

1 Tuesday, 15 August 2023

2 (10.00 am)

3 LADY SMITH: Good morning and welcome to the second week of
4 hearings in which we're looking into experiences at
5 Edinburgh Academy. We have three in-person witnesses
6 today and I think the first one is ready; is that
7 correct, Mr Brown?

8 MR BROWN: My Lady, good morning. We have three live
9 witnesses and the first witness is here and is 'Tom'.

10 LADY SMITH: Good.

11 'Tom' (affirmed)

12 LADY SMITH: 'Tom', a couple of things before I hand you
13 over to Mr Brown. The red folder you've just pushed
14 away has your statement in it. Feel free to refer to it
15 if you would find that helpful; it's up to you.

16 Otherwise, will you let me know if there's anything
17 I can do to help you give your evidence as comfortably
18 as you can, so that you can give the best evidence that
19 you can.

20 If you need a break, or a pause, sitting where you
21 are, there is no problem about that. If you have any
22 questions, do speak up, because we want to hear them, if
23 you have.

24 But, otherwise, if you are ready, I'll hand over to
25 Mr Brown and he'll take it from there. Is that okay?

1 A. Yeah, thank you.

2 LADY SMITH: Mr Brown.

3 Questions from Mr Brown

4 MR BROWN: 'Tom', hello again.

5 A. Hi there.

6 Q. Could we briefly turn to the red folder? This contains
7 your statement, which has a reference number
8 WIT-1-000001154. We see on the 32nd page, the last one,
9 that you signed it at the end of last year.

10 A. Yes.

11 Q. The last paragraph confirms that you have no objection
12 to your witness statement being published as part of the
13 evidence to the Inquiry and that you believe the facts
14 stated in it are true.

15 A. Yes.

16 Q. And that is correct?

17 A. Yes.

18 Q. Thank you very much indeed.

19 We obviously won't be going over the entirety of the
20 statement, but the statement, in order, deals with the
21 three houses that you experienced at Edinburgh Academy,
22 so we'll approach it that way. But, before we come to
23 the first house, just a little bit of background about
24 you.

25 Your parents, we know, were working in Hong Kong.

1 A. That's right.

2 Q. Your dad was in the police there.

3 A. Yes, and my mum was a teacher.

4 Q. Yes. You lived in Hong Kong -- I think you were born
5 there; is that right?

6 A. I was, yes.

7 Q. Yes. So your childhood was spent out of Scotland,
8 initially?

9 A. A wee bit backwards and forwards, but mostly in Hong
10 Kong, yes.

11 Q. And you have a younger brother who -- it was the same
12 for him?

13 A. Yes, yeah.

14 Q. You mentioned that your mum was a teacher; am I right in
15 saying that there came a stage in your childhood,
16 eight/nine, that the view was taken that moving on to
17 secondary schooling in Hong Kong wouldn't be really
18 satisfactory?

19 A. Yeah. I mean, my mum was a teacher, so she knew the
20 schools, the secondary schools particularly, and she
21 felt that us going to school in Edinburgh might be
22 better for our education.

23 Q. So a plan was agreed that that would happen, and you
24 being older went first --

25 A. Yes.

1 Q. -- and your brother followed?

2 A. That's right, yeah.

3 Q. In terms of the choice of Edinburgh, why was that?

4 A. My granny and grandad, who sort of -- were kind of like

5 parents to me because I'd spent so long with them here,

6 lived in Corstorphine, in Edinburgh, so we -- well,

7 I mean, I say "we decided"; it wasn't me who decided

8 what school to go to; we were just told to go. My

9 parents decided that Edinburgh would be good because

10 they had relatives here.

11 Q. Yes. And why Edinburgh Academy? There are a number of

12 schools in Edinburgh that might have --

13 A. I think -- well, one was that they taught Latin, and my

14 dad was quite traditional and he thought that that would

15 be a good thing.

16 Q. It would be important in your later life?

17 A. I'm not sure I necessarily agreed with him on that.

18 Q. No.

19 A. But I think that was a big part of the choice, yeah.

20 Q. You didn't have input in it. You are told you are going

21 to the Academy.

22 A. Yeah.

23 Q. Can you remember what your emotion was?

24 A. Yeah, I mean, it was -- I remember I was going to

25 Edinburgh Academy when I was nine, so I was quite young.

1 And just the -- just being dropped off at Dundas House
2 and kind of waved goodbye and that was it; that was --
3 it just was -- it was a little bit overwhelming. Plus
4 Hong Kong is so far away, and in that time there was no
5 mobile phones, there was no easy way to contact Hong
6 Kong. So you couldn't just pick up the phone, because
7 picking up the phone involved, you know, booking a time
8 with Cable & Wireless, this is what time the phone call
9 will take, it will cost this much money, and that was
10 run with military precision. So, you know, there was no
11 real way to, you know -- as far as I was -- felt, I was
12 going to the school and there was no real contact with
13 my parents after that.

14 Q. No. I think you touched upon that in the statement and
15 make the point that you never phoned from school --

16 A. No.

17 Q. -- that would always be done from your grandparents'.

18 A. From my grandparents', yes.

19 Q. So how often would you actually speak with your parents
20 when you were at the Academy?

21 A. Not very often. You know, half terms maybe we would be
22 back with my grandparents. And I don't think we would
23 necessarily speak to my parents every half term, and we
24 would maybe go back to Hong Kong for the summers. So
25 Christmas, Easter, half terms, those were all times that

1 I spent with my grandparents, and we might have phoned
2 once or twice a year, maybe.

3 Q. Okay. And otherwise, it's letter writing?
4 A. Yeah.

5 Q. We'll come back to the issue of letter writing in the
6 house.

7 A. We -- okay. Yeah, okay. Yeah.

8 Also, I think it's worth saying as well: when you
9 are nine years old, letter writing is not necessarily
10 your top, you know, desirable activity.

11 Q. No. Although presumably getting a letter was a good
12 thing?

13 A. Yes, I suppose so, yeah.

14 Q. Would you look forward to receiving mail?
15 A. Yeah, yeah, and also occasional gifts and ...

16 Q. Sure. And I think you went in the [REDACTED] 1970s --
17 A. 197[REDACTED].

18 Q. -- when you were nine, as you have told us, and you
19 remained at the Academy until 198[REDACTED] --

20 A. 198[REDACTED], yes.

21 Q. -- when you were 18.
22 A. Yes.

23 Q. The statement reveals you had an interview at the
24 school; were you shown round? Did you get a sense of
25 it?

1 A. Not really. There was like an interview, there was
2 an exam that you had to do.

3 To me, especially with my mum being a teacher as
4 well, everything was focused on that exam and, you know,
5 doing as well as I could to get into that school, and
6 everything else in terms of going round the school -- my
7 first real memory was going to Dundas House, and the
8 exam is not really something ...

9 Q. So, Dundas House, this is day one of your life at the
10 school?

11 A. Exactly, yes.

12 Q. Big day for you; what process was followed? Who took
13 you, for a start?

14 A. My granny and grandad took me, from memory. We were
15 dropped off -- we -- I say "we"; I was dropped off at
16 Dundas House.

17 It's a bit like Harry Potter. You arrive with,
18 like, a giant trunk, and inside that trunk is all your
19 stuff, your school uniform, your normal clothes, which
20 are called mufty, and then any tuck or sweets, that kind
21 of thing.

22 And then you were shown to a room, which was called
23 "big dorm", and then that was you. You were in a room
24 with eight other people or seven other people or
25 something, which for me was also kind of quite unusual

1 because I'd -- you know, I'd always just had a room with
2 my brother, and this was like going into a dormitory.
3 So that was -- and then lights out at certain times and
4 those kinds of things.

5 I think it was all just a bit overwhelming, to be
6 honest with you, when you're nine years old.

7 Q. I think in fact your statement suggests that both your
8 granny and grandad were there, but also your parents may
9 have been there.

10 A. Oh, right, yeah.

11 Q. It may not --

12 A. It's -- yeah.

13 Q. You say, at paragraph 20:

14 "We were made to feel welcome by ..."

15 The housemaster, Mr Brownlee.

16 A. Yeah.

17 Q. But you make the point there is a distinction between
18 the welcome that's given when parents are there or
19 family and then what followed, and we'll come on to
20 what --

21 A. Yes, 100 per cent.

22 Q. -- followed in more detail. But what was the
23 impression, thinking back, when parents are there? What
24 sort of presentation was there?

25 A. I think there's a dichotomy between when the parents are

1 there and when the parents aren't there. And when the
2 parents are there, everything is very welcoming and,
3 "This is where you're going to be sleeping, and here's
4 some of the other boys", and et cetera, et cetera, and
5 then when the parents aren't there, then it's a very
6 different kind of experience. And, to me, that contrast
7 was quite marked.

8 Q. And did you notice it on day one?

9 A. Yeah, 100 per cent, yeah. Because it's just like
10 a really unusual experience, going from a home life to,
11 like, a dormitory and being in a house full of other
12 boys.

13 Q. That's what I was coming to. Was any effort made, once
14 the families had gone, to familiarise yourself with the
15 house, to welcome you, to talk about, perhaps, some of
16 you may feel homesick, anything like that?

17 A. Not really. In terms of homesickness, that was
18 something that -- and you might come on to the letter
19 part in a bit. But, in terms of homesickness, there
20 were certainly boys who felt homesick, and I would
21 certainly say that I felt homesick, too. And on the
22 surface that was something that you could deal with
23 through writing to your parents, but there was more to
24 that letter writing than just writing a letter and
25 sending it off.

1 Q. But you've talked about going into the big room with
2 eight other boys.

3 A. Yeah.

4 Q. All aged nine, like you?

5 A. Yeah, roughly, I would say.

6 Q. Young boys?

7 A. Yeah.

8 Q. First time away from home, perhaps, for most of them?

9 A. Yeah, and there is a sense of excitement because, you
10 know, that's something that is exciting. You've moved
11 in, you are meeting all these boys. They're probably
12 from -- they are from all over the world. Some of them
13 are, maybe, from Scotland, but most of them are not,
14 they're mostly expats. And so you are swapping stories
15 and you're talking to people. There was quite a lot of
16 activity. It's quite loud. And then, later on, that
17 loudness, excitement, maybe wasn't encouraged as much.

18 Q. Well, I think from the statement, we will come on to
19 this, but silence was expected --

20 A. 100 per cent.

21 Q. -- after lights out.

22 A. Yeah.

23 Q. And that was made clear on day one?

24 A. Yes, yeah.

25 Q. But just thinking about the dynamics of the house. You

1 describe you are in the big dorm; there are older boys
2 there, too?

3 A. Yeah. I would say within a tight framework, you know.
4 There's not much older boys because you have the house
5 system.

6 Q. Yes.

7 A. Once you reach a certain age you move into the next
8 house, and once you reach a certain age you move into
9 the next house after that.

10 Q. But the point is they are boys who are in the system
11 already --

12 A. Yes, yes.

13 Q. -- and have been in your shoes the year before, perhaps.

14 A. Yeah, yes.

15 Q. Was there any effort to get them to welcome you, to
16 explain?

17 A. Not really, no. It's more just a kind of like you're in
18 that environment and you've just met a whole bunch of
19 new people and you are swapping stories, and some of
20 those boys have been there for a while and some, like
21 myself, are new to that.

22 Q. I think on day one -- and you talk about this just in
23 the general sense -- you discover there is a process
24 which is to be followed --

25 A. Yes.

1 Q. -- and will be overseen by Mr Brownlee, firmly?

2 A. 100 per cent, yeah.

3 I think there is quite a contrast to when you arrive
4 with your parents and there's a sense of excitement and
5 you're meeting new boys, and your parents are there and
6 they're talking to Mr Brownlee, and your grandparents
7 are there and they're going to be your contact, and
8 everything seems very friendly and you're quite excited
9 about this. Although you are leaving home at the age of
10 nine, which is a bit intimidating, you are also kind of
11 excited about that, because of the context. But then,
12 once everybody's gone, and now you're into the system,
13 it's quite different and it's very strict.

14 Q. Can you think of one word that might capture the sense
15 once the parents have gone of the system?

16 A. Terrifying, maybe.

17 Q. Okay. Was there any sense -- and nowadays we think of
18 pastoral care; if you have a problem, you go and talk to
19 someone about it. Was it explained to you that you
20 could talk to someone?

21 A. In the older houses, yes. So, in the older houses,
22 there was a matron. There was a housemaster and
23 housemistress, but there was also, like, a house tutor,
24 who was an older -- usually a teacher, and there was
25 some kind of pastoral care in that context.

1 In Dundas House it wasn't really like that, and my
2 experience of that was that there wasn't really any
3 pastoral care. It was like: this is what you have to
4 do, and if you don't do this then you're in trouble.

5 And there's really nobody to go to, to be upset
6 about and to ask, you know, "What do I need to do to not
7 have this? To not be in trouble", et cetera.

8 Q. What about Mrs Brownlee?

9 A. My experience of Mrs Brownlee was pretty non-existent.
10 I know my brother had a different experience with
11 Mrs Brownlee, but my experience was pretty much
12 Mr Brownlee 100 per cent.

13 Q. Would it have occurred to you to go and speak to
14 Mrs Brownlee?

15 A. I don't think so, because the situation was such that
16 when you put a foot out of line, which -- or -- I think,
17 also, if you were an extrovert person -- which I was and
18 still am -- Mr Brownlee had a particular thing for
19 extrovert people and he wanted to put you in your place.

20 And so if you were taken to his study and beaten
21 with a clacken, in that context you are not thinking,
22 "Well, I'll go and speak to Mrs Brownlee", because, you
23 know, number one, you can't sit down and, number two,
24 you are trying to do anything not to get any more of
25 that treatment. So, no, it -- that didn't occur to me,

1 that there was a pastoral element.

2 Q. From what you are saying, she wasn't much of a presence?

3 A. No, not as far as I was aware. No.

4 Q. All right.

5 Looking at the house -- and this is perhaps contrary

6 to what we have heard of many other schools -- there was

7 ample food and it was okay; is that correct?

8 A. Sorry, there was ample?

9 Q. Ample food.

10 A. Yeah. As I said before, you had tuck and you had -- you

11 know, you had -- you know, you arrived with stuff that

12 your parents or your grandparents had sent for you and,

13 you know, you had that food that you could eat at

14 certain times.

15 But, yeah, and then there was food obviously in --

16 you were right over the road from the dining room so,

17 you know ...

18 Q. But otherwise the regime in Dundas, to use one of your

19 words, was very strict --

20 A. Yes.

21 Q. -- and very regulated?

22 A. Very much so.

23 Q. So let's think about the regime that you experienced.

24 How would the morning start?

25 A. Mr Brownlee was, like, a real stickler for you looking

1 smart and for you to -- being turned out well. And so
2 you would get dressed, you would get washed, you would
3 come -- this is before you went to get breakfast.

4 You would come downstairs, you would be standing in
5 a line at -- the front door was there, there was a hall.
6 Everyone would be standing in line. He would make his
7 way down that line and he would check that you were --
8 that you met his standards and, with certain people,
9 myself included, he would check you, but he would put
10 his knuckle into like this part of your neck --

11 Q. You are pointing, if I can stop you, into your shoulder,
12 just where it's --

13 A. Yeah, just at the joint of your neck and your shoulder.

14 Q. Up from your collarbone.

15 A. Yeah, and he would take his knuckle like this, and
16 because he was taller than you, he would press down
17 really hard as he was commenting on your smartness or
18 lack of smartness, or whatever. And that was, like,
19 a daily occurrence, and it was incredibly painful
20 because he was taller than you and he was pressing down
21 on you and, at the age of nine, you are not exactly very
22 well built.

23 Q. You are using your forefinger knuckle.

24 A. Yes, like this.

25 Q. Yes. Finger closed, knuckle being driven in.

1 A. Yes, yeah.

2 Q. Was that to all the boys, potentially?

3 A. No, no, that wasn't to all the boys. That was to -- you
4 know, in a sense, I'm slightly post-rationalising this,
5 by thinking: why did he pick on certain people and why
6 did he not pick on other people?

7 And also a part of it looks at me and looks at my
8 brother, and we have different characteristics. I would
9 say I'm more extrovert than my brother, and I would say
10 that other people I know who were getting beaten and who
11 were also getting the knuckle treatment and other forms
12 of what I would call abuse, were -- tended to be
13 outgoing, tended to be extrovert, and tended to be --
14 I don't want to say loud. But, you know, they were
15 boisterous kids, which I don't think is that unusual
16 when you're nine years old.

17 Q. Yes. So some boys, perhaps the louder children, would
18 get this more?

19 A. Yes.

20 Q. But would any child, potentially, be open to that sort
21 of conduct if there was something wrong with their
22 dress?

23 A. Possibly. But, honestly, talking to my brother, you
24 know, and looking back on that time -- which we have
25 done a lot more through this process -- certain boys

1 just didn't get that treatment at all.

2 Q. Who were they?

3 A. Well, I would say people who were more -- well, less
4 extrovert, less loud, less boisterous, more retiring.

5 Q. Okay.

6 But would this happen every day in life; someone
7 would get knuckled, or was it --

8 A. Yes, yes, it was. Yes.

9 Q. Okay.

10 A. That was a painful experience before you went and got
11 breakfast every day.

12 Q. Then you would go and have breakfast and then you would
13 move on to the school?

14 A. Yes.

15 Q. Which is separate?

16 A. Yes.

17 Q. A different world, from your perspective?

18 A. 100 per cent.

19 Q. Did you enjoy school in that first year?

20 A. Yeah, I did. Yeah. Because you would leave Dundas
21 House, you would literally walk 200 metres across the
22 road and then you would be in the school. And if you
23 were a boarder, you would go and get breakfast, and you
24 would then leave breakfast and you would go to school.
25 And that was the point at which Dundas House was now no

1 longer a thing. Now you're in school and you're doing
2 lessons.

3 Q. Were you ever taught by Mr Brownlee?

4 A. I was, yes. And he was pretty scary in that context, as
5 well.

6 Q. All right. How so?

7 A. Well, Mr Brownlee had a golf club that had no -- I'm not
8 a golfer. He had a golf club that had no head on it, it
9 was just the stick part. And he would walk around the
10 room -- and I experienced this many times, where he
11 would come up beside your desk and he would take this
12 thing, which was, like, that long, and he would
13 literally bring it down on your desk, which was (a) very
14 loud, (b) utterly terrifying and (c) if your fingers
15 were anywhere near when that was happening, you know, it
16 was incredibly dangerous. But, as a nine or ten year
17 old, it was just utterly terrifying.

18 Q. Among the teaching staff, did he stand out?

19 A. Yes, 100 per cent. You mean compared to other teachers?

20 Q. Yes.

21 A. 100 per cent, yes.

22 Q. Is that because of this --

23 A. Yes.

24 Q. -- fear element?

25 A. Yeah, yeah. He would also take a -- like a blackboard

1 eraser and a piece of chalk and he would be talking, and
2 then occasionally he would turn around and he would hurl
3 that at some acceleration at some unfortunate person,
4 which occasionally was me.

5 Q. Was it -- the "duster", I think is the word we might
6 have used back then --

7 A. Yeah.

8 Q. -- or a piece of chalk, did they ever connect?

9 A. Yes, yes, 100 per cent. Yes. With me and with others.

10 Q. The dusters you are talking about, wooden top and --

11 A. Yes, like, kind of that long.

12 Q. Perhaps 4 or 5 inches?

13 A. A bit of wood and then kind of felt on the other side,
14 yeah. And chalk as well. Chalk may be slightly less
15 potentially damaging.

16 Q. What sort of damage was there if you were hit with
17 a duster?

18 A. I mean, you know, with Mr Brownlee, I was hit in the
19 house, I was hit in the classroom, and it all just kind
20 of blurred into one thing.

21 And if you were hit with a duster or you were hit
22 with a clacken or you were hit with this golf club
23 thing, not only was that terrifying as somebody who is
24 nine or ten, it was also, I think, incredibly dangerous.
25 And, you know, it's -- now, I think it's kind of

1 unfathomable to think of that.

2 Q. Just to be clear, you have talked about the golf club
3 shaft --

4 A. Yea.

5 Q. -- I think that is what you are describing, without the
6 head; did that ever connect with you when it was bashed
7 on the desk?

8 A. No, that didn't connect with my hands or anything like
9 that, but it was many times on my desk. And that itself
10 was quite terrifying, you know? Because that's a fairly
11 large thing and you have, like, rows of desks that are
12 kind of wooden, with a chair attached, and he is walking
13 up and down and you're trying to work, and then, every
14 once in a while, whoosh, that thing will come down. And
15 it's just the unknowing of: is that going to happen or
16 is that not going to happen?

17 Q. Just thinking of the junior school: this is the modern
18 building, I think built in the 1960s.

19 A. Yes.

20 Q. Lots of glass on the front.

21 A. Yes, yeah. Arboretum Road, yes.

22 Q. Yes, and classrooms running down the front and
23 elsewhere.

24 A. Yes.

25 Q. Where was his classroom?

1 A. Goodness. I honestly can't remember that level of
2 detail.

3 Q. All right. Should we understand there would be
4 classrooms next door or nearby?

5 A. Yes, yeah, yeah.

6 Q. Could you hear what was going on in other classrooms if
7 there was noise?

8 A. I would have thought so, yeah.

9 Q. No, it's just the impact of the golf club shaft on
10 a desk presumably created --

11 A. Quite loud.

12 Q. -- a loud bang.

13 A. I remember -- the golf club really sticks with me
14 because he sat in on -- for another teacher one day. So
15 it wasn't one of his classes, and we were told that we
16 could just draw or do whatever, and I -- I ended up
17 going to art college and doing design, and I did
18 a drawing of him with this golf club thing and he gave
19 me 20p for it, which -- at the time I was delighted to
20 get 20p. Now I look at it and think: that's completely
21 nuts. But, you know ... yeah.

22 So, to me, as a teacher, a pupil giving you
23 a drawing of you with a violent instrument and then
24 rewarding that student with some money, just seems to me
25 to be absolutely ludicrous, but that's what

1 I experienced.

2 Q. All right.

3 The school day would end and you would troop back to
4 Dundas House.

5 A. That's right.

6 Q. And you will eat. There is time off.

7 A. Yeah.

8 Q. You can go and read and play games and so forth.

9 A. In Mackenzie House and in Dundas -- sorry, Scott and
10 Jeffrey House, that time that you had where you could
11 read or you could play games, or you could do things
12 yourself, was much more flexible.

13 In Dundas House, everybody was sent out to play,
14 because there was a playing field opposite the house.
15 And it didn't matter if it was raining, snowing, hail,
16 freezing, hot, whatever, you were sent out to play for
17 quite some time. And you were wearing shorts and, at
18 that point, you know, it was cold and it was almost like
19 you were being sent out so that they could have peace
20 and quiet for a while.

21 And, you know, obviously in certain temperatures in
22 the summer -- and I remember going out and playing with
23 my Action Man and with friends and doing things like
24 that, which are good memories. But I also have other
25 memories where it was really cold and there wasn't much

1 to do and you're in a pair of shorts, and you're not
2 really dressed for that kind of environment, and that
3 just feels wrong to me.

4 Q. So there was a process which was inflexible?

5 A. Yes, I would say that's right. Yes.

6 Q. All right. I think from your statement we see further
7 evidence of what might be called inflexibility in terms
8 of what then happens as part of the evening process.

9 A. Yeah, 100 per cent.

10 Q. You are fed, there comes a stage where you have to go to
11 bed, and then there's a lights out; is that right?

12 A. That's right, yeah. And I've always been a reader, for
13 a long time, and I would always have had a torch under
14 my duvet to read, and that kind of thing was literally
15 just like -- you couldn't do that.

16 And, also, if you wanted to go to the toilet after
17 a certain point in time that was just, like, verboten.
18 You couldn't, you know, it was --

19 Q. Did you understand what the rationale for the absolute
20 silence and the no disturbance by going to the toilet,
21 for example, where that came from or what the rationale
22 of that was?

23 A. I think when you're nine or ten you don't really think
24 about rationales. You are told this is what happens and
25 that's what you do.

1 Q. We understand, though, that in the context of Dundas
2 House there are perhaps 20 or so boys in the house.
3 It's the small house of the four.

4 A. Hmm.

5 Q. But Mr Brownlee and his wife live in the house.

6 A. Yes.

7 Q. They have a bedroom --

8 A. Yes.

9 Q. It's not as if there is a separate side to the house
10 which they inhabit, their bedroom is part and parcel of
11 the house.

12 A. Yes.

13 Q. So was this on the first floor?

14 A. Honestly, I can't remember, to be honest with you.
15 I remember the study was towards the top.
16 I remember the study because I was up there a lot,
17 getting hit.

18 Q. Yes.

19 A. But that kind of lights out period was -- that was the
20 end of, like, activity, no talking, no conversation, no
21 going to the toilet, no nothing. And that, I think was,
22 you know -- I maybe have a weaker bladder now, but at
23 the time I didn't. But there were other people who were
24 not as fortunate as that.

25 Q. What would happen if someone had to go to the toilet?

1 A. Well, there were people who went to the toilet in the
2 room because they didn't want to get in trouble. If
3 anybody did go to the toilet, that would be everybody
4 who bore the brunt of that. So it wouldn't be just that
5 one person's fault; it would be everybody's fault.

6 I think then what happens is -- that puts a lot of
7 pressure on that person, because other people are being
8 punished because of that person, and that I don't think
9 is very healthy in terms of interpersonal relationships
10 with boys.

11 Q. Did that cause tensions amongst the boys?

12 A. 100 per cent.

13 Q. How did that manifest itself?

14 A. I honestly -- you know, I've memories of bullying and
15 being bullied, and I have memories of other boys being
16 bullied as well, for those kinds of things.

17 And, yeah, I just -- all I can say, it was -- just
18 caused a lot of tension.

19 Q. So, to be clear, if someone went to the loo, because
20 they couldn't do anything but, and were caught --

21 A. Yes.

22 Q. -- or if someone, as you described, I think, goes to the
23 toilet in the dorm --

24 A. In the room, yeah.

25 Q. Are you talking about peeing on the floor?

1 A. Yeah. Or worse.

2 Q. Or worse.

3 A. Yeah.

4 Q. And then that's discovered --

5 A. Yeah, that's just as bad, you know. That's actually

6 worse.

7 Q. So whatever you do, you can't win?

8 A. No, you can't. No.

9 Q. And the consequence of that would be anger from

10 Mr Brownlee?

11 A. Yeah.

12 Q. And punishment would be across that dorm?

13 A. Yeah, yes. I mean, I have vivid memories of boys being

14 lined up and being beaten in a row. I also have vivid

15 memories of me going upstairs and being beaten on my

16 own.

17 Q. And going upstairs; this is going up to his study?

18 A. Yes.

19 Q. Just thinking about: there are clearly practical rules,

20 you don't go to the toilet, you don't make any noise, if

21 you do, you will be punished; was that set out in a set

22 of rules?

23 A. No, not really. No. That's just something that you

24 sort of learn as you sort of move into the house and

25 move through it.

1 Q. What other things could be seen as a breach of the
2 rules?

3 A. You know, I have lots of memories of me and other boys,
4 you know, going into the bathrooms and having water
5 fights and doing the kinds of things that you would do
6 when you're that kind of age, and getting caught and
7 then being all taken upstairs and lined up and having to
8 go in for at least six of the best with the clacken.

9 Q. I was coming to that. You have mentioned the clacken on
10 a number of occasions; is that the implement of choice?

11 A. Yes, with Mr Brownlee. Yes, 100 per cent.

12 Q. We have seen a clacken and we know what a clacken is;
13 not a small piece of wood.

14 A. No, it's like that sort of size, with a head about that
15 sort of size.

16 Q. Yes. And did he wield it with force or was it just
17 symbolic?

18 A. No, no, he wielded it with force, 100 per cent.

19 And I think -- I don't know whether you are going to
20 come on to this, but we would start to wear, like,
21 multiple pairs of underpants.

22 Q. I'll come on to that.

23 A. You're going to come on to that. Okay, great.

24 Q. In terms of -- that would be the punishment for any
25 transgression or more serious transgressions?

1 A. I think for more or less any transgression,
2 I'm thinking.

3 I think if it was in the dorm and it was big dorm,
4 for example, and everybody was being punished, that
5 would not be -- I mean, I would describe the use of the
6 clacken, if it was me, upstairs, as brutal. If it was
7 in the dorm, I would say it was less brutal than that.
8 It was more of a kind of, "Don't ever do this again",
9 kind of thing.

10 Q. How many blows?

11 A. Pardon?

12 Q. How many blows?

13 A. Goodness, I think that just depends on the mood that he
14 was in. So that would vary. And then that would also
15 vary when you were upstairs with him as well, you know.
16 So I think it just depends on his mood at that moment in
17 time.

18 Q. So it was somewhat arbitrary?

19 A. Yes.

20 Q. If you, for example, to use your description, are
21 mucking around with water, water fight, and you are
22 found out and he doesn't like it, would he take you up
23 to his study or were you called up later?

24 A. No, he would take you up to his study. I mean, I have
25 a very vivid memory of one particular incident with two

1 other boys, and I'm not going to mention the names of
2 those boys. And we were messing around in the bathroom
3 and the baths were full and we were just having a laugh.
4 And, like, if that had happened, we would always have
5 cleaned up afterwards as well. We wouldn't have just
6 left the place like a mess. And he came in and he found
7 us, and he wasn't happy, and we were all instantly taken
8 upstairs and we all waited outside in a row and then we
9 were called in one at a time.

10 And I'm not sure if it was better to be first in the
11 queue or third in the queue, because if you were third
12 in the queue you had to listen to the first two. Or, if
13 you were first in the queue, you got it over and done
14 with pretty quickly. But it was very painful,
15 regardless.

16 Q. You talk about people crying.

17 A. Yes.

18 Q. Would you cry when you were beaten with the clacken?

19 A. Yes, yeah. I think there's a part of me that is bloody
20 minded, if I can use that word, where I wouldn't want to
21 give him the satisfaction of crying. But I also think
22 that he would hit you so hard with that clacken that it
23 was very difficult not to cry. And you also wouldn't be
24 able to sit down for, you know, quite some time
25 afterwards, because it was incredibly painful.

1 Q. Were you bruised?

2 A. Yes. For sure, yes.

3 Q. And could bruises be seen?

4 A. Well, yes, if you didn't have anything on, I suppose.

5 Q. I mean, in a sense, if you know someone's been beaten

6 and you are then washing together --

7 A. Yes, yes.

8 Q. -- communal showering or bathing --

9 A. You could definitely see that. 100 per cent.

10 Q. -- you can see injuries?

11 A. Yes.

12 Q. You mentioned six of the best; was six the ceiling?

13 A. Not necessarily. I think it kind of depended upon how

14 pliable you were or how apologetic you were, or how much

15 you showed that it was sore. But I can certainly

16 remember times where I was being beaten more than six

17 times, for sure.

18 Q. Is that the bloody mindedness --

19 A. Yeah, probably.

20 Q. -- coming out, so it's a battle of wills?

21 A. Yeah, yeah, which probably wasn't a good idea, in

22 retrospect.

23 Q. No. How long were you in Dundas for?

24 A. About two years, probably, before moving on to

25 Mackenzie.

1 Q. Was the regime constant?

2 A. Yes, yeah.

3 LADY SMITH: So you were about nine years when you went into
4 Dundas House, were you?

5 A. Yeah, I was nine because it was about September and my
6 birthday is [REDACTED]. So I was ten [REDACTED] after
7 getting there.

8 LADY SMITH: And about 11 years when you moved on to next
9 house?

10 A. Yeah.

11 LADY SMITH: Quite young.

12 A. Pardon?

13 LADY SMITH: Quite young.

14 A. Yes, yeah.

15 MR BROWN: You mentioned --

16 LADY SMITH: Sorry, which primary years were you in at that
17 time? P5? P6?

18 A. God, I'm dreadful with those sorts of things. The last
19 two years of primary.

20 LADY SMITH: So it might have been primary 5 and then
21 primary 6?

22 A. Yeah.

23 LADY SMITH: Thank you.

24 MR BROWN: Because I think when you go up to Mackenzie --

25 A. You are in the Geits --

1 Q. -- you're in the Geits.

2 A. Yeah, which is like first year.

3 Q. Yes, there is a loss of a year in comparison with other
4 schools.

5 A. Yeah.

6 Q. All right.

7 Just one last thing from your statement. You talked
8 about bullying, and I suppose bullying might be seen as
9 part and parcel of life in schools. It goes on still.

10 A. Yeah. Yeah.

11 Q. But there are levels of bullying, and one description
12 you have is of a friend who was thrown down a set of
13 stairs.

14 A. Oh, yeah. I was talking about that yesterday with my
15 brother.

16 Yeah, that was a boy who was -- I think he is going
17 to be testifying -- who was younger than me, smaller
18 than me, very feisty, and still is probably quite
19 feisty, and there were a couple of boys who were first
20 fifteen rugby players, they were older, and when you
21 went for breakfast and dinner, you had dinner and
22 breakfast at the same time. So it didn't matter if you
23 were in primary school or just about to leave the school
24 to go to university or whatever, you were all having
25 breakfast or dinner at the same time.

1 And this particular boy I think had maybe sworn at
2 one of the -- there were two brothers who were quite
3 big, and had sworn at one of the brothers, and there was
4 a set of stairs which had a balcony that went down the
5 middle, which you could actually slide down on your bum.

6 Q. You mean a banister?

7 A. A banister, yes, sorry, which you could slide down on
8 your bum, which took a bit of practice, but I managed to
9 do that. And it was only, like, I would say six or
10 seven stairs, and this boy was picked up by this rugby
11 player and thrown down the stairs, and I think his arm
12 was broken. So, yeah, it was quite serious.

13 Q. We can perhaps ask him what happened thereafter.

14 A. You could, yeah.

15 Q. Do you remember?

16 A. Not really. I do remember that, you know, this person
17 was quite feisty, and I remember -- I'm not going to use
18 the language that was used, but I think he -- you know,
19 I think when something like that happens -- I've broken
20 my arm before, fallen off a bike, and I think, you know,
21 when adrenaline is running through you, you don't really
22 think about things like that. And I think his primary
23 concern, this boy, at that moment, was telling these two
24 boys where to go, but he was obviously injured and it
25 was quite serious.

1 Q. Yes. Okay, yes, we can ask further about that with him.

2 A. You can. I'm sure he'll tell you.

3 Q. I'm sure he will. I think the words you describe are

4 "cocky" and "exuberant".

5 A. Yeah, feisty as well.

6 Q. Okay. And was he the sort of boy that Mr Brownlee

7 wouldn't like?

8 A. Yes, 100 per cent. He would be being hit as well. And

9 we were hit at the same time, too.

10 Q. Okay.

11 A. I think that might have involved a water incident.

12 Q. Right.

13 Thinking back to Dundas -- last question -- was

14 there ever anyone coming to the house from the school --

15 headmaster, rector, senior teachers -- to see how life

16 was being lived?

17 A. Not that I'm aware of, no. No. Which now, you know, as

18 somebody who has worked in education for nearly

19 20 years, I find that a bit weird. But, you know, not

20 then, no. No.

21 Q. It was a little island on Kinnear Road.

22 A. Yes, it was a self-contained thing, yeah.

23 Q. With no oversight.

24 A. No.

25 Q. Okay.

1 But I think there comes a time, obviously, where you
2 move out of Dundas.

3 A. Before you get to that, I think it is important to
4 mention the letters.

5 Q. Yes, I was coming to that. I'll come back to that.

6 A. You're going -- okay. Okay. Just because they are
7 a Dundas House thing.

8 Q. Yes, all right. Well, let's talk about it now, because
9 we mentioned that you are writing letters, you're not
10 a great enthusiast for writing letters --

11 A. I don't think many boys are enthusiasts for writing
12 letters. You know, my granny was a stickler for writing
13 thank you letters and she would sit you down and make
14 you write them. And, on a Sunday, we used to have to do
15 that. We used to have to sit and write to our parents.
16 And I remember the first --

17 LADY SMITH: 'Tom', was that every Sunday you were expected
18 to write a letter?

19 A. Yes. That was kind of like part of the -- I don't want
20 to say "regime", but just the process of living in the
21 house.

22 And I remember writing to my parents because,
23 obviously, I couldn't talk to them very much because of
24 the distance in Hong Kong, and I remember writing to
25 them and saying -- telling them what it was like living

1 in that situation. And what you would have to do is you
2 would take your letter to Mr Brownlee. He would then
3 read it, and he would then -- and I remember this so
4 clearly -- he would read it and he'd say, "I don't think
5 this is the sort of thing that your mum and dad would
6 really want to read". And there is quite a power
7 dichotomy there, and you would really have no choice.
8 He would tear it up and he'd say, "I think you should go
9 and write that again".

10 Eventually, there came a point where you just wrote
11 and said you were having a great time and everything was
12 fine, and they were not getting any of the reality of
13 the situation.

14 Q. What sort of things were you saying in the letters that
15 were ripped up?

16 A. I was telling them that I wasn't enjoying school, that
17 it was pretty awful, you know. I don't think I would
18 have been going into the detail, you know, of being
19 beaten, et cetera. But I think I would have been quite
20 clear that it wasn't a very loving environment and it
21 was definitely not somewhere I wanted to be, and, you
22 know, I would rather be -- there was a school in Hong
23 Kong called Island School which my mum, being a teacher,
24 was very keen that we go to anywhere but Island School,
25 and I remember at that time thinking: actually, I would

1 prefer to be in Island School with everything it has to
2 offer, rather than this.

3 And so whatever you wrote was torn up and you had to
4 start again. And, you know, I think, probably, I tried
5 to write a couple of times a frank explanation of how
6 I was feeling, and it was just torn up and I had to
7 start again.

8 Q. Okay. Did you see that happen with others?

9 A. Yes. It was like the stories you read of Colditz or,
10 you know, that kind of thing. I mean, it was
11 censorship, essentially.

12 LADY SMITH: 'Tom', did that mean that early on you learnt
13 that you couldn't write anything privately to your
14 parents or anything that you could keep confidential?

15 A. I think so, yeah. And I also think that that then
16 impacted on phone calls and conversations.

17 I also think, too, you know, my mum in particular is
18 very upset about all of this because she's only really
19 found out about it in the last few years, because we
20 never told her any of this. And she also is very upset
21 that my granny and grandad maybe knew about this and
22 that we told them, but didn't tell her. And we didn't
23 tell my granny and grandad either, and my aunt who
24 looked after us in holidays. We didn't tell anybody
25 because, at that point, I just -- if you've been beaten

1 really hard multiple times and your letters are being
2 torn up and you're living in a culture of fear and
3 censorship, very quickly you decide there's just no
4 point in raising any of this because it's probably going
5 to lead to not a good outcome.

6 LADY SMITH: Thank you.

7 MR BROWN: Having said all of that, was there also the
8 element that within the house, the school, there was
9 a culture of not clyping?

10 A. 100 per cent, yeah. Clyping is -- yeah, well, I think
11 maybe that's probably in a lot of schools, you know, and
12 probably with a lot of kids as well. But, yeah, you
13 don't clype because, if you do, you are just going to
14 invite a whole bunch of other retribution from other
15 people, so ...

16 Q. Life would become worse?

17 A. Yeah, yeah.

18 Q. And you learnt that quickly. So it's a combination of
19 things.

20 A. Yes.

21 Q. You won't talk.

22 A. Yes, 100 per cent.

23 Q. Okay.

24 You were presumably pleased to get out of Dundas?

25 A. 100 per cent, yeah.

1 Q. I think, as we see, you then move to Mackenzie, where
2 there is a different housemaster.

3 A. Yeah.

4 Q. It's a bigger house and the dynamics are different.

5 A. Very different, yeah.

6 Q. How much of that difference do you think was set by the
7 personality of the Mackenzie housemaster?

8 A. I think -- look, I think all of it, really, you know.
9 I mean, you know, in Dundas House, with Mr Brownlee, you
10 are sort of living under a tyrant, and you have to do it
11 this way or not at all.

12 Then when you move into Mackenzie House, you have
13 a different housemaster, who has a different set of
14 values, and you have a different matron and you have a
15 different house tutor as well. The whole -- your whole
16 experience changes. And my experience in
17 Mackenzie House was fine. You know, it was great. And,
18 again, moving on to Jeffrey House as well.

19 There were certain things that happened in terms of
20 bullying, me being bullied, but those were not really
21 housemaster-type situations.

22 Q. All right. I think, looking at your statement, there is
23 greater liberty. You were allowed to wear mufty when
24 you go out.

25 A. Yeah, yeah.

1 Q. You don't have to go out when it is pouring with rain.

2 A. Yeah, yeah.

3 Q. You can put things on the walls.

4 A. Yeah.

5 Q. Just the whole atmosphere is more relaxed.

6 A. Yes, yeah.

7 Q. But you do say -- and this is paragraph 72:

8 "Things became a bit more roughhouse in the senior

9 years, from Mackenzie House on. People, myself

10 included, were put in cold baths by other boys and a bit

11 of rough and tumble, but boys just got on with that kind

12 of thing. Nobody was going ballistic about it, it was

13 all cool, unlike in Dundas House where we just wouldn't

14 have done that."

15 Now, that description, to use a word we have heard,

16 is "ragging"; does ragging mean anything to you, from

17 the Academy?

18 A. No. What is ragging?

19 Q. I think it may be fighting.

20 A. Okay.

21 Q. But it's not, from what you seem to be saying -- it's

22 roughhouse, I suppose.

23 A. Yeah:

24 "Nobody was going ballistic about it, it was all

25 cool ..."

1 I'm just reading what I just said here.

2 Q. Yes.

3 A. Yeah, look, getting put in a cold bath or having your
4 head put down a toilet and the toilet being flushed,
5 that was just a bit of fun. You know, I had my head put
6 down a toilet and that toilet flushed, and, you know, it
7 just -- it wasn't -- there was no malice about it.

8 Q. You -- perhaps some other people felt differently,
9 though?

10 A. Very possibly, yeah.

11 Q. It was being done to you; were you doing it to others?

12 A. Honestly, I can't remember. I think the whole cold bath
13 thing and all that kind of stuff, it was all -- to be
14 honest with you, that was more -- none of that felt
15 really bad to me. It all just felt like a bit of fun.

16 Q. All right.

17 A. And I think if you'd just come from Mackenzie -- sorry,
18 from Dundas House, where if you had been messing around
19 in a bath and you'd been splashing around and throwing
20 water and doing that kind of stuff and the response to
21 that was to be taken upstairs and beaten, whereas in
22 Mackenzie House you could do that kind of thing and have
23 some fun and then clean up with some mops and stuff
24 afterwards, it was just -- it was -- in both those
25 cases, Dundas and Mackenzie, the intention was the same;

1 it was just having fun. I don't think there was
2 anything malicious about shoving someone in a bath or
3 anything like that. It wasn't done in a violent way.

4 Q. But, from what you said, there was malicious bullying as
5 well.

6 A. Yes, yeah.

7 Q. Tell us about that. What are you thinking of?

8 A. I mean, I certainly had a few -- well, a year certainly,
9 a bad year where I was bullied by a number of boys in my
10 dorm. And that was another dorm with, probably, about
11 eight of us in it, and that was not a pleasant
12 experience at all. I went to the matron and to the
13 housemistress about it, but you were on the border of
14 clysing if you did that kind of thing, and I only went
15 to the matron and the housemistress about it because
16 I literally had reached a point where I just couldn't
17 take it anymore.

18 But that kind of worked itself out, so ...

19 Q. I think to be clear from the statement, was it the
20 matron and the housemistress in the senior house you are
21 talking about?

22 A. Yes, Jeffrey.

23 Q. Jeffrey?

24 A. Yeah, yeah.

25 Q. Because, again, from what you say, Jeffrey House, you

1 thought the leadership there in terms of housemaster was
2 very good.

3 A. Yeah.

4 Q. Again, someone with the right outlook.

5 A. 100 per cent.

6 Q. Yet you went to the matron, you went to the
7 housemistress, and I think, as we see in the statement,
8 you were spending time in the sick bay to avoid being in
9 the dorm.

10 A. Yes, yeah.

11 Q. And the line seems to be, from them: you'll have to go
12 back down some time.

13 A. Yes, 100 per cent.

14 Q. Was anything positive done by them to address it?

15 A. Not really. I think me getting back into that situation
16 was a combination of us moving out of dorms and into
17 smaller rooms, and also me -- I don't want to say
18 "manning up", but stepping up a bit more and giving,
19 maybe, as good as I got.

20 Q. All right.

21 But it seems, certainly in Jeffrey, you had the
22 confidence to go and tell someone?

23 A. Yes.

24 Q. But there was -- and that presumably is because of the
25 dynamic of that house.

1 A. Yes.

2 Q. But, by the same token, you had to resolve the problem
3 yourself.

4 A. Yeah. I wouldn't say that the matron or the
5 housemistress were not -- uncaring, you know.

6 Q. Right.

7 A. I would say that there was understanding there, and that
8 was not a situation that you had in Dundas House at all.
9 So, you know, there was quite a difference there.

10 And I think, also, that my trajectory through that
11 house changed. Mr Boyce, who was the housemaster, was
12 a French teacher and a French speaker, and very quickly
13 decided that I would be great at sharing rooms with
14 visiting French boys, and that's what I ended up doing.
15 So I ended up moving from a bigger dorm into
16 a two-person room with visiting French boys.

17 Q. Was that after --

18 A. Yes.

19 Q. -- speaking to his wife?

20 A. Yeah, but I don't think it was as much a consequence of
21 that. I think it was more just a kind of like, you
22 know, he'd decided: look, somebody needs to stay -- you
23 know, you would be good at this sort of thing. And
24 I enjoyed it as well, so ... I learned a bit of French.

25 Q. All right. Okay.

1 The tone of your statement is: Dundas, the house, is
2 the problem.

3 A. Yeah.

4 Q. Albeit with the same teacher causing some difficulty in
5 the classroom.

6 A. Yes.

7 Q. But your complaints, in terms of the senior school,
8 really is about two members of staff; correct?

9 A. Yes. Yes.

10 Q. The first, Hamish Dawson.

11 A. Yeah.

12 Q. What was the issue, from your perspective, with him?

13 A. Well, Mr Dawson -- when I look back on it, it feels
14 almost ludicrous, but Mr Dawson had a full set of
15 implements -- where Mr Brownlee had a clacken, Mr Dawson
16 had a variety of different implements that he would hit
17 you with, and they all had calligraphy on them and they
18 all had different names, and there was much more of
19 a kind of story around how you were going to get hit
20 with this particular implement, and there was also much
21 more of a kind of -- it was much more sexual. It didn't
22 feel sexual to me at the time but, looking back on it,
23 it was much more sexual.

24 So he would decide he was going to hit you with
25 something. He would then go and choose which of these

1 various implements he was going to use, and this would
2 also involve quite a lot of class participation as well,
3 in that, you know, there would be a lot of discussion,
4 et cetera. He would then put you over his knee with
5 this item and, like, where Mr Brownlee was trying to hit
6 you and really do a bit of damage, Mr Dawson wasn't
7 really hitting you very hard at all, and these
8 implements were actually almost like rulers. I mean,
9 they weren't really very hard. And he would sort of
10 tickle you, put you over his knee, and then hit you with
11 these various named devices.

12 Q. I think the word you use: it was performative.

13 A. Very performative. Yes, very.

14 Q. He was putting on a show.

15 A. 100 per cent, yeah.

16 Q. But the end result of the show was a boy going across
17 his knee.

18 A. Yeah. It wasn't just me. I mean, there were other boys
19 as well.

20 Q. But you make the point that if he took a fancy to you --
21 your words -- it would happen a lot.

22 A. Yes. Yes, 100 per cent.

23 Q. And from what you say, he took a fancy to you.

24 A. Yes, yes, definitely.

25 Q. So how often --

1 A. And so much so that -- and I'm not sure I put this in
2 the statement, maybe I did -- when Mr Dawson came to the
3 end of his tenure, he was selling these various
4 implements for charity, and I remember thinking: is
5 there any way I could get enough money together to buy
6 one of those? Which now I look back on it and think is
7 absolutely just obscene. And so if I had that in my
8 house right now -- it just strikes me as really quite
9 bizarre.

10 So that obviously had some sense of the relationship
11 that he had with you in terms of these implements, that,
12 you know, it didn't feel like damage was the intention.

13 Q. I think all these various implements had names?

14 A. They did.

15 Q. That was part of the show?

16 A. Yes. Yeah. And I mean, I was -- I'm a graphic
17 designer, I was trained as a graphic designer, and, you
18 know, his calligraphy on these devices was very
19 impressive, you know? He put a lot of effort into it.

20 Q. I think there are other elements to Mr Dawson, because
21 you say in the statement he would at times invite you to
22 his home --

23 A. That's right.

24 Q. -- at weekends?

25 A. Yeah. Not just me, now.

1 Q. No.

2 A. So, if you were in Mr Dawson's class or you were -- you
3 had taken his fancy and you were a boarder, he would
4 sort of frame this thing that, you know, you didn't get
5 much of an opportunity that the day boys were obviously
6 at home at weekends, et cetera, so he would take you,
7 and, you know, I remember there was me and a couple of
8 friends and we went to his house.

9 But, before we went to his house, I remember we went
10 to a pier, and -- I think this is in the statement -- we
11 had to play a game, which involved running down this
12 pier and doing various things, one of which was climbing
13 through a small red hoop, you know, which was obviously
14 at the pier to tie boats on to and things. But, looking
15 back on it now, it was obviously a kind of like, you
16 know -- seeing boys wriggling through that hoop would
17 affect their clothing and how their clothing sat on them
18 and -- but, at that age, and in that context, and in the
19 context of it being a competition and there's two or
20 three of you and you are all doing it for fun, it was
21 only later that I started to really unravel and really
22 see it for what it was.

23 He then also would take you to his house and you
24 would get -- you know, he would -- you would get some
25 food, et cetera, and he had a ride-on lawnmower, which

1 you would -- he would drive and you would sit on his lap
2 while he drove that ride-on lawnmower around his garden.

3 Q. At the time, it was fun?

4 A. At the time, I thought a ride-on lawnmower was amazing.
5 Now, I look at it and I think it's just so obscene it's
6 untrue, you know. Yeah, it's just -- it's crazy.

7 Q. Your last line in the statement, on paragraph 85, is:
8 "It always involved an awful lot of him rubbing you
9 and rubbing you against him."

10 A. 100 per cent, yeah. And I would say that that was also
11 true of the situation in the classroom with those
12 implements as well.

13 Q. Yes.

14 A. You know, it was very performative, but it was also very
15 physical, you know.

16 Q. Yes.

17 The other teacher you mention was a [REDACTED] teacher,
18 who, to use your words, was "free with his hands".

19 A. Yes.

20 Q. And this is IBP [REDACTED]?

21 A. Yes. I mean, I called him IBP [REDACTED]. We called him
22 IBP [REDACTED].

23 Q. That was his nickname?

24 A. Yeah.

25 Q. Yes. And we have heard that he was a large man.

1 A. Yes, very.

2 Q. And he would come and sit beside you.

3 A. Well, no, he would -- so those tables were like a table
4 that opens up and has space in it, and then a metal
5 thing that comes round like this, and then there is
6 a seat.

7 Q. Yes.

8 A. And so there is this much space to sit in it. So it's
9 really made for a boy.

10 Q. And a pull-down seat.

11 A. Yes, so it's made for a boy, right? He would come and
12 he would say, "Stand beside your table", and he would
13 get you to get up. He would then squeeze into that seat
14 and he would then have his knee sitting out and he would
15 then gesture to you to sit on his knee.

16 And again, like, looking back on that, I just find
17 it really quite obscene, but at the time just -- it's
18 just -- yeah. There were lots of boys who would just
19 sit on his knee, and I'm one of them, so, you know ...

20 Q. I think you say he never put his hands anywhere, but he
21 clearly wanted contact with boys.

22 A. 100 per cent.

23 Q. Physical.

24 A. Yes, yes, yeah.

25 Q. How was he viewed at the time by the boys?

1 A. A bit slimy, you know. I think the name **IBP** probably
2 is, you know, a bit onomatopoeic, you know.

3 And again, like Mr Dawson, it wasn't all the boys;
4 it was certain boys, you know. But you also -- like
5 Mr Dawson, if he comes to your table and you stand up
6 and he sits in your spot and says, "Right, come and sit
7 down here and let's go through your stuff", again you're
8 in a sort of -- you are in a position of -- you're in
9 a position -- he's in a position of power, you're not,
10 and, you know, you do what you're told.

11 Q. Yes.

12 I think the other episode that you talk about -- and
13 this was you witnessing, and again we'll hear separately
14 about it.

15 A. Yeah.

16 Q. There was an episode where you found your brother in
17 a great state of distress.

18 A. Yes, yeah.

19 Q. And he can no doubt tell us about that.

20 A. He will talk about that. I think what's interesting to
21 me about that is I had put so much of this out of my
22 mind that when I heard that the Inquiry was going to be
23 looking at the Academy, I was obviously pleased to hear
24 that and I phoned to speak to my brother. I've got to
25 be really careful not to use his name. I phoned and

1 spoke to my brother about it and said, you know, "Are
2 you going to be getting in touch with the Inquiry?", and
3 he had already been in touch with the Inquiry, which --
4 I was quite taken aback.

5 We went into different houses when we were in
6 Edinburgh Academy, which was not normal as well. You
7 know, normally you would go into a house and then all
8 your family would follow you into that house. So I was
9 in Jeffrey House and, traditionally, the way the school
10 worked is if my children went to Edinburgh Academy, they
11 would also go into Jeffrey House, and that would be the
12 way it would work.

13 My parents had actually said they didn't want [REDACTED]
14 to go -- oh, sorry, I said his name, whoops.

15 Q. That's all right.

16 A. They didn't want him to go into the same house, which
17 was very unusual, but he ended up going into a different
18 house. And we have very different outlooks on life and
19 we have different opinions, but this experience has
20 really brought us together.

21 And when I phoned him to say I was going to be
22 getting in touch with the Inquiry and he said he had
23 already been in touch with the Inquiry, he relayed this
24 story to me, about what had happened to him, and said,
25 you know, "Do you not remember this?" And I was --

1 I literally couldn't remember any of it at all. And he
2 said, "You rescued me and you took me to the
3 housemistress and to the matron and you -- you know, you
4 helped me in this situation".

5 I was like -- I was (a) quite surprised because [B]
6 and I -- oh, sorry, that's twice now. Sorry.

7 LADY SMITH: 'Tom', if it's any comfort, I'll remind
8 everybody now: that is a name that is not to be repeated
9 outside this room. It's been communicated in
10 confidence.

11 A. Sorry. I'm so sorry. I'm so sorry.

12 LADY SMITH: Don't worry.

13 A. What was odd to me about it was that we had such
14 different outlooks on life when we were at school.
15 I had kind of grown up in that -- we wouldn't have
16 called them "fags", but you would have somebody who
17 would polish your shoes, et cetera, et cetera. So
18 I would have done that for somebody who was more senior
19 and, to me, I felt like because I had done that for
20 somebody else, it was my turn now, somebody should do
21 that for me. My brother felt this was just absolutely
22 terrible and it should be overturned, and we just didn't
23 agree on any of that.

24 So when he told me that I had rescued him, I was
25 really surprised. But, also, it just made everything

1 flood back and -- yeah, I had just put it out of my
2 mind.

3 Q. Okay.

4 Thinking of other staff, you describe some staff in
5 very, very positive terms.

6 A. 100 per cent.

7 Q. Some staff were good.

8 A. Yes.

9 Q. Who, in particular?

10 A. Well, I would say that Edinburgh Academy was a very
11 traditional school. You were either going to be
12 a lawyer or a doctor, or, you know, something like that.
13 I wanted to be a designer. My friend, [REDACTED],
14 wanted to be an artist. We were probably the only two
15 who were still left in final year who were reprobates
16 doing that kind of things.

17 Mark Cheverton, who was our art teacher, was --
18 I mean, I describe him as my first mentor. I mean, he
19 took me under his wing. He was very into religion.
20 I became involved in religion as a consequence. He took
21 me under his wing. He taught me. He understood who
22 I was, as a person. He -- I vividly remember him coming
23 to me and saying, "You have to go to this exhibition in
24 the Fruit Market Gallery because I think that's what
25 you're going to do for the rest of your life". And

1 I went to this exhibition, and that is what I did for
2 the rest of my life. He totally understood me.

3 And [REDACTED], my friend -- who I don't think has
4 anything to do with this, so I can probably say his
5 name -- he ended up in the collection of
6 [REDACTED]. So we both actually did quite well,
7 even though we were reprobates at school.

8 But Mark was caring, nurturing. I maintained
9 contact with him after I left Edinburgh Academy. He
10 left the year I left to go to Glasgow School of Art and
11 set up Leith School of Art, and I helped him, for the
12 first and second summer, polish his floors, get his art
13 school ready and do all of that.

14 And he sadly died about a year or two after that,
15 and I was devastated when I heard that, because he'd had
16 a huge impact on my life.

17 Q. As one of the arty ones, was that a factor in more
18 negative sides to the Academy or were you that bit older
19 and it perhaps wasn't so much of an issue?

20 A. Yeah, I would say we were that bit older and it wasn't
21 so much of an issue. I would say that when I was
22 younger I was not necessarily an arty person, apart from
23 that drawing I did with the golf club thing.

24 But, yeah, I don't think that there was -- there
25 was -- there might have been a certain degree of

1 snobbery in [REDACTED] -- that was my class -- amongst the
2 staff, who were more focused on Cambridge and Oxford,
3 et cetera, but there was no malice attached to it.
4 There was perhaps just a lack of understanding about
5 what a career in the creative fields was.

6 Q. Yes. And there was a teacher who got it.

7 A. 100 per cent.

8 Q. Yes.

9 The statement details what happened after you left,
10 all the things you've done having had that support, and
11 we don't need to go into that.

12 We have talked about the silence that you wouldn't
13 have, for a variety of reasons, really spoken to anyone,
14 and you didn't talk to your parents, I don't think,
15 about this.

16 A. No.

17 Q. It came out because of all the --

18 A. This.

19 Q. -- publicity with Nicky Campbell and so forth.

20 A. Yes, yeah.

21 Q. And you've had some difficult discussions with your mum.

22 A. Yeah. My dad is suffering with his memory, so he is not
23 quite as au fait. Although he still would be in the
24 background shouting "good luck".

25 My mum is horrified and blames herself for all this.

1 And my brother and I are -- you know, it's not her
2 fault. And I think she feels bad that we never told her
3 any of this. And we have explained that to her, so
4 I think she understands the context.

5 Q. But, even now, the experiences of 1979 onwards are
6 having impact.

7 A. Yes, definitely. Yeah.

8 Q. And that's on your mum.

9 A. Yeah.

10 Q. What about you?

11 A. I think -- well, I mean, I think for a long time I drank
12 too much and I had real problems with alcohol. That
13 affected my family.

14 (Pause)

15 Sorry, I just need a minute.

16 LADY SMITH: It's no problem, 'Tom'. You just take as long
17 as you want.

18 A. I have had a lot of issues with lack of confidence, lack
19 of self-esteem, lack of self-belief, which is crazy
20 because, actually, if I look objectively at my career,
21 it's been very successful. But that has led me to lots
22 of problems with addiction, in particular alcohol and
23 other forms of addiction.

24 I stopped drinking on 1 January 2018 and that has
25 had a massive impact on my life, and I'm dealing with

1 other things just now that are still reverberating
2 around my head and around me, as a person, and that are
3 affecting not just me, but my wife, [REDACTED], and my kids,
4 and my son's wife, and it's horrendous.

5 MR BROWN: I think you say in the statement there are
6 a number of factors at play.

7 A. Yeah.

8 Q. But where do you think Edinburgh Academy fits into it?

9 A. I think Edinburgh Academy fits into it in a -- I feel
10 that a lack of self-esteem is huge, and I think that
11 when you are nine, ten, those early formative years, you
12 know, the environment that you are brought up in affects
13 you, and that's something I've had to deal with, with my
14 children, and something I'm still dealing with.

15 And I think that that lack of self-esteem, that
16 knuckle in the shoulder because you're not good enough
17 or you're not smart enough, or you don't look right, or
18 something is wrong with you, and you don't know what it
19 is because no one is telling you what it is, and why are
20 you getting that, but somebody else isn't getting it?
21 And you're looking at them and you're looking at
22 yourself and you're thinking: what's the difference
23 here? I think those early experiences have really
24 affected me in quite a big way.

25 I think the later experiences with Mr Dawson and

1 with **IBP**, I -- yeah, I mean, that has not
2 affected my sexuality, that has not affected who I am as
3 a person, really. But I do feel tremendous guilt about
4 a lot of those things. Even though I can objectively
5 look at myself at that age and think, "That's not my
6 fault", it's still very difficult to forgive yourself
7 for some of those things, because you do wonder: were
8 you responsible for leading somebody on or indicating
9 that that was something you liked or -- yeah, sorry.

10 Q. No.

11 I think, again, as the statement makes plain, you
12 have talked about burying things --

13 A. Yeah.

14 Q. -- but over recent years you have --

15 A. Excavated a lot.

16 Q. And has that helped?

17 A. Yeah. I would say that's been incredibly painful to do.
18 I have been working with a behavioural therapist for
19 maybe six or seven years, or something like that, and
20 a lot of that has been to do with this and coming to
21 terms with it. And, yeah, that's just been very
22 difficult.

23 Even when you have a behavioural therapist, or
24 a counsellor who you've grown to know for three/four
25 years, and you know -- I wouldn't say as a friend

1 because that's a different kind of relationship, but you
2 feel you can trust that person with anything, opening up
3 about this, when the Nicky Campbell thing happened and
4 this all started to come to the surface, and when
5 I spoke to my brother and he said what he said and
6 everything came flooding back, opening up with this with
7 that therapist was incredibly difficult, and is still,
8 and -- yeah. Yes, it's just -- it's just something
9 I think I'm going to have to deal with for a long time.

10 Q. A work in progress?

11 A. 100 per cent.

12 Q. Yes, okay.

13 You have obviously also thought about what you would
14 like to see done differently in schools --

15 A. Yeah.

16 Q. -- and that's something this Inquiry has touched on
17 already. You set out in the statement you want
18 inspections, unannounced inspections, the possibility of
19 social workers in school --

20 A. Yeah.

21 Q. -- or, as perhaps we have heard, counsellors in school.

22 A. Yeah.

23 Q. So I think it's fair to say -- and you can read the
24 Inquiry transcripts -- things have very much changed.

25 A. Yes. Yeah.

1 Q. But, fundamentally, what would your concern be about
2 schools now, if you can tell us?

3 A. I mean, I think I've said it all in my statement.
4 I think that -- you know, I've also worked in
5 an educational context for a number of years, and
6 I think pastoral care is so important. And pastoral
7 care provided by people who are not necessarily in
8 positions of power; pastoral care provided by people who
9 are in some way, shape or form independent, who can
10 offer an outside perspective. And also routes to safe
11 spaces where you can go and talk about something without
12 fear of retribution.

13 We talked about clyping earlier on, and I think that
14 that's, like, a real cultural issue that probably still
15 exists in schools. And I think there is one thing, the
16 dynamic between kids, and then there's another thing,
17 the dynamic between kids and teachers. And teachers are
18 always going to be in a position of power over kids, and
19 I think that a system that allowed Mr Brownlee to do
20 whatever he wanted and for nobody really to seem to care
21 or to do anything about that seems to me broken. And
22 I know that those things are being addressed.

23 But I also look at things like Mr Dawson, who -- the
24 more I read about Mr Dawson, he had already been
25 discovered to be doing things that were, you know, not

1 good for the kids, and then to remove him from being
2 a housemaster, and then just make him a teacher and
3 still give him access to all those kids, I just find
4 that whole situation bizarre. But I think, hopefully,
5 we're moving way from that kind of system now, you know.

6 Q. 'Tom', thank you very much indeed. I have no further
7 questions for you, but is there anything else you would
8 like to say?

9 A. The only thing I want to say is this has been an
10 incredibly difficult and painful experience to relive;
11 not just for me, but for my brother and for other
12 friends who I know, who are going through this. But,
13 throughout the whole process, the team who have been
14 supporting us, in particular [REDACTED] has just been
15 amazing. They're so concerned for your well-being. And
16 yourself as well. And you, too, thank you. Everybody
17 is so concerned for you as a person and then the
18 evidence comes after that, but at every step of the way
19 there is a concern for your well-being.

20 And then the last person I would like to thank is
21 [REDACTED], because she has been through this with me every
22 step of the way and she's had to deal with a lot of
23 stuff along the journey, and she is still here, and
24 I really appreciate that.

25 And that's all I've got to say.

1 MR BROWN: Thank you very much.

2 LADY SMITH: 'Tom', thank you so much --

3 A. Thank you.

4 LADY SMITH: -- for your written statement, that has much
5 valuable detail in it that we haven't particularly
6 talked about today. But thank you, also, for being
7 prepared and able to talk so well --

8 A. Thank you.

9 LADY SMITH: -- about the parts of the statement that we
10 have discussed with you.

11 It's obvious, as you say, this is difficult and it's
12 painful, but in managing to do what you've done, you've
13 contributed so much to this Inquiry. I'm really
14 grateful.

15 A. Thank you. Thank you.

16 LADY SMITH: Now, please go and try to do something quite
17 different for the rest of today. There seem to be a lot
18 of people having fun out in Edinburgh, if you can bear
19 that and somehow get a rest. Thank you.

20 A. Thank you. Thank you very much.

21 (The witness withdrew)

22 LADY SMITH: 'Tom' wasn't to know this, but he mentioned the
23 name of one boy at school, [REDACTED]. He is also
24 protected by my general restriction order, so please
25 don't identify him outside the hearing room. Of course,

1 as I said earlier, the name [REDACTED] that he attributed to
2 his brother must not be used outside the hearing room.

3 Mr Brown, I think it's time for the morning break;
4 yes?

5 MR BROWN: It is. Thank you, my Lady.

6 LADY SMITH: I'll sit again at quarter to. Thank you.

7 (11.25 am)

8 (A short break)

9 (11.45 am)

10 LADY SMITH: Mr Brown.

11 MR BROWN: My Lady, the next witness is Philip Dundas.

12 LADY SMITH: Thank you.

13 Philip Dundas (sworn)

14 LADY SMITH: Philip, I've rather assumed that you are
15 comfortable with me using your first name, but if you'd
16 rather I called you Mr Dundas, that's fine. Is that all
17 right?

18 A. Yes. No, that's absolutely fine, thank you.

19 LADY SMITH: Thank you.

20 The red folder on the desk there has a copy of your
21 statement in it, the one you signed. Feel free to use
22 it, if you would find it helpful, and whatever other
23 notes you have with you, if that's useful.

24 Also, Philip, if you have any questions as we go
25 along, please speak up, don't hold back.

1 school in 2017 and none was forthcoming.

2 A. Yeah.

3 Q. Okay. That's a matter of concern to you because

4 acknowledgement, you think, is important.

5 A. Yes, I would say so.

6 Q. But I think in the context of the failure to reply,

7 having spoken with you, you would accept that seems to

8 be not intentional; it was something that fell through

9 the gaps, I think was the phrase that was used. But,

10 more broadly, you still feel there is a greater need for

11 acknowledgement.

12 A. Yes, I would agree with that.

13 Q. Thank you very much indeed.

14 You are 57.

15 A. Yes.

16 Q. And you went to two schools that are of interest to the

17 Inquiry, the first being Edinburgh Academy. I think,

18 just in terms of dates, that was January 1976 and then

19 until 1978; correct?

20 A. Correct.

21 Q. When you were 10 to 13.

22 Then you move to Fettes in 1978 and stayed there

23 until 1983, and you boarded for the last two years.

24 A. Yes. I think more or less, a year and a half, something

25 like that.

1 Q. Yes, okay.

2 In terms of background, you spent your initial years
3 in the south of England, but then moved to East Lothian.

4 A. Yes.

5 Q. And your parents brought you up, sending you to the
6 local primary school. One factor was they were
7 Christian Scientists, which I think you feel didn't help
8 later on at the Academy.

9 A. Well, I think, as anybody who knows Edinburgh life,
10 anything that sort of made you stand out, particularly
11 in a school like Edinburgh Academy, you know, was just
12 an unfortunate addition to your profile.

13 Q. It was another difference.

14 A. Yes.

15 Q. And were you mocked for it?

16 A. I don't think particularly. But I do remember,
17 particularly, the chaplain was very dismissive of it
18 when I piped up that my church was different or
19 something that a kind of feckless 10-year-old might say,
20 and so I remember just deciding to keep quiet about it.

21 Q. All right.

22 The fact you piped up may tie in with the last line
23 on page 1, where you say:

24 "I imagine I was always a bit of a precocious child
25 in respect that I was able to communicate easily with

1 adults and could speak on their level."

2 You were a child that was willing to speak?

3 A. Yes. I think I grew up in quite an isolated environment
4 on a farm. I really only had my parents' company. We
5 didn't really -- I think partly because of the church
6 business as well, we didn't really have much of a social
7 circle, and so I think that always leads to you perhaps
8 being -- or seeming to be a bit old beyond your years
9 and having to kind of speak on adult terms, rather than
10 as you would with a group of friends of your own age.

11 Q. Yes.

12 I think that manifested itself and is part of the
13 reasoning behind the move to Edinburgh Academy, because
14 your parents were concerned that, educationally, staying
15 local wouldn't have worked for you.

16 A. Yes, exactly.

17 Q. Schools are considered, and Edinburgh Academy Prep
18 School was chosen for you, but you're really not sure
19 why that school.

20 A. Yes, no particular reason. I think as I say in my
21 statement, it may have been something to do with contact
22 through the church or something like that.

23 Q. Yes. But, for you, it's actually unknown?

24 A. Yeah.

25 Q. Yes. But we see, interestingly, you spend -- you don't

1 join at the start of the academic year, in the autumn;
2 you join in January. And the previous term, you've been
3 going for, essentially, tuition elsewhere; is that
4 right?

5 A. That's correct. I mean, I think it's sort of points
6 to -- you know, my parents were also quite unworldly and
7 certainly didn't have -- you know, were not really part
8 of that Edinburgh society. They didn't go to school
9 here themselves. You know, my mother grew up in the
10 war, so never really had a proper schooling as such.
11 And I think -- I just think that they had no idea of the
12 sort of impact that, you know, starting halfway through
13 a year or, you know, not having those experiences would
14 have on a small boy.

15 Q. Because, presumably, the year group has formed by the
16 time you arrive and you are parachuted into it.

17 A. Yes. So not only has the year group formed, but, you
18 know, most of those boys have been at the school, you
19 know, for three, four, five years already.

20 Q. Coming -- without being rude -- from a primary school in
21 the country, presumably you were moving from one
22 environment to a radically different one anyway, that
23 social element aside?

24 A. Yeah. I mean, it was -- it was terrifying, to be
25 honest. You know, to come as a sort of, you know, kid

1 from a primary school in deepest East Lothian, into
2 a school where, you know, you suddenly had to learn the
3 rules of, you know, not only interacting with other
4 boys, but also, you know, the rules of rugby and cricket
5 and all these things I had absolutely no clue about.
6 So, yeah, it was a rude awakening.

7 Q. Was anything done to try to smooth that passage?

8 A. No, nothing at all.

9 Q. You are there, get on with it?

10 A. You are there, get on with it, and, I mean, I think that
11 sort of follows almost throughout your school career;
12 that, you know, if you show no aptitude for games or you
13 don't understand, you know, you are just simply
14 relegated into bottom division and probably spend most
15 of your school career running around the rugby pitch,
16 rather than on it.

17 So, yeah, no -- there was no induction or support or
18 mentoring or any of the things that we might have these
19 days.

20 Q. Yes. Was there any -- there is no induction, you say,
21 but was it ever made plain to you that, should there be
22 concerns, you could go to speak to someone?

23 A. No, never.

24 Q. No.

25 You mentioned the chaplain; was he understood to be

1 someone you could talk to?

2 A. I mean, I don't remember any presence of a chaplain in
3 the junior school. But, certainly, when I moved on, you
4 know, I never had any sense of, you know, an open door
5 for pastoral care or, you know, if you had concerns,
6 that there was anybody you could really turn to.

7 Q. And your perception was, given your exchange about
8 Christian Scientists, that he wasn't particularly
9 impressed anyway?

10 A. Yeah, I would never have, you know, approached him, you
11 know, for any particular reason after that.

12 Q. Yes.

13 Just thinking about the culture of the school, it's
14 very different to what you have experienced. You
15 have -- you have mentioned sport. Being sporty would
16 help in existing at Edinburgh Academy?

17 A. I mean, I think it's -- you know, it's not a secret
18 that, you know, the private school system is
19 hierarchical, much like, you know, the society outside
20 it. And, you know, the measures of your success are
21 around your ability to excel at sports -- rugby,
22 cricket, I think hockey was involved somewhere -- all of
23 which I showed, you know, not -- little or no aptitude
24 for. And then, you know, almost secondary to that was
25 your ability, your academic ability. And if, as in my

1 case, you know, you are thrown into this, you know,
2 unknown sea to survive, you know, I was just so busy
3 just trying to tread water that, you know, I did neither
4 very well.

5 Q. You do describe -- it's really just surviving --

6 A. Exactly.

7 Q. -- the treading water.

8 A. Yeah.

9 Q. That's what you mean by treading water; it's trying to
10 survive.

11 A. Absolutely.

12 Q. Did that change at all at your time at the Academy?

13 A. It didn't change at any point in my time at the Academy
14 or in my further experiences at Fettes, by which time
15 the damage was done anyway.

16 But it was simply -- you know, if you hadn't been
17 able to plug into that and you were unfamiliar with the
18 ways of creating a support network with friends who
19 lived around you and so on, it was -- yeah, I would say
20 that that just continued.

21 Q. The other thing you mention -- and this is as between
22 teachers and boys -- you describe it as a "them and us
23 culture"; what did you mean by that?

24 A. I think what I mean by that is that it was -- I mean,
25 it's easy, in hindsight, to look back and look at these

1 men, mostly, and wonder, you know, what they were doing
2 in an educational environment at all, because very few
3 of them seemed to demonstrate any kind of vocational
4 interest. There were notable exceptions. But it very
5 much felt that we were, I'm sure, a bunch of atrocious
6 and unspeakable children, you know, entitled, shouty,
7 you know, all things that small boys are, but it felt
8 like a constant state of conflict. As I say, apart from
9 a few notable exceptions.

10 So, in many ways, one's behaviour in its own right
11 became adversarial and sort of -- you might even be
12 goading teachers that you knew -- quite innocently, but
13 you knew would be -- were sort of against you from the
14 outset. So it was a sort of silent war. Or not so
15 silent, sometimes.

16 Q. All right.

17 You say, at paragraph 21:

18 "I think at Edinburgh Academy there was a state of
19 polite embattlement where the loud, noisy, entitled
20 young boys were mimicking their parents' attitudes,
21 making it a very difficult job for the teachers."

22 A. Yeah. I don't envy those of them who, you know, really
23 cared about teaching, and I have no doubt that some who
24 perhaps started with the best intentions might have
25 been, you know, driven to despair, but the -- you know,

1 they were responsible for creating the culture of the
2 school, and the sometimes brutal behaviour that went on
3 between pupils, the bullying, the -- you know, the
4 roughhousing, et cetera, that was their responsibility
5 to regulate and to fix, if it wasn't working.

6 So, you know, there's no question that, you know,
7 young boys coming from -- you know, some coming from
8 more or less entitled backgrounds than others, you know,
9 may need a certain amount of shaping and moulding, but
10 it didn't feel like that was going on. It felt like
11 that, you know, you were either beaten into submission,
12 ridiculed and humiliated, or just ignored.

13 Q. Okay.

14 You do say there were one or two exceptions.

15 A. There were.

16 Q. And they stood out because they were exceptional.

17 A. Yes.

18 Q. Who were you thinking of?

19 A. I remember one English teacher, I think Mr Jarman, who
20 was just a kind, thoughtful, helpful teacher. You know,
21 I remember very clearly him wanting to sort of help me
22 get on in the class.

23 I'm currently racking my brains to think of another.

24 But, you know, some, at times, showed sides of their
25 nature and -- you know, positive sides of their nature,

1 and I guess some were partial or preferential in, you
2 know, favouring some pupils above others, if they got on
3 with them and so on.

4 Q. Yes.

5 You didn't board at Edinburgh Academy, other than
6 perhaps staying occasional nights.

7 A. Correct.

8 Q. So, from your perspective, the boarding houses have no
9 particular memory that causes you problems.

10 A. No.

11 Q. So it's all at the school.

12 A. Yes.

13 Q. Yes.

14 The distinction between boarders and day boys.

15 A. My memory is that there was far less of a distinction
16 than there was, say, at Fettes, where being a day boy
17 was, you know, very much the -- you were the odd one
18 out.

19 At the Academy, it didn't feel like that if you were
20 a day boy. I think the percentage was, you know, much
21 more balanced, if not higher, so you were not the -- you
22 were by no means the odd one out.

23 Q. Yes.

24 LADY SMITH: I've heard, Philip, that the boarders were very
25 much in the minority as compared to day boys at the

1 Academy.

2 A. I think that's my feeling, your Ladyship, yes.

3 LADY SMITH: Thank you.

4 MR BROWN: It's essentially a day school, but there are

5 boarders; whereas Fettes was a boarding school but there

6 are some day boys.

7 A. Yes.

8 Q. Thinking back to primary school in East Lothian, had

9 there been physicality, as in corporal punishment?

10 A. No, not at all.

11 Q. I think once you went into the prep school, did you

12 discover that was another aspect of the world that was

13 different?

14 A. Absolutely. I mean, as I say, it really was a sort of

15 rude awakening. And I think for -- in my case, coming

16 into Edinburgh Academy, the sort of best I could do was

17 to perhaps mimic what I saw other boys doing, which,

18 of course, is, you know -- forgive the pun -- a hiding

19 to nothing. And, you know, I probably made myself far

20 more unpopular, really, just trying to make friends or

21 associate myself with people by being the same as them,

22 but actually without any of the sort of background to

23 understand how my behaviour was, you know, impacting

24 on --

25 Q. What sort of behaviour are you thinking of?

1 A. Well, I just think probably that precocity that we --
2 that, you know, I referred to at the beginning of my
3 statement, which is, you know, as we know, a sort of
4 form of defence, so you either sink or swim, and you
5 either try desperately to be the sort of cheeky, cheery
6 chappy or you disappear. And, you know, I think that's
7 something I've tried to resist, is disappearing.

8 Q. All right.

9 But I think from what you tell us in the statement,
10 you have two recollections of the prep school where
11 there was physicality. The first with a prep school
12 teacher, a lady --

13 A. Yes.

14 Q. -- who put a pencil into your hand and made it bleed.

15 A. Yeah. I mean, it's still possibly one of most
16 astonishing things I can remember, is, yes, the idea
17 that to test -- if your pencil wasn't sharp enough, she
18 would show you what sharp enough meant, and that
19 involved, you know, her pricking your hand with her
20 pencil, and I just -- yeah, I'd never had -- never
21 experienced anything like this from a teacher, far less
22 a female teacher.

23 Q. And your hand bled as a result?

24 A. Yeah. I mean, not badly. But, you know, it drew blood.

25 Q. It drew blood. Had you seen that happening with others?

1 A. I honestly can't remember that.

2 Q. And the second time is with a teacher who, in fairness,
3 you say was usually a nice guy and seemed to be on this
4 occasion acting out of character.

5 A. Yes. This -- I think you are referring to the incident
6 with ICA .

7 Q. Yes.

8 A. Really the only reason I remember this incident is
9 because it was the first time I ever saw stars, which
10 is -- you know, which we only knew from the sort of Tom
11 and Jerry cartoons, you know, when the hammer -- when he
12 gets hit over the head by a hammer, and I -- yeah,
13 completely out of the blue, my head was bashed off
14 a desk, and I've never forgotten it.

15 Q. And what had you done to --

16 A. I -- as far as I recollect, I had sneezed in the
17 classroom rather loudly during a test, which, of course,
18 you know, made other boys titter and caused a bit of
19 a disturbance, and he came up behind me while I was
20 doing the test and that's what ensued.

21 Q. Yes.

22 Now, you moved then on to the senior school and into
23 the Geits, we would understand, at Edinburgh Academy,
24 you were going in to P6; is that right?

25 A. Yes, I think so.

1 Q. Then you move into the senior school --

2 A. Yes.

3 Q. -- after two terms.

4 A. Yes.

5 Q. We have heard there was streaming in the junior school
6 as well. You have already touched on the fact that,
7 academically, you weren't in the higher levels; is that
8 fair?

9 A. Yes, that's fair.

10 Q. Which stream did you go into?

11 A. I think pretty much the bottom stream.

12 Q. Would that be the D stream?

13 A. I think so.

14 Q. Right.

15 The impression you give from the statement is: those
16 who nowadays might be considered to have behavioural
17 issues -- ADHD, other such -- dyslexia, learning
18 difficulties -- you would all gravitate towards the
19 D stream because you weren't performing well
20 academically.

21 A. Yes, correct.

22 Q. And what efforts were made by the school to lift you out
23 of that?

24 A. I mean, absolutely none that I can certainly remember,
25 any conversations about learning support or how to

1 improve, which is, you know, odd to me, because I was
2 a bright kid and I had, you know, a pretty early reading
3 age, and so I wasn't, you know -- I was by no means
4 stupid. But, in that environment, you know, my
5 abilities just seemed to dwindle.

6 And I think it was down to concentration and, you
7 know, the anxiety which I had was slowly building up
8 from my time in the junior school and then in the Geits,
9 you know, was just sort of taking over. And I think
10 I say in my statement, I recently got hold of some very
11 sketchy notes about my academic ability and it described
12 me as "swimming in a sea of irrelevant imagination" or
13 something, you know.

14 Q. Is this a report?

15 A. It was a sort of rector's report. You know, a half
16 a line or something. But it nowhere made any allusion
17 to, you know, trying to help or seeing what was wrong.

18 Q. So it was noted that you weren't succeeding?

19 A. It was noted.

20 Q. But that's where it stopped?

21 A. Yes.

22 Q. Moving into the senior school, culturally, did that make
23 things better or worse?

24 A. I guess I was learning to survive, so -- but, of course,
25 the senior school was a whole other world, you know,

1 a world of towering 16-year-olds, you know, smoking in
2 the school toilets and, you know, the whole kind of
3 gamut of what goes with a senior school and the huge age
4 range. So, you know, it's just a different kind of
5 treading water, just in a much bigger sea.

6 Q. What was your response to being in that bigger sea? Did
7 you hide? You have talked about trying to sort of act
8 in the junior school as others acted, which led to
9 problems; did you change your tack once you were in the
10 senior school?

11 A. I mean, I don't remember, to be honest, how I was.
12 I think I was always good at putting a brave face on
13 things. But, you know, when you were streamed in the
14 lower sets, you know, you were spending time with other
15 boys who were also, you know, streamed according to your
16 level. So I guess there was no sense of particularly
17 getting better at things.

18 I do remember that music was a bit of an escape for
19 me, and I was able to sing in the choir and play
20 a musical instrument very badly, but ... You know, so
21 there were some ways of escaping.

22 Q. But broadly, as you say at paragraph 40, the conduct of
23 older boys, which could be robust in a variety of
24 senses, left you feeling very isolated.

25 A. Yes. I felt -- I mean, I was very badly bullied and --

1 you know, by older boys, and I think I was an easy
2 target.

3 Q. Were you small?

4 A. I was small. I was, you know, a bit of a weakling.
5 I was a bit innocent. I probably, you know, shot my
6 mouth off, you know, when it wasn't required.

7 So, you know, it was easy to see that I would be
8 a target for, you know, older boys looking for a victim.

9 Q. But you do say, at one stage, you fought back.

10 A. Only once, and that was just being pushed to the limit.
11 You know, as I'm sure you've heard, in -- from many
12 witnesses, bullying has a kind of incremental effect,
13 and it just builds up and wears you down at the same
14 time. And I think I just spotted my opportunity, and
15 one day somebody was, you know, pushing me out of my --
16 trying to push me out of my desk, and I just lifted the
17 lid of the desk and caught him on the side of the head
18 and I think practically knocked him out.

19 So I had a brief moment in the sun of, you know,
20 having fought back. But it didn't go well, because
21 I was then -- you know, my behaviour was then questioned
22 and further, you know, characterised as being, you know,
23 off the wall or --

24 Q. And you were punished?

25 A. And I was punished, yes, of course.

1 Q. Did anyone ask why you had done it?

2 A. No. And you wouldn't -- you know, you wouldn't tell
3 anyway, because, you know, clyping, as we know, was the
4 cardinal sin.

5 Q. Had that been made plain to you when you arrived?

6 A. From day one.

7 Q. Had that been the same in East Lothian?

8 A. I mean, it was just a different culture there. I mean,
9 obviously, I was much younger. We were much more
10 innocent. But, I mean, I guess that is a kind of
11 unspoken rule amongst, you know, children in a school
12 environment.

13 Q. Can we take it you wouldn't have gone to speak to
14 a teacher anyway?

15 A. No, I mean, I find it hard to imagine that I would have
16 done that.

17 Q. Did you ever go and speak to a teacher about your
18 concerns, about your isolation?

19 A. No.

20 Q. You have talked about the them and us; would you be
21 positively wary about some teachers?

22 A. Well, absolutely. I mean, there were some who, you
23 know, were known to be trigger happy with their, you
24 know, punishments. There were others who you knew would
25 sort of fly into a rage.

1 So, yes, I mean, the facts speak for themselves.
2 You know, weirdly -- or not weirdly, but probably quite
3 predictably, I have very few memories, specific
4 memories, of my time in the Academy, apart from what
5 I put in my statement, and very few memories of
6 teachers, and particularly, you know, any positive
7 memories. And so the ones that I do remember are pretty
8 negative experiences.

9 Q. In your statement, you mentioned three teachers. One
10 was a PE teacher, and PE, I take it, was not one of your
11 favourite pastimes?

12 A. PE, for a boy like me, was just torture. You know, if
13 you were skinny, physically weak, if you were, you know,
14 overweight, if you were in any way different, PE was the
15 time that you would be -- you know, the spotlight would
16 most be upon you, not least because, you know, you were
17 just dressed in a pair of shorts and expected to leap
18 over these -- what looked to me like sort of
19 insurmountable objects to show your athletic prowess, of
20 which I had none.

21 Q. In terms of doing PE, am I right in saying you would
22 wear shorts, but no vest?

23 A. Correct.

24 Q. Was that all the way through school, thinking of your
25 time at Edinburgh Academy, or just earlier years?

1 A. Honestly, I don't recall. Again, my recollections of PE
2 are thankfully limited to what I've written in my
3 statement.

4 Q. But one of the issues -- and you don't think there was
5 any written rule about wearing pants at PE?

6 A. I have no idea what the rule was, but it appeared that
7 there was a sort of general rule that when you were
8 doing sports you couldn't wear clothes that you would be
9 wearing in school.

10 Q. So was it something you picked up that that was the way
11 it was -- or, sorry, was it written down that you
12 shouldn't wear underpants, undershorts?

13 A. I don't know if it was written down somewhere.

14 Q. All right. But it was an issue in PE?

15 A. It was an issue with, you know, that particular teacher
16 in PE, who seemed to be able to identify -- I mean,
17 I guess it was pretty obvious, really. You know, it was
18 probably hard to hide your pants under those shorts.
19 But he -- we are talking about Mr **IBU**. He --
20 I remember particularly one instance of being called
21 into his office and having to pull our shorts down and
22 take our pants off in front of him. So you were
23 effectively standing naked in his office, which, you
24 know, really just -- you know, the humiliation for
25 a child that -- you know, I had never been naked in

1 front of anybody before, you know. I mean, possibly,
2 you know -- I mean, only my parents sort of thing, you
3 know. So this was a really significant event and has
4 marked itself on my memory as a result.

5 Q. You said "our", as in plural; this was not just you?

6 A. Yeah, there were other boys in the room.

7 Q. Is that one of those situations that you learnt to play
8 the game and not wear pants because of what would
9 follow?

10 A. I honestly don't remember what happened after that, but
11 I'm guessing that I wouldn't have dared to break the
12 rule again.

13 Q. Yes.

14 You also remember the same teacher would stand and
15 watch when boys were in showers.

16 A. I remember this just because, again, you know, I had
17 never been, you know, sort of -- you know, until I got
18 to the Academy, I had never been in a shower, never mind
19 naked in a shower, you know, et cetera, and so it was --
20 but, you know, part of the culture of the school was
21 that we normalised the behaviour of the teachers in this
22 way.

23 And so, you know, IBU, as he was known, him
24 standing there and sort of passing us through the
25 showers just seemed to be a normal part of the -- you

1 know, the day's activities to get out of the gym, and
2 I think we were in and out of those showers as quickly
3 as we could. But it always -- and this is something
4 that went right through, you know, into the senior
5 school and at Fettes, you know -- it always seemed odd
6 and strange and intimidating and humiliating, and
7 particularly if you were, you know, a scrap of a child
8 as I was, you know, it just felt very exposing.

9 Q. Thinking of both Edinburgh Academy and Fettes, did other
10 teachers do that?

11 A. Yeah, it was quite a common thing. Yeah, there was
12 always a teacher around when communal showers were
13 happening.

14 Q. Would you have the same levels of anxiety every time or
15 did it become easier?

16 A. I think after a while you just -- you know, you
17 normalise everything, but it never kind of -- the
18 experience never left me and it was never a comfortable
19 one.

20 Q. No.

21 Was it the subject of discussion amongst the boys?

22 A. I don't think so. I mean, certainly at the Academy, it
23 was -- you know, I was prepubescent, there was no -- you
24 know, I had no understanding. You know, even if there
25 was, probably, conversations going on, I wouldn't have

1 understood what they were talking about. So I don't
2 feel like we were concerned. I just think we made a bit
3 of a joke of it.

4 Q. All right.

5 The second teacher you mentioned is Hamish Dawson.

6 A. Yes.

7 Q. We have heard evidence of him, and you describe him as
8 a "ridiculous clown", everything was a game.

9 A. Yes. It felt like that. Again, I had -- I mean, he was
10 a history teacher, but he also taught remedial maths.
11 So I think in my first term, first year, he was a maths
12 teacher. And, yeah, he was a sort of not very funny
13 Ken Dodd character, who seemed to rule a kind of empire
14 of his own in the classroom, with sort of -- and
15 unforgettable, but extraordinary behaviours and
16 collections of instruments of torture, which he spent
17 a great deal of time joking about.

18 And, you know, going back to what we were saying, is
19 that he -- it all seemed like a joke and, as a result,
20 I think we treated it like a joke and we probably found
21 it all very funny.

22 Q. We have heard that it was a performance.

23 A. Yes.

24 Q. To continue the analogy, there was audience
25 participation, because the boys would become involved in

1 it.

2 A. Absolutely. I mean, he would either be throwing
3 a duster at you, or if you got yourself to the front of
4 a class -- I mean, it sort of -- I think it says a lot
5 about the culture of the school that we were so inured
6 to this behaviour that we didn't think it was abnormal,
7 and so we didn't understand our own behaviour in
8 reacting to it. So, in a way, we perhaps goaded him
9 and, you know, encouraged this behaviour, because
10 anything to distract from remedial maths was a good
11 thing.

12 And he had a way of ameliorating his ridiculousness.
13 You know, on one side, he had a -- his collection of
14 implements and, on the other, he had a jar of jelly
15 beans. So you felt that, you know: oh, I might get
16 a jelly bean.

17 But the price of that was, you know, to have your,
18 you know, testicles fondled under your shorts or
19 whatever it was he did.

20 LADY SMITH: Philip, when you mentioned a duster --

21 A. Yeah.

22 LADY SMITH: -- was that a blackboard duster, one of the
23 ones with a wooden backing to it?

24 A. Wooden backing and felt. So it had -- you know, it
25 would collect chalk. And I distinctly remember getting

1 into -- having to explain away to my mother how my
2 blazer had chalk all over it, without telling her that,
3 you know, I'd had a duster thrown at me.

4 LADY SMITH: I remember such dusters, Philip.

5 If thrown and you are hit with the wooden side, how
6 would it feel?

7 A. If it hit you on the head, it would be a very nasty
8 knock and you would have a bump on the head.

9 LADY SMITH: Thank you.

10 MR BROWN: Just in terms of the throwing, was it being
11 thrown full force, like a cricket ball, or was it --

12 A. I don't get any sense that he was holding back the
13 strength of his throw.

14 Q. All right. But you talk -- how common was this?

15 A. Oh, I mean, my memory is the classes were sort of staged
16 chaos. I mean, he could keep control because we were
17 a bit terrified of him, too, but any chink in the armour
18 was taken advantage of and there would be, you know,
19 distraction.

20 Q. And he would beat and, as you say, he would check
21 whether you had put something down your trousers to
22 protect your bottom before he did so.

23 A. Well, I remember one particular incident where --
24 I've no idea why, but I was to get a beating, and he --
25 yes, he made a great fuss of putting his hands down my

1 shorts before, saying -- you know, questioning whether
2 I might have put a maths book down there to protect
3 myself.

4 Q. But he spotted it?

5 A. There was no maths book, but there was a bottom.

6 Q. There was a bottom, which he felt?

7 A. Indeed.

8 Q. Was it just in that remedial maths class that you
9 experienced him?

10 A. I had no -- yeah, no dealings with him outside that.

11 Q. All right.

12 Did he have any reputation outwith that class?

13 A. Not that I was aware of. I mean, apart from just his
14 general ridiculous demeanour.

15 Q. Yes.

16 The third teacher was a young [REDACTED] teacher.

17 A. Yes.

18 Q. And this was not -- was this a teacher that was teaching
19 you a [REDACTED] subject?

20 A. He wasn't teaching me, no.

21 Q. No. But we understand you're a day boy and, at the end
22 of the day, you would go home; would you be waiting
23 around --

24 A. Yes, so because my parents lived -- because we lived in
25 the countryside, you know, the lift -- pick-up time

1 would vary, and so I was very often, at the end of the
2 school day, kicking about the school yard with my
3 schoolbooks, whatever, waiting to be picked up.

4 Q. But you had some contact with him in the classroom
5 because, from what you say, he gave you a detention.

6 A. Yes. I can't quite recall why. My mind -- well,
7 I think in my statement I say I think -- I seem to
8 remember we had a woman who taught us [REDACTED], and so
9 when it came to the dreaded reproduction class, a male
10 teacher was shipped in to cover that subject, and I have
11 a memory of there being some -- me, for some reason,
12 being asked to remain behind.

13 Q. So that is --

14 A. Or have a detention later in the day or something.

15 Q. But whatever the reason, this is the only time you were
16 taught by this man?

17 A. This is the only time, yeah.

18 Q. And whether it be detention or something else, you were
19 asked to come back?

20 A. I was asked to come back, yeah.

21 Q. Or stay behind.

22 A. Yes.

23 Q. And you had to go to his classroom after the school day
24 had finished?

25 A. Yes. So I distinctly remember -- I remember exactly

1 where the classroom was. I was told to turn up at the
2 end of the day, which I, even then, remember was
3 thinking was rather odd, because detentions were kind
4 of collective experiences and managed by the school, and
5 I was also worried because of my parents picking me up
6 and -- et cetera.

7 LADY SMITH: Philip, can you tell me where the classroom
8 was?

9 A. I can. If you are facing the school, the main building
10 of the school, the classroom was on the right-hand side,
11 at the back of that main building -- well, I say on the
12 side, at the back. So there were two -- I think
13 rooms were on both sides of that piece of the school
14 yard, both on the left and right, right-hand side. That
15 is my memory.

16 LADY SMITH: Thank you.

17 Mr Brown.

18 MR BROWN: Thank you.

19 You go to the classroom as instructed. This, we
20 should understand, is when you are 12?

21 A. 11, I think.

22 Q. Okay. I think you thought -- you say in the statement
23 you thought it was perhaps February or March 1978.

24 A. 1978, yes. So perhaps 11/12.

25 Q. 11/12.

1 A. Yes.

2 Q. It's not a memory test.

3 A. No.

4 Q. And what happens -- it's February/March. Evenings will
5 be getting dark; was it dark?

6 A. Yes, so it was -- you know, I guess it was 4.00-ish in
7 the afternoon. The light was going down. And I went
8 into his classroom. The lights were on at the front of
9 the classroom. And I remember him -- I mean, you know,
10 what I remember is in my statement, but I remember being
11 told to come up to the front of the classroom and sit
12 on -- it was a [REDACTED] lab, so if you understand those
13 [REDACTED] labs had sort of high benches and stools, and
14 they had sort of [REDACTED] and things, you know the
15 set-up.

16 And I remember he was sitting at the front of the
17 class and he put me on a stool next to him and, you
18 know, my recollections are somewhat blurry, but
19 I remember him -- I remember the words, him saying,
20 "Now, what are we going to do with you?", and him
21 parting my knees and sort of coming towards me, pressing
22 himself very, very close to me. I have never forgotten
23 the smell of his breath. It was that sort of smell of
24 instant coffee that we all used to drink, which
25 I've always found very off-putting since. So I remember

1 that really very closely.

2 I remember being very close to his shirt, you know,
3 my -- I just was -- this all happened very quickly. And
4 he started to put his hands under my shirt and so on.
5 And I don't -- my brain has just switched off after
6 that, so I really don't know what happened.

7 But I do remember afterwards being terrified because
8 I had left my schoolbooks there. I had gone in with my
9 schoolbooks and whatever had happened, I had left
10 without them, and the next day went back to get them and
11 them not being there.

12 Q. Presumably, that was a great relief; that he wasn't
13 there?

14 A. Well, he wasn't there, but my books weren't there
15 either, so there was a whole lot of backlash from that.

16 Q. Ah.

17 A. And obviously I couldn't tell anyone why, you know,
18 I didn't have my books or I had lost my books.

19 Q. One detail that is in your statement is he was aroused;
20 you remember that.

21 A. Well, I remember being, you know, very, very flustered
22 and, you know, this sort of man bearing down on me. It
23 wasn't normal.

24 I guess the truth is I had no idea what being
25 aroused was at that time. So, you know, I wouldn't

1 perhaps -- you know, I can't tell you anything more than
2 what I have written, but it felt -- you know, what
3 I know since, you know, feels, you know, like that.

4 Q. Yes.

5 You have used the words already; were you still
6 prepubescent?

7 A. Yeah, absolutely.

8 Q. We have talked about a culture of not clyping, not
9 speaking to teachers; did you feel you could say
10 anything to anyone?

11 A. Absolutely not. I mean, it wasn't as if I was coming
12 out of that classroom with a group of friends waiting
13 for me or, you know, there was -- and I -- you know,
14 I think in a sense that is part of the modus operandi
15 of, you know, the sort of devious planning that goes
16 into, you know, those kinds of acts of abuse, is that,
17 you know, you are picked because you are clearly
18 standing outside the crowd and you're an easy target.

19 So there wouldn't have really been anyone for me to
20 talk to about it, and I certainly wouldn't have, you
21 know, said to my parents for many reasons, but partly
22 because I would be frightened to be told I was lying or,
23 you know, ungrateful for sending me to this school. And
24 certainly nobody in the, you know -- a titch like me
25 going to another teacher and saying something, that

1 would not have gone well.

2 Q. But, as we read, because of that experience, at the end
3 of the school day, you start waiting outside the school
4 and then spend time out of the school when you can.

5 A. So there was a day in the week in which we would have to
6 join a club of some sort before the end of the school
7 day, and I don't think it was particularly well policed.
8 And, for whatever reason, I was -- and I think these
9 clubs were set up for, you know, boys like me, who were
10 being picked up late or had to stay around after school,
11 after-school club sort of thing, and I just wanted to
12 get out of the school. I didn't want to be around the
13 school yard after the -- after school had finished.

14 And so I started sort of kicking around on
15 Henderson Row, which is the street outside the school
16 gates and, you know, just milling around generally,
17 around there and going up to the shops and so on.

18 Q. As we can read in fuller detail in your statement, you
19 were then spotted by a paedophile.

20 A. I was basically, you know, targeted by a man who had
21 a sort of [REDACTED] shop, and it was
22 quite fascinating to see all the things he had in the
23 window, and I got talking to him, and he would talk to
24 me about bits and pieces in the shop. I remember, you
25 know, he had things like [REDACTED]

1 [REDACTED] and so on, and I was interested in
2 all that. I was sort of a bit feral, but was interested
3 in all those things, and we got talking, and he was very
4 nice and he told me that he had been a film director,
5 which seemed very compelling.

6 Q. Enticing?

7 A. Enticing. Yeah, very enticing.

8 Q. But I think, just to cut things just a little more
9 briefly, because the detail is there was another boy
10 also being enticed and you saw things happening to him,
11 which led you to departing.

12 A. Yes, so I, basically, was being groomed, and I watched
13 him abuse another boy shortly afterwards.

14 Q. But I think the thing that troubles you, other than the
15 obvious, is the fact that you were able to leave the
16 school with such ease and without apparent notice.

17 A. Yeah. I think the -- I think my feeling about it is
18 that the school were responsible for my well-being and
19 my whereabouts -- crucially, my whereabouts at all
20 times. When we send our children to schools, no matter
21 whether we are paying for it or not, their duty of care
22 is to ensure that we're all right, all of the time, and
23 I clearly wasn't. And this experience, you know, on top
24 of what had happened, you know, only weeks, probably,
25 before, just almost arrested me, halted me in my tracks

1 emotionally, and certainly in terms of my behaviour at
2 school. And I think that, yes, led in the end to
3 behaviour that the school just decided to offload me.

4 Q. I think as you go on to say, your words again:

5 "I was probably a bit off the rails by this point."

6 What leads to your departure, as you remember it, is
7 you were drawing spaceships, but they were penis
8 spaceships.

9 A. Yes. I mean, one of the things that we know now in
10 safeguarding and child protection is that, you know, one
11 of the key signals is children drawing sexualised
12 images, and it's not simply enough to say that we didn't
13 know enough about child protection and safeguarding in
14 those days. Clearly, any responsible adult would start
15 asking some questions if that was happening, and I think
16 instead it was just used as an excuse for the school to,
17 you know, get rid of a pupil that they didn't know what
18 to do with.

19 LADY SMITH: Philip, can I take you back a moment to the

20 [REDACTED] shop on Henderson Row and you going there.

21 This would be during a time that you were waiting to be
22 picked up or during a time that you should have been at
23 an activity?

24 A. This is a time I should have been recorded at
25 an activity. It was -- I feel that it was something

1 like a Wednesday when other boys -- older boys -- would
2 be doing the CCF, sort of Army -- you know, Navy
3 soldiers, whatever business, and the younger boys --
4 I guess I was in seconds at that stage -- would still
5 be -- you know, would be too young. I think you went to
6 do that at third. So, you know, they occupied you with
7 some beneficial club activity.

8 LADY SMITH: And the point you are making is that nobody
9 seemed to notice that you weren't where you should have
10 been; is that right?

11 A. Exactly.

12 LADY SMITH: Thank you.

13 MR BROWN: In terms of the drawings, I think the statement
14 makes plain that your mother found them at home.

15 A. No, what happened was -- sorry, if there is some
16 confusion there. What happened was that I was presented
17 with them at home --

18 Q. I see.

19 A. And so what had happened is that the school had given
20 them -- you know, obviously called in my mother and
21 given them to her to deal with.

22 Q. But then, having discovered -- because it's your mother
23 who shows them, we should understand they come from
24 school and then school picks up on the issue?

25 A. Yes, exactly.

1 Q. Okay.

2 Your mother presumably asked you what you were doing

3 and why; do you remember what you said?

4 A. I think I just insisted that they were just quite

5 innocent pictures of spaceships that happened to look

6 like penises.

7 Q. What about the school? Did anyone ever ask you --

8 A. Nobody ever asked me.

9 Q. But, as you would understand it, your parents were asked

10 to move you to another school?

11 A. My parents made it very clear to me that the school had

12 described me as a problem that they didn't know what to

13 do with, and that they should find another school for me

14 to be educated.

15 Q. Was that explained by your mother at the time or

16 subsequently?

17 A. Relentlessly for many years.

18 Q. I see. From that moment?

19 A. From that moment.

20 Q. Okay.

21 And you therefore left the Academy, did the

22 common entrance exam for Fettes and moved to Fettes,

23 including boarding.

24 A. Yes, latterly, yes.

25 Q. For about a year and a half.

1 You say you were pleased to get out of Edinburgh
2 Academy.

3 A. Absolutely.

4 Q. We have obviously heard a lot about Fettes already.
5 From your perspective, better or worse than Edinburgh
6 Academy?

7 A. I think the house system -- I mean, Fettes, let's be
8 clear, is a different type of school and I think it's
9 important to differentiate. A different type of pupil
10 and different type of school. So the house system in
11 some ways made it more collegiate, so you would spend
12 time with people who you were not necessarily in the
13 same classes with, but you would be -- you know, you
14 would go to eat with them, you would, you know, do the
15 sort of assemblies and so on, the communal stuff with.
16 So it was a little bit easier, but it was also another
17 rude awakening because it was a different kind of pupil,
18 you know, different set of -- a different set of rules
19 in many ways.

20 Q. I think you say that being a day pupil initially, and
21 you were different because of that, was easier because
22 it kept you away from the house in the earlier years.

23 A. Yes. I think it's -- you know, it's a mixed blessing.
24 Being a day boy at a public school is not much fun
25 because you miss out on all the -- all of that

1 collegiate school life, but it does at least get you
2 away from the nasty bits.

3 Q. And being in East Lothian, I think you left even earlier
4 than other day boys.

5 A. Absolutely, yes.

6 Q. But then there comes a period where you are boarding,
7 and by that stage you are older, and was that more
8 tolerable?

9 A. Yes, by that -- well, I mean, it was tolerable for me.
10 I'm pretty sure it was intolerable for, you know, any of
11 the school authorities because by then I was just, you
12 know, chaotic and off the rails.

13 Q. For the same reasons?

14 A. You know, the damage was done when I was 12 years old
15 and, you know, nobody cared then and, you know, nobody
16 much cared later. So, unfortunately, you know, even
17 when I made attempts to sort of toe the line or work
18 harder, it just -- my, you know, emotional landscape was
19 in constant turmoil.

20 Q. And going to Fettes didn't improve that?

21 A. Not particularly, no.

22 Q. No one asked?

23 A. No one asked.

24 Q. It's the same problem. Your behaviour is bad -- do you
25 agree with that word?

1 A. Your behaviour is bad and it is against them. It is
2 not -- there are no questions asked about, you know, why
3 you might be behaving in that way.

4 Q. No. No one follows up?

5 A. No one follows up, correct.

6 Q. We can read, again, your comments about various aspects
7 of life at Fettes -- bullying, teachers looking while
8 people showered -- in the statement. One thing though
9 you talk about is Chenevix-Trench.

10 A. Yes, I mean -- again, Chenevix-Trench, I mean, he was
11 very much at the end of his career at Fettes by the time
12 I got there and was very obviously drunk quite a lot of
13 the time. I mean, certainly -- you know, what -- I knew
14 what that meant, you know, shuffling around, slurring
15 his words. And again, a little bit like Dawson in
16 a way, he was a bit of a running joke, and there was
17 this sort of -- I don't know if it was unspoken, but
18 this sense of going for a beating from the headmaster,
19 it was a bit funny, and I don't think we understood what
20 the -- how serious the implications of his behaviour
21 was.

22 So the only occasion I went to his study, you know,
23 I actually -- you know, I think as I say in my
24 statement, I think he was just -- nothing happened, but
25 he was just, you know, shuffling and incomprehensible

1 and then after some time pushed me out of the -- you
2 know, told me to run along and get on, but I certainly
3 didn't have a beating and, you know, nothing was -- you
4 know, I don't remember anything particularly untoward
5 except the oddness of the situation, but it was --
6 I don't know, and this probably sounds strange, but it
7 was almost a badge of pride to run away and tell your
8 fellow students -- pupils, that you had, you know, been
9 there, and that is literally as much as I remember.

10 Q. But in terms of slurring his words, when would you see
11 him slurring his words?

12 A. Well, I mean, that's probably a reflection on hindsight,
13 but I just remember him being -- certainly, I remember
14 him being a shambolic mess at school chapel, and one day
15 sort of turning up and muttering incomprehensibly and
16 having to then shuffle off very quickly. And, you know,
17 it was a big school with big boys who all knew what was
18 going on, so it was quite quickly -- the rumour mill was
19 quite -- everybody knew he was, you know, on the sherry.

20 Q. But this would be in the chapel, presumably with the
21 entire school present?

22 A. That was in the chapel, yeah.

23 Q. All the other staff were present?

24 A. All -- yeah, everybody.

25 Q. And that just continued?

1 A. Yeah. I mean, as I say, I don't remember him very much,
2 but I remember that much.

3 Q. It was an open secret about which nothing was done?

4 A. Yes.

5 Q. You left school at 17. Presumably you were happy to get
6 out of Fettes too?

7 A. Well, they expelled me, so I think they were happy to
8 get rid of me.

9 Q. Mutual satisfaction then.

10 A. Indeed.

11 Q. And you go back home to live with your parents, and life
12 for the next four or five years does not go well.

13 A. I think we could safely say that. I very quickly
14 slipped into drug use, quite dangerous drug use and
15 addiction. You know, all of the formal -- the years
16 that I might have spent at school sort of forming myself
17 as a human being, really just felt like a bonfire, and
18 you know, I got -- I was up in front of the judge a few
19 times for minor misdemeanours, mostly drug offences,
20 some minor petty crime. But these were years I spent
21 trying to forget everything that had happened in the
22 previous ten years.

23 Q. You describe various things as demons in your life.
24 Incidents -- in paragraph 99 -- you say with the [REDACTED]
25 teacher has been a continuous demon in your life.

1 A. It's hard to quantify the invisible impact of the
2 feeling of abuse, even if you don't remember, and there
3 were plenty of times after I left school where I was
4 abused and do remember. But, you know, really, even in
5 the present day, there are certain circumstances in
6 which, you know, the visceral recollection is still
7 pretty strong, you know, where I freeze or, you know,
8 those memories come flooding back at inopportune times.
9 So it never really -- it's hard to quantify, because it
10 may not be physically manifest, but it certainly has its
11 emotional -- bears its emotional toll and psychological
12 toll.

13 Q. In the following paragraph, you also say:

14 "Throughout my adult life there have been internal
15 demons which surfaced at various times. One of the main
16 things I got from my experiences at both schools was
17 a complete sense of worthlessness."

18 A. Yes. I mean, I think this goes back to what we talked
19 about earlier, is that we all, when we are young, seek
20 approval from a number of different -- in a number of
21 different ways, both from the adults around us and from
22 our peers, and from our achievements and successes. And
23 without those, and without your worth being spoken,
24 ever, it's hard then to quantify, as an adult, your
25 ability and, therefore, your achievements and your

1 self-esteem are hugely impacted. And it took me a long
2 time to understand the impact of the damage that had
3 been done and to start to correct that, you know, which
4 I was, in the end, able to do. Sort of ten years after
5 leaving school, I applied to and was accepted into
6 Oxford, as a mature student, and, you know, did well
7 there. I was, you know -- and what that tells me is
8 I was clearly not a stupid person, but that the
9 school -- the schools -- had failed me at every level.

10 So not only had their lack of welfare impacted on my
11 emotional and psychological development, but my
12 intellectual development had been arrested at the same
13 time. And so it took me a long, long time to feel that
14 my achievements were worth anything.

15 Q. All that progress and support is documented in the
16 statement. How are you now?

17 A. I'm well now, thank you. I'm lucky to have a loyal
18 partner, who has been in my life for more than 20 years,
19 and at every stage has -- he has given me the
20 self-esteem that I think I should have recognised a lot
21 earlier.

22 And it's really only been in the last few years
23 since the -- since these revelations have returned that
24 I've needed that support to, you know, really be
25 clear-sighted about how I can deal with them and what

1 they mean.

2 Q. Looking to the future -- because, again, there is
3 reference to reporting things and we can see that for
4 ourselves. But, looking to the future -- and I know
5 you've written something which may cross the same
6 territory -- what would you hope to see to prevent what
7 happened to you?

8 A. I think we live in a different world. But I think it's
9 important that we never allow the phrase, "Oh, it was
10 different in those days", to be an acceptable excuse for
11 what went on.

12 There are countless people living today damaged by
13 what happened to them back then. It was never
14 acceptable then. It's not acceptable now. And while
15 I understand that schools are working very hard to
16 ensure that child protection and safeguarding are a huge
17 priority, I think it's very easy, still, to lose
18 children and for them to fall through the cracks in
19 exactly the same way that I did.

20 So my hope is that my coming forward, with other
21 people, is going to make people think very deeply about
22 ensuring that that happens.

23 MR BROWN: Philip, thank you very much indeed. I have no
24 further questions for you, but I do know that you have
25 written something you would like to read out.

1 LADY SMITH: Is there something to read? Please go ahead.

2 A. If you would indulge me, and apologies if I cover
3 a little bit of what we've talked about.

4 LADY SMITH: No, whatever works for you. Please go ahead on
5 that basis.

6 A. Thank you.

7 This public inquiry is, by its nature, wide-reaching
8 and is taking evidence from hundreds of people who
9 suffered abuse at the hands of those entrusted with
10 their care.

11 This month, you are hearing from some of those who
12 were systematically abused while pupils at Edinburgh
13 Academy. Most of us are speaking about these
14 experiences for the first time. I was 12 years old and
15 I believed that I was the only one.

16 I feared the repercussions of being singled out, of
17 being different, of making trouble. For decades
18 I assumed that somehow what happened to me was my fault
19 and that I was to blame and that, well, no one would
20 have believed me anyway. Even as an adult, I did not
21 report my experiences earlier because I felt bad about
22 making a fuss.

23 Like every abused child, what happened to me has
24 never really gone away, and it is not only my life that
25 has been affected. A single act of abuse has many

1 victims. Every person who has ever known me, tried to
2 care for me, to be my friend or intimate, every family
3 member, every colleague and employer, every human
4 relationship has in some way been affected by those
5 experiences. The betrayal of that bond of trust between
6 child and adult by those men has shadowed my life.
7 A constant reminder, a demon on my shoulder, ready at
8 any moment to destroy whatever good may come, to sour
9 and spoil success, to limit my achievements, to silence
10 my voice.

11 For survivors of abuse, whoever they are and
12 whatever their experiences, the damage is made far worse
13 by the silence that ensues. It is only in having
14 a voice, being given an opportunity to speak, being
15 listened to and, crucially, being believed, that the
16 first steps towards justice can begin.

17 Silence has been our greatest enemy: the codes of
18 silence that internalise fear in young children, the
19 conspiracy of silence imposed by our abusers, and the
20 complicity of silence from the school and staff who
21 should have been protecting us. Their failures and
22 their silence, even when complaints were made, meant
23 that child abusers, who could and should have been
24 stopped, were able to continue their crimes unchecked,
25 crushing children's futures in their wake.

1 When the teacher who abused me was moved on,
2 doubtless with a glowing reference, only two years after
3 arriving at the Edinburgh Academy, someone knew. People
4 must have known. Had anyone spoken up in the last four
5 decades -- and, crucially, I feel that guilt myself, for
6 not speaking out sooner -- many other boys could have
7 been protected from his devastating abuse.

8 Thankfully, for some of us, this Inquiry has broken
9 the silence, and my hope is that the safeguarding of
10 children in Scotland will be changed by the findings of
11 this Inquiry. That one day nobody will have to live
12 through the misery of child abuse.

13 To that end, I would exhort your Ladyship to focus
14 on mandatory reporting as part of her recommendations.
15 Creating a legal framework where trained professionals
16 within all educational, early years, care, healthcare,
17 faith and sports institutions in Scotland, are required
18 to refer known and suspected child sexual abuse can only
19 improve outcomes for children.

20 No doubt there will be resistance to mandatory
21 reporting. It will require investment for
22 professionalised training and greater resources for the
23 criminal justice system, but these amount to short-term
24 costs which are nothing compared to the price of
25 unreported abuse on people's lives.

1 We cannot stop it if we do not speak it. A single
2 act of abuse has many victims. Just one person speaking
3 out could have changed my life.

4 Thank you.

5 LADY SMITH: Philip, thank you so much. Thank you for your
6 written statement, which is rich in detail, but also for
7 being prepared to come along today to talk about your
8 experiences, which has given me so much more to add to
9 my learning. I'm really grateful to you for that, and
10 for the time you have obviously put in to thinking about
11 preparing and deciding to deliver what you have just
12 delivered in the piece that you wrote.

13 You focus on, for example, children thinking they're
14 the only one, and I have heard of that before, and
15 children not realising they were actually not alone, but
16 because nobody could speak up, nobody knew that they
17 were not alone, but feeling a betrayal of trust that
18 lives on, for some people, for decades or a lifetime
19 afterwards and they are not able to trust those in
20 a position of authority. Adult silence, child silence,
21 and then abuse won't go away. It may be in the past,
22 but it won't go away. Thank you so much for all the
23 thoughts you have put into that. I shall certainly
24 reflect on it at some length.

25 A. Thank you.

1 LADY SMITH: I'm now able to let you go, Philip, and I hope
2 you have a restful afternoon. Thank you so much.

3 A. Thank you.

4 (The witness withdrew)

5 LADY SMITH: We'll rise now for the lunch break. There's
6 one thing that I want to say, and I'm sure it was well
7 meant, but please would people not clap.

8 That wasn't meant to be funny. You see, some people
9 find it upsetting and distracting, so I ask you not to
10 do so. Thank you very much.

11 (1.05 pm)

12 (The luncheon adjournment)

13 (2.00 pm)

14 LADY SMITH: Just before I turn to the next witness, there
15 were a couple of names mentioned this morning that can't
16 be repeated outside this room, because they're protected
17 by my general restriction order. One was ICA
18 and the other was Mr IBU. So please be aware of
19 that and have regard to it.

20 Mr Brown.

21 MR BROWN: The final live witness today, my Lady, is
22 'Thomas'.

23 LADY SMITH: Thank you.

24 'Thomas' (affirmed)

25 LADY SMITH: I don't need to tell you what's in the red

1 file, 'Thomas'. You have worked it out for yourself.
2 Feel free to use your statement, if you find it helpful,
3 at any time. You don't have to, but it's there for you
4 if you want it.

5 Otherwise, 'Thomas', please let me know if there's
6 anything I can do to make it as comfortable as I can for
7 you to give evidence.

8 That said, I do know that it's difficult,
9 challenging, some people find it painful and some people
10 want a break at times or just a pause where you are
11 sitting. If any of those work for you, just let me know
12 and go ahead.

13 Also, if you have any questions, do feel free to ask
14 at any time. If you don't understand any questions
15 we've asked, that's our fault and not yours, so just
16 tell us and we'll try to explain things more clearly.

17 If you're ready, 'Thomas', I'll hand over to
18 Mr Brown and he'll take it from there; is that all
19 right?

20 A. Absolutely. Thank you, ma'am.

21 LADY SMITH: Thank you.

22 Mr Brown.

23 Questions from Mr Brown

24 MR BROWN: My Lady, thank you.

25 'Thomas', good afternoon.

1 Statements.

2 A. Okay.

3 Q. There are two.

4 A. Yes.

5 Q. First one, you signed in August of last year.

6 A. Yes, correct.

7 Q. And it has a reference number WIT-1-000001061. The
8 second, you signed last month.

9 A. Yes.

10 Q. And it has a reference number WIT-3-000001319.

11 You obviously approached the Inquiry some time ago.

12 A. Yes.

13 Q. And then came back recently.

14 A. Yes.

15 Q. Why did you come back recently?

16 A. Okay. That was because -- I mean, I approached the
17 Inquiry back in, I think, the summer 2021, and that was
18 after there was an article by the journalist Neil Mackay
19 in the Glasgow Herald about what had happened at
20 Loretto. And I had known about the Inquiry for some
21 time, but I thought the Inquiry was interested in adult
22 on child abuse, and I didn't think the Inquiry would be
23 interested in what I had to say --

24 Q. Could I ask you to maybe bring the microphone slightly
25 nearer?

1 A. Sure.

2 Q. It's not that easy to hear you.

3 A. Is that -- okay.

4 Q. Thank you.

5 A. Okay.

6 So I didn't think the Inquiry would be interested in
7 what I had to say. But, having read that article,
8 I realised that you might be, and so I contacted you at
9 that point.

10 But, at that point, I was very much keeping this to
11 myself. I was keeping it completely -- I didn't even
12 tell my partner I was doing this, and I hadn't wanted to
13 name anyone because I didn't want to cause anybody any
14 hassle, which is classic me, unfortunately. And so
15 I proceeded on that basis.

16 And then by the time I actually eventually gave my
17 statement and kind of the month after that, that was
18 when Nicky Campbell came forward, and it suddenly became
19 very public. And at that point, my mother called me up
20 in my office one day, in the middle of the working day,
21 and basically put me on spot and said: were you affected
22 by any of this?

23 I had actually told my parents a very long time ago,
24 when I was about 24, that I had been bullied at the
25 Academy, but I didn't go into details about what had

1 happened.

2 Of course, I had to say yes, so I phoned her back
3 later in the evening to have that discussion because
4 I wasn't going to do it in front of my team. So I had
5 that discussion with her then. And that -- actually,
6 what Nicky Campbell did there was actually really
7 helpful for my family, because it allowed to us have
8 a proper discussion about it, and that was when my
9 brother, who spoke to you this morning -- it also
10 emerged that he had been affected by this, too, which
11 I had not known about up until that point and was deeply
12 shocked by.

13 At that point, I decided -- because I was still to
14 go back and sign off my statement, I decided I would
15 start naming people in my statement.

16 Q. Okay.

17 You have referenced your brother.

18 A. Yes.

19 Q. We know about your background --

20 A. Yes.

21 Q. -- in a general sense. You are younger.

22 A. Yes.

23 Q. He had gone to Edinburgh Academy before you.

24 A. That's correct, yes.

25 Q. Just out of interest: did you have any sense -- because

1 you go to Edinburgh Academy, I think, two years later --
2 from him -- and we have heard you weren't particularly
3 close as siblings at that point and then through
4 school -- of what you were going into?

5 A. None whatsoever. I was quite excited about going to the
6 Academy, to be honest with you, mainly because I wanted
7 to get away from my parents because I thought they were
8 cramping my style. That was as a nine-year-old. So,
9 yeah, I learnt my lesson there.

10 Q. Okay.

11 And we know that your grandparents lived in
12 Edinburgh.

13 A. Yes.

14 Q. So going to the school, first day, they were the ones
15 who took you?

16 A. Yes.

17 Q. Just like your brother, you went to Dundas House, which
18 was run by a housemaster, Mr Brownlee.

19 A. That's correct.

20 Q. We'll talk about that in a moment. But I think, as you
21 alluded to, whilst there are aspects about his care of
22 you and others in the house, what you were particularly
23 concerned about, and perhaps is the reason you didn't
24 come forward initially, is because you didn't think it
25 was about boys abusing other boys.

1 A. Exactly, yes. But I knew that -- I mean, he had
2 assaulted me, so I was conscious of that. So I could
3 have said something about that, but there was actually
4 a significant group of us who had obviously been through
5 that experience, and there had been a tacit agreement
6 amongst us that at some point we would do something
7 about it. Because none of us were happy about the way
8 John Brownlee had behaved towards us. We all felt it
9 was absolutely wrong. And I was very happy to come
10 forward and be a witness for any of these people should
11 any of them make a move to do this. And nobody had by
12 that point, or least that I was aware of.

13 Q. But I think from what you have said --

14 A. Yes.

15 Q. -- your principal concern in terms of what you had
16 experienced was --

17 A. It was child on child.

18 Q. It was child on child.

19 A. Yes. Yeah. Yes.

20 Q. And we'll obviously cover both.

21 A. Yes.

22 Q. Looking at the background to Dundas House, we have heard
23 it was the smallest of the four houses. It was one
24 where the housemaster and his wife, Mrs Brownlee, lived
25 in the house, as opposed to in a discrete part of the

1 house, as happened in other boarding houses.

2 A. That's correct.

3 Q. Do you have a recollection of the layout of the house?

4 A. I do. I have a pretty photographic -- I'm an architect,
5 so I could sit and draw you the plans for that, no
6 problem at all.

7 Q. Can you tell us -- just take us through the house,
8 briefly.

9 A. Okay, right. It was basically -- it would have been
10 a speculative late Victorian villa, on Kinnear Road, and
11 it was symmetrical in design. So you came in through
12 the main entrance, in the centre, with bay windows
13 either side of it. And then off to your -- if I'm kind
14 of going through it from the front, like this, off to
15 your right would be the kind of bay windowed room where
16 we had our prep, and there was also, from recollection,
17 a billiard table within that, that we actually had our
18 prep on. And then on the other side, the bay window on
19 the other side, was the Brownlees' living room, so where
20 they had their television.

21 Beyond that, there was the main staircase that kind
22 of took you up, and that was to your right as well, so
23 it was on the right-hand side of the house, and that
24 wound up. It was kind of a square stair, so it wound up
25 through the house. So the first floor, directly above

1 the bay windowed room that had the large table in it,
2 that was where the dorm was for the kind of more junior
3 boys, so there were about ten boys within that room, and
4 that was the principal dorm in that room, and it was,
5 from recollection, an L-shaped room, where you get the
6 bay, but you also get a kind of room off to the side.
7 So it would have been the drawing room in the main
8 Victorian house, originally.

9 Then, behind that, there was a toilet that we could
10 use. And then beyond that, I think, was the Brownlees'
11 bedroom.

12 And then going up again, you were up into the attic
13 space by that point, and that had been subdivided into
14 bathrooms. And then two dorms to the front, a larger
15 one off to the right-hand side, which housed four people
16 in it, and then there were three people in the smaller
17 dorm to the left-hand side. And then at the back was
18 where the house tutor lived, in a room at the back.

19 Q. So, from understanding that, you have just confirmed the
20 point I was suggesting: that they lived as part and
21 parcel of the house?

22 A. Absolutely, they did, yes.

23 Q. Okay.

24 Day one, what do you remember of the welcome you
25 received?

1 A. I don't remember the welcome in Dundas House.
2 I remember being taken across to the prep school and
3 I remember being shown into -- and it was a French
4 class, with Mr IDO, who was the tutor of the French
5 class, and he decided to -- everybody had a nickname in
6 that French class and so my nickname was IBI.
7 I don't know whether that was because I was a [REDACTED], no
8 idea. Always wondered that. And I can remember being
9 plunged into that because I hadn't been taught any
10 French in Hong Kong, so that was a bit of a shock.
11 And then the other thing was how cold the place was.
12 Coming from the tropics, it was late kind of March and
13 there had been a very deep snowfall, and that was
14 a shock. And wearing shorts, complete shock to the
15 system. And I spent most of that first term going from
16 radiator to radiator in the school, to try to keep warm.
17 LADY SMITH: Was that your first experience of snow?
18 A. It was, yes. Yes, intriguing.
19 MR BROWN: From what you just said, you had come in
20 mid-year?
21 A. Yes.
22 Q. Presumably -- or in fact at the end of the second term.
23 A. It was the start of the third term.
24 Q. Sorry, after the second term, start of the third.
25 A. Yes.

1 Q. Presumably, by that stage, you're going -- was this P6
2 or P5?

3 A. P5. P5, yes.

4 Q. P5. And the year group, presumably, has fairly fully
5 formed by that stage?

6 A. It had, yes. Yes.

7 Q. Did you feel at a disadvantage because of that?

8 A. Most definitely. So I didn't really have any friends in
9 that first term.

10 Q. Was any effort made within the house to try to ease your
11 progress into it?

12 A. Not per se. The boys -- obviously I spoke to all the
13 boys who were in my dorm, so I did very rapidly get the
14 gist of the situation from them.

15 Q. Yes. And Mr and Mrs Brownlee are presumably a constant
16 presence because it's their house as well?

17 A. Yes.

18 Q. But did you see much of Mrs Brownlee?

19 A. Not so much. It was more Mr Brownlee.

20 I mean, my perception of her was that she was quite
21 a cold woman. But I'm also conscious that I could be --
22 she was quite formal and Edinburgh is quite a formal
23 place, so I could be being unfair to her. And it was
24 very much John Brownlee being in control in that house.
25 He was -- yeah, he absolutely ruled the roost in there.

1 Q. Was that apparent to you from the outset?

2 A. Oh, absolutely, yes. Yeah. Literally, the first night,
3 everybody in that dorm told me how careful I had to be
4 about John Brownlee. And there were things like you
5 could not use the toilet that sat between our dorm and
6 their bedroom at night after 9 o'clock, otherwise you
7 would wake Mrs Brownlee up and Mr Brownlee would be
8 really unhappy about that. And so there would be
9 a punishment for that.

10 And so it was explained that what had happened was
11 one of the other boys -- who is still a friend of
12 mine -- had been unable to hold it in all night and had
13 ended up going to the toilet in one of the cupboards and
14 had inadvertently peed on somebody else's kilt, and all
15 of those things were major red flags to me.

16 Obviously, you can't do anything about it when
17 you're that age. You realise -- and I explained this
18 much later on to my mother -- it was a bit like Matilda
19 and going into kind of Crunchem Hall and having
20 Ms Trunchbull, who obviously -- with Mr Brownlee not
21 being quite a sort of Ms Trunchbull figure, but it was
22 that kind of terror, that's what they were all conveying
23 to me about how frightened they were of him.

24 Q. Did you then see that in action?

25 A. Oh, yes. Yeah.

1 Q. Did you ever have to go to the toilet during the night
2 or did you manage to hold it in?

3 A. I managed to hold it in. I was well trained on
4 international flights.

5 Q. Okay. What about others though; did that ever, as you
6 recall it --

7 A. Not that I recall. But then I was only in that dorm for
8 a term. So, after that, once you moved up to the upper
9 floor, you were out of that situation.

10 Q. Oh, so you could use the toilet upstairs?

11 A. You could use toilet upstairs. But, if you were like
12 a wee boy on that -- on the first floor, there was no
13 way you could go upstairs to the toilet because you
14 would have to creep past their front bedroom and the
15 squeaking on the stairs would wake them up, so you were
16 trapped.

17 Q. What about punishment within the house? Was there a set
18 of rules that you could read or was it, again, something
19 you picked up from the other boys?

20 A. No, you picked it up from the other boys. So there were
21 no rules. He -- it was him that was ruling the house.
22 It was what he said went.

23 Again, discovered this from my mother, just last
24 year, he would send me running around the -- there is
25 a field in front and he would send me running around

1 this, and I could never understand why I was being sent
2 to run around this. And it was because he had written
3 to my mother, because he had decided that I was too fat
4 and that he would make a man of me. And so he was
5 sending me on these runs every day and I -- it was never
6 explained to me, you know, the logic behind this is, you
7 know, this would be the outcome of it, and I just kind
8 of went along with it.

9 Of course, again, coming from the tropics, I hated
10 that because it was so cold.

11 Q. What about the daily routine; would that reveal
12 Mr Brownlee's character?

13 A. Absolutely. I mean, there were things like night-time,
14 absolutely religious observance of night-time, that you
15 could not talk after lights out.

16 So there would be warning signs. He had this
17 billiards cue which he would -- you could hear him
18 coming because he would run it up the banisters on the
19 stairs. So you could hear the da-da-da-da, you know,
20 the staccato rhythm of that. So you knew he was on his
21 way and, of course, that would just strike complete
22 terror into you, so you would just keep quiet.

23 Q. And if someone didn't keep quiet, if there was noise, if
24 the toilet was used, what would happen?

25 A. Six of the best, with the clacken.

1 Q. Sorry, six of the best --

2 A. Six of the best, with a clacken.

3 Q. With a clacken. We know what a clacken is.

4 A. Yes.

5 Q. Where would that take place; in the classroom or

6 elsewhere?

7 A. No, it would take place in the house. So you would see

8 it. It would be in the dorm. You would see what was

9 happening.

10 Q. Sorry, my mistake, I mean the dorm.

11 A. Yes.

12 Q. It would happen just there and then?

13 A. Yes. Yeah. Yeah.

14 Q. All right.

15 What other misdemeanours would result in the clacken

16 being used?

17 A. Just generally, any kind of form of what he deemed was

18 misbehaviour. So it literally could be completely

19 random.

20 I mean, what happened with me, I was coming back

21 into the house one day, it was over the weekend, and it

22 was relatively cold outside, so I wanted to get my

23 jumper. And by that point, I was in the last year at

24 Dundas House, so I was up in the attic space, and so to

25 get up there I had to go up the staircase, and was going

1 up the staircase and rounded the corner into the flight
2 between the first floor and the attic floor, and there
3 is a sliding door at the top of the attic floor which
4 you pulled back, and I could hear it being pulled back,
5 out steps Brownlee.

6 And, of course, it's one of those situations where
7 if you retreated he would see you and he would know why
8 you were retreating, because you are obviously
9 frightened of him. So you have to embrace it and you
10 have to go forward. So I did and, of course, we met on
11 the landing halfway up the stairs. And at that point
12 was when he turned to me with a glimmer in his eye and
13 was like, you know, "Put out your hand", which I did.
14 "No, other way around, like that", and that was when he
15 hit me with the clacken, like, real force, full on, you
16 know.

17 Q. So just -- because you are using your own hand.

18 A. Yes, sorry.

19 Q. You initially put it out, palm side up.

20 A. Yes.

21 Q. And he says, "No, the other way up"; so your knuckles
22 are up.

23 A. Yes.

24 Q. And he then hits you full force with the clacken.

25 A. Yes, full force, smiling while he's doing it, and

1 telling me that that would be a lesson to me. A lesson
2 for what? I hadn't done anything wrong. All I was
3 doing was getting my jumper. There was nothing about
4 the boarding house being out of bounds.

5 Again, that would be the kind of thing he would make
6 up on the spot to justify a situation. And I just --
7 every time I go back, it's pure assault. There was no
8 other reason for it.

9 Q. Okay.

10 Were you injured?

11 A. I can remember being in a lot of pain, but clearly not
12 bad enough to require any medical treatment. But I just
13 remember the sharp pain of it and I remember absolutely
14 not wanting to go anywhere near that man ever again, and
15 I did. I was very astute in avoiding him.

16 Q. Was his behaviour consistent to all pupils in the house
17 or were some pupils dealt with more often than others?

18 A. Yes. From my recollection, some of the younger boys did
19 bear the brunt of it.

20 Q. Can you say why?

21 A. I think because they were children, they were young,
22 they were boisterous, and he didn't like that, and he
23 didn't like being spoken back to. And anything that was
24 kind of, you know, a slight on his authority, any kind
25 of, you know -- anything like that, he would -- that

1 would be the cue to have a go.

2 Q. And I think we can read other details in the statement.

3 A. Yes.

4 Q. How did this culture impact the behaviour of boy on boy,
5 do you think?

6 A. I think it gave you -- I think, because you were seeing
7 this person in authority behave that way, it gave people
8 licence to use violence in the school. It was a violent
9 culture at times. It was not a pleasant place.

10 Q. Are we talking about Dundas House or more widely?

11 A. More widely. Through the prep school, certainly in
12 Mackenzie House. Scott House is different. Scott House
13 was much more humane. But certainly into Mackenzie
14 House, and I think that that was kind of the echo of the
15 culture that had been set up by John Brownlee. And,
16 yeah, there was real violence.

17 I mean, things like there was a debate at one point.
18 The TV room was at the back of the house, and two of
19 these guys decided that they were going to beat me up
20 and so I had to defend myself. And it was, like, you
21 didn't even know what you had done, they just took
22 a slight to something, and that was what the culture was
23 like. It was a violent culture.

24 Q. In terms of boy on boy, when did that first become
25 an issue?

1 A. It first became an issue in the first term, so that
2 would be -- I think it was called the autumn term.
3 So -- and it was after half term, and it was -- you
4 know, having been brought up in Hong Kong and being used
5 to quite intense daylight in the tropics, suddenly
6 realised that as you are kind of heading into winter in
7 Edinburgh, completely different latitude, you know,
8 there is not an awful lot of sunlight, and I began to
9 find myself feeling desperately homesick.

10 And now I know that homesick is kind of a form of
11 grief and I -- you know, so much for my wanting to get
12 away from my parents and kind of have an adventure. By
13 that point, as far as I was concerned, the adventure was
14 over and I really wanted to get back to Hong Kong.
15 I missed it terribly. And at half term, we were taken
16 out of the school by my grandparents and we had spent
17 kind of the half term with them, and then, of course, we
18 had to go back to school. And, for me, the journey
19 along Ferry Road in the darkness, in Edinburgh, is like
20 one of absolute dread, and I hated the kind of -- the
21 yellow traffic lights that you would get, each one kind
22 of a pulse as you're going along Ferry Road. And that
23 just -- the dread got worse and worse and worse.

24 And I had to get dropped off at Dundas House because
25 my brother, by that point, had moved up to Mackenzie

1 House and so my grandparents were dropping him off, and
2 I desperately did not want them to drop me off. And
3 I went into the big bay windowed room, where we did our
4 prep, and I was standing at the window and I started to
5 cry, and these two other guys, who I was sharing a dorm
6 with, up on the top floor, spotted this, and it was
7 a sign of weakness and they absolutely went for me.
8 They started mercilessly ribbing me about this, about
9 how pathetic I was. And it was just any sign of
10 weakness, straight in there and then they didn't let up.

11 So, by the time that we got ready for bed, it
12 just -- it got even worse and they decided -- the three
13 of us were, like, in this dorm together, there was
14 nowhere to go, and they decided to start attacking me
15 with pillows. And I know that sounds like -- you know,
16 a pillow fight sounds like a lot of fun, but it wasn't.
17 There was an edge to it. When you are getting hit by
18 a pillow, which is full of feathers, at quite a speed,
19 there is quite a weight behind it and it can actually be
20 quite hurtful. And they had pinned me down in the
21 corner and they were -- it was piling blows on top of
22 me, and I was really fortunate that the Australian house
23 tutor heard my cries and rescued me from that.

24 And he was a lovely man, and I haven't named him in
25 my statement, but his name was Dr Geoff Fisher, and just

1 a really decent human being, who took me in from that
2 room and he showed me compassion and he held me. And
3 that was the first compassion I had had in the Edinburgh
4 Academy. He was an Australian exchange student,
5 I think. And I think he might have been teaching in the
6 senior school, but I'm not sure.

7 Q. We understand he has a room on the top floor.

8 A. Yes.

9 Q. And was he there just for one year, do you know? Or was
10 it ...?

11 A. No, I think he was in the school for longer. I think he
12 might have moved over to Mackenzie House at one point.
13 I'm not sure. But he was there for at least a couple of
14 years. But he was only there in that -- he had just
15 arrived in that autumn term, so he was still
16 acclimatising himself to Edinburgh.

17 Q. We see, as well as being compassionate, he arranged for
18 you to move out of that dorm.

19 A. He did, yes, and into the dorm next door, which only had
20 three boys in it at that time, so it ended up being four
21 boys in the larger dorm, and I am still life-long
22 friends with two of them. I have lost touch with the
23 other one. But I'm still life-long friends with them,
24 so ...

25 Q. The two boys who had been attacking you with the

1 pillows; age-wise to you?

2 A. One, the same age. The other one, about 18 months
3 older.

4 Q. Was he out of kilter because he was much older than the
5 rest of you?

6 A. He was in the same year as us, but he was much older.

7 Q. Right. So that year would have an age of presumably ten
8 or so?

9 A. Yes. He would have been kind of 11-and-a-half.

10 Q. Right. Do you know why he was in your year, despite
11 being older?

12 A. I'm not entirely sure. But he was from the Philippines.
13 He was kind of Filipino-American, and I don't know
14 whether different educational systems -- anything like
15 that. But I am not entirely sure what he was doing at
16 that school.

17 Q. And for the rest of the time in Dundas for that year,
18 you remained in the other dormitory.

19 A. Yes.

20 Q. With friends, by the sounds of it.

21 A. Yes.

22 Q. Did the problems you had been having with the two in the
23 original dorm stop?

24 A. They kept apart from the rest of us. And at the end of
25 that year, the boy who was the same age as me did not

1 come back. So he left the Academy completely at that
2 point; whereas the other guy continued up into Mackenzie
3 House with us.

4 Q. I'll come on to that.

5 A. Okay. But, yeah, there was -- they didn't like me and,
6 at various points, had tried to poison the well with
7 others about me. That was the one reason for the fight
8 in the TV room, because I was kind of a black sheep, as
9 a consequence of that, as far as they were concerned.

10 Q. Okay.

11 One last thing before we move on from Dundas. You
12 say -- and this is coming back to Mrs Brownlee:

13 "I never was aware of her dishing out punishments.
14 I'm not aware of her being present during any of the
15 beatings her husband gave out."

16 A. No.

17 Q. People were frightened of her, too.

18 A. They were, yes.

19 Q. Why were they frightened of her?

20 A. Because she would report back to her husband.

21 Q. Is that perception or did she do that?

22 A. I very much imagine she did.

23 Q. Well, you say she was always fine with you.

24 A. She was always fine with me. I mean, I did regard her
25 as cold, but I think having thought about this over the

1 intervening period, she did show me kindness at various
2 points.

3 So there was one point when she let me into their
4 living room to watch television. There was something on
5 television I wanted to watch, but nobody else wanted to
6 watch, and so she very kindly let me do that. So that
7 was definitely a moment of kindness. But, other than
8 that, no, few and far between.

9 Q. Okay.

10 In a word, what would you describe life at Dundas
11 like?

12 A. It was an emotionally cold place. The Academy
13 advertised as family friendly. It wasn't family
14 friendly. It really wasn't.

15 Q. So can we take it, when you moved on to Mackenzie, which
16 is the progression, you thought life would get better?

17 A. I had hoped that, yes.

18 Q. Now, we have heard as a common theme that, in boarding
19 houses, the personality of the housemaster and
20 potentially the housemistress or wife, really can decide
21 the tone of the house.

22 A. Very much, yes.

23 Q. You would agree with that?

24 A. Yes, I would.

25 Q. When you moved to Mackenzie, did the tone change?

1 A. No, not at first. Obviously, the people had changed,
2 but it was a new housemaster and his family who were
3 starting that year. So, obviously, they still had to
4 learn the ropes and, obviously, you know, having taken
5 on a boarding house -- it'd probably be a very big task
6 for anyone to do. You have quite a lot of boys at
7 various ages who are quite unruly to kind of look after,
8 and so that's going to be a challenge for everybody, and
9 you have to find your feet in that role as well, so
10 I can understand that at the same time.

11 Q. And I think in terms of -- we don't need to have the
12 full description of the house, architecturally --

13 A. Sorry.

14 Q. No, no, no, I'm saying it with a smile. But I think we
15 would understand that Dundas was the smallest.

16 A. Yes.

17 Q. And the point is, as distinct from Dundas, where the
18 housemaster and his wife --

19 A. Yes.

20 Q. -- lived in the house --

21 A. Yes.

22 Q. -- as part of it --

23 A. Yeah.

24 Q. -- in the other houses, there was a distinction.

25 A. There was a distinct element of the house. The other

1 three houses -- I'm going to get architectural again --
2 the first one was by a great Edinburgh architect, Sydney
3 Mitchell, so it was purpose built, and then the other
4 two were by a Glasgow architect, Alexander Nisbet
5 Paterson. So they are all purpose-built houses, but
6 they end up with 1970s extensions that kind of tie the
7 three together into a single terrace. So -- which, with
8 the two senior houses, Scott and Jeffrey House, the
9 housemaster and mistress lived in those modern
10 extensions with their families. But, with
11 Mackenzie House, there was a specific section of the
12 house which was closed off to the boys, which was the
13 housemaster's section of the house.

14 Q. So physically, they are somewhat separate?

15 A. Yes, yeah, they were, yeah.

16 Q. And, presumably, I suppose one could say they may or may
17 not have been as aware of what was going on as a result?

18 A. I would say that was fair. It's a big house. It's
19 spread over three floors, so -- and it's quite a complex
20 layout. You wouldn't design a boarding house like that
21 nowadays.

22 Q. Staff-wise, there is a matron; there's a tutor as well?

23 A. Yes.

24 Q. Would they live in?

25 A. Yes, they did.

1 Q. Were they living in the boys' side of the house or are
2 they, too, separate?

3 A. I think they might have been in the modern section, but
4 I could be conflating that with Scott House. I think --
5 I know exactly where the matron's room was in Mackenzie
6 House, because you had to come past it as you went
7 through the entrance. So she was basically monitoring
8 everything that was happening within the house. She was
9 kind of in control from that point of view.

10 Q. Is this like a French house; as you go through the front
11 door, you have a lady who takes note?

12 A. Kind of, yes.

13 Q. A concierge, of sorts.

14 A. Germans would call it the housemeister. Yeah, kind of
15 like that. So she is obviously sitting there in
16 a monitoring role.

17 Q. And did she live in?

18 A. Yes, she did.

19 Q. Right.

20 But it's a three-storey building?

21 A. Yes.

22 Q. So things maybe were going on, on the top floor?

23 A. Yes. She is the -- the way it worked, you are coming
24 through that main entrance, then her room is off to the
25 left, and then you have the main stair, which connects

1 all three levels, directly opposite that. So she can
2 see all the comings and goings in and out of the house
3 and going up the stair. So, in theory, she can hear any
4 noises going up the stair. But because that had to
5 comply with different technical standards over the time,
6 it has fire doors installed on the stairs which could
7 obscure the noise.

8 Q. Would muffle things?

9 A. Yeah, exactly.

10 Q. So, day to day, there would be times when there's house
11 staff present, moving around the house; but, of
12 an evening for example --

13 A. Yes.

14 Q. -- who was providing supervision?

15 A. Well, the housemaster would do his rounds and he would
16 do his rounds during the evening, and you would have the
17 time during the day when you are doing your prep. So
18 your prep would either be -- there were two kind of
19 large rooms on the front of the house -- again, billiard
20 tables in them -- where you would be doing your prep
21 ordinarily, and then at other times -- so there was
22 a room on the first floor, towards the back, which was
23 kind of a games room where you could make models and
24 things, and occasionally that would be used for prep as
25 well.

1 Q. Okay.

2 And you talk in the statement about doing monkey

3 runs.

4 A. Yes.

5 Q. Which is of an evening.

6 A. Yeah.

7 Q. Or through the night as well?

8 A. This is after lights out. Usually a couple of hours

9 after lights out. It was a dare to see, basically, how

10 far you could run around the house while avoiding the

11 housemaster who was going around on a different level,

12 kind of like a computer game.

13 Q. Right.

14 I mean, I think you described the housemaster as

15 okay; firm, but fair.

16 A. He was. [REDACTED], I named him in my statement.

17 I did like [REDACTED]. He was a kind man.

18 Q. But do you think there was adequate coverage in that

19 house, given the number of boys?

20 A. No. No, absolutely not. No, I don't. I don't think --

21 I think the staff-to-pupil ratio was not good enough.

22 Particularly because the housemistress and the

23 housemaster were kind of isolated from the rest of us in

24 their wing of the house, and then the matron and the

25 tutor just -- they couldn't cover all the different

1 floors. You wouldn't be able to. So you wouldn't know
2 what was happening.

3 Q. No. So, with the best will in the world, the system
4 wasn't effective?

5 A. No, absolutely not.

6 Q. In terms of your move, from your statement, we
7 understand you go into one of the top floor dorms.

8 A. Yes.

9 Q. This is from Dundas, where you have been kept separate
10 from this older boy --

11 A. Yes.

12 Q. -- who had been causing you the grief.

13 A. Yes.

14 Q. What happened when you went to Mackenzie?

15 A. Okay. The first night there was a complete disaster.
16 So we all arrived throughout the day, because you are
17 all kind of arriving on international flights, coming
18 into Edinburgh airport at different times, so you're
19 being dropped off by relatives at different times
20 throughout the day, and so I arrived fairly early, and
21 he arrived at some separate point. You know, we
22 clearly -- he did not like me. I don't know what his
23 issue was with me, but he really didn't like me.

24 And so of course I was completely naive and green
25 behind the ears, and there were things -- I had this

1 doll, which -- my grandparents would take us around
2 National Trust for Scotland houses. Perhaps that is how
3 I ended up becoming interested in architecture, or one
4 way. So I had this beanie doll, because I wanted to be
5 different, and I had this beanie doll, who was a Mary
6 Queen of Scots. I mean, why would you have that as
7 a child going into a male boarding house? It was so
8 stupid. And, of course, they all picked up on this.

9 And then, of course, I was really excited because my
10 best friend from the junior school, this guy [REDACTED], was
11 going to be joining -- I found out that day he was going
12 to be joining us as a boarder. So I was really excited
13 about that, that [REDACTED] was going to be joining us. And,
14 of course, they just kind of zeroed in on this; that,
15 you know, clearly, as a result, there must be something
16 going on between me and [REDACTED] and I must be a poof, and,
17 you know --

18 LADY SMITH: 'Thomas', you said that this wasn't just
19 a doll, but it was a Mary Queen of Scots doll?

20 A. It was Mary Queen of Scots.

21 LADY SMITH: So it was definitely a girl doll.

22 A. It was definitely a girl doll.

23 LADY SMITH: Probably with a long dress.

24 A. I know. And you are like: why on earth would you have
25 done that? Now I'm kind of completely kicking myself

1 about that, but of course it's one of these signs that,
2 you know, I am gay, and it's one of these signs that,
3 yes, I was different, and that kind of all-male
4 environment of a boarding school was the absolute worst
5 environment I could have been put into. But it is what
6 it is and you just have to deal with it.

7 MR BROWN: You have to survive, to use the word they used.

8 A. Exactly, yes.

9 Q. Going back to the friend coming in; you were looking
10 forward to it.

11 A. Yes.

12 Q. But you are split up because of the actions of the older
13 boy.

14 A. Yes.

15 Q. And we can read how that ended badly.

16 A. Yes.

17 Q. The hoped-for friendship was destroyed.

18 A. Yeah, completely destroyed. He wanted nothing further
19 to do with me as a consequence of that. And I can't
20 really blame him in that kind of environment.

21 Q. All right.

22 But I think you made the point that you are gay,
23 but, presumably, at that period, being called a "poof"
24 was as bad as it got.

25 A. Yeah. Oh, absolutely. It was complete social

1 ostracism, social death.

2 Q. So can we take it, as you developed and became aware of
3 your sexuality --

4 A. Yeah.

5 Q. -- you would mask it as much as you possibly could?

6 A. Of course. Absolutely. Absolutely.

7 Q. And I think as you tell us in the statement, that
8 involves selling out someone else.

9 A. Yes, I did do that, and I'm absolutely not proud of that
10 at all. Yeah, a low thing to do to anyone.

11 Q. But is that going back to survival?

12 A. It is, yeah. Absolutely.

13 Q. Tell us about it.

14 A. Okay. Well, this was in the second year. There were
15 a lot -- because, again, this is how the -- the
16 difference between how the Academy school structure
17 worked and the Geits kind of being seen as just kind of
18 a transition year, and the other schools in Scotland, we
19 got a lot of -- kind of a big influx of boys in the
20 second year as a consequence of that, who were moving up
21 to their senior schools from the seven years in a
22 Scottish primary school. So we got a big influx of boys
23 then, but there was also this other boy who came in from
24 the Seychelles, different culture, much more
25 touchy-feely, would like to hug people. People didn't

1 know how to react or respond to that.

2 He came on to me quite a few times. I was only 12,
3 I did not know how to respond to that, and I saw that as
4 a real threat because I didn't know how to handle it,
5 and when the other boys in the dorm -- and, again, we
6 had moved down to the first floor by this point. We
7 were in another big bay-windowed room, but you are
8 talking, nine, ten boys in a room together, which, you
9 know, when you are looking at that, you think: what on
10 earth? That's complete overcrowding. And so we were
11 all shoved in there together. It's a bit of a pressure
12 cooker environment. And they did not like this guy.
13 They felt threatened by him. And they could see that he
14 was trying to get close to me, and so they asked me what
15 I thought of him, and, of course, you know, I was the
16 Judas. I sold him out.

17 And, you know, I'm ashamed of that, but you had to
18 do what you had to do in order to survive, and the only
19 consolation I can take from it was at least he didn't
20 have to bear that horrible environment for very long and
21 he was out of it.

22 Q. How was the boy that had been the problem in Dundas
23 treating you?

24 A. Oh, from day one, in the first year in Dundas, in the
25 Geits and Dundas --

1 Q. Sorry, do you mean Mackenzie?

2 A. Sorry, Mackenzie -- he absolutely went for me. Just --

3 he was determined to destroy me. So, I mean, it was

4 non-stop bullying. You were absolutely not safe at all.

5 Your food would be tampered with. Anything to kind of

6 make you the butt of the joke amongst the group and make

7 you appear as stupid as possible. It was non-stop.

8 Q. Was he physically larger than the rest of you?

9 A. Yes. Yeah, he was. Yeah. Because he was 18 months

10 older.

11 Q. Were the other boys frightened of him?

12 A. Everybody was intimidated by him, and he had various --

13 there was one other guy there who was his acolyte, and

14 it was through the two of them they would end up

15 controlling your movements, knowing where you were, and

16 there was no escape. When you are in a boarding school,

17 it's 24/7. You can't get out of it.

18 Q. In Dundas, you had been deliberately separated by

19 a member of staff to stop the problem.

20 A. Yes. Yeah.

21 Q. It would appear that that local knowledge, if you like,

22 was lost in the translation to Mackenzie.

23 A. Yes. Exactly. Exactly. There doesn't appear to have

24 been any kind of handover. I think, traditionally, all

25 of the boys from that year were just dumped into

1 a single dorm together. I don't think there was any
2 more thought than that into how relationships between
3 the boys actually operated. I think it was like you
4 were just left to get on with it.

5 Q. From your perspective, and reading your statement, you
6 described the first year as the lowest point in your
7 life.

8 A. Yes, it was.

9 Q. Complete hell --

10 A. Yes.

11 Q. -- and an horrendous experience.

12 A. Yes, absolutely.

13 Q. And a litany of psychological, emotional, physical and
14 mental abuse.

15 A. Yes.

16 Q. First question: could you told anyone about it?

17 A. Whom? There was no one you could say anything to.

18 First off, you couldn't say anything because you
19 would be regarded as a clype, and that was totally
20 unacceptable. Again, that was -- you know, social
21 ostracism would beckon. So, no, you couldn't do
22 anything like that.

23 And the other thing as well was -- and I don't know,
24 maybe this is part of the spartan culture of the
25 school -- you had to be stoic and you had to bear it and

1 you had to see it through. And the consequence --
2 I said nothing, even though I was going through this
3 absolutely horrendous time. I just -- I put up with it
4 and I came up with defence mechanisms, like getting
5 dressed after lights out, so I could go to sleep wearing
6 my school clothes so I could get out of the dorm
7 absolutely first thing and get way from them, so I could
8 at least have some time and space to myself.

9 I would -- there would be other defence mechanisms,
10 like going and sleeping in the bath. Where our dorm
11 was, on the top floor, there was a toilet and set of
12 baths on a sort of half-landing, just off the kind of --
13 what would have been the original stairs, but had been
14 cut off by a fire door, and I used to go and sleep in
15 the bath. Even though it was absolutely freezing,
16 wrapping yourself up in a downy in the bath was
17 preferable to being in this dorm where I constantly felt
18 under threat.

19 You know, I got no sleep that year. I was
20 exhausted.

21 Q. And were other boys being similarly treated or were you
22 the focus?

23 A. I was the focus. But, from time to time, he would
24 target other people.

25 So, again, one of my longest-standing friends, he

1 was -- he didn't join us at the start of that year
2 because his parents were between colonies, as it were.
3 The colony they were staying in was made independent and
4 so they came back to Edinburgh for six months before
5 heading off back to another colony and a new post in
6 a different colony. So he was staying with his parents
7 in Edinburgh, so he didn't see any of what was happening
8 in the boarding houses and had no idea about it, and
9 then arrived for the last three months and then it hit
10 him.

11 The first night he arrived, this guy orchestrated it
12 so that all the rest of us were to line up around his
13 bed and spit on him repeatedly for about 15 minutes, to
14 absolutely humiliate him and to soak his downy, so that
15 he would never forget this. And this was all just
16 revenge for what happened in Dundas House, which makes
17 me wonder -- because I cannot imagine John Brownlee
18 taking kindly to somebody changing his arrangements, and
19 Dr Geoff Fisher having, you know, intervened over this,
20 I think he must have targeted those two boys, and
21 I think that's why they loathed me, because of whatever
22 John Brownlee had done to them.

23 I mean, obviously, that's just a theory on my part,
24 but I suspect that's probably what happened. I cannot
25 imagine a man like John Brownlee letting that go.

1 Q. That is the only explanation you can come up with?

2 A. Yes. Yeah. Yeah. Because I hadn't actually done
3 anything to them. I had shown weakness, which is never
4 a good thing in that kind of a scenario, but that was
5 it. I had not done anything against them per se.

6 Q. You make the point in your first statement, at
7 paragraph 102, the first Christmas, I think you have
8 gone home.

9 A. Yes, my grandparents were there.

10 Q. Your upset is plain to see at the prospect of going back
11 and you locked yourself in your room.

12 A. Yes, I had locked myself -- my parents, they had a very
13 large flat out there, up on The Peak, and their bedroom,
14 which is a large room, with kind of ancillary rooms off
15 it, one of which was an en suite, and in the tropics,
16 you know, to get flows of ventilation through, the doors
17 to the toilets had slatted vents at the base of them.
18 And so I had locked myself in their en suite and was
19 refusing to come out. So they were talking to me
20 through the slatted vent and trying to convince me to
21 come out because obviously the flight was coming up
22 soon, the taxi was sitting waiting downstairs. Is he
23 going to come out?

24 So -- and I was just absolutely refusing to go back
25 to the school because I hated the place. The boarding

1 house in the particular, I absolutely hated it and did
2 not want to go.

3 And unfortunately, because my grandmother was there,
4 she decided -- I really just wanted to speak to my
5 mother, and my grandmother decided to intervene. And
6 I had always had quite an awkward relationship with my
7 grandmother, who had favourites, and I was not the
8 favourite. My brother was the favourite. And that was
9 always made very clear with kind of petty slights. Like
10 you would get your presents for Christmas, she would
11 deliberately leave the price tag on them, so that you
12 knew that you had a present that was half the value of
13 your siblings. So it was that kind of thing.

14 And so basically -- and my parents -- my
15 grandparents had quite a big role in us being at the
16 Academy. So because my parents couldn't come to
17 parents' nights because they were 8,000 miles away, my
18 grandparents would do things like that.

19 My grandmother also made sure we were kitted out.
20 She would take us to places like Aitken & Niven to get
21 us our clothes for the Academy. So she did a lot for us
22 at the Academy, and she basically twisted this to say
23 that this was a rejection of all that she had done for
24 me and how could I have done this and I was being so
25 unfair to her, but it was nothing to do with it.

1 I didn't have an issue with her at all.

2 Q. All right.

3 A. And so I came out the bathroom to try to defend myself
4 and, the next thing I know, I'm in the taxi to the
5 airport and that's that, you know. No going back.

6 Q. Back in Edinburgh?

7 A. Yes.

8 Q. As we read, you are presented with a present by these
9 boys on your return, which is a collection of puddings
10 and broken biscuits which is put in your bed.

11 A. No, it was -- we were at dinner in the prep school. The
12 boarders all had to go across -- I think was Arboretum
13 Road at that point. So we had to go across this to the
14 prep school. We had to walk over there for our
15 breakfast, and for our dinner and lunch at weekends as
16 well. And they had saved up all their puddings, and all
17 the way through dinner they were basically telling me
18 they had this fantastic present for me and they would
19 be -- I would get this present when I got back to
20 Mackenzie House.

21 So, you know, stupid me thinking -- first of all,
22 I'm thinking: what's going on? Because it's just
23 completely out of character and it didn't really make
24 sense. But, of course, on the other hand I'm intrigued,
25 "What is this present for me?", as well.

1 So we get back to the boarding house, and the way
2 that that particular dorm -- we were moved from the dorm
3 at the front of the house, which was a much larger dorm,
4 into a smaller dorm at the back of the house, with all
5 us being stuffed into an even smaller room, so even more
6 of a pressure cooker situation. And there was an unused
7 dorm between us and the housemaster's part of the house,
8 which was much smaller.

9 So we got back into the main dorm and they said,
10 "Oh, yeah, the present is just through here, you just
11 have to step through this door". So I did, and no
12 present there. I turn round and they've got this box
13 full of cakes, and they absolutely threw them, smeared
14 them across me, complete humiliation, and I'm absolutely
15 covered in strawberries, cream, pastry, the lot, and
16 totally embarrassing and humiliating.

17 Again, in my statement, I'm kind of -- you know,
18 I'm not entirely clear how nobody spotted this. Now
19 I realise that, because the laundry service was largely
20 handled out of the house, and what you did was you had
21 a laundry bag that you put your clothes into, all of my
22 clothes that had all been soiled by all this cream and
23 jam, et cetera, would all have gone into the laundry bag
24 and nobody would have seen it within the house. It
25 would have been sent away for the laundry service, and,

1 you know, they would probably have gone, "What are those
2 boys at the Academy doing?", and nobody in the house
3 would have been any wiser.

4 Q. Your statement suggests that it was the matron who would
5 have dealt with the laundry and --

6 A. I think she would have.

7 Q. Bear with me.

8 A. Yeah.

9 Q. You explain she would have put it down to high jinks.

10 A. Probably. If she had seen it.

11 I mean, I'm assuming that she must have taken each
12 of our individual bags, put them into a central bag that
13 then got taken off to the laundry service.

14 Q. All right.

15 Whatever the correct account is, nothing was done?

16 A. No, nothing was done.

17 Q. And, of course, you wouldn't have spoken up.

18 A. No, I didn't.

19 Q. Whether the matron knew and put it down to high jinks,
20 what would have been known -- and I think you make the
21 point that your report cards were detailing the fact
22 that you were very quiet --

23 A. Yes.

24 Q. -- that your work was --

25 A. Well, that is in my second year.

1 Q. Yes.

2 A. Unfortunately, my parents -- because obviously this is
3 in the first year -- my mother cannot find -- she has
4 all my brother's, all the way through the school. She
5 cannot find my one for the Geits or the one for the --
6 the two for kind of the prep school. She can't find
7 them, which is unfortunate.

8 Q. Thinking of Mackenzie House, Geits and the first year,
9 you have the first year reports.

10 A. Yes, I do.

11 Q. By that stage, you say -- and we can read it -- you have
12 lost your imaginative spark.

13 A. Yes.

14 Q. I take it that is reflective -- because this sort of
15 behaviour went on and on and on.

16 A. Yeah.

17 Q. Correct?

18 A. Yes. Obviously by that point this -- that bully had
19 left. We may get back on to that.

20 Q. We will come back to that, yes.

21 A. But the bully had left, so it was a different set of
22 circumstances, and this was after that boy from the
23 Seychelles had also left, but I was just deeply unhappy
24 in the place.

25 And I think because of what had happened with the

1 boy from the Seychelles, I was becoming increasingly
2 conscious of the fact that I was probably gay, and
3 I really didn't want to be gay.

4 And so I really did not want to be myself. And at
5 that point, when I can see in these report cards they're
6 talking about how quiet I am and they may have to
7 intervene because I'm too quiet, I'm actually -- that
8 was when I attempted suicide, at that point.

9 Q. That is a little further on.

10 A. Yes.

11 Q. Going back to Mackenzie and the boy who is 18 months
12 older and is the constant bully --

13 A. Yeah.

14 Q. -- I think, as we read, it reached a stage, however,
15 where it went beyond physical, emotional bullying and
16 became positively sexual?

17 A. Yeah. Yes.

18 Q. Again, we have the full details. But, starting it off,
19 the bully and two of his acolytes forced you to strip.

20 A. Yes.

21 Q. Where was this?

22 A. That was in the dorm.

23 Q. In the dorm?

24 A. Yes. So he was lying down in his bed and I was
25 basically presented to him while he was lying down.

1 Q. And there are lots of other boys in the room?

2 A. At least eight.

3 Q. What happens to you once you are stripped?

4 A. He decides that he's going to fire puggies at my
5 genitals.

6 Q. Define "puggy" for me.

7 A. "Puggy" is a piece of paper that is continuously kind of
8 wrapped up on itself to make a very hard wedge, which is
9 then wrapped over an elastic band and then fired at you,
10 like that.

11 Q. Thank you.

12 The bully fires it at you and at your genitals?

13 A. Yes, repeatedly. And I could not say anything.
14 I couldn't express pain or emotion because that would
15 show weakness.

16 Q. How long did this go on for?

17 A. Honestly, I don't know. I just sat and endured it. To
18 be honest, I was in shock.

19 Q. But you say that what you can remember -- can you still
20 hear it, the laughter?

21 A. Yeah, absolutely. Yeah, high-pitched giggle. He really
22 enjoyed it. He got real pleasure out of it. And it
23 wasn't a sexual pleasure; it was a power thing. And it
24 was because he was enjoying humiliating me.

25 Q. And you were injured by this?

1 A. I was, but I kept that all to myself.

2 Q. Was it on that occasion that Deep Heat was sprayed onto
3 your genitals?

4 A. No, that was before that.

5 Q. A separate occasion?

6 A. A separate occasion.

7 Q. I think it's at this point -- and we heard from your
8 brother earlier on today obviously -- he remembers
9 finding you weeping.

10 A. Yes, yeah. We had been in prep and we were up on the
11 first floor, in the room at the back, where modelling
12 and games ordinarily took place. The prep was for some
13 reason up there that night, and he sat and he told me
14 exactly what he was going to do to me that night and
15 I couldn't take it anymore. Basically, I had
16 a breakdown and I ran out --

17 Q. What was he going to do to you?

18 A. It was basically the same again, more humiliation. And
19 I had a breakdown and ran out of the room. And it was
20 just complete coincidence, ran straight into my brother.

21 Q. He took you to matron.

22 A. Yes.

23 Q. And was she compassionate?

24 A. Yes, she was. She was. But, by that point, I mean,
25 I couldn't -- they couldn't get a story out of me.

1 Q. Did they try?

2 A. I can't even recall. I was just ushered up to the sick
3 bay, and the sick bay was in the modern section of the
4 house, so you were kind of taken away from the rest of
5 the house. And I can't remember anything for a couple
6 of days after that. It's just complete blankness, other
7 than very intense nightmares.

8 Q. The outcome of all this, presumably, is you then have to
9 go back to the house?

10 A. Yes.

11 Q. Were you put back into the same dorm?

12 A. I was, but he'd gone by then.

13 Q. How had that come about?

14 A. Something must have happened. Mr [REDACTED] did kind
15 of -- I woke up and Mr [REDACTED] was kind of sitting on
16 my bed. This was in the sick bay. And he was asking me
17 if I was okay, and I didn't know how to speak to him so
18 I just said: yes, I was okay.

19 But something must have happened in the intervening
20 period. And I know -- because when I did go back and
21 I was in the dining hall, and on the way back from the
22 dining hall, all the people in that dorm approached me
23 to say, you know, "Can we talk to you?" And my
24 recollection was my brother was still with me at this
25 point, and we all went into the boiler house, which was

1 in the basement of Mackenzie House, and they tried to
2 convince me then to go and see Mr [REDACTED] and do
3 something about this guy's behaviour, because his
4 behaviour was just completely out of control by this
5 point.

6 And I refused to believe them, and I just thought it
7 was yet another kind of psychological game that they
8 were playing on me and that this guy was somehow
9 manipulating the situation, and it was all just -- and
10 if I had said yes, I would go with them, the veil would
11 drop and he would be there going, "Ha ha, I orchestrated
12 all of this; now we know that you're a clype".

13 So I was convinced it was like that and refused to
14 have anything to do with it. Nevertheless, he was taken
15 out of the school at that point. So --

16 Q. Someone spoke.

17 A. -- somebody must have said something and there must have
18 been some kind of action at that point.

19 Q. And action was taken?

20 A. Action was taken. And I only know this secondhand from
21 everybody else, that his parents were called back from
22 the Philippines, and I think it was just his mother that
23 came over, took him out of the school; that he was
24 given -- he was sent to see either a psychologist or
25 psychiatrist as a consequence of his behaviour, and so

1 basically the problem had been isolated.

2 What I hadn't appreciated was he was actually still
3 in the school. I thought he had gone completely.
4 I thought that was it, the source of the danger had
5 gone. And it wasn't until a month or so later that
6 suddenly he's there in front of me in the school yard
7 and is accosting me.

8 There is a passageway between the main classical
9 school and what was Donaldson's School for the Deaf next
10 door at the Academy. And I had just come through that,
11 and there is a pathway that takes you up to Donaldson's,
12 and I saw him walking down the pathway towards me. And
13 he caught me, pulled me off the path and gave me this
14 very public dressing down in front of a crowd of boys,
15 in which he told me that I was basically the worst
16 person in the world and that I had brought all of this
17 upon myself, that none of it was his fault, and that
18 I would have the most dreadful life as a consequence of
19 what I had done because, you know, I was a complete
20 failure as a person.

21 This was all, like, literally on the lawn in front
22 of the house that had the person who was supposed to be
23 in charge of pastoral care in the school.

24 So that was almost worse than the actual bullying in
25 the dorm, where you couldn't escape, because it was the

1 public humiliation aspect of it in the school, and it
2 was the fact that it was such a shock that he was there
3 and I thought he had gone, and suddenly it is all being
4 rubbed in your nose again.

5 LADY SMITH: 'Thomas', just going back to the earliest stage
6 at which a group of boys spoke to you, because they
7 wanted something done about this boy.

8 A. Yeah.

9 LADY SMITH: I think the words you used was he was "out of
10 control".

11 A. Yes, yeah.

12 LADY SMITH: Did you have the impression that you were not
13 the only boy being bullied by him?

14 A. Looking back on it now, I think that was clearly the
15 case. At the time, no, I thought it was just me, though
16 I know that he had targeted my friend.

17 But both my friends at the time, I mean, they had --
18 they were both -- when I got to know them in Dundas,
19 they were both confident wee boys, and in Mackenzie
20 House, in that dorm, they were -- they had completely
21 turned in to themselves, and as had I. Because you
22 would in those circumstances, because we were completely
23 dominated by that one individual.

24 LADY SMITH: Just one other detail. When you mentioned
25 Donaldson's School for the Deaf, by that time, had that

1 building become part of the Edinburgh Academy?

2 A. It had, yes.

3 MR BROWN: Thank you, my Lady.

4 Am I right in saying that was the last time you had
5 to face that boy?

6 A. Yes, it was.

7 Q. Because he did then go?

8 A. Yes, he did then go. Yes, some kind of deal was done
9 and his parents took him out of the school.

10 Q. Are these things you have been told?

11 A. There were things I've been told. I also, years later,
12 found his Facebook page and -- I just went looking for
13 him one day and found his Facebook page, and he clearly
14 feels quite bitter about the Academy.

15 I know exactly where he lives. I know he's married
16 and with children, and I know where he works, which
17 probably makes me sound like a complete stalker. But,
18 you know, I don't have any intention of -- he was a
19 child at the time, like I was a child at the time. And
20 what happened was awful, but I don't -- I'm not going to
21 name him and I'm not going to take action against him,
22 because he was a child.

23 I know now that he was in Hamish Dawson's class, and
24 I don't know whether that had any impact on him, and
25 that doesn't excuse in any way what he did do me,

1 because he did have a choice, he didn't have to inflict
2 pain on somebody else, but he did.

3 Q. I think one of the things that is clear is that whilst
4 his parents were involved in the process, yours knew
5 nothing of this.

6 A. No, they knew absolutely nothing about it, nothing at
7 all, and --

8 Q. Is that something you have confirmed with your parents
9 since?

10 A. Yes. Yes. Yes.

11 Q. When did they first discover all of this?

12 A. Last autumn.

13 Q. Right.

14 You then progress in due course to Scott House. Not
15 following tradition in going into Jeffrey with your
16 brother --

17 A. Yes, that's correct.

18 Q. -- as we know.

19 A. Which is very unusual.

20 Q. Scott House; was it a better experience?

21 A. Much better experience.

22 Q. And was that down to -- what reason?

23 A. The character of Rob and Daphne Cowie, who were the
24 housemaster and the housemistress. Just treated
25 everybody much more humanely.

1 Daphne Cowie was lovely. She was a former nurse,
2 Australian. It's funny, when I was talking about this
3 with the team, they all made the comment: oh, the
4 Australians come out of this very well. And they do,
5 kind of. I don't know, they just showed more
6 compassion.

7 And so she figured out that there was something not
8 right with me, and -- as I was. I was very depressed at
9 times, and it was affecting my work. And so she did
10 encourage me to go and speak to the doctor about this
11 and, initially, I thought I hadn't. I thought I had
12 lacked the courage to actually speak to him. But it
13 turned out, when I did get access to my medical notes,
14 that there is a type-written note in there about the
15 exchange we had. And I am somewhat evasive in it,
16 because I'm basically trying to blame my problems on the
17 fact that my parents are going through a stressful time,
18 my dad's job is quite stressful, and I don't actually
19 talk about me in any of that, and that's because
20 I didn't know how to tell this guy: well, actually, you
21 know, the real cause is because I don't want to be gay,
22 and because I'm really unhappy about what happened to me
23 at the Academy, and I'm completely deeply ashamed of my
24 body and who I am as an individual. And I do think
25 a large part of that stems back to what happened in the

1 Geits, with that boy in the Geits.

2 Q. However, an effort was made?

3 A. Yes.

4 Q. Was another factor, perhaps, that by the time you are in
5 Scott, the boys in Scott are that little bit older?
6 Were things just calming down naturally, do you think?

7 A. Not necessarily. Jeffrey House was quite a bit more
8 rowdy than Scott House, and that was definitely down to
9 the differences between the two housemasters.

10 Q. So housemaster, really, from what you are saying, is
11 a key position --

12 A. Absolutely.

13 Q. -- that you need to get right?

14 A. Yes. Yeah. Yes.

15 Q. Do you know how people were appointed?

16 A. No, I --

17 Q. If you don't, please just say so.

18 A. No, I don't. I have an inkling now, but, no, I didn't
19 at the time, and, yeah, it's still a bit of a mystery to
20 me.

21 Q. All right.

22 But, as we see from the continuing part of the
23 statement, exam-wise, you have a success, and then you
24 progress and, as you have already told us, you became
25 an architect, and we can read about a successful career.

1 But there did come a stage where you faced up to
2 your demons, to use a word someone else has used today;
3 when was that?

4 A. That was -- I started doing it in Hong Kong, by accident
5 at the start. And that was the office that I was in, in
6 Hong Kong, which was -- there was a young architect who
7 had set up -- mid to late 30s. You are still young
8 until you're, like, in your 50s, as an architect. So he
9 had set up his practice in Hong Kong on the back of
10 being involved in the construction of the Hong Kong
11 Shanghai Bank, which is a Norman Foster masterpiece.
12 And so he had set up his practice and decided to stay on
13 in Hong Kong. It was a very desirable office to be in,
14 in Hong Kong. A tight team, but all people who came
15 from Norman Foster's practice in London or other
16 fashionable practices in London.

17 This was at the time of the kind of early 1990s
18 recession, so we got a lot of people who were from
19 London who had gone out to Hong Kong because work had
20 dried up in London, and who were working on major
21 projects in Hong Kong, like the Chek Lap Kok Airport.
22 China's taking off at this stage. There is a lot of
23 potential business, so it was a desirable office to be
24 in.

25 They were really good fun, actually, and they

1 referred to me -- I was the youngest person in the
2 office -- as the "stude" (?). And my direct boss, this
3 guy called [REDACTED], who is now the head of a major
4 practice down in London, and he had this phrase called
5 "Give us this day your daily bollocking", because this
6 was the only way you would learn as a student. And it
7 wasn't a mean thing. He would go, "Right, this is what
8 you have done wrong on this drawing here", and he would
9 teach you how to do it properly.

10 Q. Okay.

11 A. So they were a great bunch, but it was a very -- you
12 worked hard and partied hard.

13 And so every night I would be sent -- we were in
14 this 24-storey office block. I would be sent down into
15 the lanes below to get char siu bao, which is pork, and
16 beer, and after we had that, we would all hit the pubs
17 or the nightclubs. And this went on like this all the
18 time.

19 And one weekend we had all ended up on Kowloon side
20 and the Cross-Harbour Tunnel shuts at a certain point,
21 so we couldn't get back to the island, and so we just
22 carried on partying all night. Piled into a taxi at
23 7.00 am and headed back up The Peak to my parents'
24 place, to be confronted by my dad in the hall of their
25 flat, you know, absolutely furious: "Where the hell were

1 you? Your mother's beside herself, crying in the
2 kitchen because as far as we know, you've been in the
3 gutter all night stabbed, and how could you have done
4 this to us?"

5 And maybe I was still drunk, I don't know, but it
6 was red rag to a bull and I just turned round and gave
7 it to them with both barrels. And I said: "Look, you
8 guys abandoned me in that damn school when I was nine
9 years old. You have had no idea what I've been up to
10 every weekend since and now you are worried about me?"
11 And, at this point, my mother had kind of wandered in,
12 and the two of them were just like jaws on the floor
13 when they heard that.

14 They conceded, yes, they had done that and, no, they
15 didn't know where I had been all this time and maybe
16 I had a point. And that broke the ice and, thereafter,
17 we were able to kind of refashion a relationship,
18 a relationship as adults, and I think that's quite
19 unusual with people who have kind of gone through
20 boarding school.

21 And I ended up staying in Hong Kong for two years
22 and, in my first statement, I said that's because
23 I enjoyed it so much, but it was also because I was
24 going through a lot of issues and I really didn't want
25 to go back to the Mackintosh School of Architecture,

1 which was another tough environment to go through.

2 Q. All right. But I think we see from the statement that

3 your mental health has suffered.

4 A. Yes.

5 Q. Now, would you put that down to a variety of --

6 A. It was. The gay scene in Hong Kong -- my boss was

7 bisexual --

8 Q. Sorry, can I just stop you there?

9 A. Sorry, go on.

10 Q. We don't need to have the full detail of that.

11 A. Okay, fine.

12 Q. We can see it. That is the point.

13 A. Yeah, yeah, yeah.

14 Q. But I think there are a number of elements at play.

15 A. Yes.

16 Q. But is that -- is there a root which begins with

17 Edinburgh Academy, do you think, in terms of --

18 A. I think so, absolutely. I mean, all of them in the

19 office -- I mean, I was a wallflower, and they were all

20 like, you know, "God, what's wrong with you? Get

21 yourself out there", and really pushed me on and pushed

22 me to learn and pushed me to kind of be able to vouch

23 for myself as an individual and helped toughen me up.

24 So the working aspect of it in Hong Kong -- I may

25 have been incredibly lonely, I may have been thinking

1 about suicide all the time, but, from that point of
2 view, being in that office, it was a really fantastic
3 experience.

4 Q. Yes, but we are talking about low self-esteem issues
5 here.

6 A. Yes, absolutely, low self-esteem was a major issue.

7 Q. And that's from Edinburgh Academy or --

8 A. Absolutely, yes. Yeah. What you get from the Academy
9 is, like, a fragile sense of self and, therefore, when
10 it's tested and you fall back into the patterns that you
11 have, that kind of stoic approach, which is what
12 happened in Mackenzie House in that dorm, where I just
13 endured it, I find that in my working life as well.
14 I've had to deal with several bullies in my working life
15 who have -- other people have been able to walk away
16 from the situation, but no, no, no, I must see it
17 through, I must prove myself. And the reality is that
18 they don't care. They are not interested. They don't
19 care about the damage on you. And why do I put up with
20 it?

21 Q. And now where are you?

22 A. I'm the director of a charity in Glasgow. So I kind of
23 moved sideways from architecture. I had a very bad
24 experience in kind of 2011/2012, where, again, a bully
25 of a boss who would -- was referred to in the office as

1 "The Whirlwind" because he would descend on the place
2 and leave chaos and confusion in his wake, and he really
3 picked on me.

4 Eventually, we were going through a redundancy
5 scenario. I was made redundant. I smelled a rat and
6 took him to an employment tribunal, and it's very
7 difficult to prove unfair dismissal in a redundancy
8 scenario, and I discovered that the guy had in fact
9 poggled the whole thing to target me.

10 So, on the back of that, it was such an unpleasant
11 experience and it put me off architecture quite a bit.
12 I decided to retrain as a conservation architect and
13 looking after buildings. I've ended up -- I know
14 Glasgow -- and, again, this all links back to the
15 school, the whole thing is connected, and the
16 homesickness from Hong Kong. I wanted -- I didn't want
17 to be like other people I had seen from that school, who
18 ended up kind of wandering the globe and not really
19 having anywhere that I could genuinely call my home. So
20 I decided to very firmly put down roots in Glasgow, and
21 I got involved in various kind of local societies and
22 the community council where I live, in [REDACTED] on
23 the south side of Glasgow, and have really built strong
24 roots on the back of that, and got involved in heritage
25 issues on the back of that.

1 room and seeing what it was like and --

2 Q. Which room?

3 A. The room where I had been abused. This was in Mackenzie
4 House, the dorm in Mackenzie House.

5 And I did, and it was just the kind of -- it was the
6 smallest room and it was so institutionalised and it
7 was, like, you know: this is the space that had such
8 kind of profound impact on my life.

9 And I got very drunk that night, which is completely
10 out of character for me. But it was emotionally very
11 difficult to do, but I'd wanted to kind of see if
12 I could make myself do it.

13 LADY SMITH: 'Thomas', did it enable you, as you stood
14 there, to see the child that you were?

15 A. Yeah, it did.

16 LADY SMITH: The space wouldn't have seemed so small to the
17 child.

18 A. No, it seemed huge to the child. And, yes, going back
19 as an adult, it was a lot smaller and -- yes, yeah. It
20 was kind of -- I don't know, it was an uncomfortable
21 thing to do, but, still, I'm glad I did it, because it
22 did start giving a sense of closure about the whole
23 thing.

24 LADY SMITH: Thank you.

25 Mr Brown.

1 MR BROWN: 'Thomas', thank you very much indeed.

2 A. Thank you.

3 LADY SMITH: 'Thomas', I've no other questions for you.

4 I just want to thank you as well for both of your

5 statements that provide me with so much other detail

6 that we haven't discussed, particularly today, but for

7 being able and prepared to come here today to talk about

8 your experience at the Academy and to do so frankly and

9 openly as you have done. I'm really grateful to you for

10 the contribution you have made by doing that.

11 A. Thank you.

12 LADY SMITH: I'm now able to let you go and I hope that is

13 with a huge sigh of relief on your part and ability to

14 rest.

15 A. Okay. I did have some points I wanted to make, if that

16 was --

17 LADY SMITH: Oh, absolutely. I didn't realise, 'Thomas',

18 please do.

19 A. Very briefly, it was just to kind of --

20 LADY SMITH: To satisfy my --

21 A. It will not take long, but if I just --

22 LADY SMITH: No, no, no, 'Thomas', if it's important to you,

23 it's important to me.

24 To satisfy my curiosity, it's very rude of me --

25 A. Okay, it was various people I just --

1 LADY SMITH: Hang on. You have a book with you; is it
2 anything to do with the school?

3 A. It is, yes. Yeah.

4 LADY SMITH: Do you want me to know what book it is or ...?

5 A. Well, I'll get on to that. Sorry.

6 LADY SMITH: All right. I should stop talking and let you
7 explain. Go on.

8 A. Okay.

9 Well, first of all, I wanted to thank the Scottish
10 Inquiry for Child Abuse's team for their kindness,
11 patience and professionalism over the last two years in
12 all of the dealings I've had with them. They've been
13 absolutely fantastic and it's been very much
14 appreciated.

15 Next, I also wanted to thank you for re-opening the
16 boarding school section of the Inquiry to cover the
17 Edinburgh Academy.

18 And I also wanted to thank you, Andrew, for your
19 questioning today and your kindness.

20 And then I wanted to thank Nicky Campbell as well,
21 in particular. And even though I did, as I said,
22 approach the Inquiry nearly a year in advance of Nicky
23 Campbell's public intervention last summer, I very much
24 doubt that we'd have made the progress that we have done
25 without him, and thanks to both Nicky and Alex Renton,

1 there is now a 40-strong Edinburgh Academy Survivors'
2 Group, who are working together to support each other
3 through this process.

4 As part of that survivors' group, in particular
5 I want to single out Giles Moffatt, Neil Russell and
6 IKA ██████████ for their work as core participants
7 during the Inquiry hearing.

8 And thereafter there are kind of three key points
9 that I would like to see as a consequence of this
10 Inquiry.

11 The first is the need for mandatory reporting of
12 child abuse, basically as per the recommendations from
13 the National Society for Prevention of Cruelty to
14 Children. The introduction of a criminal offence to
15 cover up, conceal or ignore known child abuse. And
16 I think, for me, that might have helped address the
17 unfortunate situation that I found myself in. I think
18 the Academy had a moral duty to tell my parents and they
19 did not. They took that decision away from me and my
20 parents, and we could have done something about it then,
21 I could have had help at that point and, by putting
22 their reputation first, they denied that from me, which
23 I'm still -- I am angry with them. It's more of
24 a healthy anger nowadays.

25 Next would be the introduction of restricted form of

1 mandatory reporting relating to concerns or suspicions
2 about abuse conducted within this institution. This is
3 on the back of what I have heard from other people,
4 which has left me concerned.

5 Second point would be the review -- a review of the
6 need for boarding schools, and possible introductions on
7 age limits. I've been very anti-boarding schools for
8 a very long time, because I feel that the best place for
9 the development of the child is within the family. But
10 I accept that they may work for certain people, but
11 I think that there should be age limits. The fact there
12 was a six-year-old in my dorm at the Edinburgh Academy,
13 way too young. Possibly 13, when you might be mature
14 and wanting to move away from home.

15 There is a final point which is very much aimed at
16 the Edinburgh Academy, is the need for truth and
17 reconciliation, and this was particularly with regards
18 to the Academy's notable alumni list. Because
19 I'm struck by the omission of Geoff Shaw, who is what
20 I bring a book about.

21 Lady Smith, you may know Geoff Shaw from Glasgow,
22 who is part of the Gorbals Group in Glasgow. Geoff Shaw
23 was the Dux of Edinburgh Academy in 1944 and ironically
24 lived on Kinnear Road in Inverleith. Seemed destined
25 for life as an Edinburgh lawyer, but during his National

1 Service found God and turned his back on all that and
2 instead trained to be a minister among the poor in
3 East Harlem in New York.

4 Learning from that, returns to Scotland to set up
5 the Gorbals Group, in the Gorbals, working with the
6 most -- poorest and most destitute people in Scotland.
7 In particular, working with children and young people,
8 and his door was always open to young folk. To his own
9 detriment, leads a protest march to Glasgow City
10 Chambers to protest the lack of play areas in the
11 Gorbals. This results in the creation of the Gorbals
12 Crossroads Youth and Community Association, still going
13 strong 55 years later.

14 And after years of struggle, realises he can't make
15 a difference without becoming involved in Glasgow
16 politics. So the Dux of Edinburgh Academy ends up being
17 elected a Labour counsellor in a poor area of Glasgow
18 and, within three years, such are his people skills,
19 he's elected Convener of Strathclyde Regional Council.
20 Three years later, you get the Scottish referendum
21 for -- the first referendum for a Scottish Parliament.
22 Everybody thinks that Geoff Shaw is going to be a
23 shoe-in as first minister and, very sadly, he dies of
24 a massive heart attack, aged 51.

25 There is a huge outpouring of grief on the back of

1 that. A national service in Glasgow Cathedral. There
2 are really strong parallels with John Smith and you
3 can't avoid them in any kind of studies of 1970s
4 Scotland.

5 And yet when I was sent on a study trip by the
6 Edinburgh Academy to the Glasgow Garden Festival, in
7 1988, and as part of that we visited the Gorbals to see
8 the regeneration of the area, our bus literally parked
9 a stone's throw from Geoff Shaw's flat, at [REDACTED]
10 [REDACTED], and nobody mentioned anything about him.

11 And to me, now, I just think that he is like the
12 rest of us in the Edinburgh Academy Survivors' Group.
13 He's an Edinburgh Academy lost boy, and that we have
14 kind of been airbrushed out of the history of the
15 Academy because we don't fit the narrative the school
16 wants to tell, and that's because it's a painful
17 narrative. And I would like them to kind of revisit
18 that as part of this kind of reconciliation.

19 And I appreciate that, after what Nicky Campbell did
20 last summer, they have been looking at things like the
21 Aegis Shield Award, and the remembrance garden, but
22 I still feel it sounds a bit passive and I really want
23 them to actually properly engage with us and, as part of
24 that, reflect on the life-long damage that this has done
25 to young people who are in their care.

1 the read-in. Thank you.

2 MR BROWN: Thank you.

3 (3.30 pm)

4 (A short break)

5 (3.35 pm)

6 'Robert' (read)

7 MS BENNIE: My Lady, this witness -- sorry, it's the wrong
8 reference. Sorry, I beg your pardon, my Lady, that is
9 the wrong reference I have given you. The reference is
10 WIT-1-000001226. My apologies.

11 LADY SMITH: Thank you.

12 MS BENNIE: My Lady, this witness wishes to remain anonymous
13 and he has adopted the pseudonym of 'Robert':

14 "My name is 'Robert'. My year of birth is 1962.
15 I grew up with my mother and father and younger brother
16 on a farm on the outside of Penicuik. ... My father was
17 a former pupil at Edinburgh Academy... and later
18 a member of the Court of Directors. ... I'm not sure why
19 he went to that school because his father was a pupil at
20 Heriot's. ... I began attending at Edinburgh Academy in
21 the Autumn of 197█. ... I was nine years old when
22 I started in Edinburgh Academy and that would be in year
23 five of the lower school. In the prep school it was
24 numbered 1 to 6 and the senior school was numbered 1 to
25 7. When I joined the prep school, I was in year 5.

1 There were three different class groups in that year and
2 I was allocated 5. My form master for that year was
3 Iain Wares.

4 "In lower six I had ICA. I also had
5 interactions with Mr ICA in the upper school as he was
6 the in the Combined Cadet Force ... at the
7 school.

8 "I don't recall anything about any introductions
9 being made or if I was given any instructions or booklet
10 about what may have been expected of me while I was
11 a pupil at the school.

12 "I can't remember being aware which, if any, of my
13 fellow pupils were boarders. While I was at the school
14 I did not interact with any of them in the respective
15 Houses ..."

16 My Lady, I now move to paragraph 28, on page 6:

17 "Discipline

18 "Most of the punishments at the school would involve
19 some form of corporal punishment. The teachers would
20 use a variety of things to administer this type of
21 punishment. It could include the Clacken, a wooden bat,
22 similar to the bat used in Shinty. Other implements
23 used may be the leather tawse and some of the teachers
24 used a gym shoe. The corporal punishment I can only
25 remember being used in the upper school. I don't

1 remember anything being used in the primary side.
2 Depending on the severity of the punishment the tawse
3 could be used on the hand or the backside, while the
4 other implements tended to be the backside.

5 "If being punished in this manner you were usually
6 sent to the teacher's room and were given the punishment
7 in private. If over the backside, it was over your
8 clothing. Although ... most carried [out] the
9 punishment in private, there were times some of the
10 teachers lost their temper and would throw objects at
11 the pupil causing them problems.

12 "I can remember there were bins around the grounds
13 of the school and on one occasion I set fire to one of
14 them. I can't remember why I did it. My punishment was
15 to be hit over the backside with a plimsole, again over
16 my clothing. I think I had the tawse on another
17 occasion. Once you were punished with any implement you
18 tended not to repeat whatever you did wrong, the threat
19 of the punishment was usually a good incentive not to
20 cause any issues.

21 "Hamish Dawson was one teacher I had, who taught us
22 History. He was eccentric and kept two punishment
23 sticks, one large and one small. He also had a tawse
24 which he would hang over his desk. I don't remember
25 being the recipient of any punishment in his class and

1 never saw anyone being on the receiving end of this type
2 of punishment. He had an interest in calligraphy. If
3 he was handing out work, the first letter of the page
4 was always drawn in a very elaborate manner, like in
5 an old manuscript.

6 "I don't know if any of the punishments handed out
7 by the teachers were ever recorded in a punishment book
8 or similar.

9 "Abuse at Edinburgh Academy

10 "Some teachers were just slap happy and would give
11 a pupil who was causing them some issue a clip around
12 the ear.

13 "My experience with Mr Wares I can remember seeing
14 one of my fellow pupils standing beside Wares at his
15 desk. At that time he had his arm round the waist of my
16 friend. I can remember also being in that same
17 situation, but when I was there I can remember he would
18 put his hands up my shorts. He was touching my
19 privates. This left me with a fluttering, trembling
20 feeling on my thighs. The way his desk was situated,
21 what he was doing was mostly hidden from the view of
22 others. I can't recall how many occasions he did this
23 to me.

24 "Although this was the only manner in which Wares
25 sexually abused me, I have been made aware of other

1 occasions where he would fondle boys during rugby
2 practice and would sometimes check to see if other
3 pupils were wearing underwear during those sessions.
4 I don't remember that happening to me as I was always
5 getting ready to run for my bus. Sometimes if I was
6 tight for time I might even miss out on the showers and
7 just get changed and run for the bus.

8 "There were other ways in which Wares would abuse
9 you. I could be sitting in my seat in the class when
10 Wares would be upset at me for some unknown reason. He
11 would grab me by my hair, just at the side of my ear,
12 and pull me up out of my seat. He did not stop there
13 and would keep going until I even had to stand on my
14 seat, just so it was the maximum he could reach and
15 hopefully let me go. This would be for little things,
16 perhaps smiling the wrong way or maybe having answered
17 a question incorrectly.

18 "There were other times if he was upset with
19 someone, he would throw a blackboard duster at them.
20 When he lost his temper and when he was taking it out on
21 someone, he would often be so mad his face would be red
22 with anger.

23 "Wares did this to many other pupils, it all
24 depended on what mood he was in. He had a nickname
25 'Weirdo Wares' and I can always remember the trepidation

1 of going into the class on a Monday morning not knowing
2 how Weirdo Wares' weekend had gone and what mood he may
3 be in as a result.

4 "There was an incident at one of the morning
5 assemblies when Wares lost the head with a pupil over
6 the cleanliness of his shoes. He began beating the
7 pupil and had to be dragged away by two other teachers
8 who were present. Later when the story of the abuse at
9 Edinburgh Academy finally broke in the media about Wares
10 those two teachers denied the incident had occurred.
11 This despite that it had happened in front of
12 an assembly full of other children and other teachers.
13 I think they were now saying this in an effort to
14 protect the school.

15 "In the prep school, one teacher who had a temper
16 was John Brownlee. I had him for French in lower 5th,
17 but when I was in his class in the prep school and he
18 lost his temper he tended to throw the blackboard duster
19 at the pupil he was annoyed with ...

20 "When I was in the first year in the senior school
21 I was doing woodwork as one of the classes. I remember
22 the class was divided in two, separated by a metal
23 railing, one side was where the saws and any electrical
24 equipment was used and the other side were the work
25 benches. If the teacher, IDR, was upset with

1 one of the boys he would throw an off-cut of wood at the
2 boy, the same way other teachers through blackboard
3 dusters. He had a nickname as well, the nickname was
4 'IDR [REDACTED]'. This was a class I enjoyed, but with IDR [REDACTED]
5 having a temper on him it took some of that enjoyment
6 away. There was a teacher in the upper school called
7 IBU [REDACTED], who was the gym master. He had a nickname,
8 'IBU [REDACTED]', and because he was so short in height he
9 almost seemed to have the small man syndrome in that he
10 was always angry. He was a rugby referee as well [REDACTED]
11 [REDACTED]. In the main school
12 there is a war memorial building which doubles as the
13 gym. He would have the habit of watching the boys while
14 they were in the shower room. The shower room was open
15 and communal. As the boys showered, he would stand at
16 the door observing the boys. I was never sure whether
17 he was just ensuring we all showered or whether there
18 was some other connotation to him being there.

19 "On other occasions in the gym classes if someone
20 had upset Mr IBU [REDACTED] then he would be one of the teachers
21 who could give you a clip around the ear.

22 "Reporting of abuse

23 "What was happening to me was never discussed among
24 my fellow pupils and I never had anyone at school I felt
25 I could go to. As I had a headmaster as a grandfather

1 I was always under the impression that school teachers
2 were a figure of authority, anything a teacher said to
3 the pupil was done. I am sure that must have been the
4 opinion of many other parents of pupils at the school.
5 At that age, I knew it was happening but I don't think
6 I knew that it was wrong. It was not until later in my
7 life that I was aware of how wrong it was.

8 "Leaving Edinburgh Academy

9 "When I finished school in 197█ I sat my O Levels
10 and failed them. I decided then that I was not going
11 back ... [to school].

12 "One day I was in town and was passing the Army
13 recruiting office. On the spur of the moment I went in
14 and passed the aptitude test. The Sergeant I was
15 speaking to told me I did not have enough marks to get
16 into the Royal Engineers, which was my preferred option,
17 but he said I could go into the catering corp. I signed
18 on the dotted line and went home and told my mum and dad
19 that I had joined the Army ...

20 "I did my two-year training and then three years
21 with the █. I decided this was
22 no longer the life I wanted and I put in my papers to
23 leave. This would have been in 1984 ...

24 "I went on to drive trucks for around thirty years,
25 driving all around the country. ... I am on my own a lot

1 in the truck and that suits me as I still don't mix well
2 with people.

3 "Impact

4 "After being in the lower 5th and being abused by
5 Wares I had no recollection of year 6. I think this was
6 a result of the abuse I suffered. This is how
7 I continued to deal with adverse things in life.
8 I would just compartmentalise it and then put it in a
9 memory box where I could lock it away.

10 "I have two failed marriages and met my current wife
11 in 2009. I think some of the reasons for those
12 break-ups were the fact that I could not open up to
13 them. With the trust I have with her I have been able
14 to tell her about the abuse I have suffered at the
15 school. She is a trained counsellor and as such was
16 able to tell me that this explained some of the habits
17 I had in life.

18 "I was at an impressionable age when those abuses
19 were carried out. When they happened, I just locked
20 experiences away. Nicky Campbell was in the year above
21 me at the school. In 2022 he disclosed having been
22 abused at the school and I was signposted to his
23 podcast, Different. I later emailed Nicky Campbell who
24 replied saying I should report the things I experienced
25 to the police and to contact the Child Abuse Inquiry ...

1 "It is only in the last six months with the
2 revelations from the interviews with Nicky Campbell and
3 the podcasts from Alex Renton that I have opened up more
4 with my wife. She was able to ask the right questions
5 to make me feel safe to talk about my experiences.
6 Through talking with her I have come to terms with the
7 abuse as she has helped me analyse things. Rather than
8 denying things she has helped me deal with the issues.
9 I have not had any other psychological help as I am not
10 sure I would be able to trust some stranger to talk to.

11 "... I never reported anything as a child to any
12 authority. I have now been in touch with the police and
13 have given a full statement to them.

14 "Lessons to be learned

15 "One thing I always worried about is what
16 Jim Britton, headmaster of the prep school, was aware of
17 in relation to Iain Wares. I'm aware that he gave
18 a reference over a phone call about Wares to the
19 headmaster at Fettes. Britton retired in 1973, the same
20 year that Wares transferred to Fettes. When Wares left
21 our school I don't remember any rumours about the
22 reasons for him leaving. If Jim Britton had the bravery
23 to report Wares to the police for the abuse at Edinburgh
24 Academy he would not have gone on to abuse others at
25 Fettes and later in South Africa. Wares would have been

1 dealt with by the court and apart from serving any
2 sentence he would not have had access to children.

3 "Apart from Jim Britton how many other masters were
4 aware of Wares abusing children, also how many other
5 masters at the school were also guilty of abusing pupils
6 under their care. Perhaps if there were more checks in
7 place to look after children, many of those abuses would
8 not have happened. I am not sure if Britton had gone to
9 the governors to either report to them or to seek advice
10 from them.

11 "My father was on the Board of Governors, and
12 I never talked to him about any of those abuses. I am
13 not sure how much he or the other governors were aware
14 of what abuse was taking place. My father always had
15 the opinion that the Academy could do no wrong ...

16 "If the Academy, Fettes and now the school in South
17 Africa can be shown to be responsible for allowing those
18 abuses to take place, then this would go a lot better
19 than the routine apology being handed out. The apology
20 is just a general statement being churned out all the
21 time. Apologising for the abuse is not enough. I would
22 like them to accept responsibility for enabling the
23 abuse to be carried out and continuing when they were
24 aware of it ...

25 "I have no objection to my witness statement being

1 published as part of the evidence to the Inquiry.

2 I believe the facts stated in this witness statement are
3 true."

4 My Lady, this statement is signed and dated
5 22 March 2023.

6 LADY SMITH: Thank you very much indeed.

7 MS BENNIE: My Lady, there is another read-in which, in view
8 of the time, could possibly take about 20 minutes.

9 I'm happy to read it in if that would assist, or ...

10 LADY SMITH: Just 20 minutes?

11 MS BENNIE: I would hope so.

12 LADY SMITH: Let's go on and hear it then, Ms Bennie. Thank
13 you.

14 'Callum' (read)

15 MS BENNIE: My Lady, the next read-in bears the reference of
16 WIT-1-000001288. My Lady, this witness wishes to remain
17 anonymous and has adopted the pseudonym of 'Callum':

18 "My name is 'Callum'. My year of birth is 1963.

19 I was born and brought up in Edinburgh. I had a brother
20 who was two and a half years older than me. He passed
21 away ten years ago. He had poor mental health for a
22 number of years before his passing. I lived with my
23 parents and brother in Edinburgh. I had a perfectly
24 normal and happy childhood. My brother and I were sent
25 to Edinburgh Academy as day pupils. This was the only

1 school I ever went to.

2 "I have no idea why my parents chose Edinburgh
3 Academy. I think they thought they were buying us
4 a good education and were doing the right thing. There
5 was no history in the family of anyone previously going
6 to the school.

7 "I believe there was an application process for the
8 school and perhaps some assessment, but I cannot recall
9 that.

10 "I went to the school from either 196█ or 196█ to
11 approximately 197█. I was there until I was 16 years
12 old.

13 "The school had three schools. The first school you
14 went to for two years, from the age of four or five,
15 that was Denham Green. The second school was the junior
16 school at Arboretum Road, you went there until ten or
17 eleven years. The final school was the senior school at
18 Henderson Row, where I remained until I was 16 years
19 old.

20 "I have no real memory at all of Denham Green
21 School, it was so long ago. I have a little bit more
22 memory of the junior and senior school ... Routine at
23 the junior school: ...

24 "We had an assembly for the whole school. I seem to
25 recall it may have been every morning or at least once

1 a week. The teachers would take a roll call of the
2 pupils. Assembly was taken by the headmaster. At that
3 time I think it was Mr Britton. We had a form class and
4 a teacher that changed every year. I remember one in
5 particular, Mr John Brownlee ...

6 "Abuse at Edinburgh Academy junior school

7 "Mr John Brownlee

8 "I want to tell the Inquiry in particular about the
9 last year at junior school and my form teacher, one John
10 Brownlee. Brownlee was a brutal vicious bastard. He
11 taught most of my lessons in the last year. I was about
12 nine or ten years old when I was in his class.

13 "Brownlee had a reputation and it really was the
14 short straw if you ended up in his class. I remember
15 feeling sick when I heard he was going to be my teacher
16 for that year. Of course, I never spoke to anyone about
17 my concerns. You just didn't do that.

18 "The whole school was run incredibly authoritarian.
19 There were the teachers and the kids and no one spoke to
20 anyone about anything. Neither did I speak to my
21 parents about it. You are drummed in at a very early
22 age not to speak about anything. In addition, I never
23 ever spoke to my brother about anything at all that went
24 on at that school ever.

25 "It was a year of complete terror for me that year

1 with psychological and physical abuse on a daily basis.
2 It was horrific. I came out of that year a very
3 different person, most certainly in terms of my grades.
4 They ran a streamed system in terms of ability and I was
5 always in the top stream until that year. I lost all
6 interest in school and my education. All I wanted to do
7 was to leave school and I was only ten or eleven years
8 old. The grades were very much noticed by my parents
9 and they blamed me, but I still did not say anything.

10 "Every morning he would come into the class and
11 point to, say, four or five children and he would put
12 them on the 'slob list'. It appeared random, but there
13 were definitely kids on it more than others. I was
14 frequently on it. If, say, you had glasses you were
15 more likely to be on it rather than someone who was
16 sporty. The names would go on the wall and you knew if
17 you were on that list you would most certainly get
18 a beating that week. That put kids into a state of
19 anxiety all week, wondering when the beating was coming.
20 The beatings took place in front of the class.

21 "He would set work in the class and he would walk up
22 and down the rows of children working. He would wear
23 brown brogues and he'd clip-clop up the lines. There
24 was a sense of relief if he passed you by. Otherwise,
25 he would grab you by the hair, drag you from your seat,

1 smash you on to the floor and kick the shit out of you
2 and stamp on your head. He would then move on to
3 someone else. This happened to me and I saw it happen
4 to others.

5 "One time he took me from my desk for no reason to
6 the blackboard, which had a door and a hinge. He then
7 slammed the door on to my head and I fell to the floor.
8 It was a trick of his and he did it quite often to me
9 and others. On this occasion, though I was unconscious,
10 I was left to come to and then ordered back to my desk.

11 "He would beat kids with the cricket bat in front of
12 the class. Or sometimes with a clacken, which was
13 a wooden spoon-type thing. He would really use anything
14 that came to hand. Sometimes the blackboard rubber
15 would get thrown across the class at a child, but then
16 he would also use his fists and feet.

17 "Before a beating he would often get the kids to
18 drop their shorts to make sure they didn't have any
19 padding down there to protect themselves from any
20 beating. I don't believe it was a sexual thing, it was
21 purely to check if there was padding.

22 "He would also do this thing with his knuckle where
23 he would ram his knuckle into your spine and grind it
24 in. It was excruciatingly painful.

25 "He would take great delight sitting talking to the

1 class telling us really extreme stories about sexual
2 torture. One time he was telling us a story about witch
3 trials and he was going into detail about the sexual
4 tortures that were carried out on the witches. One kid
5 started crying and he was dragged out and got a beating
6 for that.

7 "I remember one day he walked into the classroom
8 carrying a cricket bat and he absolutely smashed it on
9 his desk, everyone jumped. He laughed. This was the
10 start to the lesson. He loved the fear and power.
11 I believe he got off on it and I believe he got some
12 form of sexual gratification by frightening young
13 children.

14 "I would say a lot of his behaviour was controlled
15 to an extent, but there would be times when, say,
16 a child answered back and he would completely lose
17 control. At those times, he would throw you around the
18 room and kick the hell out of you. That's when he got
19 completely dangerous.

20 "He would also call myself and other children
21 derogatory names.

22 "I believe other teachers knew about it. Other
23 teachers would come in when he was doing it. It was the
24 culture and an open secret. It seems appalling now and
25 I don't know how it was allowed to go on.

1 "It was an everyday occurrence in the classroom.
2 The whole class was in a constant state of high anxiety
3 and terror. You would be relieved if you got through
4 his class without a beating, but at the same time you
5 were terrified for the next day. Because of the fear
6 inside the classroom no one spoke about it outside.

7 "I was beaten so often that the back of my legs were
8 often black and blue. I wouldn't get changed in front
9 of my parents at home because I didn't want them to
10 know. I assumed it was my fault and my parents would
11 side with the school.

12 "Iain Wares

13 "On the happy occasions when we could escape
14 Brownlee's class we went to Iain Wares for rugby. He
15 would get us all in the changing rooms to explain the
16 rules of the game. What he would do was stand behind me
17 or another child and press in close to one's body and at
18 the same time put his hands down our shorts and have
19 a feel. All the while talking about the game. It was
20 a regular thing and a normal occurrence. While it was
21 in front of other children I don't think it was a secret
22 as it was done in plain sight and teachers must have
23 known.

24 "At the time it didn't seem so bad and it didn't
25 really bother me because it wasn't Brownlee and I wasn't

1 getting physically violently assaulted.

2 "He would also get us all when we were naked in the
3 showers and flick us with a towel. That was really
4 painful.

5 "To my mind the whole of the school and the
6 authorities of the school were aware of the behaviours
7 and enabled it. They colluded. This fellow Wares was
8 moved from Edinburgh Academy to Fettes and I believe he
9 was given a recommendation and a reference by the
10 Academy. In the school magazine the headmaster at the
11 time wrote about Wares move along the lines of wishing
12 him well ..."

13 LADY SMITH: I think that might be "more along the lines",
14 it looks like a typing error. "Wares more along the
15 lines of wishing him well ..."

16 MS BENNIE: "... along the lines of wishing him well and
17 hoping that he enjoyed the boys at Fettes as much as he
18 enjoyed the boys at the Academy, or words to that
19 effect. It wasn't hidden, definitely not.

20 "I don't want it to sound like a big paedophile
21 group, but they were all a gang and they were all mates.
22 Mr Brownlee I believe was the best man at Mr Wares'
23 wedding. They were the establishment in that school.

24 "There were other teachers at the junior school who
25 were violent, corporal punishment was the norm, but none

1 of them behaved to the extent of Brownlee and Wares.

2 "Edinburgh Academy Senior School

3 "I moved to the senior school when I was 11 years
4 old. In general senior school was horrible for me.
5 I had given up with school during my year with Brownlee.
6 I was just counting the days till I could leave. My
7 grades continued to slide, they never picked up because
8 I wasn't doing the work.

9 "I started experiencing anxiety and panic attacks at
10 the senior school. It was at the senior school that
11 I was placed in the class of another abuser,
12 Hamish Dawson. He perpetrated abuse on me and others.
13 He probably wasn't as vicious as Brownlee, but by that
14 point I didn't care. I never had the shock and terror
15 there as I did at the junior school ...

16 "Schooling

17 "I don't have much opinion on the quality of the
18 schooling in the school. That said you were very much
19 educated to be a bigot, to think you were better than
20 other people and better educated than others, that
21 everyone else was scum and you were leaders. They
22 certainly tried to teach us that.

23 "I remember there was a fight outside of the school
24 one time involving our pupils and pupils from another
25 school. I remember the headmaster standing at the

1 assembly saying something about the other kids being
2 less than us, that we would always be better than them.
3 It was indoctrinated into us we would be leaders.

4 "I sat my O Levels while I was at the school.
5 I passed seven which was quite surprising because
6 I didn't do any work.

7 "I wasn't that good at sport at school and that
8 definitely impacted on me. There was a lot of emphasis
9 on sport. If you weren't good at sport then you did
10 suffer. Those that were, got other privileges like,
11 say, being a prefect.

12 "Abuse at Edinburgh Academy senior school

13 "Hamish Dawson

14 "Dawson was a history teacher. He perpetrated a lot
15 of physical abuse in his class. He had a big cupboard
16 in his classroom that contained all sorts of homemade
17 torture weapons which he had names for. I remember he
18 had one weapon he called the idleness inhibitor. He
19 would make you go and get whatever weapon he wanted out
20 of the cupboard and then hit you with the item. After
21 it he would give you a jelly bean sweetie.

22 "If your shirt was untucked he would put you over
23 his knee and tuck you in and fondle your genitals at the
24 same time. It was in the same vein as Brownlee but with
25 far more groping and his had a sexual element to it as

1 opposed to Brownlee's. This would be in front of the
2 whole class. It happened to me and I saw him do it to
3 others.

4 "There would be other occasions where he would hit
5 someone with a cane as a beating, they would be told to
6 put the item back in the cupboard and then go and sit on
7 his knee and he would cuddle them. Really creepy, weird
8 stuff.

9 "It was the same enabling with him and the
10 institution. I believe he was popular with other
11 teachers and was friendly with the headmaster. They
12 were aware of the homemade weapons and I think they
13 found it quite humorous. When he left the school there
14 was some form of eulogy to him when the headmaster who
15 I believe was Mr Ellis even mentioned his weapons.

16 "It was a see saw with him, either getting beaten,
17 or being fondled and he would always give you a jelly
18 bean afterwards.

19 "Dawson's behaviour was pretty much daily. I got
20 beyond caring and I would switch off to it. He was the
21 only one in my experience that behaved like that.
22 Again, there were other teachers who gave out corporal
23 punishment but none as bad as him. They all knew what
24 was going on. I got the impression that if you were
25 a teacher there you just went along with it. It was the

1 culture.

2 "Prefects

3 "The prefects at the school were entitled to dish
4 out corporal punishment at the senior school. They
5 would often give you a beating. They had a desk in
6 their office and they would bend you over the desk and
7 one would pull at your legs, and another at your arms,
8 so you were in a V shape. They would then grab a bat
9 and run the length of the room and whack the bat down on
10 you. The other one would then take a shot. This would
11 go on for as many times as they deemed necessary. That
12 happened to me on several occasions.

13 "They would walk around the playground like the
14 police. They could basically do as they wanted. I just
15 tried to stay out of their way.

16 "In my last year, I was pulled into their office and
17 I told them to fuck off. They didn't do anything that
18 day and it stopped after that.

19 "Reporting of abuse ...

20 "I never reported any of the abuse at the time.

21 "Leaving Edinburgh Academy

22 "As soon as I turned 16-years old I walked from
23 there, my parents were not happy about it, but I did it.
24 They couldn't understand how I'd lost all interest in
25 school.

1 "My brother stayed at the school and did his Highers
2 there. He was always in a lower stream than me and
3 I should have been the one to do better.

4 "I had no plan after school, it was always to get
5 away from school and from Edinburgh. I went to Aberdeen
6 initially and stayed with my brother who was studying
7 there. I also started to drink quite heavily. I think
8 that was because of the anxiety and panic attacks.

9 "I didn't stay with him for long and realised
10 I wanted to get away from Scotland in its entirety.
11 I had a Scottish accent and I very quickly got rid of it
12 because I wanted to cut all ties with Scotland.

13 "I moved to England and ended up living in squats,
14 drinking heavily and was unemployed doing drugs and
15 busking. I then moved to London and that cycle
16 continued, busking to get money for drink and that
17 lasted for years.

18 "The main reason I was drinking and taking drugs was
19 to self-anaesthetise to combat the panic attacks which
20 I was suffering from.

21 "I completely cleaned up 15 years ago, but that
22 brought its own issue as I no longer had that
23 anaesthetic. I ended up going to accident and emergency
24 and was referred for CBT. My treatment lasted about two
25 years and I was prescribed anti-depressants ... those

1 worked well. I came off them for a while, but
2 I realised I had to go back on them and have been ever
3 since. I am certainly in a much better place.

4 "I have been diagnosed with anxiety disorder.
5 I never spoke about my time at the Academy during my
6 treatment. I never made the connection, but now I have.
7 It wouldn't be true to say I had buried my time at the
8 school. I always just put it away in my head ... I do
9 still have nightmares to this day about my time.

10 "Reporting of abuse

11 "I reported all of this to the police in August
12 2022. The reason I did this is because I heard
13 something on the radio by Nicky Campbell who was a pupil
14 at my school and a couple of years above me. He was
15 talking about the school and this fellow, Edgar, who
16 I know as Mr Wares. It stopped me in my tracks and
17 I listened to it. Afterwards I tweeted him, we got
18 talking and he explained to me the importance of going
19 to the police. I didn't really want to, but I also felt
20 I owed it to my nine-year-old self to contact Operation
21 Tree Frog which I did. I provided a full statement. It
22 was really therapeutic for me as it was the first time
23 in 50 years that someone had really listened to me and
24 took it seriously.

25 "The updates have been pretty good and I believe

1 they now have about 80 statements about Brownlee ...

2 "Impact

3 "The school haunts my nightmares. It used to really
4 affect my sleep, but after I started taking the
5 anti-depressants it really helped.

6 "If I go up to Scotland and I cross the border
7 I start to feel really uneasy. When I go to Edinburgh
8 it gets worse. I can't go to the area in which the
9 school was. I generally just feel really uncomfortable
10 going to Scotland. Going to Edinburgh is most certainly
11 a trigger, even after 50 years.

12 "For a long time I had trouble forming
13 relationships. When I left school I was a very selfish,
14 self-centred person. I had no empathy for anyone else.
15 I was only interested in myself. That made it difficult
16 for me to form relationships and therefore I had only
17 casual relationships for a long time.

18 "My brother had bad mental health problems. He died
19 about ten years ago ...

20 "My mother is 90 now and was absolutely shocked when
21 these revelations came out last year. She asked me
22 about it, something I was dreading. I told her it was
23 true and I told her about my experiences. This was the
24 first time I had spoken about it to her.

25 "I have a terrible attitude to authority, I think

1 that is as a result of being at the school. This
2 attitude is why I do sound engineering and driving
3 because I am self-employed and do not need to answer to
4 anyone. Any position where I have been employed has
5 never worked ...

6 "Lessons to be learned

7 "I think the whole idea of boarding school is weird.
8 Why would you send your children away? I certainly
9 wouldn't. They should be nurtured at home.

10 "I believe we need to address the culture in these
11 establishments and to have a place where children can
12 have a safe place to speak.

13 "Hopes for the Inquiry

14 "If my statement can be of any assistance then I am
15 happy. I just really want the school to be held
16 accountable for what went on and for the public to know
17 what went on.

18 "I have no objection to my witness statement being
19 published as part of the evidence to the Inquiry.
20 I believe the facts stated in this witness statement are
21 true."

22 My Lady, the statement is signed and dated
23 10 July 2023.

24 LADY SMITH: Thank you very much, Ms Bennie.

25 Well, we'll leave it at that for today.

1 I'll be sitting again tomorrow morning, and I think
2 starting with an in-person witness tomorrow morning; is
3 that correct? Three more tomorrow. Very well. Thank
4 you.

5 Until tomorrow morning. Thank you.

6 (4.10 pm)

7 (The hearing adjourned until 10.00 am on Wednesday,

8 16 August 2023)

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