 know that, but none of the other trainees.

16 Q. But your involvement at this stage is because you're
17 asked --

18 A. Because I'm asked to. And because Professor Walton
19 wasn't there, therefore when the request came in it
20 would come to me.

21 Q. Now, this is because he is being charged with
22 drink-driving?

23 A. That's right.

24 Q. In terms of the background, you are asked essentially by
25 his solicitors to write a reference on his behalf?

1 A. Yes.

2 Q. We have the letter. You have seen the letter and again,
3 putting matters short, it makes a positive
4 recommendation for essentially leniency?

5 A. Yes. Leniency on the ground that he gets treatment and
6 I'm talking about the alcoholism, because that is what
7 court matter was about, and I didn't think, in terms of
8 confidentiality, to mention the paedophilia.

9 Q. I'm interested in that, why would you not?

10 A. Because I think I would have thought that you don't
11 reveal anything about a patient that isn't pertinent to
12 what you have been asked, even in the legal situation
13 and it was his drink-driving. That is my supposition.
14 Again, looking at the letter I'm very puzzled about what
15 I did. I do note that I informed Professor Walton about
16 the request, though that isn't in the notes, but there
17 is a note of him thanking me for telling him and
18 offering his help to contact him.

19 And so I then saw the patient for the first time
20 over the three years or whatever and after that made
21 that report, which again Professor Walton thanked me
22 for.

23 So somehow I managed to get in touch with
24 Professor Walton. That is a mystery to me when I think
25 he was on sabbatical, but I did, and now I'm puzzled

1 that I wrote the letter, because as a trainee you did
2 not write letters to lawyers and you tended not to
3 certainly ask for leniency. You might say:

4 "We are available for treatment and continuing
5 treatment, because of our concern about this man."

6 I think that's probably, unless you have specific
7 questions, that's all.

8 Q. I think the point is we also have the record that
9 Professor Walton came back and describes the letter as
10 "admirable".

11 A. I know. That's bizarre. Sorry.

12 LADY SMITH: I think it was actually "most admirable".

13 MR BROWN: "Most admirable", yes.

14 A. I think that's because I did what he said.

15 Q. That's what I was wondering.

16 A. Yes, and it was unusual to get such praise, especially
17 in writing.

18 Q. When you say you think you were doing what he said, do
19 you think he had input into the letter?

20 A. Yes, I do.

21 Q. Do you remember that as a matter of fact?

22 A. I don't remember it as a matter of fact, no.

23 Q. But the context is it's not a letter you would
24 ordinarily write?

25 A. I would not ordinarily write it and I was surprised

1 about it and it made sense when I read through and saw
2 that Professor Walton knew about it and praised it
3 afterwards.

4 Q. So it would seem even though on sabbatical, he is
5 exerting influence in support of this patient?

6 A. Yes.

7 Q. Should we understand that was essentially the last real
8 contact you had with the patient?

9 A. Yes.

10 Q. You are aware now and have commented upon your, my word,
11 incredulity at the way this particular patient was
12 treated, your incredulity at the absence of any concern
13 for child protection?

14 A. Yes.

15 Q. As you know, there is the potential for prosecution
16 involving many, many, many young boys who were allegedly
17 abused by this man in terms of the prosecution?

18 A. Yes.

19 Q. Would you agree that none of what is contained in the
20 petition, which sets out 45-plus charges, need have
21 happened if child protection had been thought about in
22 1967?

23 A. If child protection had been carried out well and
24 I don't know the circumstances, but I think the criminal
25 justice system, if nothing else, would hopefully have

1 managed to prevent it. I can't guarantee but certainly
2 the situation would have been very different.

3 Q. It's not the prosecution system, it's the medical
4 system.

5 A. The medical system, sorry, I didn't catch that.

6 Q. If Professor Walton had acted sensibly --

7 A. Yes.

8 Q. -- in 1967 and said, what might seem obvious, "You
9 shouldn't teach"?

10 A. I think the situation would have been different, yes,
11 I think it would have prevented things. And I think
12 that man should not have been treated in that unit or
13 even in the hospital at all generally, because it wasn't
14 a specialist unit, with the skills appropriate.

15 So sadly I think, yes, the medical treatment
16 contributed -- the lack of medical treatment,
17 appropriate medical treatment, did contribute to the
18 further difficulties that went through for these poor
19 boys.

20 Q. The treatment wasn't working, it wasn't preventing?

21 A. No way. It might have made it worse by condoning it, by
22 appearing to condone it.

23 Q. But it could all have been stopped if common sense had
24 been applied. Here is a man who has abused. He
25 shouldn't be given access to children ever again?

1 A. I agree.

2 MR BROWN: 'Frances', thank you very much indeed.

3 LADY SMITH: 'Frances', we have no further questions for
4 you. Thank you so much for all you have done to help us
5 understand from your perspective what was going on in
6 1975, when you were involved with this patient, and your
7 thoughts now as you look back on that period.

8 It's evident you have given a lot of time and
9 trouble to studying these records and thinking about
10 them and thinking about the issues that are relevant for
11 us and that can't have been easy. I'm sure it's been
12 very troubling for you to look back on that period.

13 Thank you so much. It's so important. I'm sure
14 I don't need to spell out for you, it's so important,
15 not just for those who were then children, but for the
16 children of today and the children of the future that we
17 engage in this learning and thinking and your
18 contribution has been invaluable.

19 A. Thank you very much.

20 LADY SMITH: I'm grateful to you.

21 We'll close the screens again. (Pause)

22 (The witness withdrew)

23 LADY SMITH: I'll rise now for the lunch break, Mr Brown,
24 and I think I can now say at 2 o'clock we'll hear from
25 the last witness.

1 MR BROWN: The last, and the current rector of the Academy.

2 LADY SMITH: Thank you very much.

3 MR BROWN: Thank you, my Lady.

4 (1.05 pm)

5 (The luncheon adjournment)

6 (2.00 pm)

7 LADY SMITH: Mr Brown.

8 MR BROWN: My Lady, good afternoon. The final witness is

9 Barry Welsh, the current rector of Edinburgh Academy.

10 LADY SMITH: Thank you.

11 Barry Welsh (sworn)

12 LADY SMITH: Barry, I know you've heard me tell witnesses

13 something rather similar every time they sit down at

14 that seat. Everything I've said to them applies to you,

15 but if you don't want to use our red folder you don't

16 have to. I see you've just pushed it to one side.

17 Seriously it matters to me as much that you

18 understand that we do appreciate that what you are being

19 asked to do is difficult here and stressful. If you

20 want a break, you want to pause, just speak up. If you

21 have any questions, please tell us. Anything that we

22 can do to make this as comfortable for you as we can

23 will work for me, whatever it is.

24 A. Thank you very much.

25 LADY SMITH: If you're ready, I'll hand to Mr Brown and

1 he'll take it from there. Is that okay?

2 A. That's fine.

3 LADY SMITH: Thank you.

4 Mr Brown.

5 MR BROWN: My Lady, thank you.

6 Questions from Mr Brown

7 MR BROWN: Barry, good afternoon.

8 A. Good afternoon.

9 Q. The red folder, unlike everyone else, doesn't contain

10 a statement because there isn't one for you. You've

11 spent the last three weeks sitting in the public

12 gallery, listening. So you've heard what we've heard,

13 is that correct, every day?

14 A. That's true, yes.

15 Q. I think at the end you would want to say a number of

16 things in response to what you've heard and perhaps to

17 answer some of the observations by applicants who have

18 talked about the way the school has responded in the

19 past and is responding now.

20 And rather than confusing the issue, I'll just let

21 you say that as I've let others speak.

22 A. Thank you.

23 Q. However, to put things in context, unlike your

24 predecessor, the historian, you are a geographer?

25 A. I am.

1 Q. And how old are you?

2 A. I'm 53.

3 Q. You came to the Edinburgh Academy I think in the
4 beginning of 2017?

5 A. That's right.

6 Q. And then took over, as we heard this morning, from
7 Marco Longmore later that year?

8 A. That's right.

9 Q. And you came in as a deputy rector?

10 A. So senior deputy I came in as, which is ostensibly the
11 head of the senior school, and then Marco announced his
12 departure almost in the first week of arriving -- I hope
13 it wasn't personal -- and then he departed in June/July
14 and I took over as rector in August.

15 Q. Okay. So that's what I was going to ask. It wasn't
16 part of a grand plan?

17 A. Not at all, not in the slightest.

18 Q. When you took over from him, you'll remember I asked him
19 the same question this morning, you had been at the
20 school under a year. Were there things coming in as
21 a fresh pair of eyes that you thought required to be
22 changed?

23 A. I think that's the doom of anyone coming in initially
24 into a senior position in a school thinking that's the
25 first thing they do is -- you are asking for trouble if

1 you do that. You wait and you look and you work out how
2 the system's working or how the school's working, what
3 are the good bits, what are the bits that need tweaking,
4 so I wouldn't have said that was instantaneous. That
5 was a process of living it and seeing what was going on
6 and then thinking: where do we need to focus on in the
7 next wee while?

8 Q. All right. Thinking in terms of what concerns us in
9 particular, child protection, the prevention of abuse
10 going ahead. Having had the time to look and reflect,
11 was there anything that you thought, given you've had
12 previous experiences I think in a number of schools --

13 A. Yes.

14 Q. -- we can read your bio on the website?

15 A. Indeed.

16 Q. Both day and boarding?

17 A. Mostly board -- the Academy is the first day school
18 I've worked at.

19 Q. Yes. Were there things that you thought actually we
20 could do better?

21 A. I think the most obvious one was the centralisation of
22 all the records. We had an interesting system whereby
23 Marco was a religious record keeper, everything was
24 photocopied, printed out, put into files and folders in
25 his office and there was a fairly huge amount of

1 duplication happening in the pastoral base with our
2 pastoral administrator also. And that seemed to me not
3 only to present an opportunity for things to fall
4 between the gap, but also a duplication of work which
5 didn't seem to make sense. So we unified the record
6 keeping with the pastoral base, allowed greater security
7 being only one set, one set of documents which everyone
8 could draw from and then we have been processing and
9 moving to a better database since I've arrived really.
10 It's been a major piece of work.

11 Q. Could you possibly bring the microphone just a fraction
12 closer. I'm hearing you, but --

13 In relation to the database you will remember
14 I asked him, and we've heard this from other schools,
15 about using technology so that information is shared
16 effectively as it happens?

17 A. Indeed.

18 Q. Potentially, to use examples we have heard, someone who
19 is looking at children in the dining hall can say,
20 "Child X seems to be distressed" so a message is passed.
21 In other words a whole picture can be painted very
22 rapidly of the potential, I suppose, for a child not
23 acting normally, at its simplest.

24 A. Agreed.

25 Q. Is that in part what you are talking about or was that

1 sort of system in place?

2 A. The system wasn't really in place electronically,
3 because the database we had didn't allow that to occur.
4 It was -- we were at the back end of using that system
5 because it hadn't been set up properly at the beginning
6 and probably our culture hadn't existed that lots of
7 detail was being put on in that manner and it's not
8 a user friendly system.

9 That was the driver for us to move to the new system
10 that we now have, which is much more user friendly and
11 we can start again, if you like. There was lots of
12 paper and paper files were kept so if we had
13 a well-being file or we had a child protection concern
14 then our child protection officers would be holding
15 those, but they'd normally be held under lock and key in
16 the offices and then the pastoral administrator would be
17 working very closely with that child protection officer.

18 But -- a lot of the information sharing certainly in
19 2017/2018 when I first arrived was done in group
20 meetings with the pastoral team. They'd be bringing --
21 the head of the child protection office would be coming
22 in and saying, "Okay, well these are the people that we
23 have previously had on the scope last week, and let's
24 just have updates on here", they would go round the
25 room, the head of each year or head of each section

1 would say, "Okay, this is the work I've been doing in
2 this area". Further notes would be taken and then that
3 would then come back to the next meeting.

4 We have, in the last two-and-a-half years or so,
5 moved much more electronically to that, whereby members
6 of staff can fill in a well-being concern electronically
7 from their desk in their classroom and then instantly
8 the people who have shared access to that can see that
9 and that's a significant improvement.

10 Q. You describe it very clearly, I suppose you say it's
11 a great improvement. Age reflective anxieties about
12 technology, one can sometimes be deluged with -- one
13 thinks of when you open the computer in the morning and
14 there are far too many emails and you sigh. Do you
15 think there is a risk in having so much sharing of
16 information or does the system cope with that and filter
17 out?

18 A. I think Marco alluded to the change that he brought in,
19 which was time. Teachers don't have time. They're
20 racing -- and Tony Cook referred to it also, they are
21 racing from lesson to activity to potentially starting
22 a trip at the weekend and so -- for people to be
23 genuinely engaged in pastoral work you have to give them
24 time and so the way that we are now apportioning time in
25 the timetable, the members of staff who have

1 a significant pastoral responsibility don't have as much
2 face-to-face teaching, and certainly the ones at the top
3 end of the pyramid if you like may be only teaching one
4 particular class and the rest of their day is then
5 devoted to pastoral work. That is a significant
6 investment, which was predominantly driven from Marco.

7 Q. Thinking of your past experience in other schools,
8 comparatively -- I'm not being critical, I'm just
9 interested -- was Edinburgh Academy, say in terms of
10 technology you have just described, behind the curve and
11 has caught up or --

12 A. No, I would say it was doing things in a very similar
13 manner. So I had been at three boarding schools prior
14 to that and the -- certainly when I was running my own
15 boarding house the evening conversations I was having
16 with the tutor where he or she was handing over their
17 notes of the conversations they have had in the house,
18 I would then be keeping in my house records in my
19 pastoral records about the heartbeat of the place, what
20 was being reported to me from individual conversations.
21 A tutor coming into the boarding house would have 12 or
22 13 conversations in an evening, one to one with the
23 students, either in their room or in a communal room,
24 but all that's good intelligence, good pastoral work
25 requires lots and lots of intelligence. And the only

1 way to do that is hundreds and hundreds of
2 conversations.

3 Q. Just touching briefly on boarding houses, the
4 Edinburgh Academy obviously gave up on boarding long
5 before your time and just before Marco Longmore's time.
6 Having sat and listened to accounts of the boarding
7 houses or some of the boarding houses at the
8 Edinburgh Academy, and in particular the appointment
9 system as housemaster, what were you thinking when you
10 heard this?

11 A. I oscillated between a smile in a sense of familiarity
12 and utter shock, and I'll say why. My first job was at
13 Harrow and the bill book as it was called then, the list
14 of staff by longevity of service was the bill book.
15 That is what happened. And you wouldn't be even
16 entertained for an idea of having a house until you had
17 probably done 16 or 17 years in the school, until your
18 name got up to the top of the bill book.

19 After my first year in the school, a new headmaster
20 came in, instantly tore up that idea, caused utter
21 carnage in the staffroom because people had been there
22 for a long period of time. So I had knowledge, personal
23 knowledge, of that system having operated in my working
24 life. So I know that was the case. That's how people
25 did get those jobs.

1 Q. How far back are we going?

2 A. 1996/1997 would have been my first year in Harrow and
3 Barnaby Lenon who then took over, and is now head of
4 ISC, it was the first thing he said:

5 "That is just ridiculous. What does longevity have
6 to do with the ability to interact with young people?
7 It makes no sense."

8 LADY SMITH: Barry, do you recognise what we've heard about
9 the potential attractiveness of the role from
10 a financial point of view?

11 A. Enormously.

12 LADY SMITH: And that may be weighing with any decision
13 about what system you would operate, whether, as it's
14 been referred to colloquially, Buggin's turn or not.

15 A. I'm not sure -- teachers aren't driven by financial --
16 always driven by financial concerns, because we wouldn't
17 be in teaching if we were. There's other ways to make
18 far more money. There are all sorts of things, there's
19 prestige, there's the process of leaving your mark in
20 history, of having your name on a board above a door,
21 that you were the housemaster of such and such a house
22 and you took over after this individual and people are
23 motivated by that.

24 And you fall in love with the place, you fall in
25 love with a school and you want to stay there and leave

1 your little mark in there. And so I think there's more
2 complexity to the term Buggin's turn than perhaps we've
3 covered.

4 The flipside of that was a notifiable and measurable
5 almost skill set that that individual would have to have
6 to be a successful houseparent, and I use that rather
7 than "housemaster" because it's very male based and
8 I use the word "houseparent" because it's much more
9 appropriate for the work they should be doing. They've
10 got to care and they have got to want to talk to kids --
11 sorry, children. If they don't want to do that, they
12 shouldn't be in the job and the reality is that you are
13 probably spending far too many hours in every single day
14 trying to have accidental conversations with kids, so
15 you are finding out what's going on and if you are not
16 motivated by that, you're not doing the job.

17 MR BROWN: A number of things from that. Specifically,
18 being a houseparent, if it's being done as you describe
19 it, properly, it must be a very onerous task?

20 A. I found it the most rewarding job I've done in teaching
21 so far.

22 Q. That may be but presumably it was a burden as well,
23 a happy burden perhaps?

24 A. I wouldn't describe it as a burden.

25 Q. It's just back to the time factor. It's allowing -- you

1 have talked about pastoral teachers having the time to
2 do the pastoral job as opposed to say teaching as well.
3 Do houseparents require the same consideration, they
4 have to have time?

5 A. Very much. Very much. School life is regulated by
6 bells and as the bell nears you speed up. There is
7 a certain amount of work you want to get done before the
8 bell rings and so everything speeds up and then you get
9 it done and then that group of students will walk off
10 and someone else comes in.

11 Pastoral work is not like and it gives you the
12 ability when you are suddenly having conversations that
13 are really important to deep dive, to actually spend
14 some time trying to sort that out. You have to set up
15 a system around you where others can cover the running,
16 as mail arrives, newspapers get delivered, the house
17 assemble for a roll call, they disappear off to their
18 lessons, but ultimately when there is conversations to
19 be had, you have to create the time for that.

20 LADY SMITH: Barry, you seem to be giving me the impression
21 that modern thinking fortunately is that pastoral care
22 is not an add-on, an extra to other responsibilities
23 a member of staff may have. It has to be recognised
24 that it's a key aspect of a child's welfare.

25 A. I think for us you sort the pastoral before you sort the

1 academic. If you sort the pastoral, the academic comes
2 after. That is a given. You hope to staff a school
3 with some sensational teachers who can teach to a really
4 high level and connect with kids. You expect to put
5 that system in place.

6 LADY SMITH: Would I be right in thinking that your approach
7 is if you sort the pastoral then the child's ability to
8 learn will flow from that, as will the child's ability
9 to cope within a boarding situation, being away from
10 home and the challenges of living in the boarding
11 environment away from home?

12 A. Yes. If you sort the pastoral, everything else follows.
13 Their engagement in everything. And I also mean now in
14 a day school when they walk outside the gates they carry
15 on with the ripple from what you've left in your
16 pastoral work. They move to the side of the pavement
17 when they see someone coming towards them. They have
18 the ability to open a door or close a door, to say "good
19 morning", to look someone in the eye. That sort of
20 engagement as a young person is vital and if you don't
21 get that you can't get the academics. I firmly believe
22 that.

23 LADY SMITH: Is this also an aspect of the need to take care
24 of a child's mental health as early as you begin any
25 engagement with a child.

1 A. So even in my experience of teaching, the mental health
2 piece and discussions about mental health has
3 significantly changed. As I said, 1996 was the first
4 time I started teaching. Conversations about mental
5 health at that point weren't significant. We didn't
6 spend a lot of time talking about that.

7 Now, actually, the conversations are more about that
8 and they are probably more impactful conversations than
9 they are about let's say what set of maths someone goes
10 into, because actually -- and again it's the piece
11 I've had an emotional response to, where people in the
12 bottom sets were given the worst teachers.

13 Actually, we look at things now, which is we
14 probably put our best teachers who have a particular
15 skill set in the sets that are smaller and need the most
16 care and attention and needs the ability for that
17 teacher to get that the kid in front of them isn't
18 getting that subject. It's fundamentally a different
19 process and approach.

20 For any school to have done that, to have put the
21 worst teacher in front of the supposed bottom set is
22 appalling. Absolutely appalling.

23 LADY SMITH: Thank you.

24 Mr Brown.

25 MR BROWN: Thank you, my Lady.

1 Just sticking briefly though with boarding house
2 experience briefly, we are talking about pastoral care
3 in the broad sense, including the boarding house. It
4 might be said that in the past -- I don't know whether
5 you were thinking about this when you were hearing
6 evidence about the boarding houses at Edinburgh Academy,
7 and this is why I was using the word "burden" -- that
8 staff simply didn't have the time, they had too much to
9 do. Is that a factor in your thinking now, you have to
10 make sure, and I appreciate it's not a boarding school,
11 but thinking of your past experience, that there must be
12 adequate support for staff as well as children?

13 A. There's no question. I know -- certainly during COVID
14 there have been lots of conversations in the boarding
15 sector about how you support boarding members of staff
16 so that it doesn't become five days a week, until
17 midnight sometimes still walking around at
18 12.30/1.00 am, then into Saturday lessons, sport,
19 Sunday. It's all-consuming. We do get good holidays,
20 but it is all-consuming.

21 I'm going to say something probably that people will
22 take offence to, but I'll say it anyway. One of the
23 witnesses described Hamish Dawson and how Hamish Dawson
24 was omnipresent in the house. And I had an instant
25 bipolar response to that, because my expectation of

1 house staff is to be always in the house and I would see
2 that as a positive, but I knew I was listening to it
3 as -- because it had all sorts of negative connotations
4 to the fact that he was there for a reason and because
5 he was in the house, damage and harm was done.

6 But the boarding part of me actually and the
7 headmaster/boarder part of me went, "Well done, that's
8 exactly what you should have been doing, that's your
9 job". But having heard the evidence I know that it was
10 motivated for other reasons.

11 Q. Yes. If done for proper reasons, there shouldn't be
12 an issue?

13 A. Not in the slightest.

14 Q. But that leads on to perhaps another aspect of boarding,
15 when he was a housemaster, what was completely absent,
16 it would appear, was oversight?

17 A. Again, I find that quite remarkable. Even the job I had
18 prior to the Academy, I was in Canada, I was the Head of
19 Student Life and then the Senior Deputy. It was my job
20 weekly to have all the housemasters and mistresses,
21 houseparents we called them, around the table. We would
22 go through one by one what was going on in the house,
23 pick up sort of common themes and I would then be
24 reporting that to the head. You can't run a boarding
25 school unless you've got that level of engagement.

1 Visits from us to houses, we used to do all sorts of
2 inspections on a regular basis, probably once a month at
3 least we would be in the boarding houses, even when
4 I was a housemaster being visited by the head and very
5 often and very stereotypically the head's wife would
6 come burdening cake and treats for the kids and hugely
7 looked forward to. And so the fact there hasn't seemed
8 to be that talked about I find utterly remarkable.
9 That's just not right. It's not a surprise we're not
10 a boarding school any more. If we're doing it in that
11 manner, that's not appropriate.

12 Q. That leads on perhaps to the wider issue, thinking back
13 to appointment and you heard me asking Marco Longmore
14 this morning.

15 In terms of getting the right person, appointing
16 safely, anything to add to what he was talking about
17 this morning?

18 A. No, not really. Obviously the EDI filter that we have
19 now brought into applications, there is a huge and very
20 strong unconscious bias in the independent sector in
21 applications and I'm trying to be as open as I can here,
22 insofar as there are certain universities and certain
23 backgrounds and sorts of skill sets that we are after,
24 because we know the sorts of people that will make
25 a success and have an impact in the school.

1 So I can understand totally it used to be Oxbridge
2 dominated and you can hear that from the references and
3 the witness statements that there was inappropriately
4 ill-educated academics coming to teach, which isn't a
5 mathematical equation that was always successful.

6 The removal of those features is a really good
7 thing, because it takes out that bias. It takes out
8 that -- myself looking for a geographer who likes the
9 mountains and likes the outdoors, we have heard that
10 lots this last few weeks, a particular rector constantly
11 drawn to someone who wants to do outdoor trips.
12 I've experienced that. I've benefited from that.
13 I've no doubt that I've got jobs because of that.

14 So the entire employment process is evolving to try
15 and make it a fair and more open process.

16 LADY SMITH: Sorry, I know I've heard it and I've forgotten
17 if I have, the EDI filter?

18 A. Equality, Diversity and Inclusion.

19 LADY SMITH: Of course. Yes, thank you.

20 MR BROWN: But at a rather more fundamental level perhaps,
21 PVG checks and the sort of checks into backgrounds that
22 Marco Longmore was speaking about, social media checks.

23 A. We'll -- that does happen. You only have to see
24 newspaper articles where people are caught out on
25 a regular basis. That does happen. He was talking

1 about a system which I'm not familiar with. It seemed
2 to be slightly financial debt checks and things like
3 that, that until he said those words I've not
4 experienced that. I haven't processed that to a level
5 that that's where I would go as a school, to start
6 looking into a financial background of a teacher I was
7 about to employ, I'm not sure about that.

8 But due diligence has to occur. Proper reference
9 taking and I do agree with him that a verbal reference
10 after a written is always important for me. I would
11 like to hear the tone in which the reference is
12 imparted. That speaks a million words and often a Teams
13 call will be better than a phone call, because it's hard
14 to mask if you wanted to.

15 There are many people we work with now who will only
16 give us start time, finish time and there's no current
17 discipline issues. That's all they'll give us and
18 that's not the information that I will solely require
19 on. I want more than that.

20 LADY SMITH: Do you think of itself that could speak
21 volumes?

22 A. Yeah. That could, of course it could, yes. Again,
23 I default -- my natural north is I would rather have
24 more detail than less.

25 MR BROWN: Is there a sense that you're at a stage of

1 seniority, you will have seen and been involved in
2 appointment now presumably for many years?

3 A. Yeah.

4 Q. Is it tidal? There are trends coming in in terms of
5 references and how you respond and then it goes back out
6 and we do something else. Is there a constant you would
7 like to see?

8 A. I would like to see -- that is a difficult question.
9 I understand why the referencing process has evolved to
10 have the person that is being written about able to then
11 ask for that reference and then for that -- I can
12 understand that people are defaulting away from
13 therefore writing detailed reference because they're
14 worried about that process happening, a subject access
15 request, that reference then going to that member of
16 staff so they won't write anything negative or positive.
17 I'm uncomfortable about that, because I think it's
18 really important to have those details.

19 If we could move away from that, I think that would
20 be a good thing, but I understand why we have got to
21 that. Does that make sense?

22 Q. Sorry, was that "comfortable" or "uncomfortable" with
23 that, I didn't catch?

24 A. I'm uncomfortable with the idea -- for a school to run
25 you need to have a school filled with good people.

1 Anything that prevents good people from being hired we
2 need to get rid of and just, "Started in 1996, finished
3 in 1999, no discipline", that doesn't help me.

4 Q. It's not open and it's not transparent?

5 A. Not in the slightest.

6 Q. No.

7 Marco Longmore made reference in passing to slight
8 concerns about PVG, which is not his world any longer.
9 What about you?

10 A. Well, it's a process that we understand and we insist
11 upon. There's sometimes a delay. Normally we are
12 a term's notice and so we have sufficient time to be
13 able to do that check and we very rarely if ever hire at
14 shorter notice than that, and it's only in extremis that
15 we might. I know that notice periods in other schools
16 are considerably shorter and so that would present
17 a concern if I was in that system, but I'm not.

18 LADY SMITH: How helpful do you regard PVG checks?

19 A. It's reassurance, but it doesn't give me -- it's just
20 reassurance. I had to have an RCMP check when I went
21 over to Canada, that was the first day I landed, what is
22 the RCMP going to find out about me? It was utterly
23 pointless, but I passed thankfully and I got the job.

24 LADY SMITH: You are telling me you want more than a PVG
25 check that doesn't show up anything of concern?

1 A. If the data exists.

2 I mean ultimately if your intent is to do harm
3 you'll go out of your way to make sure you don't get
4 caught and you don't have records and you don't have
5 that following you.

6 LADY SMITH: In fairness to PVG, if it's enhanced disclosure
7 it is a means of finding out the extent of information
8 that is held by public authorities, particularly the
9 police, the soft information, if you like, but even that
10 doesn't tell you everything --

11 A. No, it's not the full picture. Not at all.

12 MR BROWN: Thank you.

13 In terms of the current state of pastoral child
14 protection at the Edinburgh Academy, the
15 Edinburgh Academy were here as part of the Fettes
16 hearings and there was information at that stage passed
17 in terms of policies and the like. Has anything
18 materially changed since then up until now?

19 A. I think we -- our transition points and they have become
20 a focus more and more, and others have talked about it,
21 have become slightly more focused and highlighted
22 insofar as those students who are moving through,
23 predominantly from junior through to senior, which may
24 be three-quarters of a senior population in the year
25 group, so I might have 72 in the top end of junior

1 school, moving to 84 at the first year in my Geits in
2 the senior school. That transition is really important.
3 We are a split campus. It has been talked about during
4 this process. That is a strength, because it gives
5 a separate identity, but it's also a weakness because
6 anywhere there is a gap information can fall through.

7 So spending time really making sure that transfer is
8 down to a very, very small level -- I'll use an example
9 because I've use ... I was involved in this last week.
10 A student's preference for responding to a particular
11 gender of staff being more proactive and more willing to
12 speak if they have a female member of staff in front of
13 them than a male and again it's been talked about a lot
14 in the last few weeks, that sort of conversation then
15 has the ability for our senior pastoral team and our
16 HoDs to say, "Have we got the right people here?" And
17 we can actually then start tracking and monitoring
18 progress with that filter.

19 Again, it's not been talked -- it was evident in the
20 information that has been presented that no one was
21 tracking and monitoring students' progress. We have --
22 they've talked so many times about students falling off
23 a cliff because of the pastoral impact and the damage
24 and harm that was done, everything else falling to
25 pieces and no one catching that. And that's been

1 a massive shock, so we do by nature spend a lot of time
2 on that and we'll continue to.

3 Q. "HoDs", heads of department?

4 A. Sorry, yes.

5 Q. Just for clarity, the wonderful world of acronyms.

6 Split campus was clearly an issue in the past,
7 because it would appear on the evidence that there may
8 not have been real knowledge of what was going on in the
9 junior school for those in the senior school and
10 potentially vice versa?

11 A. Agreed.

12 Q. Now?

13 A. Well, I mean headteacher of the junior school on the
14 executive of the whole school, so we're meeting on
15 a weekly basis. I try to get down there on a weekly
16 basis. The deputy headteacher and the headteacher of
17 the junior school are on the senior management team and
18 they've got fortnightly reports into the whole system.
19 We're a shared group. We look at things through
20 an entire lens. We talk about that all the time. We've
21 just -- we opened term this week, it seems like longer,
22 and we started down at the junior school. It made sense
23 to have all our senior school staff, if there were any
24 that hadn't visited the junior campus, right, we will
25 just start the entire year at the junior campus. It's

1 just part of what we do. There isn't that separation.
2 There shouldn't be.

3 Q. One specific issue which we have again heard evidence of
4 from current heads rather than perhaps those talking
5 about past abuse, is clearly there has been lots of
6 evidence about peer on peer, pupils abusing other
7 pupils.

8 First question, what's the current state of play
9 with that in terms of the school, in terms of preventing
10 it?

11 A. So that will never go away and the reality is -- it's
12 important to be utterly transparent, young people are
13 like a pack of dogs essentially sometimes, and I mean
14 that in the nicest way. They try to find the alpha and
15 they then descend into some sort of pecking order, and
16 that is constantly happening, constantly, in every year
17 group, all the time. Who is socially acceptable, who is
18 not, who has got access to cool clothing, who is part of
19 this team, this sport, this activity, suddenly the
20 a cappella group is very popular, so those in that group
21 get status points. I mean it's a constant churn of
22 trying to get into that pecking order.

23 The idea of them sitting in order in the classroom,
24 my God that's horrific, but that's how young people
25 operate. And so sort of trying to -- because of that,

1 there's always people towards the top, if you like, and
2 those towards the bottom. We appreciate and respond to
3 that, because that's really important then to make sure
4 we do everything we can to try to close that gap.

5 That can be done in all sorts of ways. But that is
6 inevitable and they often go through a process of 11,
7 12, 13 where it gets particularly nasty, because they
8 are going through puberty and it becomes more emotive
9 and you see it and they suddenly flair up. And they are
10 falling in and out of friendship, in and out of love, in
11 and out of groups on a daily or weekly basis and we're
12 just there to try and get them through. I often say to
13 parents, a cloud will descend and while the cloud is
14 descending we'll be there to try to steer them around
15 the rocks. Then when they get to 15 or 16 the cloud
16 will lift again and they will be amazing, but we just
17 have to be with them during that journey through the
18 cloud. And that's what being a young person is like.
19 They're always capable of the worst types of behaviour.

20 And so clear rules, there are certain things that
21 are not appropriate at all. I call it blue on blue,
22 that's a student raising their hands or fists to another
23 student in my school will be suspended. That's where
24 I'll start. They don't do that. That's not
25 appropriate. They will try, because the red mist will

1 come down and something will happen, something will
2 spark. I think Villa beat someone 5-0 last night,
3 whatever, so someone will say something in the
4 playground and there will be a stramash and it's our job
5 to go, okay, you've raised -- blue on blue is not
6 appropriate at this place.

7 And then cyber, the faceless cowardly operations on
8 a computer or an iPhone are just part and parcel of what
9 we have to do now. But it's remarkable how much of our
10 life gets taken up by that.

11 Q. That is what I was coming on to, because of course we're
12 now in a different world from what we have been hearing
13 about in terms of peer on peer and we're conscious of
14 the cyber side of things.

15 You're the most current head we've spoken to. Is
16 there anything positive to report in terms of addressing
17 that?

18 A. Well, it's like everything in pastoral, total constant
19 vigilance, being up to speed with what the evolutions
20 are, because new apps -- so the Barbie app will come out
21 on the back of the film. That wouldn't normally
22 20 years ago when I first started teaching that wouldn't
23 be a thing that we would have talked about. Now
24 suddenly we are saying that has the potential for --
25 I don't know if you are aware of the Barbie app?

1 Q. Strangely no.

2 A. If I was to take a photograph of you I could then
3 transform you to a Barbie from the film character and my
4 phone would do that and I'd very shortly have a picture
5 that I could then send to everybody.

6 That's at their fingertips. Back in the day I would
7 have had to have probably drawn that on a bit of paper
8 and it would have taken me a long period of time if
9 I wanted to do that. But now they can do that in
10 seconds and it's exciting and there's no moral
11 responsibility to it. There is no sense of: what is the
12 impact of this when I send it? I can send it to
13 multiple people, hundreds, not only in my community but
14 also outside and we are a very connected group of
15 schools.

16 Suddenly it's abuse that is spreading across into
17 different schools and sectors of Edinburgh and beyond.
18 It's quite remarkable.

19 Q. What can be done?

20 A. Really black and white responses. This is -- I'm on the
21 phone to parents on a regular basis, taking away
22 technology. They're going to be spending time probably
23 rector's detention on a Friday, which is a two-hour
24 thing where they come to sit with me. They're probably
25 going to spend some time at home if they're regular

1 repeaters. We'll always educate before we punish. If
2 I can say that I haven't educated or school hasn't
3 educated I won't go punitive first, because young people
4 just do stupid things unfortunately.

5 So I'll use the Barbie app as an example. The
6 Barbie app will come out, I may get some flurries of
7 kids using it, but they haven't had someone who is
8 responsible or an adult to direct them that they
9 shouldn't be using that in a negative manner. They know
10 they can't use technology, but they don't always make
11 the connection. I'll say to my senior team in
12 particular in the senior school, "Do we think this has
13 been educated?" We have some responsibility here that
14 we've told these kids that they shouldn't be doing these
15 things, and that's our first port of call.

16 I have a podium, a sort of a lectern on the
17 right-hand side of the stage where I tend to just talk
18 to you from normally. The kids know if I go to the
19 centre of the stage and come and stand to the front and
20 away from the microphone it's a different type of
21 conversation. At that point that's my education and if
22 they then follow on and carry on doing that afterwards,
23 then they know I'm going punitive. But it has to be
24 black and white. Kids need clarity.

25 Again, it struck me so many of the witness

1 statements about being unaware of the rules and the
2 arbitrary use of punishment. They have no idea what you
3 are doing. Kids have the strongest sense of fairness.
4 They have right or wrong. They always expect to be
5 treated fairly, regardless if they are behaving fairly.
6 And to do that without knowledge is just -- you are
7 never going to get success ever if you just do it
8 without knowledge.

9 Q. Let's turn to what we have been listening to for the
10 last two-and-a-half/three weeks, and it's accounts of
11 abuse.

12 When you took over, as part of your handover,
13 presumably Marco shared the existence of the files --

14 A. He did.

15 Q. -- and the letters going back to 2001, 2008, 2015. Did
16 that come as a surprise to you?

17 A. No.

18 Q. Why not?

19 A. Because I've been at other schools where those
20 allegations have been made and I had come from a school
21 where that was actually -- I had just lived it and been
22 in court with the member of staff as he got prosecuted.
23 It's a known and so therefore we need to be prepared for
24 it. I wasn't surprised when I saw that sort of
25 information.

1 Q. I think early on in your tenure you received a letter
2 that you had to respond to?

3 A. I did.

4 Q. If we could just look briefly at EDA-0000000183.
5 This is your response and this is from
6 February 2018, it's an email, of course, not a letter.
7 Your response is I think an email?

8 A. Yeah.

9 Q. Put simply, would you agree it's not dissimilar to the
10 letters that your predecessor wrote?

11 A. I would say it's almost exactly the same.

12 Q. Because you used his as a template?

13 A. I absolutely did.

14 Q. You hadn't been in post very long?

15 A. Well, if you scan back up to the top of the letter
16 I'll be able to tell you.

17 Q. It's February 2018.

18 A. Okay. That's my first year.

19 Q. Yes. First six months perhaps?

20 A. Yes. Started in August.

21 LADY SMITH: That was just your second term as rector?

22 A. Yes.

23 MR BROWN: I think we see that a little later on, and
24 certainly in the more recent past, if we look for
25 example to EDA-0000000191, and if we go down to your

1 reply. This is a letter we've seen already, there has
2 been contact and this is your reply:

3 "Dear Neil, many thanks indeed for your email,
4 though of course I wish we communicating on happier
5 times rather than today's current situation."

6 You introduce yourself and you say:

7 "My first hope is you will contact Police Scotland
8 and report any concerns that you have and share any
9 information you might have."

10 Then there is reference to Hamish Dawson and then
11 you go on to say:

12 "I cannot comment on what other rectors may have
13 said to you but my advice is to call Police Scotland, it
14 will help in their enquiries, as we are currently
15 doing."

16 Then:

17 "There is an active investigation underway with the
18 hope of extraditing 'Edgar', it is utterly wrong these
19 things were done and I am ashamed as the current rector
20 that these things were not dealt with immediately back
21 then, schools should be safe places and I hate the fact
22 my school was not back then."

23 Then you end:

24 "Don't hesitate to get in touch if I can be of any
25 help and provide further assistance."

1 Would you agree there's a change of tone?

2 A. Very much.

3 Q. Why?

4 A. Because I think you evolve your own style at rector. In
5 this instance I have taken over from a very
6 well-respected and highly regarded rector, who I think
7 was a process man. He knew how to do things properly
8 and was very good at policy and process and so my
9 catch-all response is okay I'm not -- I think probably
10 the first question you asked me, in my first year of
11 business I'm going to be learning and working out what
12 I'm going to be doing.

13 I think these -- I certainly have learnt this more
14 recently -- person-to-person contact, a humanistic
15 response, a human response is key. I think my first one
16 that you just showed me and then certainly Marco's ones
17 were mechanistic and I've tried subsequently and
18 certainly most recently to operate on a level which
19 I think is required for these circumstances, because
20 people need that and people respond better and more
21 fully if they're treated with compassion.

22 Q. You would recognise that the impact of what we've been
23 listening to is life long?

24 A. I think the impact of this is horrific at every level.
25 One of my takeaways from this is young teachers coming

1 into schools need to be exposed to this sort of stuff,
2 this sort of information, the three weeks we have just
3 had. It doesn't make for easy listening, worse if you
4 are experiencing it, but because the large bulk of what
5 we've heard is inconceivable. I can't imagine why
6 people in my role allowed these things to continue and
7 for young people and also our young teachers to learn
8 from this sort of process would have enormous impact.
9 Because I think it's so -- especially in modern day
10 where our young people are so protected and so cushioned
11 and we're constantly trying to make sure everything is
12 okay. The risk of that is that they become unaware and
13 they assume that these things can't happen.

14 And I'm at the back end of my career probably now
15 unfortunately and I've even got to this stage where
16 I've learnt a vast amount through this process.

17 Q. Assumption we may have gleaned is the worst possible
18 thing?

19 A. There's no question, yeah.

20 Q. Just to be clear, these are your letters. There is
21 a structure within the Edinburgh Academy, you have
22 a Court of Directors. You report to them and they, as
23 the board, give you direction?

24 A. Indeed.

25 Q. Are they with you on this?

1 A. Absolutely. My chair of the court has been here every
2 day also.

3 Q. That is what I wanted to ask. That was my impression.

4 A. Yes.

5 Q. It's not just you?

6 A. No. There's a lot of conversations been had about the
7 school being elitist and the school being rather proud
8 of itself and the school feeling that we are in some way
9 something special and that may have contributed to what
10 has occurred.

11 You can't sit through these weeks and come away with
12 that opinion. I don't have that opinion of the school.
13 I don't believe we're that sort of school at all, but
14 a significant learning that this process has done of
15 certainly the scale and the casual response, the fact
16 that they were just allowing this stuff to occur and no
17 one thought that it was wrong. I just can't process
18 that that would be okay.

19 Q. The elitist label you are talking about is now. What
20 about the past?

21 A. Well, it wouldn't surprise me that they thought that of
22 themselves. I mean certainly from the schools I've been
23 at ... I wouldn't have viewed the school as that when
24 I was in my previous position. I would never have
25 concerned that, just the way they did things didn't seem

1 to make sense. And so I'm surprised by that, but I know
2 from conversations and particularly the Oxbridge
3 comments have resonance with me, because I know that's
4 a conversation I've had to stand at the court and
5 justify why potentially we don't have so many people
6 going to Oxbridge, as if that's some sort of marker,
7 which I just don't believe it is.

8 So I don't think -- wrong -- many schools, of which
9 we are one, are not solely focused on that. There are
10 some and predominantly down in England, but not up here.

11 Q. But I think we've been provided with a couple of
12 documents and this reflects conversations that you've
13 been having with some of the applicants and one
14 attending prizegiving this year was given by you a copy
15 of your speech?

16 A. Yes.

17 Q. And this is WIT-3-000005476.

18 If we go to the second paragraph, these are your
19 words to the school, is that right?

20 A. Indeed, yes.

21 Q. "As the school prepares to attend the Scottish Child
22 Abuse Inquiry in August it is clear that this school was
23 not always a safe place and that many former students
24 were treated very badly while at the school. The
25 Inquiry will hear details from former pupils about the

1 abuse that they suffered at the hands of former members
2 of staff at the school. What we will hear will be
3 shocking, upsetting and deeply disturbing. I have
4 nothing but admiration for those former pupils who have
5 been brave enough to come forward and tell their
6 stories. Their voices have been silenced for too long.

7 "We are lucky enough to be working more closely now
8 with a group of former pupils who suffered abuse at the
9 school. Together we are determined to learn from the
10 past and do our very best to ensure that things like
11 that never happen again at the school. One of the most
12 striking things that I have felt whilst listening to the
13 horrific stories of abuse is just how powerless and
14 alone our former pupils felt, and how they felt unable
15 to come forward and tell other people what was happening
16 to them -- powerless to tell their friends, to seek help
17 from their teachers or to tell the authorities. Pupil
18 voices were not listened to and, often, pupils were
19 punished, or called liars, when they spoke up."

20 Then you go on, the paragraph after the following:

21 "Working with our survivor group therefore we are
22 introducing a new award this year to be given out at
23 exhibition from this points onwards. The Aegis is this
24 fine trophy here and I think this is a wonderful award
25 to add to these celebrations, this trophy was donated to

1 the school by former pupils from the class of 1872 to
2 1879. Around the outer rim is the inscription in Greek,
3 'Education is the mother of both wisdom and virtue'.
4 This same Greek inscription adorns the portico of the
5 main hall. I love this institution as it inspires in me
6 the importance of knowing, the importance of doing the
7 right thing. As the saying goes, doing the right thing
8 isn't always easy, in fact sometimes it's real hard, but
9 just remember that doing the right thing is always
10 right."

11 Then there is an explanation of Aegis, which, given
12 the school's tradition of Greek, is apt.

13 A. Indeed.

14 Q. This is an award which was then given to a pupil?

15 A. Yeah.

16 Q. What did the current pupils make of this?

17 A. Well, they were very pleased with the idea. Essentially
18 it's rare that we have a new award in exhibition anyway.
19 Exhibitions are the big sort of important prizegiving at
20 the end of the year. This is to bring something in like
21 that is pupil voted, so it's not bestowed upon. It's
22 a group of students will get together, they produced
23 a long list, the pupil council, it's now called pupil
24 voice, agreed a shortlist from that long list. The
25 pupils then voted and the person who got that vote --

1 person or group, it could have gone to a group, got the
2 award. So I think there is democracy there and the fact
3 we're not involved in it I think is really important.

4 Q. I was thinking more of the earlier paragraphs to be
5 honest. What did they think of the fact that the school
6 was acknowledging that abuse --

7 A. We have been talking about -- that is not the first time
8 they would have heard that. Essentially for --
9 certainly from Nicky's commentary in 2022 and the
10 newspaper articles were in the press a lot and we were
11 prior to that when we were here with Fettes. So young
12 people are really conscious and aware of what is being
13 said about them and their school and our parents clearly
14 are and so we have just had to keep talking to them.
15 It's the right thing to do. None of that has come as
16 a surprise. It's been talked about, but there is
17 an imminence, if you like, that is the end of June and
18 they were about to go off on holiday, I didn't want them
19 coming back into term this week, as it has been, and
20 suddenly remembering or suddenly finding out that we
21 were at the Inquiry, physically there.

22 It was right to make a significant point in that
23 last commentary to the school that they needed to be
24 ready for this, because -- yeah -- yeah, they represent
25 the school when they walk around and they play and

1 there's commentary between schools and if my kid --
2 I'll be very open, if my kid has to be on the pitch and
3 be called a paedo, you are from the paedo school, by the
4 other kids that they are playing sport against, I want
5 them to know why that is.

6 Q. Are you going to educate today's children?

7 A. Always, absolutely.

8 Q. With the knowledge of what went on in the past?

9 A. No question. The takeaway -- I've not been at school
10 this week and when I get back probably on Monday or
11 Tuesday there will be a deliberate desire to tell them
12 what we've been doing and why I wasn't there this week.

13 Q. I think we also know the other document that was shared,
14 and which we can see on the website, under the
15 Academical section, the first thing in the Academical
16 section is historical child abuse support?

17 A. Yeah.

18 Q. That reflects the fact that you are now working with --

19 A. It was their suggestion and I am just finding it the
20 most energising piece to actually have conversations
21 with members of the survivors' group to see things
22 through their eyes. I've been through boarding school,
23 I've not experienced that level of abuse. I sometimes
24 can't find myself gravitating to the shoes they wear,
25 because I don't have that lived experience and so in

1 conversations that I've had with them for them to --
2 I don't mean this physically -- poke me and go, "No, you
3 can't think like that, that's not appropriate. You've
4 got to think with this lens". A lot of us in schools
5 don't have that lens because we're in schools because we
6 haven't had that experience. That's why we're teachers.
7 Q. You've spent, along with the chair of the board, or the
8 Court of Directors, the last three weeks here rather
9 than running the school. You will have been reflecting
10 about what you have heard. You have already touched on
11 this.

12 A last question from me: is there anything you would
13 like to say to us or to others?

14 A. I would if it's possible, if you don't mind?

15 LADY SMITH: Please do, I'm sure I would find that very
16 helpful if you could be bothered to let us hear it,
17 Barry.

18 Thank you.

19 A. I think the overarching thing and if I was to go back,
20 and I will, to the school. The two major pieces that
21 we'll talk to the staff about is vigilance and care.
22 There are a couple of comments that have come through
23 which is, "evil has the opportunity to creep in if
24 people don't care", and we think we do, but of course in
25 the race of life it has to be constant and central and

1 always really there and vigilance and care is going to
2 be my significant push to the staff. It has been, but
3 it needs to carry on utterly and constantly.

4 There is three major pieces which I've taken away
5 from this, and as we often do now -- I think education
6 has changed for the better for it -- we centralise on
7 the impact of people. What does it feel like as opposed
8 to what is this grade certificate? And actually having
9 the lens of what it feels like is more important, it's
10 impactful, you can do more good work if you look at
11 things that way.

12 I've listened to feelings of guilt, feelings of
13 shame and enormous feelings of anger and I've had three
14 weeks listening to that and I'm lucky I've only had
15 three weeks of that as opposed to 50 years of having to
16 live it. I have nothing but a huge amount of respect
17 for the people that have had to do that. Those that
18 have sat in my seat have made that happen, that they've
19 had to live with guilt, shame and anger for 50-plus
20 years, which I think is horrific.

21 That has shaped probably every decision they've made
22 and everything that they've gone on and done in life and
23 for that to be a takeaway from a school I think is
24 absolutely horrific, it's terrible.

25 One of the witnesses talked about leaving the school

1 gates and 'starbursting', he called it, just going:
2 "that is a place I never want to visit again and going
3 off into the world and shooting off in different
4 directions." And the impetus behind that being anger,
5 guilt and shame. For a school to have that impact and
6 to leave that as a takeaway is unforgivable and
7 I absolutely understand those that sat in this seat and
8 said that they would have loved to blow the school up.
9 I absolutely get that.

10 What we can do and the way we can do it is to
11 mitigate and lessen that, I think that's really, really
12 important. There are lots of bits I think, we are
13 beginning to have that conversation and I hope the
14 confidence in each other is growing that bridges are
15 being made and connections are being made. I do think
16 it's a quite a unique situation where we have such
17 a highly motivated and such an organised group of former
18 pupils who are working so positively together. I think
19 that's amazing.

20 I would say this, because I think it's really
21 important. One of the things that we were bad at, I was
22 bad at, was communications and particularly when abuse
23 was highlighted to the school, reported to the school.
24 There is definitely a case where I can't put my hand on
25 my heart and say that we exercised duty of care well or

1 significantly -- properly enough in those circumstances.

2 Actually, when I've listened to the things of omerta
3 and the impact -- the negative impact on those who came
4 forward, not by the school but by Edinburgh society, are
5 remarkable. And I know from conversations with the
6 survivors' group just the feelings they have of the
7 smallness of Edinburgh, the interconnectedness of
8 Edinburgh and how you say the wrong thing, you get the
9 wrong -- someone acts to you negatively.

10 That is a huge, huge, huge block when that prevents
11 people coming forward and that really did. It's really
12 clear. And I know -- I keep resetting to, "did the
13 school do enough to communicate?" Actually I'm leaving
14 today thinking: "is it the school that needs to do the
15 communication?" I'm going to throw this out here.

16 For me, the school doesn't feel like the people that
17 would do that and I think we talked about it today with
18 Marco Longmore. For the majority of our students who
19 have left, we are the people who have got it wrong and
20 we are the institution they've left with anger and hate
21 and shame and guilt and they want nothing to do with us
22 and they've probably cut off communication with us,
23 they've probably asked for no further communication with
24 us ever again and they probably are willing and wanting
25 to forget everything to do with us, everything. To the

1 point where they've suffered significantly over decades
2 because of us.

3 So in those instances when something happens and
4 a reported abuse occurs, we are probably the last group
5 of people that they want to listen to, because --
6 I'll use 20 years -- they've just spent 20 years hating
7 us and 20 years thinking we're the reason for their
8 hurt. And I do wonder and the conversations I'll have
9 with my survivors' group is, should our Academical
10 group, which obviously is significantly run by us and we
11 have the database for those people that want to be on
12 it, but is that the group that in those instances where
13 it's not the school and actually it's deliberately not
14 the school but it is close enough to the school for
15 sharing and for the ability for that information to come
16 in and for us to do something about it, but is the first
17 point of contact as a survivors' group has become, is
18 the first point of contact that sort of group? So that
19 it's close enough to the school but not the school and
20 so that there is not names of staff who have been there
21 30 years and buildings and experiences, visceral
22 experiences, that block the ability for them to come
23 forward.

24 I've learnt there's so many reasons not to come
25 forward at those times and actually I can't say that if

1 I had written a letter, no matter how well I had crafted
2 it and how much feedback I'd had from lawyers and PR
3 companies to make it this letter, I'm not sure it would
4 give me the outcome I wanted. The incredible impact
5 that Nicky Campbell had in opening a door and giving
6 permission for our pupils to say it's okay and to take
7 away that guilt and shame. It happened to me also. For
8 him to say that, changed the world, it gave them the
9 ability to speak. A letter from us wouldn't have done
10 that. I really don't believe that.

11 My former pupils needed to have someone to say,
12 "Yeah, this happened to me and it's okay", for them to
13 feel it was okay as well, and for a moment to park that
14 guilt and shame that they had. And I think -- I can't
15 get over how incredible that's been. I think it's made
16 such a difference, just so impactful.

17 And I'm very, very grateful for it.

18 LADY SMITH: Barry, thank you very much. Is there anything
19 further you want to add?

20 A. Sorry, just one thing.

21 LADY SMITH: No, don't apologise, I'd like to hear it if
22 there is something else.

23 A. We don't ever set out to do harm and to hurt, and
24 I'm really conscious in some of the decisions I've made
25 had a very negative impact on Jenny Pearson in

1 particular, because of the nature of police
2 investigations and things like that. I've done things
3 that I know have annoyed her and I know have upset her
4 and I don't mean to leave that as an echo from this
5 process. That's never been my intent and if I could
6 undo that I would.

7 LADY SMITH: Thank you.

8 A. Thank you.

9 LADY SMITH: Thank you very much for all you have done by
10 engaging with us as you have and for the reflections you
11 have already engaged in. I divine from what you say
12 your intention to keep on down that road. It's
13 a journey I think you haven't finished yet. I wish you
14 well in it.

15 A. Thank you very much.

16 LADY SMITH: I'm going to be able to let you go, even
17 earlier than the end of the school day for the children,
18 I think.

19 A. I'll time my walk down the hill.

20 Thank you very much.

21 LADY SMITH: Thank you so much.

22 (The witness withdrew)

23 LADY SMITH: Mr Brown.

24 MR BROWN: My Lady, so the evidence concludes and
25 submissions next Wednesday.

1 LADY SMITH: Yes.

2 I'll rise now until Wednesday, when we'll hear
3 closing submissions.

4 If we find we don't have enough time to complete
5 them on Wednesday, they may spill into Thursday, but
6 we're hopeful that they might complete on Wednesday, but
7 for anybody who wants to ensure that they hear them all
8 in person, you may have to allow for a bit of
9 flexibility on Thursday morning as well.

10 Thank you, I hope you all have a good weekend.

11 (3.10 pm)

12 (The hearing adjourned until 10.00 am on
13 Wednesday, 30 August 2023)

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24
25

I N D E X

PAGE

Marco Longmore (affirmed)1
 Questions from Mr Brown2
'Frances' (affirmed)51
 Questions from Mr Brown53
Barry Welsh (sworn)102
 Questions from Mr Brown103

