

Tuesday, 11 May 2021

(10.00 am)

LADY SMITH: Good morning and welcome back to our hearings looking into the provision of care for children by boarding schools in Scotland.

We return to evidence in relation to Loretto School this week, and I understand we have a witness ready, is that right, Mr Brown?

MR BROWN: We do, my Lady. Today we should have three live witnesses. The first witness is James.

LADY SMITH: Thank you. (Pause).

Good morning, James. Could we begin by you taking the oath, please.

"JAMES" (sworn)

LADY SMITH: James, please sit down and make yourself comfortable. James, you will find in the red folder there is a hard copy of your statement that you might find useful, but the parts of it that you are referred to will also come up on screen in front of you, as will any other document, if we want you to look at any other document.

I have no other questions or indications to give you at the moment. Unless there is anything you want to ask me, I will hand over to Mr Brown and he will take it from there, but please feel free at any time to ask me

1 anything that you are concerned about, or if you want  
2 a break, whatever. It is important that you are as  
3 comfortable as you can be.

4 Mr Brown.

5 Questions from MR BROWN

6 MR BROWN: My Lady, thank you.

7 James, good morning.

8 A. Good morning.

9 Q. Obviously you have the statement and you see in front of  
10 you the statement appearing on screen. I will be  
11 showing you a number of documents which will also appear  
12 on the screen.

13 Obviously for today's purposes you are James. We  
14 see you were born in 1957, so you're now 64?

15 A. Correct.

16 Q. By profession you are a lawyer but I think you have just  
17 retired, is that correct?

18 A. Correct.

19 Q. One of the functions you carried out as part of your  
20 lawyerly duties was to act as clerk to the board of  
21 governors at Loretto School?

22 A. Correct.

23 Q. I think you were invited to do that from [REDACTED] until you  
24 retired from that position in [REDACTED], is that correct?

25 A. That is correct.

1 Q. I think, just looking at that post, paragraph 12, and  
2 recruitment for the post, the background is that you are  
3 a former pupil of Loretto, is that correct?

4 A. Yes. I was there.

5 Q. Was that one of the reasons that you were asked to join  
6 as clerk?

7 A. I believe so. As I have said in my statement,  
8 traditionally the post of clerk was held by  
9 a Lorettonian. I was therefore eligible on that basis,  
10 and I was also a solicitor.

11 Q. I think if we go to paragraph 13, one has the sense  
12 that -- obviously this is going back 30 years -- life  
13 was perhaps very much more informal than it perhaps  
14 might be now, in the sense that there were no references  
15 required, you suspect no checks were carried out:

16 "At some stage thereafter, Disclosure Scotland  
17 checks were carried out on all board members."

18 But is it fair to say, in essence, as an OL,  
19 Old Lorettonian, you knew people who were on the  
20 governing board, they knew you, and you were a good fit  
21 for the role?

22 A. That is a good way of summarising it, yes. I was also  
23 known to the previous clerk to the governors, and  
24 I suspect he probably was quite keen to ensure that  
25 the person following in his footsteps would continue the

1           good work that he had done.

2           Q. Yes. I make no criticism of this, this was simply the  
3           way it was. There is a society -- obviously with  
4           a small S -- of people who went to Loretto, presumably  
5           mixed professionally and socially, and you would have  
6           stood out as an obvious candidate, perhaps?

7           A. Yes, I think -- being honest about it, I think they were  
8           looking for a solicitor based in Edinburgh who was  
9           a former pupil, and there wouldn't have been that many  
10          of us.

11          Q. I think moving on to paragraph 16, you say very frankly:

12                 "I was not given any formal training in child  
13           protection. Under explanation, my role did not involve  
14           working with pupils. I didn't work at Loretto but  
15           I attended meetings with governors and the senior  
16           management. I didn't initially attend training or  
17           education courses. Latterly, I attended various  
18           relevant seminars, on charitable benefit, for example."

19                 But you make the point that board members did attend  
20           seminars run by SCIS and similar organisations on topics  
21           that would be useful in their role as governors. And  
22           I think, was child protection beginning to come through  
23           in that regard?

24          A. Yes, absolutely. When we were looking for governors, as  
25           it were, and we had a pool of potential appointees, we



1           also paid attention to what their background was, and  
2           consideration was given, particularly latterly, as to  
3           what sort of training they should be given, and that was  
4           applied as appropriate.

5       Q.   What about child protection in particular, thinking of  
6           your span up to [REDACTED]. Do you remember if governors were  
7           receiving training in child protection?

8       A.   I remember when Disclosure Scotland came in and we all  
9           went through the necessary checks for that. I cannot  
10          remember with sufficient clarity what sort of guidance  
11          was given, but I would imagine that governors were going  
12          on courses by then, towards the end.

13      Q.   Did you ever go on courses, or was it --

14      A.   I didn't go on any child protection courses, no.

15      Q.   Because I think, as you make the point, you are not  
16          dealing with children in your role as clerk?

17      A.   Yes, I think it is an important point to understand  
18          that -- if I may describe myself, I was a busy solicitor  
19          in private practice in Edinburgh. The work of being  
20          clerk to the governors fitted in around my private  
21          practice. When I became clerk, all meetings took place  
22          in Edinburgh, not down at Loretto. Latterly that  
23          changed. And at the end of the meetings, I would return  
24          to my office and my private practice and do what  
25          I needed to do for Loretto.

1 Q. You talked about appointment of governors. Again  
2 thinking back to when you started, would I be right in  
3 saying the expectation was that all governors would be  
4 old boys of the school? Is that still prevalent?

5 A. That was still pretty prevalent when I became clerk,  
6 although that changed fairly swiftly, and non-FPs were  
7 brought on board, and then eventually I think a balance  
8 has been reached. But, yes, prevalent when I became  
9 clerk in [REDACTED].

10 Q. Who led the change, can you remember?

11 A. There was a universal feeling that the board should be  
12 moving away from purely OLs. I don't think there was  
13 anyone leading the change, it was accepted. I suppose  
14 society was moving and we were moving with it.

15 Q. Okay. Can you remember when that might have been, that  
16 that change began?

17 A. I know I listed the governors in paragraph 10. Yes,  
18 I can see halfway down the likes of Mrs Sarah  
19 Kwiatkowski, Mrs Alison Outlaw and others. Those were  
20 the first of the non-OLs who were brought on to the  
21 board. So are we halfway through my tenure? Into the  
22 mid-1990s, maybe.

23 Q. Okay. Thank you.

24 I think at paragraph 27, because obviously you were  
25 asked about abuse, be it physical, sexual, or

1           psychological and emotional, you make passing reference  
2           to the fact there were, on occasions, you recall  
3           particular episodes of, we see, bullying in 2001 in the  
4           junior school and so forth. But your involvement in  
5           that side of things presumably was limited to what you  
6           heard at meetings?

7           A. Correct. There may have been occasions where I was in  
8           discussions with either head, that's head of the senior  
9           school or head of the junior school. I may have been on  
10          the phone about a matter, and they might have said to me  
11          "I am dealing with this or dealing with that", but  
12          formally they would be reported to -- I think these  
13          items were -- matters were reported to the board.

14         Q. But I think from what you said in terms of the meetings  
15         broadly taking place in Edinburgh: at your office?

16         A. Not at my office but at other offices, lawyers,  
17         accountants and other places, yes. And then it was felt  
18         it was correct that the board should be seen to be  
19         meeting down at the school, so meetings then took place  
20         down there.

21         LADY SMITH: When did that begin?

22         A. I am just thinking ... The full board meetings, my Lady,  
23         which took place at the end of each term, would take  
24         place down at Loretto, but the management committee  
25         meetings which took place two or three times each term,

1           and various other committee meetings, didn't take place  
2           initially at Loretto. But the management committee  
3           meetings, probably mid-/late 1990s.

4       LADY SMITH: Thank you.

5       MR BROWN: But as we have touched on, one of the reasons you  
6           were asked to join was the fact that you were an old boy  
7           of the school. I think, just to touch briefly on your  
8           experience as a pupil, we see from paragraph 50 onwards  
9           on page 14 of this statement, you talk about the fact  
10          you were there between 1966 and 1975, and enjoyed your  
11          ten years there, the first five of which were at  
12          Nippers, the junior school.

13       A. Yes.

14       Q. Though you recognise the culture back in the 1960s was  
15          very different?

16       A. Very.

17       Q. And you say, just reading for simplicity:

18                "It was harder, cold tubs in the morning, a run  
19          before breakfast, PE mid-morning, sport just about every  
20          day. There were inevitably some pupils who bullied  
21          others. Beatings with a cane were pretty common, both  
22          for minor and serious offences. In the junior school  
23          this was by the staff. In the senior school it was by  
24          staff and school prefects. But my recollect is that  
25          beatings were by then less common and it was use of

1 a cane."

2 You make the point in the last sentence:

3 "By the time I went to the senior school in 1970  
4 pastoral care was improving, but it was still very much  
5 an all-boys boarding school."

6 What was improving on the pastoral side?

7 A. The cane was not the first resort. It wasn't always the  
8 first resort, obviously for minor infringements you  
9 didn't get beaten, but it was pretty common. But  
10 I recall that under my headmaster there was this  
11 alternative system which I have referred to, called the  
12 booking system, whereby you were booked and you were  
13 given various tasks to do, including -- it sounds fairly  
14 mundane, but preparing maps of different countries and  
15 writing in 40 towns and cities. It was a chore that had  
16 to be done. And if you received a certain number of  
17 bookings then you would get beaten for it. So you had  
18 to be continuously misbehaving to get beaten, it wasn't  
19 an automatic sanction.

20 Q. But I think from what you say at paragraph 59, if you  
21 had sufficient bookings you might then be beaten by  
22 a prefect?

23 A. You would, yes.

24 Q. And if, presumably, more serious, by a teacher?

25 A. Yes, by senior members of staff.

1 Q. I think you make the point at the foot of paragraph 58  
2 on page 16:

3 "I was at Loretto between 45 and 55 years ago but  
4 I seem to recall it was between one and six strokes."

5 This is in terms of the cane?

6 A. I think it was -- it was either between two and six or  
7 three and six, but you never just got one. I don't  
8 recall that. I was beaten a few times but not many  
9 times.

10 LADY SMITH: When you said earlier "it was still very much  
11 an all-boys boarding school", what do you mean by that?

12 A. If I think of a boys' boarding school in the 1960s, I  
13 think of a traditional institution where, if you stepped  
14 out of line, you got beaten. It was a quite -- to some,  
15 quite a tough regime. There were lots of things about  
16 school which I thoroughly enjoyed, but if you stepped  
17 the wrong side of the line you got hit quite hard. That  
18 is probably a good way of putting it.

19 I thought it was a -- I have said so, I thought it  
20 was a good school. I enjoyed my time. There were some  
21 who found it tough, inevitably, I'm afraid, and there  
22 were others who sailed through it.

23 LADY SMITH: Thank you.

24 MR BROWN: I think a number of things arising from that,  
25 going back to paragraph 58:

1 "As I have said ..."

2 And this is talking about canings.

3 "... it stung and could be very sore. I imagine if  
4 you were caned very hard you could be injured, but in  
5 the main you were left with bruising."

6 Do you remember seeing injuries on others?

7 A. Yes, I think it is called a welt mark. It was not  
8 uncommon back then. If a boy was beaten then he would  
9 come back to the dorm, as it were -- yes, you would see  
10 that, whether changing in the changing rooms or  
11 whatever, or being 11 year old boys saying "Look at the  
12 marks on my backside".

13 Q. At the time what would you have thought of that?

14 A. That was the way it was. And it was accepted that, as  
15 I said in my statement, if you stepped out of line, and  
16 you stepped out of line to quite an extent, you would  
17 get beaten, and it would be with a cane and it would  
18 hurt.

19 Q. Looking back from now, what do you think?

20 A. Oh, that is the way it was. It was tough but we didn't  
21 know anything other than that. Clearly it wouldn't  
22 happen now, we have moved on.

23 Q. You make the point that you were latterly a school  
24 prefect, and we understand the distinction between house  
25 and school. I think this was your last year at school

1 in 1975?

2 A. Correct.

3 Q. Were prefects still beating then, do you remember?

4 A. Yes, I believe they were. I never did beat --

5 Q. You didn't?

6 A. No, I didn't. But I remember thinking I haven't beaten  
7 a pupil, fortunately, and I was relieved about that, but  
8 that must have meant that my peers were.

9 Q. Was that something you positively chose not to do?

10 A. No, I was never asked to.

11 Q. You were never asked.

12 A. Fortunately.

13 LADY SMITH: Who would it have been who would have asked you  
14 to do that?

15 A. The more senior school prefects. There were, if  
16 I recall correctly, four boys' houses, and each head of  
17 house was a school prefect. There was the head of  
18 school who was a school prefect, and there were one or  
19 two others who were also made school prefects but who  
20 were not head of house, and I was one of those.

21 LADY SMITH: Thank you.

22 MR BROWN: Can I ask you about the selection to be  
23 a prefect. You say at the foot of paragraph 62:  
24 "The headmaster in conjunction with senior  
25 management chose the prefects."



1           What sort of boys were chosen to be prefects?

2       A. The headmaster did choose the prefects, both school and  
3       house. To what extent he consulted with his  
4       housemasters, and latterly housemistresses, I don't  
5       know. But as with any organisation, you were looking  
6       for pupils who the headmaster felt would be able to  
7       lead, set an example, manage, and who had the right  
8       character for that.

9       Q. We have had evidence suggesting that perhaps those who  
10      are sporty or those who are bright might have found it  
11      easier at Loretto whereas those who didn't fall into  
12      either category might have had a less favourable time,  
13      and this is perhaps going back to what you were talking  
14      about, that for some people it could be pretty hard.  
15      Does that distinction -- it is general, but does that  
16      distinction echo with your experience?

17     A. It does to an extent. It does to an extent. Yes, I can  
18     see why some would say that. I wouldn't have said I was  
19     particularly sporty and I wouldn't have said I was in  
20     the top echelon of brightness, but I was still a school  
21     prefect. So for some, yes, but it was not essential.

22     Q. That is where I was going: you didn't have to be in the  
23     First XV to be a prefect?

24     A. No. I wasn't in any of the First IVs and yet I was  
25     a school prefect.

1 Q. Thank you.

2 I think we will now move on to Guy Ray-Hills. You  
3 I think were taught, when you were nine, by  
4 Guy Ray-Hills for two terms, is that correct?

5 A. Correct. I wasn't sure if it was two or three but  
6 certainly two.

7 Q. Would I be right in saying after those terms he left the  
8 school?

9 A. Correct.

10 Q. Were you in -- was that your first year of school?

11 A. Yes, I went to Loretto Nippers aged nine and went into  
12 the bottom class, and that is when I was taught by  
13 Guy Ray-Hills.

14 Q. Do you remember anything about Guy Ray-Hills?

15 A. I do, I remember lots. As has been said, I think I am  
16 able to say, he was a good teacher of French. We were  
17 obviously very young, we were not long away from home,  
18 and we found his classes fun. He made them fun.

19 Q. But your exposure to him was limited to those?

20 A. Classes and being a boarder. We were all boarders. He  
21 lived in the main house, as I think you are aware. So  
22 it wasn't just in classroom, we would see him about  
23 school.

24 Q. Did you have any concerns about him?

25 A. I didn't, no. When you say concerns, I had no concerns

1           about him, but we knew he -- he had a certain flair and  
2           way of teaching, which at the time we thought was fun,  
3           but it is only when one looks back you can realise that  
4           there were traits there which were not normal.

5       Q.   Such as?

6       A.   In class some of his comments, full of innuendo. We  
7           thought it funny. And then he would come up and ask you  
8           to write something on the blackboard, and he would let  
9           you sit on his knee and feel you -- he never felt me any  
10          more than sat on his knee. But that was just typical of  
11          all his French classes, as far as I remember. I don't  
12          remember good days or bad, it is just the way the French  
13          class was and it was fun. We all had names, we learned  
14          our French, and we arrived and we left and that was  
15          that.

16       LADY SMITH: Can you remember whether, when you were in his  
17           classroom, people going down the corridor outside would  
18           have been able to see into the classroom?

19       A.   Almost certainly not. I can picture the window and I do  
20           not think you could see in.

21       LADY SMITH: Can you remember whether he would teach with  
22           the door open or closed?

23       A.   Closed.

24       LADY SMITH: Thank you.

25       A.   I have very clear visions of the classroom. This might

1           have been a long time ago, but very clear visions of  
2           that classroom and the French lessons, yes.

3       MR BROWN: We have heard obviously, and you are well aware  
4           of this because we are coming on to it now, of the  
5           Observer article by Don Boyd, which obviously caused  
6           a great deal of work for you. As I say, we will come to  
7           that. He mentions in his piece, as mentioned in  
8           evidence, a wooden figure called Caroline. Do you  
9           remember that?

10       A. I don't. He did have various props, it would be fair to  
11       say.

12       Q. Such as, if you can remember?

13       A. He loved Paris and he had a tin of French air. I know  
14       this is a serious Inquiry, but he used to -- it was just  
15       typical. He had various things which we all knew he  
16       would bring out and make reference to, and we genuinely  
17       were learning a lot of French. So if you are telling me  
18       there was something called Caroline or Catherine, that  
19       could well have been the case.

20       Q. Another thing which has been referred to is the idea  
21       that words would be rubbed out leaving certain letters  
22       which would be smutty.

23       A. That is the sort of thing he would do.

24       Q. Would that be the sort of thing that would be left on  
25       the board, or you would come into a class and it would

1           be there on the board?

2           A. I cannot remember whether it was left on the board, but  
3           that sort of thing would be fairly normal.

4           Q. I suppose that is the sort of thing that someone else  
5           coming into the classroom might see?

6           A. Yes.

7           Q. Thinking of other teachers.

8           A. Yes. And knowing now how he ticked, I would be  
9           surprised if he did. But, to be honest, we thought it  
10          amusing. At our age that sort of chat brightened up our  
11          French class, to be fair.

12          Q. One last question about your school days and then we  
13          will return to Guy Ray-Hills.

14                 At paragraphs 68 to 70 under the broad heading  
15          "Supports and Reporting of Abuse", you talk about being  
16          aware of pastoral care at the school -- this is  
17          page 19 -- and recall that you could:

18                 "... speak to a teacher or a matron in the junior  
19          school. In the senior school you could speak to the  
20          housemaster or assistant housemaster or matron. Indeed,  
21          if you got on well with a teacher, you could speak to  
22          that person too. Back in the 1960s and 1970s I can't  
23          recall what, if anything, was actually promoted by the  
24          school regarding who you could speak to."

25                 You go on:

1           "I don't recall a culture of not feeling that you  
2           could speak to someone in a position of authority if  
3           there was a concern."

4           And you talk about people being approachable. But  
5           you acknowledge in paragraph 70 that:

6           "Some pupils would not feel confident about  
7           reporting bullying or abuse. I think they would have  
8           been concerned about repercussions about complaints  
9           about fellow pupils, which is a known and typical worry  
10          for the complainer. I honestly don't remember if  
11          I reported any circumstances or concerns during my time  
12          as a pupil. I also can't recall, given the passage of  
13          time, the circumstances of other pupil reporting  
14          concerns."

15          In terms of -- we have heard the word obviously,  
16          it's in common parlance -- clipping, there is evidence to  
17          suggest that if you did that the consequences could be  
18          very negative for a pupil. Does that fit with your  
19          experience at school?

20        A. Yes, clipping was frowned upon.

21        Q. You didn't do it because --

22        A. You didn't generally do it.

23        Q. We have heard of shunning, in other words sending  
24          a pupil to Coventry. Is that something you experienced?

25        A. No, I don't recall that, but I do remember clipping was

1 a bit of a no-no.

2 Q. The other piece of evidence, and it may not be so much  
3 from your time at school, but the idea of scabbing or  
4 fagging, particularly at dining hall, is that --

5 A. I don't remember fagging in the dining room or that sort  
6 of thing. There would be an inevitable senior boy  
7 demanding more bread, but I don't remember -- I simply  
8 don't remember there being a culture of fagging in the  
9 dining room in the junior school. There was more of  
10 a culture in the senior school, yes. If you are  
11 referring to the senior school, yes.

12 Q. How did that manifest itself in the senior school?

13 A. It was just the way it was. But in the dining room  
14 there would be 15 tables and we all -- the school sat on  
15 these 15 tables, but on each table at one end would be  
16 the upper sixth former and at the other end the third  
17 former, so you had a 13-year old at one end and an  
18 18-year old rugby player at the other end, so inevitably  
19 if the rugby player is wanting more bread, I'm afraid it  
20 was up to the boy at the end to go and get it.

21 Q. Was there any supervision?

22 A. Yes, there was. It was the accepted system that the  
23 more junior pupils fetched the food from the kitchens,  
24 did the plates and did all that. So if the chap at one  
25 end wanted more custard, that is what he did. He'd say

1 "More custard", "More bread", or whatever, and the third  
2 former, I don't know if it was fourth formers, but the  
3 junior pupils did that and they went in and fetched the  
4 food.

5 Q. So presumably you did that at some stage?

6 A. Yes. Totally normal.

7 Q. So you simply accepted it as --

8 A. Yes, we were expected to do it. But if you got someone  
9 who was a bit demanding, then the third former had to  
10 jump and to try and get more food.

11 Q. But if the demanding was unreasonable, did anyone step  
12 in to stop it? I'm thinking of staff. Was there any  
13 supervision --

14 A. Yes, there was. There was. I don't remember there  
15 being a big problem in the dining room of fagging or  
16 what have you. The system might appear slightly  
17 archaic; that the junior pupils, literally the bell went  
18 and they went into the kitchen, they brought the mince  
19 out and did all that. That is the way it was.

20 Q. Thank you. Obviously though, and we have touched on  
21 this, Don Boyd's article from a Loretto perspective  
22 suddenly gave -- or put Loretto into the spotlight in  
23 a way it obviously didn't enjoy, is it fair to say?

24 A. Yes. I had -- this is 2001, August. I had no idea then  
25 about Guy Ray-Hills and what he got up to, so it came as



1 a complete bolt from the blue.

2 Q. Presumably it is the sort of scenario where the article  
3 appears, and then there is a great deal of telephoning  
4 around Edinburgh?

5 A. Yes, yes. It was a huge shock, there is no doubt about  
6 that, the suddenness of it. And then the chairman and  
7 the board and the heads and senior management got  
8 together, and under the direction of the chairman, in  
9 conjunction with the heads, decided how best to manage  
10 the situation.

11 Q. Again reading short, because we have copies of much of  
12 the correspondence, although we have to touch on some of  
13 it, the decision was taken to write to old boys?

14 A. Yes. We decided -- the chairman and the heads decided  
15 we would cover every avenue, that we would go on the  
16 front foot. So, not necessarily in this order, but  
17 pupils were spoken to, staff were spoken to, former  
18 pupils were written to, and in particular former pupils  
19 of the junior school were written to.

20 The heads got in touch with the likes of HMC and  
21 other professional organisations. We got in touch with  
22 the police. A press release was prepared. We went  
23 right on the front foot, and we spoke to the police and  
24 made sure that they were totally comfortable with what  
25 we were intending to do, and they were, and they

1 supported the steps we were going to take, and we got on  
2 and we did it.

3 Q. Could you look at a document, it will appear on the  
4 screen in front of you. This is PSS-000007178, this is  
5 a police report from Lothian and Borders police in  
6 relation to Guy Ray-Hills. If we go to page 8 at the  
7 bottom:

8 "As stated, Loretto School sent out approximately  
9 500 letters to parents of pupils, current pupils and old  
10 boys drawing their attention to the Don Boyd article  
11 and requesting, should they have any area of concern,  
12 they should contact the school or contact the police  
13 directly."

14 That fits with your recollection?

15 A. Correct.

16 Q. The "Remarks" section at the bottom of the page, reading  
17 on to page 9:

18 "While Loretto School have co-operated fully with  
19 the police inquiry, they are equally concerned regarding  
20 the reputation of the school. An early policy decision  
21 was made that Lothian and Borders Police would not  
22 contact ex-pupils of the Ray-Hills era to seek criminal  
23 complaints. However, there was no objection to the  
24 school doing so and forwarding relevant information on  
25 to the police.

1            "There is no doubt that there are additional victims  
2            who do not wish to make a formal complaint to the police  
3            within the replies held by Loretto School."

4            There is then reference to you. In fact, that has  
5            been blacked out:

6            "... as clerk has been careful to only pass on  
7            material to the police when expressly permitted to do so  
8            by the author."

9            A. Correct.

10          Q. That is correct, there was a response, and we will come  
11          to this in a more detail in a moment. Some people went  
12          direct to the police, some people came to the school and  
13          asked the school to pass on to the police, and some  
14          people wrote to the school but said "I don't want to it  
15          to pass on the police", and you followed their wishes?

16          A. Correct.

17          Q. In terms of the people we know about, obviously the  
18          starting point for all of this is Don Boyd, whose  
19          article it was and who we heard from last week, and you  
20          will be, I imagine, aware that two further applicants or  
21          witnesses have given the Inquiry details of their  
22          experience in the case?

23          A. Okay.

24          Q. I think it is fair to say that -- did you have much  
25          dealing with Don Boyd at all?

1       A. None whatsoever. I was not in touch and had no dealings  
2       with him, no.

3       Q. I think it may be that the other two witnesses I am  
4       speaking about did have contact --

5       A. Okay.

6       Q. -- so we don't need to go into that. But I think, in  
7       terms of approaching the police, some further witnesses  
8       spoke to the police and I think also spoke to you, but  
9       for ease if we can go on to page 18 of this document.  
10      Obviously this is a witness statement taken of one of  
11      the witnesses who contacted you.

12             If we can go on to page 19, this is the statement of  
13      a fourth witness -- in other words, Don Boyd plus two  
14      and this is now number four, talking about being nine  
15      years old in the mid-1950s:

16             "I started French lessons in my first year in  
17      Ray-Hills class. We had to speak French at all times.  
18      This was one of his rules. I was frightened of  
19      Ray-Hills as he had a bad temper."

20             Do you remember that?

21      A. I don't remember it, but to be honest I have seen it  
22      referred to in various places. I don't remember the bad  
23      temper, but it's a long time ago, I was only nine.

24      Q. Yes. Going down two paragraphs:

25             "I can remember in my second year when I was ten

1 I was called to the front of the class and had to stand  
2 there while he continued with the lesson. I think I was  
3 on his left side. While he was standing he placed his  
4 hand on my left shoulder and pulled me up close and  
5 tight against him. I recollect my right upper arm came  
6 into contact with his groin and I able to feel his  
7 penis. I got impression that he was not wearing  
8 underpants. Although I would be wearing my school  
9 uniform, which consisted of school tweed jacket, white  
10 shirt and I believe serge shorts, I was still able to  
11 feel his penis. I was disturbed by this as I felt I was  
12 becoming a victim of his intentions and, because I had  
13 felt his penis, I felt that this had sexual reasons,  
14 although at this time I had no idea of homosexuality or  
15 other sexual activity other than 'tub room' humour."

16 Do you remember tub room humour?

17 A. Yes, in very general terms. With boys aged 9, 10, 11,  
18 12, 13 in the junior school there would be plenty of  
19 'tub room' humour. We were away from home. We were all  
20 together. Sometimes we would do things which helped  
21 pass the time and have a laugh or a joke or -- I would  
22 like to say it was always fun, but maybe it wasn't  
23 always fun, but it just was typical boys together for  
24 a whole term. So, yes.

25 Q. The witness goes on to describe the tub room:

1            "... which had five baths which the boys used after  
2 sport before going to bed. Ray-Hills had a room next to  
3 the upper tub room and frequently came into the tub room  
4 to bathe as he had responsibility for the upper floor."

5            Is that correct?

6            A. I think that is correct. Yes, I think that is correct.

7            Q. "He would walk into the tub room in his dressing gown.

8            I can remember that on occasion he wore small briefs as  
9 opposed to the more common Y-Fronts or Jockey shorts and  
10 then got into a bath on his own. He would call over  
11 boys to recover the soap which he claimed to lose. The  
12 boys would lean over the bath and look for the soap  
13 while he sat there. I was never asked to look for the  
14 soap."

15           A. I recall him coming into the tub room. He had  
16 a dressing gown on, yes. I can't recall what briefs he  
17 had on. But the soap game, that does ring a bell. That  
18 is the sort of thing that would have happened.

19           Q. With Ray-Hills?

20           A. Yes.

21           Q. He then goes on, reading short:

22           "Later, when I was 11 or 12 years old ..."

23           Then jumping down to the next full paragraph:

24           "It would be late evening pre-bedroom between 9 and  
25 10, Ray-Hills came through to the doorway and walked up

1 to me, talking to me, asking what I was doing there. He  
2 faced me and immediately stuck a hand down the front of  
3 my shorts and underpants and gripped my genitalia. He  
4 pushed me across the room, continuing to fondle me until  
5 we came against some lockers. I was aware of becoming  
6 aroused and started to get an erection. Once at the  
7 lockers he undid the front of my trousers ..."

8 And then performed oral sex:

9 "This went on for about twenty seconds, then the  
10 door slammed. He immediately got up and I saw that he  
11 appeared to be doing up his trousers and he told me by  
12 gesture to do the same myself. As he left the locker  
13 room he told me something like 'Get a move on' in an  
14 effort to cover up what he was doing or why he was  
15 there."

16 Then another occasion, going down to the final  
17 paragraph on that page, the witness, we see from the  
18 previous paragraph, was wearing a kilt, so it would  
19 a Sunday:

20 "I can't recall why exactly I was there but I was  
21 (inaudible) the floor I think or I suspect Ray-Hills  
22 heard me coming up the stairs and came out of his room  
23 wearing a robe. He had no trousers on. I think he  
24 called me over and we went into his room. I would not  
25 have went in without him telling me to do so. I had

1 a feeling of dread."

2 Over the page on to page 20:

3 "It was a small room with a bed and wardrobe. He  
4 closed the door behind me. I think the bed was at right  
5 angles to the door. He went round to the far side of  
6 the bed and told me to come over. He pushed me down  
7 flat onto the bed by pushing me on the chest and hooked  
8 his right leg over my left leg and pulled up my kilt and  
9 threw it over my chest. I didn't want to have any eye  
10 contact with him and again became passive. He was  
11 sitting on the bed and he began to masturbate me with  
12 his right hand. My pants had been pulled down. I saw  
13 that he appeared to be quite intent on himself and I  
14 thought he was masturbating himself with his left hand,  
15 although I did not see his penis. He did this for some  
16 time and, although I had an erection, I fixed on a point  
17 on the ceiling and concentrated on it trying to control  
18 myself."

19 Were you ever in Guy Ray-Hills' room?

20 A. Fortunately for me, I did not get caught up with any of  
21 this at all. So if you are asking in that sense, no.

22 Was I ever in his room? I think we did go into his  
23 room but I don't remember at all going in on my own.  
24 I think we may have been in -- I don't know whether --  
25 I am sure I read somewhere that we had reason to go into



1 his room, whether it was listening to music or  
2 discussing something, but there was nothing sinister in  
3 my visits to his room.

4 Q. His room was the top floor, his bedroom?

5 A. Yes.

6 Q. Go to page 27 of this document, there is further witness  
7 statement. Again, I can confirm this is a witness who  
8 wrote to you as well.

9 If we go down to the third paragraph, this is  
10 referring to his time at school in the later 1950s:

11 "During my time at prep school at Loretto I had only  
12 four tutors, one of these being Guy Anthony Ray-Hills.  
13 My dealings with Ray-Hills were that he was a French  
14 teacher and I can honestly say he was a good teacher.  
15 Both tutors and boys all lived at the school, the boys  
16 staying in dorms ranging from six boys to eleven boys at  
17 a time, and these were situated in the main buildings  
18 first and second floors."

19 Reading on:

20 "I believe Ray-Hills' bedroom was at the beginning  
21 of a corridor leading to a tub room in the North Esk  
22 Lodge."

23 The next paragraph:

24 "There was a bathing routine which meant the tutor  
25 was often present to supervise and, as memory serves,

1 Ray-Hills was present more often than other members of  
2 staff."

3 Do you remember if that is correct from your  
4 experience?

5 A. I do not remember. But given how close his room was to  
6 the tub rooms, it is quite likely.

7 Q. "One of the incidents I can recall was when Ray-Hills  
8 was drying someone after bathing and somehow the boy  
9 ended up on his back naked, with his legs in the air.  
10 Ray-Hills was standing over him laughing. There were  
11 words said but I can't recall any of these. I was never  
12 dried by Ray-Hills, nor were some others, but he did dry  
13 certain boys."

14 Do you remember Ray-Hills drying boys?

15 A. I don't remember, and I don't remember him ever drying  
16 me.

17 Q. No. I think if we go on to the next -- obviously it  
18 carries on:

19 "Another incident I recall was what was known as a  
20 'flannel fight'. This occurred on more than one  
21 occasion and were frowned on by the staff, but again  
22 Ray-Hills was present more often than not and these  
23 fights involved the boys being in the tubs and soaking  
24 flannels and face cloths in the water and throwing them  
25 at other boys and at him. Again on numerous occasions

1 I recall Ray-Hills reaching into the tubs for what he  
2 said was a missing flannel. Then there would be a  
3 reaction of what I would describe as 'giggling' from the  
4 boy nearest to him. I believe his hand would be  
5 underwater for about 20 seconds."

6 You were nodding. Was that about the flannel  
7 fights?

8 A. Yes, that sort of thing did go on. I honestly don't  
9 remember it happening with Ray-Hills but, reading this,  
10 I am sure it did happen. I just don't remember it, with  
11 Ray-Hills. Yes, soaking of face flannels and flicking  
12 towels. It was just all normal stuff in the tub room.

13 Q. Okay. Again the next paragraph talks about the nightly  
14 routine. Surely some member of staff would come round,  
15 I think at bedtime. Starting:

16 "Again I can state that on numerous occasions  
17 I remember Ray-Hills being in my dormitory and he would  
18 sit by the same boys he would dry off. He sat on the  
19 edge of their beds talking generally to the boys and  
20 saying things that struck me as strange then, but  
21 looking back now it was sexually orientated. He would  
22 then put his hand under the bright red school coloured  
23 blankets and it would be there for around 20 seconds. I  
24 could see movement under the blanket but I can't say  
25 whether it was Ray-Hills or the boy moving. Again, the

1           boy would be giggling."

2           A. I think it is pertinent to remind ourselves that I was  
3           only in the Nippers for two terms with Ray-Hills and  
4           I don't remember him coming into our dorms and doing any  
5           of this.

6           Q. All right. If we go to another document, which is  
7           LOR-000000124. Could we go to page 5. This is  
8           an example I think of the sort of letter that you would  
9           receive, making reference to the letter from  
10          Michael Mavor?

11          A. Can we scroll down a bit so I can remind myself which  
12          letter this is. Could we go to the end?

13                Yes, can we go back to the beginning of this letter,  
14          please.

15                It's a typical letter, I can't actually remember who  
16          wrote it, but, yes, on you go.

17          Q. Obviously there is reference to:

18                "I was a boarder at the Nippers in the 1960s."

19                First half:

20                "I was interfered with sexually by Mr Ray-Hills  
21          during this time. I believe it happened three or four  
22          times, but I clearly recall one occasion in the tub room  
23          and presumably he was on duty. He played with my  
24          genitals and then requested that I do likewise with his.  
25          I remember he ejaculated over a bath tub. He also

1           kissed me with his tongue. It is difficult to say  
2           what effect this experience has had on me but it cannot  
3           have been beneficial."

4           That paragraph ends obviously:

5           "Mr Ray-Hills did abuse his position as  
6           a housemaster and guardian. When I had gone up to the  
7           upper school allegations must have surfaced, because the  
8           then headmaster, Mr Bruce Lockhart, summoned me for  
9           an interview. I believe I implied that Mr Ray-Hills had  
10          interfered with me in some way but I don't think I went  
11          into detail, I was so ashamed.

12          "All I have written is absolutely true. The  
13          incidents are vivid even after 40 years. There must  
14          have been a conspiracy of silence following Mr Bruce  
15          Lockhart's interview. The matter was never mentioned  
16          again. Mr Selley, whom I do not remember, says he does  
17          not recall any complaints. This is not surprising as  
18          there are no witnesses to these covert acts."

19          Again if we can just go back to the police document  
20          we were at a moment ago, which is PSS-000007178, and go  
21          to page 24, this is a statement from you in fact to the  
22          police.

23          If we go to the details, you say:

24          "I was asked to research the circumstances of  
25          Mr Ray-Hills leaving Loretto School. In the official

1 minutes of the meetings of the trustees, as they were  
2 then called, now the governors of Loretto School  
3 Limited, there is an entry in the minute of meeting  
4 held on 11 May 1967 when it was reported that 'The  
5 headmaster described the circumstances surrounding  
6 Mr Ray-Hills' resignation from the Nippers. The  
7 committee fully supported the headmaster's action and  
8 agreed that no alternative course was possible, other  
9 than to accept the resignation'."

10 And that -- you will have obviously seen the minute  
11 because you are telling the police -- is all it  
12 contains, there is no detail?

13 A. Correct.

14 Q. I appreciate in 1967 you were still at school, although  
15 by then probably approaching the senior school?

16 A. I was nine in 1966 so in 1967 I was ten years old.

17 Q. Yes. From anything you have learned since, going back  
18 to the handwritten letter and the talk of being  
19 interviewed by Bruce Lockhart, who was the then  
20 headmaster, is there any record of investigations being  
21 carried out that you were aware of from Loretto?

22 A. All I was able to do back in 2001 was to look at the  
23 minute books which I happened to be holding. That is  
24 all I could do. And of course I went through them all  
25 and that is all I found. I hope that answers the

1 question.

2 Q. You are not aware -- and this was obviously a matter of  
3 great moment for the school when this blew, there is no  
4 record of investigation that you are aware of from the  
5 Loretto?

6 A. I did not come across -- I did not come across anything  
7 which showed me what was investigated. I have obviously  
8 the benefit of seeing the letters which were sent in and  
9 letters which are relative to this Inquiry, and I have  
10 been able to put a picture together of what happened,  
11 but I am only seeing what you have seen.

12 Q. Yes. Thank you.

13 Could we go back to LOR-000000124, please, at  
14 page 15. This is obviously a letter to you arising out  
15 of the letter from Mavor, and there has clearly been  
16 correspondence, we see in the opening line, between you  
17 and the author of this letter.

18 A. Could you let me see more of it so I can try and remind  
19 myself who ... yes. Yes. Thank you.

20 Q. It's the second paragraph and this is one of the letters  
21 where:

22 "If there is the slightest chance it will assist the  
23 case against him, please forward my letter to the  
24 police."

25 And you did. It goes on:

1           "Certainly Ray-Hills, unless grossly infirm, needs  
2           to be brought to account. Also Hamish Galbraith, if  
3           still alive ..."

4           That was the headmaster at the time?

5       A. Correct.

6       Q. "... needs to repent of his sins of omission which I  
7           fear must be almost certain. Unlike brother ... I have  
8           nothing against boarding schools in general or Loretto  
9           in particular. Most of us who were at Nippers in  
10          Ray-Hills' time probably still wish the old place well."

11          Obviously this is a covering letter for material  
12          which you would then pass on the police, and we see that  
13          on page 16 onwards.

14       A. Yes.

15       Q. Just to read this one:

16          "Further to the headmaster's letter of 31 August  
17          I have some limited evidence of Mr Ray-Hills' homosexual  
18          activities at Nippers. Most boys of my time will have  
19          witnessed him stroking boys' legs when they were called  
20          to his desk in front of the class. I also remember him  
21          stroking a boy's leg in front of us all during  
22          Churchill's funeral [in 1965 I think]. The most serious  
23          thing I recall is him asking a boy to his room in front  
24          of the whole dormitory. The boy did not feel he could  
25          refuse and, when he returned in a distressed state,



1           there was the added humiliation that the whole dormitory  
2           knew of his visit.

3           "What rang absolutely true in Don Boyd's account was  
4           the foul atmosphere created by this horrible man.  
5           Ray-Hills was sexually obsessed and his sleazy innuendos  
6           could not have been more unhealthy for suggestible young  
7           people. Those of us not subject to his advances  
8           suffered both from this atmosphere and from his  
9           combination of favouritism and bullying, including  
10          violent rages. Few of my contemporaries can believe  
11          I imagine that the other staff were unaware of his  
12          inappropriate public behaviour at the very least. If it  
13          had been shown that the headmaster or other senior staff  
14          became or were made aware that this was almost certainly  
15          the tip of the iceberg they deserve the strongest  
16          condemnation. I have happy memories of the upper school  
17          but the Nippers is a different matter."

18          Do you recognise -- obviously there is a distinction  
19          drawn between Nippers and the senior school. Is that  
20          one you recognise or not?

21        A. Perhaps the first comment about this letter, the writer  
22        of it is, if he is still alive, is/was fully five, six,  
23        seven years older than me, at a guess, and therefore in  
24        looking at what he has written, he watched and  
25        experienced what he experienced as a 10, 11, 12,

1 possibly 13 year old. Therefore he has a slightly  
2 different perspective on Ray-Hills and what he got up to  
3 compared to myself, because I was only a nine-year old.

4 So I can see a more mature overview here of what was  
5 happening and the angst and the damage that was being  
6 caused that honestly I didn't see as a nine-year old.  
7 And much of what he says, the stroking of legs, that  
8 I can relate to, and what have you; I don't remember  
9 whilst I was there any fellow pupil being hauled out the  
10 dormitory. That didn't happen whilst I was there so  
11 I learn of it in this letter. Clearly the writer of  
12 this letter could see, had the maturity to see, what was  
13 happening and that it was wholly unacceptable and to be  
14 deplored, and good on him.

15 As regards your question as regards the upper  
16 school, can you just repeat that for me? You wanted to  
17 compare the junior and the senior school?

18 Q. This witness -- or this writer obviously says "I have  
19 happy memories of the upper school but the Nippers is  
20 a different matter". I was simply asking whether you  
21 can see that distinction from your experience or were --

22 A. I was fortunate as I enjoyed the junior school  
23 and I enjoyed the senior school and I got on well in  
24 both schools. It is interesting that this person did  
25 not have a happy time in the junior school. I think

1           otherwise he was a successful pupil, just obviously he  
2           came up against it and deplored it.

3       LADY SMITH: From what you say, his exposure to Ray-Hills  
4           would have been a few years before you, is that right?

5       A. Absolutely, yes. So I went in 1966, he I think had left  
6           by then, from memory.

7       MR BROWN: Yes, that is right, 1961 to 1965.

8           Just for completeness on this document, I think  
9           there were a number of people writing generally, is that  
10          fair, not particularly in response to Mr Mavor's letter?

11       A. Yes, so --

12       Q. -- talked about the school more broadly, is that  
13          correct?

14       A. So my recollection is that when the school wrote to all  
15          former Nipper junior school pupils about Ray-Hills,  
16          I recall there were ten letters written in response  
17          then, four directly to the headmaster and six to me as  
18          clerk.

19       Q. I think on page 28 we see another of those letters.

20       A. And what letters went to the head he let me see, and  
21          vice versa. Obviously the senior management were being  
22          kept up-to-date.

23       Q. This one obviously starts:

24                "I have no doubt that everything in the wide article  
25                is true ..."

1           And he makes a number of comments.

2           If we go to the last paragraph at the bottom:

3           "Thirdly, I have nothing but sympathy and  
4           understanding for Don Boyd. I was aware of the tacky,  
5           lascivious nature of Mr Ray-Hills' actions both in and  
6           out of the classroom. His sexually overt approach and  
7           his physical handling of the boys were both wholly  
8           inappropriate."

9           So this is just a general commentary confirming the  
10          accuracy.

11        A. Yes. Again, what I think is emerging is that the boys  
12          that went through the junior school with Ray-Hills and  
13          who went on to senior school, and who had therefore had  
14          five years with him, they had a better and a fuller  
15          picture. Some of them were able to work out what was  
16          happening, I'm not sure everyone knew what was going on,  
17          but certainly the way he conducted his classes was  
18          well known.

19        Q. Could we go to another document, please. A further  
20          letter just so we can -- it can be made public. This is  
21          LOR-1000000025. If we can go briefly to page 28. This  
22          is a letter obviously in response to the Mavor letter.  
23          It begins:

24                "Although I never experienced sexual abuse from  
25          anyone whilst I was at Loretto, in senior school from

1       about 1952 to 1958 I suffered from the physical abuse,  
2       which was open, institutionalised and encouraged.  
3       Beatings were a very common part of the discipline  
4       system administered by both masters and peers. In our  
5       current society this would be considered barbaric. In  
6       those days it was the norm. Not only beatings, but  
7       bullying was also rife in Loretto, as was the system of  
8       older boys, generally senior in terms of sport or  
9       prefectship, having younger boys as friends or 'comfy  
10      boys' as the term was in those days. I am delighted and  
11      encouraged to hear that this seems to have been rooted  
12      out. It was evil and corrupting. What is worse the  
13      authorities were part of the discipline system and also  
14      could not have been unaware of the bullying and latent  
15      homosexuality and, by doing nothing, condoned and indeed  
16      encouraged it."

17           It then goes on, for fairness:

18           "In general I do have fond memories of my time at  
19      Loretto, I am glad that you have circulated your letter  
20      and hope that, by encouraging open discussion of the  
21      past, you purge some of the bad and occasionally  
22      horrific memories some of us have of our school days."

23           I appreciate we have been focusing on Guy Ray-Hills  
24      and we will return to him. This is obviously a more  
25      general description of the school really before your

1           time, the senior school. Does that to any degree  
2           reflect your experience of the senior school?

3       A. No, not really. I went to senior school in 1970.

4           Third line down:

5           "Beatings were a common part of the discipline  
6           system."

7           Beatings were still reasonably common. I cannot  
8           remember when the map-based booking system came in but  
9           I know Bruce Lockhart as headmaster brought it in. He  
10          was my head, and I would be inclined to say that when  
11          I went to the senior school the booking system was  
12          either in place or it was brought in shortly thereafter.  
13          That meant that for minor infringements you weren't  
14          beaten and that was a good thing.

15          This expression of having younger boys or friends or  
16          "comfy boys", I hadn't heard of that before seeing this.  
17          It is not a term I am familiar with, I don't remember  
18          that happening. That may well be a reflection of the  
19          fact that I went to the senior school twelve years after  
20          this individual left.

21          So, yes, I think whilst beating was rife, I think  
22          the school was trying hard to modernise itself and take  
23          itself forward and look at other ways of running a tight  
24          ship.

25       Q. Okay. Thank you.

1           If we can go on to the next page, please, this is  
2 another letter from a pupil to you -- sorry, I do beg  
3 your pardon, page 37. This is an example of someone who  
4 is saying, second line:

5           "I don't wish to make my statements or comments that  
6 might be passed on to the police but I would just like  
7 to reaffirm what should have been blatantly obvious to  
8 all of the teaching staff of the Nippers and both  
9 headmasters at the time. If anybody had asked any of  
10 the boys at the time or after they had left the school  
11 if Guy Ray-Hills was a paedophile, they would, to use  
12 a Scottish expression, have said 'Is the Pope Catholic?'

13           "It has never ceased to amaze me how he got away  
14 with it for so long and how, when he left, a similar  
15 letter to the one you have just sent was not circulated.  
16 This would have spared many more children in other  
17 schools. But, of course, it would have dragged  
18 Loretto's name through the mud and been a serious  
19 embarrassment to the school at the time.

20           "Looking back and remembering my time at Nippers, it  
21 is quite easy to recollect many of the events that took  
22 place and how much we all enjoyed and thrived in his  
23 French lessons and have benefited from his teaching  
24 throughout our lives. It would have been easy to  
25 observe the power he had over all the children in the

1 school and how he conducted his French lessons. They  
2 were, as Boyd described, 'fun' and 'smutty'. As he  
3 said, he would always leave dirty words on the  
4 blackboards and endlessly talk in double entendres.  
5 For instance, while emphasising the importance of having  
6 a big vocabulary, he would ask the class who had got the  
7 biggest one.

8 "We thought it was great fun. We became very  
9 sexually aware at a very early age. In fact we loved  
10 and feared Guy, who had a fierce temper and he used to  
11 regularly beat any non-favourites sadistically.

12 "His relationship to us and influence over us could  
13 be compared to Ms Jean Brodie, to our classes. The only  
14 difference is that Ms Brodie was denounced and exposed  
15 for the fascist she was, whereas Guy not only survived  
16 any exposure but was still held in high enough regard to  
17 be invited back to speak at an OLs meeting recently.

18 "In our time he had his favourite, who was  
19 a contemporary and a friend of mine who used to go  
20 regularly to his room. He was a very confident and  
21 gregarious boy and I remember once going back to the  
22 Nippers with him to see Guy when we were in senior  
23 school.

24 "Guy was allowed access to all of us in the bedrooms  
25 and, although totally trivial, what he did to me would



1           have probably had him prosecuted in today's climate.  
2           Once he pulled my legs through from underneath my desk  
3           so that I cut my lip and my eye badly and had to go to  
4           the matron because I had looked at him with a loose  
5           tooth outside my lip. Such was the honour at Loretto of  
6           never telling on other people (clipping) that you would  
7           always cover such indiscretions by making up a story of  
8           how it happened. Another time while he was reading us  
9           a story in the dormitory while we were in our pyjamas  
10          I was looking over his shoulder and his hand drifted  
11          back behind his back. When I cried 'Monsieur' he acted  
12          as though he didn't know anyone was behind him."

13        A. I think, if I may, looking at the next two lines, it  
14        says:

15                "Looking back to Guy's behaviour, he was clearly  
16                effeminate and obviously gay, and always camping it up  
17                and looking at everyone with one eyebrow raised."

18                Gay or camp, yes, we could see that. What we  
19                didn't -- what I didn't know was that it went very, very  
20                much deeper, to the shocking behaviour we have now  
21                learned about. At the time, yes, effeminate, gay and  
22                camping it up, that was typical.

23        Q. And from the first page, leaving dirty words on the  
24        blackboard?

25        A. Yes.

1 LADY SMITH: I see there is a reference to Guy Ray-Hills  
2 being invited back to speak at an OLs meeting. Have you  
3 any recollection of that?

4 A. No, but I know he kept in touch with some of the members  
5 of staff and socialised with them. I don't recall him  
6 speaking to OLs, but he had this other persona, we are  
7 obviously aware of it now, but I genuinely suspect those  
8 who engaged with him after he left just did not know  
9 about what had happened during his days at the school,  
10 unfortunately.

11 LADY SMITH: Thank you.

12 MR BROWN: In that regard, my Lady, could we go to page 7 of  
13 this document. Obviously this is a file copy, it's  
14 a letter to Ray-Hills dated 24 December 2004, so more  
15 than three years after all the earlier letters and  
16 Don Boyd's article. It is "Honorary Membership of the  
17 Lorettonian Society":

18 "I have been requested to write to you with the  
19 authority of the OL Central Committee of the  
20 Loretto School concerning your honorary membership of  
21 the Society. You will recall you were elected an  
22 honorary member in 1966. Shortly thereafter you left  
23 the school. Against the background that the school  
24 became very involved in liaising with Old Lorettonians  
25 following the publishing of an article by Don Boyd OL

1 in August 2001, as well as liaising with Lothian and  
2 Borders Police thereafter, and further given that  
3 the school is now party to civil proceedings raised  
4 against it and you ... the Central Committee of the  
5 Old Lorettonian Society have met to consider your  
6 position as an honorary member of the  
7 Lorettonian Society."

8 The short reading of the paragraph afterwards:

9 "The decision has been taken to suspend your  
10 honorary membership of the Society until further notice.  
11 You will be aware the suspension does not imply guilt  
12 but in the circumstances is the correct step to be taken  
13 where allegations have been made against you and against  
14 the school which, unless the civil proceedings fail,  
15 otherwise bring the Society and the school into further  
16 disrepute. The OL Society will periodically review its  
17 decision to suspend your honorary membership until such  
18 time as it is satisfied that a decision should be taken  
19 either to withdraw your honorary membership or remove  
20 the suspension."

21 Was it ever reviewed?

22 A. I do not know. Can I see the beginning of the letter  
23 again, please? Can we go any further up?

24 I am just trying to remember in what capacity  
25 I wrote that letter.

1 Q. I think at the bottom --

2 A. It just says --

3 Q. -- simply "Yours faithfully", because it is a --

4 A. The OL Central Committee is a managing committee of the  
5 FP body and/or the OL Society as we call it. Clearly it  
6 was a matter that came before the committee, and the  
7 committee decided as we have read. I was sitting  
8 I think ex officio on that committee, and I was asked to  
9 write that letter.

10 I wasn't always on that committee and I cannot  
11 remember whether it was reviewed again. The committee  
12 didn't want to pre-judge matters but, on the other hand,  
13 it was three years on since the Don Boyd article, and it  
14 was time to do what the committee did. And then, as  
15 this Inquiry knows, it took some time for any sort of  
16 determination to happen one way or the other as regards  
17 prosecution of Guy Ray-Hills, and you will know more  
18 about that than I do, so the committee was left slightly  
19 hanging.

20 It would be fair to say that both the school and the  
21 committee as a whole was very careful to make sure that  
22 no steps were taken which would prejudice any police  
23 inquiry or indeed any civil proceedings against the  
24 school. So we would always check either with the police  
25 or with agents appointed, et cetera.

1 LADY SMITH: I see there is a reference to the civil  
2 proceedings in the letter. What became of them?

3 A. I believe one OL did raise civil proceedings against the  
4 school, and I believe he dropped those proceedings.

5 LADY SMITH: Thank you.

6 Mr Brown.

7 MR BROWN: That is certainly --

8 A. A few years after he raised them he dropped them.

9 Q. I suppose the question, and you may not be able to  
10 answer this, I suspect you can't because it wasn't  
11 really your decision, is why, given the eruption of  
12 complaint in 2001, there was no swifter action to  
13 suspend membership?

14 A. Yes, I can see, looking back, it is a very fair question  
15 to ask. We didn't know at school how this was going to  
16 work out one way or the other, and was Ray-Hills going  
17 to be prosecuted. As you will know, it took some while  
18 as I said a moment ago. Yes, with hindsight it could  
19 have been on the agenda sooner, definitely. Honorary  
20 OLs are OLs who generally have taught or had close  
21 involvement working for the school, and after a period  
22 of time they are offered honorary membership, and there  
23 is a number of them at any one time.

24 Q. Obviously the files that we have been passed broadly  
25 involve complaints. Do you remember from that period

1           was there any positive support for Ray-Hills?

2           A. None whatsoever.

3           Q. If we can go briefly to another document, which is  
4           WIT-3-000000370, this is a copy of a letter, it's  
5           a better copy of one of the ones from the documents we  
6           were reading. You will see this is a letter to you --  
7           sorry, this is a letter from Michael Mavor, rather, to  
8           the author of the letter we are going to come to in a  
9           moment, which says:

10                 "Many thanks for your faxed letter which my  
11           secretary brought through to me just as soon as it  
12           arrived. It was very interesting to read your comments  
13           about Nippers in 1951 and what you say ties in very much  
14           with the impressions of others, though I was intrigued  
15           to see that you had actually been persuaded to say  
16           something to Tim Colman."

17                 Tim Colman we would understand was a previous  
18           headmaster of Nippers?

19           A. Correct.

20           Q. Before Hamish Galbraith?

21           A. Yes, I think that is correct.

22           Q. "We have to handle all this carefully and openly, but  
23           the main thing is the Nippers and senior school both  
24           seem to be very good schools now and I must keep it that  
25           way. With thanks and all good wishes."

1           If we go over the page to the letter --

2       A. Oh, yes.

3       Q. It's a letter to Michael Mavor which reads:

4           "I have not had sight of Don Boyd's article in the  
5       Observer and obviously deplore publicity. This being  
6       circa ..."

7           And it's 1950-something, it is not entirely clear  
8       what that year is.

9           "... I was in ..."

10      A. Eskbank.

11      Q. "... whilst a Nipper and Anthony Ray-Hills was the  
12      resident housemaster. There was indeed a certain amount  
13      of hands-on approach and I was cajoled into reporting  
14      the matter to CS Colman, the head at the time. Somehow  
15      the interview became public knowledge and as a  
16      consequence I was subjected to considerable retribution  
17      for being a clipe. I think Colman took the information  
18      seriously and might well have had suspicions already.  
19      Tony R-H was popular. For the record, at that time my  
20      late father was housemaster at Glenalmond and I was  
21      aware of the risk of ..."

22      LADY SMITH: "Propensities"?

23      MR BROWN: Thank you.

24           "... such as this, with ..." something staff.

25      LADY SMITH: "Unreliable"?

1 MR BROWN: Possibly "unreliable", yes. Then it goes on to  
2 other details.

3 What is interesting about this is the suggestion  
4 that Mr Ray-Hills' handiness, if I can use that one  
5 word, was a known quantity from the outset.

6 A. Elaborate "handiness"?

7 Q. "There was indeed a certain amount of hands-on approach  
8 ..."

9 A. "Hands-on approach". Could I see the start of the  
10 letter again, please?

11 Q. Yes. I think the gap is:

12 "... I was cajoled into reporting the matter ..."

13 Logically it should be an "I", given what follows.

14 A. Yes, and scroll it down, thanks. (Pause)

15 Sorry, what was your question again now that I have  
16 re-read it?

17 Q. It would appear from that that -- it's my words, but it  
18 was taken from the "hands-on approach", to use those  
19 words, Mr Ray-Hills' hands-on approach was reported to  
20 Hamish Galbraith's predecessor and was taken seriously,  
21 but the net effect of complaining was that the boy was  
22 treated, as we discussed about what happens to those who  
23 clipe, badly by his fellows.

24 A. That is a fair interpretation of what is written.

25 LADY SMITH: That was in about 1953?



1 MR BROWN: Yes, I think that would be the time, my Lady.

2 Certainly the early part of Mr Ray-Hills' tenure at the  
3 school. Thank you.

4 Could we go back to LOR-1000000025 at page 43,  
5 please. I think it is -- if we go on to the next page,  
6 please, 43. This is the statement referred to in the  
7 previous letter, this is another correspondence.

8 A. Yes.

9 Q. Again, three lines in:

10 "I regrettably would like to advise that during my  
11 time at Loretto Nippers 1958 to 1964 Mr Ray-Hills also  
12 abused me. I read Don Boyd's article which was  
13 published in the Observer and I am pleased to state that  
14 I was never buggered by Mr Ray-Hills. He did, however,  
15 on certain occasions put me in a very uncomfortable  
16 position where I had to masturbate him. This happened  
17 possibly on five different occasions during my schooling  
18 and I think from 1962 to 1964. He was a very  
19 manipulative man and he had a very fiery temper, which  
20 to a young boy was quite worrying. Like Don Boyd  
21 mentioned in his article, it paid to be on the right  
22 side of him. My parents were in India during my time at  
23 Loretto and it was difficult to tell them what was  
24 happening to me in the form of a letter."

25 He goes on:

1           "I mentioned it to Mum. However, she rather laughed  
2           it off and told me not to be so silly. During this  
3           era you simply didn't talk about such subjects with your  
4           parents. Also I would mention that masters were viewed  
5           as gods and they carried a huge amount of power and were  
6           consequently rather awe-inspiring characters."

7           He then goes on:

8           "I know Mr Ray-Hills abused a lot of other boys but  
9           kept quiet about it. I also feel that the headmaster of  
10          the Nippers at the time knew roughly what was  
11          happening but it was all brushed under the carpet.  
12          Incidentally, I left Loretto at the age of 13 and moved  
13          down to Stanbridge Earls School in Hampshire where I was  
14          very happy. My time was not happy whilst I was at  
15          Loretto and I was pleased to leave."

16          But then goes on:

17          "Both my boys went to Holmewood House in Kent and  
18          I must admit I got a real shock when I came into contact  
19          with Mr Ray-Hills who was teaching there at the time."

20          We will come back to Holmewood House in a little  
21          while.

22          A. Yes.

23          Q. Go to page 45, please. I think this is a letter from  
24          the other brother of someone who we have dealt with  
25          previously and who mentioned that a brother held

1 different views.

2 Paragraph 2:

3 "His French classes were laced with sexual innuendo.

4 I remember him standing rubbing his crotch against the

5 back of his chair. Also placing a plastic banana

6 against his genitalia whilst getting his class to name

7 the fruit in French. This behaviour was constant.

8 "In the prep hut while supervising our evening prep

9 he would sit at the table and boys would stand beside

10 him in their shorts to have their work marked by him.

11 As they did so, he would fondle the back of our thighs

12 with his hand. This was commonplace. He hung around

13 the tub room as boys bathed or stood naked at the wash

14 basins. What Boyd does not mention is his fierce

15 temper. The only time I have been knocked unconscious

16 was by Ray-Hills. At the end of a lesson Ray-Hills

17 accidentally knocked my head with a rolled-up map and a

18 wooden pole. 'Watch what you're doing with that map,

19 sir', I said. He spun round with a look of hatred and

20 punched me in the face with his fist, knocking me to the

21 ground and left the room without a word. I blacked out

22 for a few moments. I recall that incident vividly.

23 I was eleven or twelve."

24 Then it goes on:

25 "My brother recalls Ray-Hills coming into his

1           dormitory and asking a boy to come to his bedroom. The  
2           boy later returned looking very shaken. I mention this  
3           in case further evidence is needed ..."

4           A. Yes.

5           Q. If we could go to 48. Again, preamble making the point:

6                 "I read Don Boyd's article quite by chance and was  
7                 shocked and upset by the memories which it re-awakened.  
8                 I left Loretto in 1969 and I suppose therefore left the  
9                 Nippers in 1965. Like Don Boyd, as I recollect from his  
10                article, I was head Nipper."

11            Going on:

12                "Tony Ray-Hills was there throughout my career at  
13                the Nippers. My recollection of Ray-Hills is entirely  
14                consistent with Don Boyd's. He was certainly then  
15                a pervert and should never have been tolerated in a  
16                school. He certainly kissed and sexually interfered  
17                with me and a large number of other boys on a virtually  
18                daily basis and his conduct was tolerated by the staff  
19                and of course by us the boys who accepted that was the  
20                way it was. As Don Boyd said, Ray-Hills was charming  
21                and he could make your life more comfortable, or,  
22                of course, less so, and he had a fearsome temper."

23            Over the page, third line:

24                "My experiences were less lurid than Don Boyd's but  
25                I was not one of his 'special boys' although others in

1 my year were and I suspect would tell similar stories."

2 Going on to the final paragraph on that page:

3 "I have certainly seen his erect penis on more  
4 occasions than I care to remember. Perhaps what strikes  
5 me most is that the headmaster of the Nippers, his wife,  
6 matron, and the teachers were all very aware of what  
7 Ray-Hills was up to. They turned a blind-eye to it.  
8 I was in the upper school when Guy was exposed. We were  
9 all questioned I think by Bruce Lockhart. There was  
10 quite a lot of pressure applied by Guy's 'special boys'  
11 not to betray him, and I think I told Bruce Lockhart  
12 that he had never interfered with me, but there was no  
13 attempt at all to press me on the point, I think they  
14 all knew the game was up for Guy because the evidence  
15 would have been overwhelming. We should have talked  
16 more about other victims but it never occurred to me.  
17 It seems amazing that he could ever have sought a job in  
18 another school, let alone apparently been given one.  
19 Loretto must have chosen to sweep it under the carpet  
20 which is not something to be proud of."

21 Then the writer says:

22 "I would prefer you do not give this letter to the  
23 police."

24 Obviously you abided by that.

25 Finally, correspondence to you from the pupils. If

1 we go please to page 63. Again, another letter to you  
2 in response to Michael Mavor's letter:

3 "I was at the Nippers between 1961 and July 1965.  
4 I believe everything Mr Boyd alleges in his article to  
5 be true. I too was abused by Guy Ray-Hills, although  
6 not to the same extent. I suspect the fact my parents  
7 also lived abroad was no coincidence.

8 "It is now so long after the event that I see little  
9 point in pursuing any court case. However, I also feel  
10 that Loretto should be thoroughly ashamed of the  
11 uncaring, brutal regime at Nippers. Over the whole of  
12 my time there I cannot recall a kind word from any  
13 member of staff. There could hardly have been more  
14 perfect conditions for a paedophile preying on young  
15 unhappy boys who knew they would be thrashed should they  
16 complain. Indeed, the beatings were so regular they  
17 wouldn't have even known who to complain to."

18 I think you mentioned ten letters. I appreciate  
19 there is a distinction between quite what is being said.  
20 Some talk about the generality of the environment and  
21 some are specific about abuse. I think taking all the  
22 letters together, we have been dealing with 14  
23 correspondents, including Don Boyd and the two witnesses  
24 who have already given evidence, plus the ones we have  
25 touched on today, and I think of those perhaps twelve

1 speak directly of abuse.

2 Also would you agree a consistent thread is the  
3 perception that this must have been known about by the  
4 heads, not only because Hamish Galbraith's predecessor  
5 would appear to have been told about it but nothing was  
6 done, but that also, and despite the lack of clarity of  
7 the minute you referred the police to, there clearly was  
8 an understanding and investigation of some sort by  
9 Bruce Lockhart around the time that Guy Ray-Hills  
10 resigned, would you agree with that?

11 A. Yes. From my position, I have asked myself many times  
12 what did the junior school staff know and what didn't  
13 they know. I don't know whether you are going to ask me  
14 or refer me to Hamish Galbraith's letter?

15 Q. Yes. If we can just --

16 A. Which is the only letter or document I have seen really  
17 since the Don Boyd article as regards what someone who  
18 was teaching in the junior school knew or didn't know.  
19 I have also had the benefit of seeing some of the other  
20 documents which are before this Inquiry as regards what  
21 Bruce Lockhart did and what brought Guy Ray-Hills'  
22 employment to an end. I find it -- I was only nine when  
23 I was at the junior school. I find it very difficult to  
24 know whether staff should have known just what he was up  
25 to. We know that there are paedophiles who get away

1 with an awful lot for an awful long time, and I needn't  
2 mention perhaps the most famous case, but I do find it  
3 surprising given how I got on at the junior school that  
4 staff weren't aware and didn't do anything about it, but  
5 they may not have -- clearly they weren't in the tub  
6 rooms, they weren't in his French classes, they weren't  
7 in the dormitories, so you have to say then what did  
8 pupils say to those members of staff, if anything? And  
9 I think some definitely did, by what we have seen, and  
10 what was the reaction?

11 I was a young boy but I not only was taught by  
12 Hamish Galbraith but he was at school with my father.  
13 He was an able, respected headmaster who I think would  
14 have a good CV. Obviously this whole saga of  
15 Guy Ray-Hills has been terrible for him and for the  
16 school, and in particular for the pupils, but I find it  
17 a difficult answer to come up with, which is what should  
18 the staff have known? Was he so devious that he just  
19 made sure he wasn't caught and he got away with it for  
20 a long time until 1967, or was there a knowledge? I am  
21 sure staff would have known he was, to quote one of the  
22 letters, "camp" and "effeminate", but did they know he  
23 was getting up to his dreadful behaviour? I can't  
24 answer that.

25 Q. One last thing before we break, my Lady. What we do



1 know, though, from the two letters is -- from the  
2 letters and the information you passed to the police,  
3 a red flag appears to have gone up with  
4 Hamish Galbraith's predecessor that this was a teacher  
5 who was hands-on?

6 A. Correct.

7 Q. That wasn't followed up on, full stop. But also it  
8 would appear it became known what he was up to in 1967.  
9 In terms of the minute, it is opaque and gives no sense  
10 of what was going on, presumably deliberately, and  
11 Ray-Hills was allowed to resign, of that there can be  
12 no doubt?

13 A. From our reading of it, that is a fair interpretation.

14 MR BROWN: My Lady, reference is made to a letter from  
15 Hamish Galbraith, and there are a few more letters.

16 LADY SMITH: I think we should take the morning break.

17 If that suits you, James, I normally take a morning  
18 break about now, and we can do that now and finish your  
19 evidence afterwards.

20 Just before I rise, one thing I would like to  
21 mention. Everyone will be aware this witness has a  
22 pseudonym, "James". Some of the documents have got his  
23 full name on them but, notwithstanding that, it is only  
24 his pseudonym that will be used to refer to him.  
25 Thank you.

1 (11.31 am)

2 (A short break)

3 (11.50 am)

4 LADY SMITH: James, are you ready to carry on?

5 A. I am, thank you.

6 LADY SMITH: Mr Brown.

7 MR BROWN: My Lady, thank you.

8 James, you were mentioning before the break

9 Hamish Galbraith, and there was a letter from

10 Hamish Galbraith which you have seen. Could we go to

11 document LOR-1000000025 at page 29. This is I think the

12 letter you are talking to?

13 A. Yes.

14 Q. Which is obviously to the then chair of the governors,

15 Lord Johnston, Alan Johnston?

16 A. Correct.

17 Q. And this is from Hamish Galbraith obviously responding

18 on 29 August 2001 to the Don Boyd article and all the

19 sequelae.

20 I think if we go to the second page, page 30, and

21 start with the second paragraph:

22 "Now regarding GARH's [Guy Ray-Hills] departure from

23 the Nippers in 1967, as far as I remember after so many

24 years it started with a complaint that was made to Rab

25 [Bruce Lockhart] by ex-Nipper [name given] about

1           Guy Ray-Hills' behaviour. Rob's report to the board,  
2           the minutes of April 1967, may contain some details of  
3           the questioning of the boy and his contemporaries. All  
4           Rab told me was that some impropriety had taken place,  
5           at the worst some petting or fondling, that  
6           Guy Ray-Hills' reputation had been tarnished and that he  
7           must leave the school at once, which he did. Before  
8           that we interviewed him. No allegation of sexual abuse  
9           had been made and none was admitted by Guy Ray-Hills,  
10          only tearful acceptance that he had to go.

11                 "Rab and I agreed that the Nippers should not be  
12          questioned for fear of arousing unfounded fears and  
13          speculation. I do remember that we both urged  
14          Guy Ray-Hills not to seek further teaching jobs in  
15          schools but to find some other way of using his French  
16          abilities. There was no question of him being given  
17          a reference which would have allowed him to join another  
18          prep school at once. Instead, he took on some sort of  
19          job with BBC electrical service --

20       LADY SMITH: Educational service.

21       MR BROWN: I am sorry, much obliged:

22                 "... educational service which lasted I think about  
23          18 months."

24                 Then he goes on:

25                 "Regarding Holmewood, it was a shock to me and to

1 Rab when their headmaster phoned to say that  
2 Guy Ray-Hills had applied for the post of French master.  
3 He told me that Guy Ray-Hills had been frank with him as  
4 to why he had left Loretto but, despite my protests to  
5 the contrary, he intended to take him in, that he will  
6 monitor him closely, he will not be lodged in the school  
7 and that he would have minimum contact with boys outside  
8 the classroom. Both Rab and I were uneasy but were  
9 presented with a fait accompli. Guy Ray-Hills remained  
10 at Holmewood until his retirement and we never heard  
11 a sniff of scandal during or after his time there.  
12 Mike Mavor knew the then headmaster of Holmewood, who we  
13 gather has since died."

14 Summing that up, there was an acknowledgement that  
15 Rab Bruce Lockhart's investigations have disclosed some  
16 impropriety?

17 A. Yes.

18 Q. That everyone is saying "You mustn't teach again"?

19 A. Yes.

20 Q. "And we won't give you a reference to that degree". And  
21 regarding Holmewood, it was discovered he was going for  
22 a job, Guy Ray-Hills having apparently been candid with  
23 the headmaster about why he left Loretto, and both  
24 Hamish Galbraith and Rab Bruce Lockhart tried to stop  
25 him, but against their advice he is taken on.

1       A. So it would appear.

2       Q. Yes. I think if we go back to the previous page and the  
3       top of page 2 of this letter, page 30, Hamish Galbraith  
4       says:

5               "I had no reason to think, after his seven years at  
6       the Nippers, that he was anything but entirely  
7       trustworthy."

8               And I think this is when he obviously took over.  
9       Except, from what we have learned, there was a complaint  
10      to Galbraith's predecessor which either wasn't passed on  
11      or is forgotten about.

12      LADY SMITH: Because his entire period at the Nippers was  
13      rather more than seven years.

14      A. Yes.

15      MR BROWN: No, no, I think --

16      LADY SMITH: That was when he encountered him.

17      MR BROWN: Yes, indeed.

18      A. Because he taught there as a schoolmaster and then went  
19      south and then came back as headmaster.

20      Q. Thank you.

21              Then looking on to page 32, there is complaint and  
22      denial that anyone ever told him, Hamish Galbraith, of  
23      anything untoward, and that was distinct from the  
24      approach taken by one of your correspondents who we have  
25      heard from who said his mother had told Galbraith, but

1           that is refuted.

2           And looking at the foot of page 32, halfway down, it  
3           says:

4           "If there was wrongdoing by Guy Ray-Hills then there  
5           was certainly a conspiracy of silence among the victims,  
6           which does partly explain why the rest of us knew  
7           nothing of what may or may not have been going on.

8           I know that my reputation at Loretto has always stood  
9           high and I refute angrily any suggestion that I was  
10          aware of any sexual misconduct or abuse on  
11          Guy Ray-Hills' part and then did nothing about it."

12         A. I see that.

13         Q. So again reading short -- (Interruption in video and  
14          audio feed)

15         A. Sorry, could you say that again?

16         LADY SMITH: I don't see any indication of anybody thinking  
17          about what might have been the impact on the children  
18          that had been taught by Guy Ray-Hills at Loretto.

19         A. That is a very fair reflection, I agree. I agree, yes.

20         LADY SMITH: Mr Brown.

21         MR BROWN: I think there is reference on page 6, just for  
22          completeness, to bitter regret and dismay at what seems  
23          likely to have happened. He doesn't then take the extra  
24          step as to how it may have affected those involved.

25          This letter was obviously written in 2001 by which

1           time Hamish Galbraith was an elderly man?

2           A. Yes, I think he was 75 when he wrote it.

3           Q. Could we look briefly at a document which you may have  
4           seen many years ago, which has recently been shared by  
5           the school at our request, for which we are grateful.  
6           LOR-1000000052. This is a copy of the Lorettonian  
7           Magazine which no doubt you have a large collection of  
8           at home?

9           A. I'm not sure I have seen this before.

10          Q. This obviously is -- I say you may have seen it because  
11          presumably, as a pupil, you would get one?

12          A. Yes. I don't recall it but --

13          Q. This is the valedictory commentary on "Mr GA Ray-Hills,  
14          Loretto 1951 to 1967", and we see it is written by  
15          "HGRG", which is Hamish Galbraith?

16          A. Correct.

17          Q. "Mr Ray-Hills came to North Esk in January 1951 from  
18          Wells House School and left Loretto at the end of the  
19          spring term in 1967. During all those years at Nippers  
20          he taught French throughout the school, geography and  
21          scripture to the senior forms. He took Big Sides for  
22          rugger, cricket and hockey and organised the summer term  
23          athletics. His keenness, gaiety and conscientiousness  
24          were boundless, in the classroom, on the games field and  
25          in everything he did. Mr Ray-Hills also made time in

1 a very busy life to lead many worthwhile upper school  
2 activities. He led the Loretto ski party in January for  
3 many years, he took a leading part in the staff plays,  
4 showing a great talent both as an actor and as a  
5 producer. He lectured to the travel societies. He took  
6 parties of boys skiing in the Scottish Highlands. In  
7 1966 he was made an honorary OL because of his fifteen  
8 years of service to the school and was a guest of honour  
9 at the OL dinner. We all wish Mr Ray-Hills success and  
10 happiness in the future. He will long be remembered at  
11 Loretto with affection and gratitude as a French teacher  
12 of undoubted genius and as a man of wide and varied  
13 interests and of sparkling personality who contributed  
14 so much of value to the school."

15 With hindsight, some passages of that are ironic,  
16 but perhaps the most fundamental part is it gives no  
17 sense of what they knew the man to be?

18 A. I agree from what we were saying a few minutes ago, and  
19 we have learned about Bruce Lockhart's involvement at  
20 the end of Ray-Hills at Loretto, et cetera. Yes, that  
21 is a -- that's not an accurate portrayal of  
22 Guy Ray-Hills at Loretto.

23 Q. At that point would you agree what mattered, as distinct  
24 with the balance perhaps when you were dealing in 2001  
25 with the reputation of the school and dealing with the



1           police, what mattered more than anything, it would  
2           appear, is the reputation of the school?

3           A. Reading that I would agree with you. That is a fair  
4           interpretation, yes.

5           Q. Thank you.

6           A. It's a fairly typical valedictory type statement  
7           appearing in a school magazine and, yes, I agree with  
8           your observations.

9           Q. Of course we touched on Holmewood, because as well as  
10          writing to the pupils is it fair to say that there was  
11          concern to alert other schools of what they might face?

12          A. Yes, I think on the action plan following the Don Boyd  
13          article, I think Holmewood was written to by  
14          Michael Mavor.

15          Q. Could we go back to LOR-1000000025 at page 67. This is  
16          a letter from Michael Mavor to the headmaster at  
17          Summer Fields in Oxford in 6 September, and obviously he  
18          is saying:

19                 "By the time you get this we may have spoken on the  
20          telephone but I did try to get through to you last  
21          Friday and I know that your secretary tried to phone me.  
22          In any case, I wanted to send you a copy of the letter  
23          written to Bob Bairamian on 12th February 1969 at  
24          Holmewood House. I also enclose a copy of the article  
25          written by Don Boyd on 19th October. It doesn't make

1 happy reading. I enclose, too, a copy of the letter  
2 that I have sent to all Old Lorettonians who were at  
3 Nippers from 1951 to 1967 which is when Mr Ray-Hills  
4 taught there. It is entirely possible that some other  
5 Lorettonians will now make allegations or even a formal  
6 complaint. My point is this: if journalists discover  
7 that Tony Ray-Hills taught at Summer Fields, and the  
8 rather awkward circumstances of his departure, they may  
9 well get on to former pupils to try and see whether he  
10 behaved badly towards any of them."

11 So it's alerting and warning, again the focus being  
12 presumably to allow Summer Fields to manage any crisis?

13 A. Correct. As I say, it was a far-reaching list of who  
14 was getting contacted, and Michael Mavor was on the  
15 front foot as regards that.

16 Q. Over the page on 68 we have the letter to the headmaster  
17 of Rose Hill, and again it's talking about:

18 "In case there are any rippling echoes from the  
19 situation we have been dealing here as a result of the  
20 Observer magazine ..."

21 The whole point of this is because Ray-Hills also  
22 taught at Rose Hill --

23 A. Yes.

24 Q. -- over some period. He then adds, perhaps it is worth  
25 making the point:

1           "PS Mr Ray-Hills did not teach at Cheam."

2           That was something that was referred to in the  
3           Don Boyd article. But I think from such researches as  
4           were possible, he didn't actually teach there, he taught  
5           at other schools?

6           A. It was Hamish Galbraith that taught at Cheam.

7           Q. We see on page 69 a letter to ASR Corbett,  
8           Andrew Corbett, from Michael Mavor, who is the  
9           headmaster of Holmewood House School, which is making  
10          the point that they have obviously been in contact with  
11          each other, and Michael Mavor is making the point he is  
12          also trying to contact Summer Fields and Rose Hill.

13          A. Yes.

14          Q. Another couple of schools which don't seem to exist any  
15          longer.

16          A. Yes.

17          Q. All right. The point about Holm House -- sorry,  
18          Holmewood, rather, is that obviously we know that  
19          Ray-Hills went there?

20          A. Yes.

21          Q. Holmewood House have produced a number of documents it  
22          would be useful to look at. If we could start with  
23          document HHS-000000004. This is a letter of 28 August  
24          from Michael Mavor to the headmaster of it, alerting to  
25          the fact that Don Boyd has written his article. It's

1           pretty graphic stuff:

2           "The reason for my writing to you is in fact  
3           Don Boyd got his facts wrong in terms of where Mr  
4           Ray-Hills went after he left Loretto junior school. He  
5           first of all went to work for the BBC and was then taken  
6           on by Holmewood House. I believe that Bob Bairamian (I  
7           don't know if I have spelt his name correctly) was the  
8           headmaster then. You will see that my press statement  
9           comments on the sequence of events. It is because of  
10          this that I thought I ought to let you know about  
11          the situation as, although there has not yet been much  
12          further press interest, it might be that a journalist  
13          tries to get in touch with the school or indeed  
14          Mr Bairamian. Sorry to bother you ..."

15          I think enclosed with that, as HHS-000000006, is  
16          a copy of the press statement which went to the other  
17          schools?

18        A. Yes.

19        Q. Holmewood House replied to Michael Mavor on 30 August as  
20          we see on document LOR-000000028:

21          "Dear Michael. It was good to speak to you today,  
22          albeit on a distressing subject. Many thanks for  
23          sending me a copy of your letter to Old Nippers, it may  
24          well come in handy.

25          "I enclose the letter from Gabbitas, the front page

1 of his file showing his posts and the Bruce Lockhart  
2 recommendation, but I have not included correspondence  
3 between Bairamian and Ray-Hills. I will of course show  
4 that to the police if they enquire. I am particularly  
5 aware I have not yet been able to contact Bob Bairamian  
6 to inform him of what is going on. I would not like the  
7 press to build up a case against him until I have had  
8 a chance to put him in the picture. It was clearly very  
9 ill-advised of him to take Ray-Hills on and then to make  
10 him a boarding housemaster. There is some evidence in  
11 his file of two accusations against him, but evidently  
12 not sufficiently serious to warrant his removal, and he  
13 worked here until he retired. He was, by all accounts,  
14 a very popular teacher."

15 The reference to Gabbitas we see from the next page  
16 is a reference to an organisation called Gabbitas-Thring  
17 Services Limited, which we would understand is an  
18 organisation that places teachers?

19 A. It looks like it.

20 Q. This is a copy of a confidential letter dated  
21 12 February 1969 to Bob Bairamian, who was the then  
22 headmaster of Holmewood. It is headed "GA Ray-Hills"  
23 and it's from Gabbitas-Thring:

24 "Dear Bob. Thank you for your letter. There is  
25 more to this matter than meets the eye and perhaps we

1           had better have a word in private on Saturday.

2           "Basically I believe the facts are these.

3           Mr Ray-Hills was on the staff of North Esk Lodge,  
4           Loretto Junior School, from 1951 to July 1967, a post  
5           which we found for him. In 1967 I gather a boy in the  
6           senior school told Mr Bruce Lockhart of certain  
7           happenings which occurred in the junior school some  
8           three or four years earlier. They were not proved, but  
9           Mr Ray-Hills resigned his post, and Mr Bruce Lockhart  
10          clearly told him that he should not seek employment in  
11          a boarding preparatory school and that he could not  
12          support any such application. At that time, a rather  
13          attractive BBC appointment was in the offing and  
14          Mr Ray-Hills tried to get it. He was given an excellent  
15          testimonial by Mr Bruce Lockhart on that understanding."

16          If we jump to page 4, albeit the quality I'm afraid  
17          is not very good, this is the reference from  
18          Bruce Lockhart which seems to be dated 19 May 1967:

19          "The above-named has asked me to write in support of  
20          his wish to use his professional talent as a French  
21          teacher in connection with broadcasting to schools.  
22          I do so gladly."

23          There are then details:

24          "For 17 years Mr Ray-Hills was the principal, indeed  
25          the only, teacher of French in our preparatory school.

1 His success was quite exceptional. Even the weaker  
2 vassals passed Common Entrance papers A and B with marks  
3 far higher than any other subject. It is no  
4 exaggeration to state that in endeavouring to judge pure  
5 native ability of scholars and other entrants in the  
6 upper school, we felt we had to discount some of his  
7 pupils' success in French in comparison with the other  
8 candidates. This is because we realised other  
9 candidates had not had the advantage of being taught by  
10 him."

11 He then goes on with further praise, penultimate  
12 paragraph:

13 "I should have thought Mr Ray-Hills' personality was  
14 well suited to either television or radio since he is  
15 unselfconscious, an accomplished actor and a successful  
16 producer of plays, both in the junior school and of the  
17 staff plays in the upper school. I am a modern linguist  
18 myself and I can confidently say he must be one of the  
19 two or three most successful French teachers up to the  
20 intermediate level in the country. I recommend him as a  
21 very good prospect for this new type of goal which he is  
22 seeking."

23 That is obviously not recommending him for  
24 a teaching post but focusing on his abilities in the  
25 context of applying for the BBC job?

1 A. Yes.

2 Q. What it does not say is anything about --

3 A. About his past, yes.

4 Q. Yes.

5 A. I agree.

6 Q. Going back to page 2 where we left off, Gabbitas-Thring  
7 carry on:

8 "When he came to us we saw that testimonial [the one  
9 we have just read] and wrote to Mr Galbraith, head of  
10 the junior school, for a confidential reference. The  
11 relevant words of that reference read 'He is a brilliant  
12 French teacher who I can thoroughly recommend either for  
13 preparatory day schools in the London area or for  
14 private pupils. This, I gather from him, is the kind of  
15 teaching he wants as he now has a flat in London'."

16 A. Yes.

17 Q. "He gave us no indication at that time ..."

18 I think this is referring to Ray-Hills, in fairness.

19 "... of any trouble. We found him one or two  
20 temporary jobs in London. In the autumn of 1967 he then  
21 got a job for two terms at Rose Hill, not on our  
22 introduction. He came back to us in the summer term  
23 saying he would like a boarding prep school job after  
24 all. We accordingly found him the job at Summer Fields.

25 "The whole sorry business came to light when



1 Mr Savage at Summer Fields dropped a line to  
2 Mr Bruce Lockhart mentioning that he had taken on  
3 Ray-Hills, and got a reply giving Mr Bruce Lockhart's  
4 opinion of the matter. Mr Savage decided he could not  
5 take the risk of having him on the staff and therefore  
6 gave him notice. He emphasises there was no cause for  
7 complaint whatsoever of Mr Ray-Hills' conduct while at  
8 Summer Fields.

9 "Mr Ray-Hills was not entirely frank with us, from  
10 your letter. I suspect he had not been entirely frank  
11 with you, because I am a little surprised to hear that  
12 our Mr Mallins 'advised him to take the Summer Fields  
13 appointment in preference to yours'. On the other hand,  
14 mud of this sort tends to stick and, if he has been  
15 unjustly accused, I can only sympathise with him when he  
16 tries to cover it over. Perhaps he could be appointed  
17 on a strictly non-residential basis. He is an  
18 outstanding teacher of French, so much so that Mr Bruce  
19 Lockhart said he had to discount the French parts of the  
20 Common Entrance boys from his junior school because they  
21 were unrealistic. Sorry to be so long-winded."

22 It would appear, contrary to what Hamish Galbraith  
23 was saying in 2001, that he was compliant in writing  
24 a reference which supported albeit preparatory day  
25 schools --

1 A. Yes.

2 Q. -- and also, which some might find chilling, teaching,  
3 since he has a flat in London?

4 A. I saw that.

5 LADY SMITH: And it wasn't just preparatory day schools, it  
6 was private pupils as well.

7 MR BROWN: Yes, in his flat. Yes.

8 A. I just want to make an observation, which I am sure  
9 you've picked up, but it is pertinent to note that it is  
10 Rab Bruce Lockhart that is doing the liaising with these  
11 organisations. And I just want to make this  
12 observation, that although you have two headmasters, or  
13 heads, I should say, at Loretto, the junior school head  
14 would normally always defer to the ultimate authority of  
15 the senior school head. I think that would be accepted  
16 even today, that the head of the senior school probably  
17 has the final say. That said, they will sort things  
18 out.

19 So I saw a reference somewhere to Hamish Galbraith  
20 saying that he would not have taken any decisions  
21 without first consulting with the head of the senior  
22 school, and I think it is interesting to read that it is  
23 the head of the senior school that is dealing with this  
24 matter, albeit Hamish Galbraith gave a reference, yes.

25 LADY SMITH: Thank you.

1 MR BROWN: I take your point, but obviously in terms of  
2 perhaps the direct experience of the head of the school  
3 which he would be teaching, Galbraith's word might have  
4 some weight too --

5 A. Yes.

6 Q. -- irrespective of the hierarchy.

7 A. I agree. I respect that, absolutely.

8 Q. I think just to complete the cycle of Guy Ray-Hills, can  
9 we go back to LOR-1000000025. This is -- if we can go  
10 to page 70, this is a letter to Hamish Galbraith from  
11 Michael Mavor dated 6 September 2001, and he encloses  
12 a copy of the letter from Gabbitas. He says:

13 "I think this shows that you and Rab behaved  
14 entirely properly."

15 Which is perhaps not instantly understandable  
16 because he then goes on:

17 "But you will see the letter does refer to a written  
18 reference received from you."

19 It then becomes slightly ambiguous when he goes on  
20 to say:

21 "He gave us no indication at the time of any  
22 trouble."

23 I think, as we recognise, that would appear to be  
24 referring to Guy Ray-Hills as alluded to in this letter,  
25 but what Mr Mavor ignores is the terms of the reference

1           that Hamish Galbraith --

2           A. I agree.

3           Q. You were obviously working with the headmaster at the  
4           time. Do you understand why he ignored that?

5           A. Why Michael Mavor ignored that?

6           Q. Yes. Can you explain it?

7           A. No, I cannot. And as much as we were in touch,  
8           Michael Mavor was well able to send out his own letters  
9           without necessarily having a word with me or running it  
10          past me or the chairman. So I respect the fact that he  
11          was a headmaster who had been at Gordonstoun and of  
12          Rugby, and now of Loretto, and was hugely experienced.  
13          So if he had a view on matters I tended to respect it.

14          Q. I understand that.

15                 Thank you for going through all these documents.  
16          I think you understand it was anticipated that there was  
17          to be a prosecution, but you will remember that that did  
18          not proceed --

19          A. Apparently.

20          Q. -- as you would understand, because the school would be  
21          following this closely --

22          A. Yes, I think --

23          Q. -- if nothing else, to manage the fallout. But the  
24          health of Mr Ray-Hills was felt to be a bar to any  
25          trial.

1       A. That is what I heard second-hand, third-hand, yes, it  
2       was on grounds of health that it just didn't proceed.

3       Q. Were you being asked throughout this period by your  
4       correspondents for further details?

5       A. No. I don't think anyone got back in touch with me,  
6       having written that letter.

7       Q. Did you feel that each had to be treated individually?  
8       You couldn't share?

9       A. Yes, I was completely shocked by what I read. The vast  
10      majority of us were other than those who had  
11      unfortunately been caught up in this dreadful behaviour,  
12      but we tried as hard as we could to offer support and  
13      regret, deep regret. And I would like to say that those  
14      Lorettonians that got in touch with me respected where  
15      I was coming from and that, as clerk, I was very much on  
16      their side and would do anything I could to help. But  
17      it rather got taken out of the school's hands as the  
18      police investigation went on, and likewise, as I said  
19      earlier, we had to be very careful because there were  
20      civil proceedings going on as well.

21           So I effectively took a step back from the whole  
22      thing and we just waited and didn't hear an awful lot,  
23      to be honest. Then it went south, obviously the police  
24      authorities down south in England were dealing with  
25      matters because he was living in London.

1 Q. Briefly, then. You have just talked about the import of  
2 headmasters and, with Mavor, because of his experience,  
3 he could write his own letters and you wouldn't be  
4 engaged. You served under different headmasters, is  
5 that correct?

6 A. I did. I joined as clerk. I was -- as I have  
7 mentioned, I was not ever a governor. I joined as clerk  
8 in 1990 when Norman Drummond was headmaster. I think he  
9 had become headmaster in 1984, and I think he left  
10 Loretto in 1995. Keith Budge came in 1995 and left in  
11 2000. And then Michael Mavor came in summer 2001 and  
12 was there until 2009, and I stood down as clerk in [REDACTED].

13 Q. Presumably each had their different characters and  
14 approaches?

15 A. Absolutely. Absolutely. On the one hand you had young  
16 Norman Drummond, a very able individual coming in in  
17 1984, and then [REDACTED] of my tenure as clerk  
18 I had the very experienced Michael Mavor.

19 Q. Presumably they were brought in for different reasons,  
20 because they are obviously different people.  
21 Norman Drummond of course had no background in teaching,  
22 he was a minister?

23 A. Correct. He had -- I am sure he had previous experience  
24 at Fettes, had he not?

25 Q. As a chaplain.

1 A. Yes.

2 Q. But presumably, and again if you can't answer this, the  
3 school is appointing to fit the demands of the time.  
4 For example, if you want someone who is to save money  
5 and drive up numbers, you need to go for a particular  
6 person?

7 A. I don't think I could --

8 Q. All right.

9 A. -- answer what was happening in 1984 and 1995.

10 Q. But in relation to Norman Drummond, we have had some  
11 evidence to suggest that, amongst the teachers, he was  
12 well liked or he was not well liked. He has been  
13 described as a "Marmite" figure, if you follow that  
14 description. Does that fit with your recollection of  
15 his time at Loretto? Were there tensions with the  
16 staff?

17 A. I will open by saying it was a long time ago. I came to  
18 the board [REDACTED] and he left in 1995. I don't remember  
19 that being a key issue. The head will always get on  
20 with some staff and there will be others that maybe  
21 don't necessarily follow the line. Yes, I can imagine  
22 that there would be some staff who didn't necessarily  
23 follow Norman Drummond's style of being a head. He had  
24 key strengths, unusual strengths, a very good orator and  
25 what have you.

1           I wasn't really involved in the nitty-gritty of what  
2           we at Loretto called the common room, which is where  
3           staff in the senior school gather. I just need to  
4           remind you that I was office-based in Edinburgh, so  
5           I didn't -- yes, I talked to staff when I was down at  
6           school, particularly when I was a parent, but latterly  
7           I wasn't involved in the day-to-day discussions and who  
8           felt what about who. Yes, I sat on the board, but  
9           I wouldn't necessarily be party to what certain members  
10          of staff felt about the head because it was dependent  
11          upon what was brought to the board.

12        Q. Obviously you will recall, and you have talked about  
13          this in your statement at paragraphs 37 and 38, there  
14          was an issue with an English teacher called David Stock?

15        A. Yes.

16        Q. And you remember that he was concerned -- he raised  
17          concerns about bullying within the school. Do you  
18          remember if that was something that was raised before  
19          the board other than in relation to his dismissal from  
20          the staff?

21        A. Was it raised again?

22        Q. Was the issue of his concerns, in other words about  
23          bullying, raised before the board, or was it just about  
24          how he was dismissed and the arrangements for his  
25          dismissal?



1 A. I honestly cannot remember. I do not recall. I think  
2 this took place -- was it 1991/1992?

3 Q. Yes.

4 A. [REDACTED]. If I may  
5 say so, back then Alan Johnston, who had been  
6 an industrial tribunal chairman, he was in charge of any  
7 employment matters at board level, and I wasn't --  
8 I have thought about this, but I cannot remember really  
9 being involved, other than minuting at a meeting, and  
10 going to a meeting at David Stock's house which you are  
11 probably going to come on to, I struggled to come up  
12 with anything else concrete.

13 Q. In terms of what was raised at the board we should go to  
14 the board minutes?

15 A. Correct.

16 Q. In relation to going to the meeting at David Stock's  
17 house, that was with Alan Johnston?

18 A. Correct.

19 Q. How would you describe the tone of the meeting?

20 A. If I remember correctly, it was a meeting to discuss --  
21 shall we call it the severance package upon his  
22 employment being terminated, so it was not an easy,  
23 pleasant meeting. They seldom are and this one wasn't.  
24 It was fairly -- from what I can remember, it was fairly  
25 matter of fact and, if I may say so, knowing the late

1           Alan Johnston, he would deal with what needed to be  
2           dealt with and have his discussions and that was that.

3       Q.   Direct?

4       A.   Yes.  Yes, I -- I can't specifically remember, but  
5           I knew Alan Johnston well, and I would say he would  
6           be -- yes, he would get to the point pretty quickly.  
7           "Blunt" is probably a very fair way of describing it.

8       Q.   And volubly?

9       A.   I don't remember that, no.  If you are saying --

10      Q.   I don't mean that in the sense that he was shouting --

11      A.   I don't --

12      Q.   -- he was quite a loud --

13      A.   Yes, he had a clear voice.  But he wasn't shouting,  
14           voices weren't raised.  That is maybe the point.

15      Q.   I think you were there simply to take notes?

16      A.   Yes.  Senator's like a clerk, so I think I went along as  
17           a clerk simply to take notes and things.  Although he  
18           wasn't a senator then, I don't think.  No, he wasn't.

19      LADY SMITH:  Not at that time, no.

20      A.   I beg his pardon.  He was a QC.

21      MR BROWN:  I think he was Dean of Faculty, perhaps.

22           Were you surprised that this was being dealt with --  
23           you touched on this.  He dealt, as the governor, with  
24           employment matters.  Were you surprised that it wasn't  
25           Norman Drummond who dealt with this?

1 A. It was -- yes, it was unusual.

2 Q. To put it simply, hiring and firing is no doubt with  
3 board input, as required, but it is really a matter for  
4 the headmaster?

5 A. Yes, I agree with you.

6 Q. Can you remember why it was -- I think the answer is no  
7 from your statement -- why it was felt necessary he had  
8 to go?

9 A. No, I don't, I don't recall. What I can say is that  
10 clearly the employer/employee relationship had broken  
11 down, and discussions took place to see if a -- that is  
12 my way of putting it -- severance package could be  
13 agreed, and it was.

14 Q. Yes. Which I think continued, salary payment, into  
15 1992?

16 A. I can't remember.

17 Q. I think papers would suggest that.

18 Did you ever have any similar such dealings, or does  
19 that stand out as an episode in your time as clerk?

20 A. I don't think I had -- if you are saying did I accompany  
21 a governor in discussions with a member of staff over  
22 his or her contract of employment, I don't think so.

23 MR BROWN: Thank you very much, James. I have no further  
24 questions.

25 LADY SMITH: Are there any outstanding applications for

1           questions for James? (Pause).

2           James, that completes all the questions we have for  
3           you. It simply remains for me to thank you very much  
4           indeed for engaging in the way you have done, both in  
5           providing a detailed written statement, which of course  
6           is evidence before me, and then coming along and  
7           expanding on it today and dealing with quite a number of  
8           documents. It has been a great help to me to hear what  
9           you have to say about the matters that have been put to  
10          you and I am pleased to be able to tell you that you can  
11          now go, with my thanks.

12         A. Thank you, my Lady.

13                                 (The witness withdrew)

14         MR BROWN: My Lady, the next witness is Norman Drummond, but  
15                 I think --

16         LADY SMITH: We need a short break so we will, once the  
17                 cleaning has been done, get going with him.

18                 How is the scheduling looking for today, Mr Brown?

19         MR BROWN: It may be, because I don't think I need to labour  
20                 Norman Drummond particularly, it may be that if we sat  
21                 a little late into the lunchtime break we could conclude  
22                 his evidence.

23         LADY SMITH: Let's see how we go. Or we could stop at  
24                 1 o'clock as usual and then start at 1.45 pm perhaps.  
25                 Very well.

1 (12.30 pm)

2 (A short break)

3 (12.46 pm)

4 LADY SMITH: Yes.

5 MR BROWN: My Lady, the next witness is Norman Drummond.

6 LADY SMITH: Thank you. (Pause).

7 Good afternoon. Could we start by you taking the  
8 oath, please.

9 MR NORMAN DRUMMOND (sworn)

10 LADY SMITH: Please sit down and make yourself comfortable.

11 Can we begin with an easy question, please: how would  
12 you like me to address you? Norman or Mr Drummond?

13 A. Norman is fine.

14 LADY SMITH: Thank you. Norman, the red folder has a copy,  
15 a hard copy of your statement in it.

16 A. Thank you.

17 LADY SMITH: If you have a copy in your --

18 A. I have a copy of my own in slightly larger type.

19 LADY SMITH: Yes. We all resort to that as we get older.

20 You will also see it coming up on screen in what I  
21 hope --

22 A. Yes.

23 LADY SMITH: -- is a good font for you. And if there are  
24 any documents that Mr Brown wants you to look at, those  
25 should come up on screen as well.

1           Any queries or concerns at all, please let me know.  
2           What matters most to me is that you are comfortable  
3           giving your evidence so that you are able to give your  
4           evidence as clearly and easily as possible.

5       A.   Thank you.

6       LADY SMITH:   Mr Brown.

7                               Questions from MR BROWN

8       MR BROWN:   My Lady, thank you.

9           Norman, good afternoon.

10      A.   Good afternoon.

11      Q.   You have, as has just been pointed out I think, now  
12           three versions of your statement, one in the red folder  
13           which you don't need to look at since you have brought  
14           your own, and you have the copy in front of you on the  
15           screen which may be even easier to read.

16                    You are Norman Drummond.   You are I think now 69?

17      A.   That is right.

18      Q.   For our purposes, the interest is obviously the fact  
19           that you were headmaster at Loretto --

20      A.   Yes.

21      Q.   -- from I think 1984 until ...

22      A.   1995.

23      Q.   1995, thank you.   Your statement obviously was prepared  
24           with you and runs to 26 pages.   I think we see on the  
25           final page, at paragraph 134, the statement:

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

4           And you signed the statement on 22 December 2020,  
5           because obviously you read it at the time. However, we  
6           should understand that when you were appointed as  
7           headmaster you came as a package with your wife, is that  
8           a fair description?

9           A. That is correct, yes.

10          Q. I think we know, we don't have look at it, in terms of  
11          your contract, because it was recognised that she would  
12          have a role, she was made an honorarium for the amount  
13          of service she would provide?

14          A. Yes.

15          Q. Which in those days was an accepted part of being  
16          a headmaster's wife, is that fair?

17          A. Limitless service.

18          Q. Quite so. I think obviously you are still a team  
19          together because, as you indicated just before you came  
20          on, discussing matters with your wife, who was obviously  
21          present throughout, there are a number of issues in the  
22          statement that you would wish to correct because you  
23          think you may have got some of the detail wrong, is that  
24          correct?

25          A. That is correct, yes.

1 Q. Can we start by doing that. You've got a list of  
2 paragraphs which you would like to review?

3 A. Three of them are to do with dates for accuracy.

4 Q. Thank you. Could we start with the first?

5 A. Paragraph 67, "some six terms previously" --

6 Q. Bear with me. This is page -- paragraph 67?

7 A. Paragraph 67, that is right.

8 Q. Which is page 14.

9 A. I could help with that.

10 Q. It will appear on the screen.

11 A. I just wanted to add that the senior boy [REDACTED]

12 [REDACTED] "some six terms previously", and then -- shall

13 I carry on?

14 Q. Bear with me a second. Where would you like to put  
15 in --

16 A. "Some six terms previously", after --

17 Q. After the final (overspeaking) --

18 A. -- if we may, please.

19 Q. "Some six terms previously".

20 A. Would you like me to continue?

21 Q. Yes, please.

22 A. At paragraph 80:

23 "An HMI full school inspection took place in 1992."

24 It was the autumn of 1992, I am sorry about that,

25 I missed that.



1 Q. I think the report was produced in 1993.

2 A. 1993.

3 Q. Which may have caused the confusion.

4 A. Yes. They certainly visited in 1992.

5 Q. Yes.

6 A. Paragraph 98, this is where my wife helped me  
7 tremendously:

8 "I was able to report the matter to the chair of  
9 governors and then in person. I had telephoned the  
10 chair on the Thursday following my interview with the  
11 boy concerned. It was on the Saturday after the end of  
12 term service that the chairman came to see me in  
13 person."

14 That was my wife's accuracy there.

15 Shall I continue?

16 Q. Please.

17 A. Paragraph 100, after "conditions":

18 "Mr Johnston was asked by the chairman to  
19 investigate. As I was also under review, I was  
20 instructed by the chairman to step back and prepare the  
21 school for the new academic year."

22 The final one, I'm sorry to hold people up, is  
23 paragraph 110, Mr Brown.

24 Q. Thank you.

25 A. CRX [REDACTED] was SNR [REDACTED] of Loretto Junior School

1           from 1981. I was with him from 1984 to 1986, that is  
2           the confusion on my part.

3       Q. Okay. Thank you very much.

4       A. Thank you.

5       Q. If we can go back to the beginning of your statement  
6           please. We see at paragraph 2 your background is  
7           perhaps different from most heads of the time in the  
8           sense that you moved from Fettes, where you had been  
9           a chaplain, to Loretto as headmaster. And that, as we  
10          see, followed an academic career which started in law  
11          but then progressed on to divinity, and a vocation as  
12          a Church of Scotland minister, which was then followed  
13          by service as an Army padre first with the Parachute  
14          Regiment and then the Black Watch.

15               Obviously, as you set out in some detail, that  
16               involved pastoral work with youth clubs both in the  
17               military but also, once you were involved in the  
18               education system, at Fettes, and also in other parts of  
19               Edinburgh and Glasgow. Okay.

20               You were a sports coach as well at Fettes, but  
21               fundamentally your responsibility would have been as  
22               chaplain which, would we understand correctly, at that  
23               time would have involved an element of pastoral care as  
24               we might understand it now?

25       A. Throughout the junior and senior school.

1 Q. Thank you. What made you apply to be head of Loretto?

2 A. Ultimately because I was asked to. There was some  
3 benevolent pressure on me at the time when  
4 David McMurray decided to move on to Oundle which was  
5 an unexpected move on his part I think. So ultimately  
6 he came up to see me and dropped a letter in to suggest  
7 that I might, in common parlance, "throw my hat in the  
8 ring". It was a very, very long shot as you can  
9 probably imagine.

10 Q. Were you tempted to say no, because you weren't  
11 a teacher in the classic sense?

12 A. What I knew of Loretto I liked, and I liked the small  
13 size of it, the homely family atmosphere for which  
14 I think it has been well known over the years. And in  
15 addition to that, the opportunity of a really close  
16 relationship with young men and women of a certain  
17 vintage which, in a larger school, isn't necessarily  
18 provided. I was taken with the history of the school,  
19 and felt that it would be good experience to make  
20 an application, and ultimately it came through.

21 Q. In terms of experience, I think you touch on this at  
22 page 10, because obviously being a headmaster is being  
23 a leader. You say:

24 "A chaplain in the military has a very close  
25 relationship with the commanding officer as does the

1 head of a school with his or her own chaplain. In that  
2 capacity, I was fortunate enough to observe leadership  
3 styles and decision-making of several different gifted  
4 commanding officers and headmasters, from all of whom  
5 I learned a great deal."

6 LADY SMITH: Which paragraph are you at --

7 MR BROWN: Paragraph 10, page 3.

8 LADY SMITH: I think you said page 10.

9 MR BROWN: I do beg your pardon.

10 In terms of the military experience of leadership  
11 you viewed as a padre, have you seen new battalion  
12 commanders taking over and wanting to make their mark  
13 when they take over a battalion?

14 A. Do you mean parallelling my own experience?

15 Q. No, I am just asking -- you talk about you had had  
16 first-hand experience?

17 A. The interesting thing about the military is that the  
18 commanding officer and the padre, if that relationship  
19 works they are very close.

20 Q. Sure.

21 A. And the padre, as the chaplain, is the only person to  
22 whom the commanding officer can really speak about  
23 certain things. So you learn a lot first of all as a  
24 minister, but also you learn a lot of the  
25 confidentiality, and therefore you see a person who was

1           in every case considerably older than I was, and there  
2           were different types, because Commander of the Parachute  
3           Regiment is a bit different from the Black Watch, if you  
4           know what I mean. I could see the loneliness of command  
5           and the tough reality of being there and having to make  
6           difficult decisions largely on your own.

7           Q. Sure. In the military had you seen new commanding  
8           officers take over --

9           A. Yes.

10          Q. -- and make their mark immediately and quite  
11          deliberately to try and stamp their authority on  
12          a battalion, for example?

13          A. Yes.

14          Q. Was that something you had seen done?

15          A. I saw that, certainly I saw that. Colonel Ian Kerr,  
16          for instance.

17          Q. It is a deliberate tactic to announce your arrival, if  
18          you like, and make the point that you are now in charge?

19          A. I'm not sure how deliberate it was in his case. He just  
20          had so much discipline to deal with and he made his mark  
21          very naturally through that.

22          Q. The reason I ask is simply if we can go to a document  
23          which will appear before you, this is LOR-1000000021.  
24          These are minutes from the management committee of the  
25          governors of Loretto School.

1           This one, if we start on page 23, is, as we see at  
2           the top, Wednesday 19 September 1984, this is when you  
3           took over. This is your first meeting, would that be  
4           right?

5       A. Likely, yes.

6       Q. We see on page 27, halfway down the page, "Headmaster's  
7           Business." Going from number 1, you pay tribute to the  
8           bursar, that the school being as well appointed as you  
9           found it. Numbers, you talk about that.

10           And then item 3, you had dismissed the potential  
11           [REDACTED] for bullying. There had been  
12           a history with this pupil of bullying and disruptive  
13           behaviour in the past and the boy had been given a final  
14           warning. The headmaster had addressed both the school  
15           and the staff on the dismissal and felt his action had  
16           been well received.

17           "The chairman regretted the headmaster had had to  
18           deal with this matter in the first week of taking up his  
19           appointment. The committee expressed full agreement  
20           with the course of action."

21           I just wondered whether the decision to expel, which  
22           might be seen as a pretty hard response for someone who  
23           is just in the job, was deliberate, to make a point to  
24           the school, both teachers and pupils?

25       A. It wasn't harsh when one had seen the file of the

1 outgoing boy. I had also called up his parents, not  
2 telephoned, but they had come to see me, the father and  
3 the son, and I made it very clear that that was a final  
4 warning. So it happened on the first night of my first  
5 day as headmaster but I felt, having had that commitment  
6 and that conversation, I had to take action, and I did.

7 Q. Thank you. And it allowed you to speak to the pupils  
8 and, as we see, perhaps make a point to them?

9 A. It wasn't a very popular decision with the pupils  
10 because if you are [REDACTED] he is on  
11 his way out on his first night. But the rudeness and  
12 the comments that he had made to another younger boy  
13 were just totally unacceptable.

14 Q. And you were making your mark as well. It was win/win  
15 from your perspective --

16 A. I didn't see it like that. I just thought it was living  
17 up to my values.

18 Q. Thank you. In terms of starting at Loretto, you didn't  
19 have a background in teaching in the ordinary sense.  
20 You were young, comparatively, is that fair?

21 A. Yes.

22 Q. Did you meet resistance at any level within the school  
23 on taking up the appointment?

24 A. I think the director of studies had resigned on my  
25 appointment. That wasn't widely known. I was still at

1 Fettes at the time. But we met on several occasions and  
2 we built up a rapport and he became one of my most  
3 trusted advisers throughout the period there.

4 I think there were some people who found it very  
5 difficult to get over the fact that I was so young, and  
6 probably it is only when I became older myself that  
7 I realised just how young I was, if that makes sense.  
8 My deputy head was twice my age. And only when  
9 I reached that age did I realise just how interesting it  
10 must have been for him to have a younger person there.  
11 But predominantly there was great encouragement.

12 Q. What were relations like with the common room?

13 A. I had to work hard with the common room, I think it  
14 would be fair to say. They were very respectful.  
15 Housemasters was a regular meeting. Heads of  
16 departments, they asked me to chair that, you might say,  
17 as a non-academic head, which is something that rankles  
18 a wee bit when you have had two degrees on your way to  
19 it, and also when there was no requirement for  
20 a teaching qualification in those days and most of the  
21 common room would have come through that route.

22 As a non-teaching head, I had to learn very fast in  
23 terms of the academic side of the school. I was  
24 fortunate to have a great director of studies and some  
25 really good heads of departments in the core subjects



1 with whom I could discuss and get up to speed.

2 Q. When you take over a school, obviously change will  
3 happen because you are different from your predecessor.  
4 You will no doubt see things that you think should  
5 change. That I take it was your experience; you wanted  
6 to change once you got there and understood how things  
7 operated?

8 A. I didn't see a whole load of things that needed to be  
9 changed dramatically. I have always believed in a  
10 settling in period to try and find out what is exactly  
11 going on, although they did say at that time that  
12 headteachers have comparatively limited honeymoon  
13 periods, you just have to get on with it. Witness my  
14 first night where I was -- I took that difficult  
15 decision.

16 Q. Yes.

17 LADY SMITH: Norman, when you were interviewed for the post,  
18 were you asked to describe your vision for the school?

19 A. I had read Loretto 150, which was the history of the  
20 school, my Lady, and I think I was more up-to-speed with  
21 the history of the school than many of the governors  
22 present.

23 LADY SMITH: What about your vision for the future, were you  
24 asked about that?

25 A. I liked what I had read in the way that the school was

1           developing. I liked what I had read from  
2           Rab Bruce Lockhart, "brave, true, responsible and kind",  
3           I liked that, and so I aimed to enhance that in my time  
4           there.

5           As regards an overall vision, it was limited in some  
6           of its buildings. It needed -- we built an industry  
7           business centre in 1986 I think it was. And I think we  
8           were more outgoing -- we became more outgoing. I also  
9           introduced overseas placements.

10          LADY SMITH: Sorry to interrupt, I was thinking more of what  
11           was in your head at the time you were applying for the  
12           job as to what you would want to do with the school.

13          A. I wanted to work as often as I could individually and  
14           collectively with young men and women on their all round  
15           education, their all round futures for life. I think  
16           that is about it in a nutshell, Lady Smith.

17          LADY SMITH: Thank you.

18          MR BROWN: If we go to page 10 of your statement, at  
19           paragraph 48 you say:

20                 "Although room and dining arrangements were intended  
21           to mix the year groups, there was a certain implicit  
22           hierarchy which I was keen to address and diminish."

23          A. That was -- the house arrangement was -- am I getting  
24           this right -- vertical, it wasn't horizontal, and I was  
25           persuaded that that was worth keeping. It was in meals

1           in the school dining room where there was -- when it  
2           worked, it worked very well, that there would be  
3           a senior boy or girl as head of table, and there would  
4           be a mixture of sixth, fifth, fourth, third forms at the  
5           tables.

6           It was odd for me from my own educational  
7           background, which was all horizontal, but I was  
8           concerned that there might on occasions be younger  
9           people asked to do tasks and to take an unfair load of  
10          them. So it was -- when I talk about I was keen to  
11          address it, I did address it in school double. It was  
12          a fairly regular theme.

13       LADY SMITH: Mr Brown, we have got to talk of dining rooms  
14          and it's 1.10 pm. I think we probably ought to stop for  
15          the lunch break now.

16          Norman, I'm sorry we are stopping so soon in your  
17          evidence. We ran a little bit behind this morning, the  
18          first witness took longer than we anticipated. If we  
19          can sit again by 2 o'clock, and get going a few minutes  
20          before that, that would be helpful.

21       (1.08 pm)

22                               (The short adjournment)

23       (2.00 pm)

24       LADY SMITH: Good afternoon. Norman, are you ready for us  
25          to continue?

1 A. Yes, my Lady.

2 LADY SMITH: Thank you very much.

3 Mr Brown.

4 MR BROWN: My Lady, thank you.

5 Norman, we were talking about you taking over at  
6 Loretto. Would I be right in understanding that when  
7 you were in residence, you would be in Pinkie House?

8 A. Pinkie House, yes.

9 Q. The headmaster's suite of rooms, if I can describe them  
10 that way, or flat, would be attached to the house?

11 A. That is correct.

12 Q. Did you have any involvement with the house itself or  
13 were you quite --

14 A. Quite separate.

15 Q. Quite separate. Were you aware of the house going on  
16 around you?

17 A. On occasions. Stairs and things and noises in early  
18 mornings.

19 Q. Could you hear what was going on in the house, or was it  
20 a building --

21 A. It was sufficiently ancient to have thick walls.

22 Q. Yes.

23 A. We were very separate, and facing a different direction  
24 as well.

25 Q. All right. Were you ever aware of difficulties within

1 Pinkie House on a disciplinary level?

2 A. No, Duncan Wylie was a well-respected and popular  
3 housemaster. I had no difficulty in who I would place  
4 with the housemasters, the boys and girls, into the  
5 houses, usually in co-operation with the housemasters or  
6 housemistress, and there was always a queue to get into  
7 Pinkie House. Not just for its architecture, I think it  
8 had a good atmosphere, beyond some of the things we are  
9 no doubt about to talk about.

10 Q. Possibly. But was it -- thinking of the different  
11 houses within Loretto, from your perspective as the  
12 head, were you aware of tensions in particular houses  
13 from time to time? Did some houses have poorer  
14 reputations than others, for example?

15 A. We were very fortunate. You asked me before we broke  
16 about the staff. We had some excellent housemasters,  
17 excellent, and they were of the same pastoral care and  
18 concern that I was. So in terms of age and stage, that  
19 was easily merged in a common philosophy and common  
20 values. Different ages, different outlooks, different  
21 interests, but it seemed to add to the mix. I was very  
22 fortunate in that regard.

23 Q. But if -- for example, we have heard some houses had  
24 poor reputations in terms of being -- I suppose, greater  
25 issues with bullying or bad behaviour, does that ring

1 true with you, or were they all pretty much of  
2 a muchness?

3 A. It did in 1991 but not until then.

4 Q. And by that stage you had been at the school for seven  
5 years?

6 A. Yes. I am trying to recall. When things were difficult  
7 in a house, the housemaster and I would probably be in  
8 contact, but it would be largely the housemaster who  
9 would get on with what was to be done.

10 There was never a great, if you like, competition to  
11 get into certain houses. It is not like in some of the  
12 other southern schools where you follow on from where  
13 your father or grandfather went. It was never like  
14 that. Loretto was much more flat managed. In many ways  
15 it had an egalitarian feel to it.

16 Q. Obviously there is a hierarchical structure with the  
17 housemaster being particularly responsible for his or  
18 her given house?

19 A. Yes.

20 Q. But you, as headmaster, are obviously the top of the  
21 hierarchy, and presumably responsibility stops with you?

22 A. Yes. The governors, in tandem with the headmaster and  
23 bursar, would set the strategy, just like any main  
24 board, but the conduct of the executive was my  
25 responsibility.

1 Q. Indeed. The point I am making is you would be expecting  
2 to be informed of what was going on within the school by  
3 the housemasters, by the teaching staff, so you had an  
4 overall view so you could attend to any issues if and  
5 when they arose?

6 A. Yes, I like to think there was an open door policy where  
7 people could drop in. I mention in the HMI report of  
8 enabling the inspectors to be with us from 7 in the  
9 morning until 10 at night on occasions. The  
10 availability of a housemaster and a headmaster is just  
11 around the clock, so there was -- there were  
12 conversations that went on fairly regularly, often to do  
13 with commending a child as well as something that was  
14 difficult. It wasn't -- we did have some very, very  
15 happy days there.

16 Q. In terms of things that may have changed once you took  
17 over as head, did you see a greater importance,  
18 for example, with prefects?

19 A. It is difficult -- I wasn't present under  
20 David McMurray's time, but David McMurray was a former  
21 pupil of the school, and I think he probably embraced  
22 a lot of the traditions or the mores of the school in  
23 a way in which I was probably a fresh pair of eyes to  
24 look at it.

25 I certainly was alert to the fact that the room

1 system which we spoke of, the dining room system, helped  
2 the school to mix better across the age groups, whereas  
3 if it had been just in house or age groups, you would  
4 have been just in a house in an age group. Loretto was  
5 not a large school, it was just over 300 pupils in my  
6 time in the senior school, and just under 100 in the  
7 junior school, so there was the possibility of knowing  
8 everybody, and in fact I knew them all by name.

9 Q. Yes. Were you much more, in that sense -- obviously you  
10 weren't there when your predecessor was there, but  
11 presumably you would get reports about how you were  
12 approaching it, as distinct from him. Were you much  
13 more engaged with the pupils, do you think? You knew  
14 them all by name. You were anxious, we know from  
15 minutes, to give prefects greater privileges,  
16 for example.

17 A. I would be reluctant to be in any way critical --

18 Q. I am not asking you to criticise, it is whether you were  
19 different.

20 A. I was different, yes. I think I brought a pastoral  
21 emphasis to matters. The school were in no doubt of my  
22 emphasis on kindness, and kindness wasn't as, in common  
23 parlance, if I may put it that way, in public as it has  
24 become now. So there was that emphasis on being kind to  
25 each other, treating others with good manners, another



1 way of being respectful of others. Remembering what it  
2 was like to be new. These were themes that were  
3 constantly part of it.

4 I was also, in what might be a quasi-old-fashioned  
5 way, very keen on good manners and responsible  
6 citizenship. So in doubles you had these  
7 tremendous opportunities -- you asked me before lunch  
8 why I wanted to go to a school like Loretto, because it  
9 was a chance to influence and challenge and inspire  
10 a new generation, a generation that were with you on  
11 a regular basis.

12 Q. From what you saw in your time as head, did the school  
13 take up that challenge?

14 A. That would be up to the former pupils to tell you.

15 Q. What was your impression?

16 A. Well, now, after -- is it 35 years ago I left the  
17 school? No, it's 25 years I left the school. I am in  
18 regular correspondence at least two or three times a  
19 month, and people asking to chat, whatever. I am not  
20 saying it was all Mr Chips or anything like that, but it  
21 did have a very pleasant feel.

22 One of the things I liked of Dr Almond of the 19th  
23 century, one of the founding heads, was this  
24 accessibility of the head to the school, and therefore  
25 if you had a complaint or a worry or something you could

1           access the head, and therefore the housemasters as well,  
2           that was part and parcel of the running of the school.  
3           So if there was any injustice, I would normally hear  
4           about it.

5       Q.   That was what I was going to ask. Do you think you did  
6           hear of injustice that took place?

7       A.   On several occasions, but obviously there were others  
8           which I wasn't alert to. Or I wasn't alerted to,  
9           I should say.

10      Q.   Would you recognise the description of a code of silence  
11           at Loretto in the time you were there? In other words,  
12           that boys wouldn't come forward?

13      A.   No, no. Life has many bumps and bruises, difficult ups  
14           and downs, society -- when you draw together young  
15           people in a community like that, things are going to  
16           happen. But the prospect of that I think was hopefully  
17           diminished by the fact that they knew that I really --  
18           for instance, my wife Elizabeth and I would have boys --  
19           this wasn't just the panacea of all ills, but they would  
20           come round for lunch on a Sunday, about 30/35 youngsters  
21           every Sunday of term.

22                So we really knew the school well and, yes,  
23           obviously disappointing to learn that certain things  
24           might have been going on that you had no idea about.

25      Q.   Presumably, though -- you said: if you were alerted.

1 Presumably your heads of houses, teachers, would know  
2 that you should know these things. Are you suggesting  
3 that they weren't being shared with you?

4 A. No, I'm not. No, I'm not. I am just suggesting that if  
5 there were things that were out of order, they may well  
6 have been taking place without the housemaster knowing.

7 Q. You have obviously talked about -- or alluding to what  
8 we are coming to, which is the issue of David Stock.  
9 I think you talk about this in paragraphs 90 onwards,  
10 amongst others, on page 18 of your statement.

11 You were asked -- or you're concerned obviously  
12 about getting dates right, and I think you say in  
13 paragraph 90:

14 "In late June 1991, in the final days of the summer  
15 term, the deputy head and the chaplain asked to see me  
16 to report that Mr David Stock, teacher of English, had  
17 asked one of his classes to write essays on bullying."

18 Can I suggest that you may have got that date wrong,  
19 from the other evidence we have heard, and it would  
20 in fact have been later in the year, perhaps in  
21 November, late October/early November 1991?

22 A. The Inquiry did write to me about that, but I do  
23 remember that the head of school, his name appears here,  
24 the head of school I consulted, having heard about this,  
25 was actually in school at the time, and he left in 1991.

1 Q. All right. So as far as you are concerned, it is the  
2 end of the summer term?

3 A. Yes. Well, that is the way I remember it. And it was  
4 further clarified by what you kindly took on as an  
5 addition to my evidence, of the end of the summer term  
6 when I met with the chairman.

7 I was surprised that the -- in retrospect, all these  
8 years on, to see that the date on the letter you sent me  
9 in asking for my first evidence was in, I think,  
10 November 1991, and I refer to that in this evidence.

11 Q. Yes. It would appear that everyone else is talking  
12 about later in the year, but that is your recollection.

13 A. Yes, it was -- I can date it almost by the fact that  
14 I was invited to speak at a prep school, it was a junior  
15 school down in Yorkshire, and it was when I was in  
16 Yorkshire that the deputy head phoned me to indicate  
17 that this had taken place, the essay writing, and that  
18 there were serious concerns. That was the summer term.

19 Q. Irrespective of the date, what you understood was  
20 David Stock had set I think a fifth year class the task  
21 of writing essays about bullying, is that correct?

22 A. Yes.

23 Q. Did you have any objection, thinking back to him doing  
24 that, as an English teacher?

25 A. I didn't know it had happened until it was done.

1 Q. Yes. But did you take ill when you discovered it had  
2 been done?

3 A. By this stage there was a growing number of people  
4 around this. You mentioned earlier about difficult  
5 members of staff, when I was young, and I think  
6 I mentioned in my piece that David McMurray, my  
7 predecessor, described him as the most difficult member  
8 of staff by far and who had a habit of engaging with  
9 pupils and staff which rather undermined school policy.

10 He was a difficult member of staff, and he had  
11 clearly done this. When he came, and there is another  
12 person that didn't appear on the -- when we talked about  
13 the deputy head coming to see me, I think the  
14 housemaster was there at the same time as the chaplain,  
15 deputy head and the chaplain. I think it was a surprise  
16 to them that the class has been used for that purpose.  
17 But also I was away from the school for a night, and  
18 I don't think that David Stock came to see me  
19 thereafter, so it was something that was done outside  
20 the normal run of things.

21 Q. My question was: when you discovered he had asked his  
22 class to talk about bullying, did you take ill at that?  
23 Did you think that was a bad subject or were you worried  
24 about it?

25 A. I had no idea how that had come about. That could have

1           come out of an English text.

2           Q. Yes. But as a matter of generality, asking a class  
3           about bullying, should that trouble you, do you think?

4           A. No. I think it did trouble the governor who was  
5           investigating it.

6           Q. We will come to that in a moment.

7           A. In the sense that I had no idea from whence it had come,  
8           which text or whatever.

9           Q. But were you aware, once you found out a little more  
10          about it, that his class had written suggesting that  
11          there was serious bullying going on, albeit some years  
12          previously, by, in particular, a prefect who had now  
13          left the school?

14          A. I only knew about these -- the instances through the  
15          members of staff who came to see me, talking about the  
16          essays, the bullying essays.

17          Q. Were they concerned at what had been written?

18          A. Yes. And I heard from the deputy head who had phoned me  
19          when I was away speaking at this prep school. I had  
20          also heard from them at this particular meeting that  
21          the allegations or the instances as described were  
22          shocking and deeply saddening, and I would want to  
23          underscore that, that it was very much a matter of  
24          sorrow for myself, and my wife in particular, that we  
25          had spent time on these matters, and we knew we had to

1 do better in the new term.

2 Q. So what did you do?

3 A. In the new term?

4 Q. Once you had discovered the nature of the allegations,  
5 which caused you and your wife such distress, what steps  
6 did you take?

7 A. I learned from the housemaster that one boy in  
8 particular was under scrutiny, or had been party, and  
9 I think it comes out in Mr Johnston's letter that he had  
10 been interviewed, and also there was a tape to do with  
11 whatever had gone on, which Mr Johnston clearly felt was  
12 above and beyond anything that was normal for a class  
13 teacher.

14 I spoke to the group, the housemaster then  
15 interviewed the boy, and the boy -- I asked to see the  
16 boy myself.

17 Q. One boy?

18 A. One boy, yes.

19 LADY SMITH: Did you ask to see the essays?

20 A. No, I didn't, Lady Smith, no.

21 LADY SMITH: Why not?

22 A. I felt that I was up to speed with, if you like, the  
23 substance but not the specifics.

24 LADY SMITH: But that meant you were relying on what you had  
25 been told by other people was in them.

1 A. I should have asked to see them.

2 LADY SMITH: Thank you.

3 Mr Brown.

4 MR BROWN: Thank you, my Lady.

5 One of the suggestions we understand from the essays  
6 was, and this seemed to be a concern in particular to  
7 Mr Stock, that the boys perceived the staff were aware  
8 of bullying but were doing nothing about it, and in  
9 particular that you had been -- you individually had  
10 been told by a number of boys of the bullying and, as  
11 was described in one of the essays, were reported to  
12 have gone white when you learned of what was going on.  
13 Is that true?

14 A. I don't remember that.

15 Q. No?

16 A. No.

17 Q. Were you told, as far as you can remember, in advance of  
18 the Stock essays coming out, were you ever told by  
19 pupils of ongoing bullying that was of a significant  
20 gravity?

21 A. No, no I was not.

22 Q. All right. But having learned, as her Ladyship has  
23 alluded to, of the potential of serious bullying, you  
24 didn't read the essays which you accept now you should  
25 have done. What else did you do by way of follow-up?



1       A. I asked to see the boy, and the boy came to see me, and  
2       I could tell that he was under stress if not duress.  
3       I think he had become almost a victim of unwelcome  
4       attention. I felt it was important at that stage to ask  
5       him if he wanted me to take the matter further. I spoke  
6       to him at reasonable length, because he was clearly very  
7       anxious about the whole situation, and when I asked him  
8       would he like me to take the matter further, he  
9       indicated on two, possibly three occasions, I have  
10      a clear memory of that, that he did not want the matter  
11      to go any further.

12             I felt I was dealing there with the dignity of the  
13      child, and my duty of care for him was the primary  
14      focus.

15      Q. You have talked on a number of occasions about "the boy"  
16      one boy. What was the one boy, as far as you  
17      understood, supposed to be complaining about?

18      A. He had obviously written one of the essays.

19      Q. Yes.

20      A. And there were events in a particular room in Pinkie  
21      which do not make for great reading.

22      Q. No.

23      A. And I understood him -- I understood that he had written  
24      the essay in class, very much at the behest of Mr Stock,  
25      and thereafter it was followed through in what

1           Mr Johnston referred to as -- Mr Stock didn't have any  
2           pastoral duties whatsoever in the school, he had no  
3           tutorial duties or whatever, and I think that came out  
4           in what Mr Johnston eventually discovered.

5       LADY SMITH: Norman, just to rewind. You see one boy -- you  
6           saw one boy. You understood that that boy was the only  
7           victim of the bullying incidents described in the  
8           essays, did you?

9       A. He -- for me, he was a representative of others who had  
10          suffered, but I didn't know -- I didn't research the  
11          names of the boys.

12      LADY SMITH: So you understood there was more than one  
13          victim?

14      A. At that stage he had become the centre of -- the apex of  
15          this --

16      LADY SMITH: I am just trying to get this clear in my mind,  
17          and I appreciate it is hard to remember things that took  
18          place so long ago, but thinking about it now, was your  
19          understanding that there was more than one pupil that  
20          was a victim of the bullying described in the essays?

21      A. On reflection now, but when I saw him I thought he was  
22          the main person who had suffered.

23      LADY SMITH: But not the only one? Is that what you are  
24          telling me?

25      A. We are dealing with a situation that was -- I was

1           encouraged by those who had brought the matter to me to  
2           see this boy, and somehow he had become the ...

3       LADY SMITH: I'm sorry to be tedious about this, but am I to  
4           take it from that that you were given to understand that  
5           he wasn't the only one but he was being presented to you  
6           as the main one?

7       A. I would have been alerted to the fact that certain  
8           things had gone on, but he was presented as the main  
9           one, as you put it, yes.

10      LADY SMITH: Who was doing this "presenting" to you? Or to  
11           put it another way, from whom did you get  
12           an understanding about what was described in these  
13           essays?

14      A. That took place -- I had heard from the deputy head who  
15           had been in touch with me on my return, actually  
16           when I was away and on my return. And then at this  
17           meeting, which was in our house, members of staff had  
18           come to see me about this.

19      LADY SMITH: Which members of staff?

20      A. That was the deputy head, chaplain and the housemaster.

21      LADY SMITH: Where had they got their understanding from?

22      A. From these essays and from Mr Stock.

23      LADY SMITH: So they had spoken to Mr Stock?

24      A. I think Mr Stock had spoken to them.

25      LADY SMITH: And they had read the essays or they had been

1           told about them?

2           A. I couldn't tell you that.

3           LADY SMITH: Thank you.

4                   Mr Brown.

5           MR BROWN: Thank you, my Lady.

6                   I think if we go to your statement on page 19, you  
7           say at paragraph 92:

8                   "With regards to the essay-writing on bullying, one  
9           of the pupils produced an account of improper conduct by  
10          a senior pupil as [REDACTED] to younger pupils in a  
11          room in Pinkie House. I did not enquire into the  
12          specifics of the allegations, realising that this would  
13          have to be considered by the housemaster in the first  
14          instance. In consultation with the housemaster,  
15          Duncan Wylie, who had interviewed the pupil, I undertook  
16          to interview the pupil ..."

17                  And you then go on to describe what you have been  
18          saying to us today.

19                  You hadn't looked at the essays which came -- there  
20          were numerous essays, we understand, not just one, and  
21          you would understand that there are a number of  
22          complaints of bullying behaviour. So I suppose the  
23          question is: you interview one boy, why didn't you  
24          interview more?

25          A. I think because that boy was presented to me from that

1 meeting as the boy I should interview.

2 Q. But you hadn't read the essays?

3 A. I knew from the deputy head some of the content.

4 I didn't know, as I put it here, the specifics.

5 Q. What puzzles me, Norman, is you are the headmaster.

6 I appreciate there is a house structure, and there

7 should be an inquiry by the housemaster which we

8 understand took place. Would you then not, having had

9 your report from the housemaster, make your own

10 enquiries?

11 A. This was a day and a half before the end of the summer

12 term and that didn't give us a lot of time. If this had

13 happened in what you might call real term time, I think

14 we would have been able to do more.

15 LADY SMITH: What if you are wrong about when it happened

16 and it was during term?

17 A. I don't think I am wrong about that, Lady Smith, but ...

18 LADY SMITH: Mr Brown.

19 MR BROWN: Can we look at document WIT-3-000000098. These

20 are notes which I understand were taken by another

21 teacher at around the time, and you will see the dates

22 suggest that 1 November, halfway down, David Stock's

23 class of fifth formers complete in class a piece of

24 writing on bullying. There is then discussion between

25 David Stock and Dorothy Barbour on 2 November.

1           3 November, David Stock prepares a paper on motivation:

2           "Monday 4 November. David Stock dismayed again by  
3 fifth form's claim that staff knew about bullying and  
4 didn't do anything. Dorothy Barbour points out that  
5 their claims have not been verified.

6           "Tuesday 5 November. David Stock breaks down in  
7 class and after immediate discussion with  
8 Dorothy Barbour goes to John Anderson to pass the matter  
9 to him."

10           It would suggest this is all taking place in  
11 early November, which I would observe might better fit  
12 in with Alan Johnston's intervention later that month?

13       A. I don't remember this conversation or this series of  
14 events. It wasn't brought to me.

15       Q. No. But these are people who were living --

16       A. Absolutely, yes. Absolutely. I was fairly secure in my  
17 recall that it was the end of the summer term because of  
18 that which I have just described to you, but this seems  
19 to me to be different.

20       LADY SMITH: I wonder, Norman, if there is a confusion  
21 between something else significant having happened at  
22 the end of the summer term that you heard about when you  
23 were away, and this event, because the documents we have  
24 really do only point to David Stock's essay task being  
25 right at the end of October, and then the follow-on from

1           that, whether from him, from Alan Johnston, or anything  
2           else, being in November.

3           We haven't got anything in the documents that we  
4           have looked at that indicates that it could all have  
5           been at the end of the summer term, not that I am aware  
6           of.

7       A. Well, the November -- this is new to me.

8       LADY SMITH: Do you see what I mean? We are not trying to  
9           catch you out, and I know life would have been very  
10          busy, and there could be significant events occurring  
11          all the time. Perhaps it was something else at the end  
12          of the summer term that occurred that you are thinking  
13          must have been this when it wasn't?

14      A. I am ... I am confused insofar as what I have been  
15          writing as my evidence was in relation to the end of the  
16          summer term. Whether this is went on -- and I thought  
17          David Stock hadn't returned in the autumn term, but  
18          I must have got that wrong because he is obviously in  
19          class here.

20      LADY SMITH: According to the documents we have, he doesn't  
21          have his services dispensed with, if I can put it that  
22          way, until the end of the winter term, December.

23          Isn't that right, Mr Brown?

24      MR BROWN: That is correct. And I think we have a document  
25          WIT-3-000000537. If one goes to the very final page.

1           Sorry, it is not that page. I will just read it to save  
2           time. It is a letter to Dorothy Barbour from you which  
3           is dated 13 December 1991:

4                 "Further to your note requesting permission for  
5           David Stock to come into school to clear his class room,  
6           I am writing now to give that permission for Sunday 16  
7           December 1991 when I understand he will be accompanied  
8           by you for at least part of that time."

9                 So events run --

10          A. That must have followed after this.

11          Q. Yes, it's all taking place essentially within four to  
12             six weeks from start to finish, albeit there was  
13             an agreement that Mr Stock would remain on the staff  
14             into 1992.

15          A. My understanding was that he wasn't back in that term --  
16             I mean, it's a time ago -- and that the letter from  
17             Mr Johnston to him would have been an account of his not  
18             being in school, but clearly he has from this.

19          Q. Yes. Can I ask why, because you mentioned this when you  
20             added to a number of your paragraphs at the very  
21             beginning of your evidence, why was Alan Johnston  
22             involved in dealing with the employment status of  
23             Mr Stock rather than you? You are the head.

24          A. My understanding of the chronology of this was that the  
25             chairman came down to see me and Alan Johnston was put



1 in charge of speaking to -- of making inquiries, but  
2 that was in June. And then at that point Alan Johnston  
3 was going to speak to a range of people, and at that  
4 time I was obviously under review because of what  
5 I thought was the decision I had made in relation to the  
6 particular boy concerned. That was way back in June.

7 Q. Except it wasn't, as we would understand it. It wasn't  
8 June, it was November.

9 Why were you under review? That is something  
10 I don't understand.

11 A. As I understood it, I had made this decision in relation  
12 to the boy who had been brought to see me, and I knew  
13 I made that for the right reasons. And I think because  
14 the chairman wanted to have a proper review, I knew that  
15 whatever decision I had made would have been part of  
16 that.

17 Q. Again, it is my fault, and I am sorry. Why should your  
18 decision as a headmaster, on what might be seen as the  
19 day-to-day business of a headmaster, be subject to  
20 review by a governor?

21 A. Because of the situation that had arisen where it  
22 would -- we are talking about two different times here,  
23 I don't know whether I am confusing another incident,  
24 but there was definitely that summer term when there was  
25 that discussion in relation to the boy whom I saw and

1           didn't take the investigation further because we were  
2           coming to the end of the summer term.

3       Q.   So if we accept that that is what you are remembering  
4           and it's correct, this is something potentially quite  
5           different to David Stock?

6       A.   It could be. But your earlier documentation there of  
7           the common room activity clearly makes it out  
8           as November.

9       Q.   Yes. That is why I am suggesting that whilst you are  
10          remembering something in the summer term, it may be  
11          distinct from the episode with David Stock. Which is  
12          why I am asking why was this not something you were left  
13          to resolve? Why did Alan Johnston have to be involved  
14          at all?

15      A.   I can't answer that other than that Alan Johnston was  
16          the governor who, even in David McMurray's time, was the  
17          governor with special responsibility for staff matters,  
18          and he on occasions would have meetings with the staff  
19          room, the common room, on their own with him, and so he  
20          was the go-to person, and the governor would come in if  
21          there was difficulty between the head and the staff in  
22          whatever way.

23      Q.   That is what I wondered. Was there difficulty between  
24          you and David Stock? Was that the reason --

25      A.   I think that would be likely.

1 Q. From what we have learned, he was not a great fan of  
2 yours?

3 A. No.

4 Q. And from what you have said, you were not a great fan of  
5 his?

6 A. I didn't share the level of animosity that he had  
7 obviously towards me. I would also like to point out  
8 that he was very difficult with my predecessor as well.

9 Q. Yes, you have said that.

10 A. And the constant undermining of certain things was  
11 debilitating.

12 Q. I see.

13 LADY SMITH: Is it possible there was a time that you saw  
14 two boys who told you about serious bullying? Not  
15 necessarily around the November but before then?

16 A. I don't remember that.

17 LADY SMITH: Okay.

18 MR BROWN: I think, on any view, as we saw from your very  
19 first set of board minutes, when you joined the school,  
20 you expelled the [REDACTED] because of his behaviour  
21 which was intolerable. He had been warned, so you were  
22 tough then, and it gets into the minutes.

23 Are you surprised to learn that there is no  
24 reference to bullying in the minutes in late 1991 into  
25 1992, no reference at all, but there is reference to

1 David Stock's departure from Loretto?

2 A. That would be, according to this, at the end of 1992.

3 Q. Yes. But there is no mention of bullying and a need to  
4 do something about it in the minutes of either the  
5 summer or the winter of 1991 or into 1992.

6 A. Are the essays, as described, in the November?

7 Q. Yes, we would understand that.

8 A. Right.

9 Q. So the minutes, just so you understand, are silent, it  
10 would appear, about bullying?

11 A. These are governors' minutes?

12 Q. Yes. Which you report to, you do a headmaster's report.

13 A. Yes.

14 Q. What I am puzzled by is if you have this account,  
15 you understand, of serious bullying, which is being  
16 investigated, as head you didn't read the essays  
17 themselves, and you have accepted that perhaps you  
18 should have, with hindsight, why did you not put  
19 in place or report to the governors that there was, if  
20 nothing else, allegations of bullying, whether or not it  
21 be true or otherwise? Is that not the sort of thing  
22 that they should be aware of?

23 A. I find this perplexing in terms of the dates.

24 Q. Yes, I understand that.

25 A. Yes.

1 Q. But it would appear there was no investigation at  
2 governor level at least, or reporting of investigation  
3 to the governors, of the concerns that had been raised  
4 by David Stock and the essays his pupils had written.  
5 Does that surprise you, looking back?

6 A. In the November incident as described here?

7 Q. Yes, or whenever.

8 A. That does surprise me.

9 Q. Yes. Sorry, the point I am making is that, whether true  
10 or not, there are reports of significant bullying by  
11 pupils in these essays, and it is simply the fact that  
12 there doesn't seem to have been a follow-up of all the  
13 issues at the time within the school, other than  
14 an enquiry by Wylie who we have heard from.

15 A. I have been operating under the impression or the memory  
16 of June.

17 Q. Yes.

18 A. And clearly this is December or November/December.

19 Q. One thing -- just perhaps to cut through the confusion  
20 over dates -- one thing we do understand is that the  
21 common theme in the essays was complaint about one  
22 individual boy who had been a prefect and who, we would  
23 understand, by this stage, by the stage the essays came  
24 out, had left the school. Does that ring any bells with  
25 you?

1 A. No, it doesn't.

2 Q. We have heard evidence from the head of Pinkie House  
3 that this individual, who was the focus of complaints in  
4 some of the essays, had asked for a reference, which the  
5 head of Pinkie House felt in the circumstances he should  
6 not give because of the complaints about this boy's  
7 behaviour. The head of Pinkie House reports that you  
8 did give a reference, saying that every boy should have  
9 a second chance. Does that sound the sort of thing that  
10 you would say?

11 A. I wouldn't say it was in relation to serious bullying,  
12 but I would say that every boy should have another  
13 chance.

14 Q. You say in paragraph 106 on page 21:

15 "I would have been happy for David Stock to return  
16 to teach English. His extracurricular commitments were  
17 minimal although his mental health and wellbeing were  
18 a source of concern and discussion ..."

19 With a number of people who were concerned about his  
20 ill-health and anxiety. Would you really have been  
21 happy to have him back, given the background you  
22 described?

23 A. Because I was operating from the June dates, I was  
24 thinking he hadn't returned in the autumn term.

25 Q. I see. I appreciate you have talked about different

1 levels of antipathy as between you and him. You  
2 obviously felt he was very critical of you, you less so  
3 of him. There were difficulties.

4 Do you think that sort of tension as between  
5 headmaster and staff was a distraction from your  
6 fundamental interest in the boys?

7 A. No. Not at all.

8 Q. Not at all?

9 A. Not at all.

10 Q. You would understand that there might be some anxiety  
11 that politics, with a small P, within a school could be  
12 distracting, but that is not your experience?

13 A. I think David Stock had difficulty with authority. Any  
14 policies that we might have tried to pull together  
15 through not necessarily housemasters but heads of  
16 departments would often be criticised. He was difficult  
17 with not just myself.

18 Q. So moving on from that, but still thinking about the  
19 issue of the potential for bullying within the school,  
20 within the houses, do you remember if you took any steps  
21 to try and prevent such difficulties arising in the  
22 future?

23 A. We had something of a campaign in terms of school  
24 doubles, house doubles, those sorts of events, and also  
25 the constant repetition of messages by myself in

1 particular, working with the senior pupils who we  
2 mentioned earlier, the opportunity to work with them.  
3 So there was very much a focus on making sure that the  
4 "brave, true, responsible and kind" was part of our  
5 common parlance, as I mentioned earlier.

6 Q. Yes. Could we look at a document LOR-1000000024. Again  
7 this will come up on the screen. It's page 14. You  
8 will recognise this is the sort of document you wrote  
9 for the governors' meetings. Headmaster's report dated  
10 15 January 1992. There is discussion about school  
11 trips, new members of the common room, assistant tutors,  
12 news from the holidays. Over the page, music.

13 And then at item 7, the Loretto tutorial system, and  
14 we see there:

15 "Following the common room conference on  
16 motivation ..."

17 Which I think was referred to in the document we  
18 looked at earlier, giving dates.

19 "... and the Loretto tutorial system at Heriot Watt  
20 University prior to the beginning of autumn term 1991.  
21 It was since decided that (a) all members of common room  
22 should be attached to one of the boarding houses, (b)  
23 this will allow a considerable reduction in the size of  
24 tutorial groups and ratio of future tutees, (c) the  
25 system should be vertical as opposed to lateral, ie each



1 member of the common room will be tutor to a small  
2 number of boys and girls at different stages of the  
3 school and a tutor will be responsible for his/her  
4 tutees throughout their time at Loretto. The four As of  
5 the Loretto tutorial system will still apply: academics,  
6 activities, aspirations, ambitions. The tutees may  
7 expect to discuss these areas with their tutors on  
8 a regular and social basis."

9 You were making the point that Stock didn't have  
10 pastoral responsibilities. But it would seem that, as  
11 part of the development of the school, you were hoping  
12 to do just that, to expand --

13 A. I was hoping to bring everyone in, yes.

14 Q. Why was that?

15 A. The tutorial system needed to be refreshed, I think, and  
16 we had a very good conference in the autumn term 1991,  
17 at the top there, and out of that came these three --  
18 including the four As -- it's a long time, those four  
19 As, I forget them now. Yes, we were trying to bring the  
20 tutorial system to a smaller group, I seem to remember,  
21 so that the tutor would have responsibility.

22 We were very fortunate that the staff for the most  
23 part took on the all round development. We had  
24 a Loretto allowance, which was indicative of providing  
25 for the extra hours that Loretto staff worked. It was

1           ahead of its time. And we could see that there was the  
2           need to make sure that we not only paid the right level  
3           to attract the right staff, but also there was the  
4           opportunity for them to be involved in a wide range of  
5           things in the school. So this tutorial system I think  
6           was a very good idea and I think it prevailed, from what  
7           I can remember.

8       Q. I just wondered whether one of the factors was to give  
9           greater access by pupils to tutors? In other words, it  
10          was a slightly more individual service, if I can put it  
11          that way?

12       A. That is right, yes.

13       Q. Was any of that decision-making driven by the desire to  
14          allow pupils to talk, for example, about bullying?

15       A. It wouldn't have been, if you like, a prerequisite, it  
16          would have been thought that getting more members of  
17          staff to talk to more pupils, rather than others  
18          carrying the predominant -- some tutors were better than  
19          others, it is fair to say.

20       Q. Yes.

21                You left in 1995. At that stage, as I am sure you  
22                will recall, the Children (Scotland) Act was coming into  
23                being and there was a greater drive for pastoral care,  
24                is that ... and what was then understood as PSHE, do you  
25                remember that?

1 A. Yes. Duncan Wylie was leading that for us.

2 Q. Why was he chosen?

3 A. He had tremendous interest in it, yes, and I backed him.

4 Q. I think the idea of a child protection officer and  
5 a counsellor was introduced in 1995, is that correct?

6 A. I had left by March 1995.

7 Q. Right. So that may have followed your departure.

8 A. Yes.

9 Q. Was it something that you were instrumental in provoking  
10 or --

11 A. Duncan Wylie and I were close, we had good discussions  
12 over matters like that. We knew we had to be more  
13 professional, and I think the school went on -- it was  
14 that and was growing in that regard.

15 Q. You left in 1995. Did you stay within education in  
16 a headmaster role?

17 A. I left in 1995 to, in the first instance, look after my  
18 mother-in-law who was struggling in Ayrshire. There  
19 were certain domestic reasons for moving.

20 Q. Indeed. The reason I ask is did you continue within  
21 education thereafter?

22 A. I became a parish minister on the Isle of Skye, where  
23 I set up a charity on the Isle of Skye. Then I was  
24 invited to join a coaching consultancy.

25 Q. I just wondered whether you had any further thoughts,

1           given the nature of our inquiry, that you think would be  
2           of benefit in terms of looking to the future?

3       A. I think the final three paragraphs that I wrote --

4       Q. Yes.

5       A. -- are indicative of my feelings on that, Mr Brown.

6       Q. Thank you very much indeed. 131 is perhaps  
7           introductory. 132 says:

8               "There was greater openness of discussion of such  
9           matters and willingness to rigorously embrace the ...  
10          step-by-step policy in practice. This is well  
11          recognised by pupils and staff and parents and governors  
12          alike."

13               That is obviously talking about safeguarding and  
14          child protection. Looking back to the Loretto of 1995,  
15          what stage do you think it had reached by that stage, or  
16          was it still very nascent?

17       A. I think we had moved over the years in the recognition  
18          of how important it was to get things right for every  
19          child. And we were on a journey, I think Duncan Wylie  
20          and others contributed to that. But it is hard to  
21          describe how limited were the conversations across  
22          society about these matters.

23       Q. Yes.

24       A. I think that Loretto was progressing well towards  
25          addressing those. We were also open to new ideas, some

1 of my earlier thoughts in Bradford University in terms  
2 of values-based leadership and the all round care.  
3 These are regular phrases that were used at Loretto.  
4 And I think as society became more alert to just what  
5 was happening, the provision of the child protection  
6 officers and policies undoubtedly have helped  
7 tremendously.

8 Q. Have you been back to Loretto regularly?

9 A. When invited.

10 Q. Do you see change?

11 A. Yes, oh yes, definitely, definitely. All schools have  
12 changed remarkably since then.

13 MR BROWN: Norman, thank you very much.

14 LADY SMITH: Are there any outstanding applications for  
15 questions of Norman? (Pause).

16 Norman, that does complete all the questions we have  
17 for you today. Can I just thank you for engaging with  
18 us as helpfully as you have done? We have your written  
19 statement, now corrected. Thank you for the amendments  
20 you made at the beginning of your evidence, which of  
21 itself is evidence available to me, and I now have that  
22 ably elaborated on by what you have told us today, which  
23 I am very grateful for.

24 Can I just reassure you again, I do know how  
25 difficult it is to remember events that took place such

1           a long time ago, and I wasn't expecting you to give me  
2           chapter and verse on every day and date for everything  
3           we have been wanting to talk to you about, so please  
4           don't go away worrying about that.

5       A. Thank you for saying that, Lady Smith. I am confused  
6       about that June and November piece.

7           Could I offer something, if I may?

8       LADY SMITH: Please do.

9       A. To those who may have felt unsafe or insecure during our  
10       time at Loretto, I would apologise unreservedly on  
11       behalf of Elizabeth and myself, for nothing could have  
12       been further from our hopes and aspirations and  
13       intentions, as indeed of the Loretto staff.

14       LADY SMITH: Thank you for that. I am very grateful to you  
15       for taking the opportunity to tell us. Now I am able to  
16       let you go, thank you.

17       A. Thank you very much.

18                               (The witness withdrew)

19       LADY SMITH: I think we could take the mid-afternoon short  
20       break early just now and then move on to the next  
21       witness.

22       MR BROWN: Yes, please, my Lady.

23       LADY SMITH: Thank you.

24       (2.53 pm)

25                               (A short break)

1 (3.15 pm)

2 LADY SMITH: Mr Brown.

3 MR BROWN: My Lady, the third and final witness for today is  
4 Elaine Selley.

5 LADY SMITH: Thank you. (Pause).

6 Good afternoon. Could we begin by you raising your  
7 right hand, please, and repeating after me.

8 MS ELAINE SELLEY (affirmed)

9 LADY SMITH: Please sit down and make yourself comfortable.

10 Let me start with an easy question, what I hope is  
11 an easy question: how would you like me to address you,  
12 Elaine or Ms Selley?

13 A. Elaine, please.

14 LADY SMITH: Thank you very much for that, Elaine.

15 I see you have spotted the red file, it is for you.  
16 It has a hard copy of your statement in it. It will  
17 also come up on screen as we take you to parts of it, as  
18 will any other documents we ask you to look at.

19 Please let me know if you have any questions or  
20 queries about our procedures. I want you to be as  
21 comfortable as you can be in giving your evidence. That  
22 is the most important thing. All right?

23 A. Thank you, yes.

24 LADY SMITH: Mr Brown.

25 Questions from MR BROWN

1 MR BROWN: My Lady, thank you.

2 Elaine, good afternoon.

3 A. Good afternoon.

4 Q. As has been explained, you have your statement in front  
5 of you, and on the screen, and I may show you a very few  
6 documents in my questioning.

7 Could we start, however, by going to the end of the  
8 statement and paragraph 107 where you say:

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

13 You have signed it on 14 October 2020, presumably  
14 having read through it --

15 A. Yes.

16 Q. -- to confirm you were happy with that last paragraph.

17 The beauty of that is the contents of the statement  
18 are in evidence so we don't need to labour through. But  
19 can we just go through your background a little bit.

20 You're Elaine Selley and you were born in 1961, so  
21 I think you are now 59?

22 A. Yes.

23 Q. You have been in education from 1983, after your degree  
24 until, well, still perhaps?

25 A. To 2015 -- no, to 2020 -- 2019.



1 Q. I was going to say, I think you are still involved in  
2 a governor role in a number of --

3 A. Yes.

4 Q. -- professional organisations which we will come on to  
5 in due course.

6 An English teacher to begin with, and you have  
7 experience both in the state and, I think largely  
8 thereafter, the private sector.

9 A. Yes.

10 Q. Because you worked in Kirkcaldy, but then moved to  
11 a variety of schools as set out in paragraph 4. Then  
12 you spent 14 years at Loretto in multiple positions.  
13 But I think the principal aspect of your time at Loretto  
14 was ever-growing involvement in pastoral care, PSHE and  
15 child protection, is that fair, a child protection role?

16 A. Yes, that is correct.

17 Q. And then you left Loretto and ended as warden of  
18 Glenalmond, which is equivalent to the headteacher?

19 A. Yes.

20 Q. Thank you. As you set out in paragraph 7, you were  
21 a governor with the Scottish Council of Independent  
22 Schools board, and you have been, since 2019, a governor  
23 on the GTCS board, both the full board and the education  
24 committee?

25 A. Yes.

1 Q. We may come back to both those organisations at the end.

2 Paragraph 8 sets out the progressive role you had  
3 within Loretto, starting life as a housemistress,  
4 teaching English and drama, and you remained in that  
5 role until 2006. [REDACTED], would I be right in  
6 saying you had [REDACTED] with the [REDACTED] teacher who we  
7 are calling Martin?

8 A. I did.

9 Q. That is a teacher you obviously knew throughout your  
10 time at Loretto, is that correct?

11 A. That is correct.

12 Q. Was he a close friend as well as a colleague?

13 A. He was a friend.

14 Q. Is "close" too strong a word?

15 A. Yes.

16 Q. Where would you put him on the range of friendships, if  
17 I can put it that way?

18 A. There were nights out at work with him and I knew his  
19 family. As a close friend I would say not, but a friend  
20 definitely.

21 Q. And someone you would work day-to-day with?

22 A. Yes.

23 Q. Were you ever [REDACTED]

24 A. He was [REDACTED]

25 Q. He was [REDACTED]

1 A. Yes, in that category.

2 Q. I see. But thereafter, as we see, you were made  
3 assistant head with responsibility for pastoral care and  
4 day pupil co-ordinator, and then assistant headteacher  
5 with responsibility for pastoral care, child protection  
6 co-ordinator and director of PSHE for two years, and  
7 then director of compliance, inspections, child  
8 protection and PSHE, which sounds very much like the  
9 same job with a different title?

10 A. Indeed.

11 Q. Is title-changing a common thing in education?

12 A. It can be, yes.

13 Q. Then you concluded by being pastoral deputy head of the  
14 school. Interestingly, you say from 2006 to 2015 you  
15 were independent schools representative in the East and  
16 Midlothian child protection committee. Tell us about  
17 that, because that sounds Local Authority. Is that  
18 what --

19 A. It was. I felt it was really important to be involved  
20 in the maintained sector and know what was going on in  
21 the Local Authority, because as -- being in charge of  
22 child protection, I wanted to make sure I was aware of  
23 what was happening everywhere else, that I wasn't worked  
24 in a silo in Loretto.

25 So I was keen to join East and Midlothian child

1 protection committee and I learned a huge amount in that  
2 time about all sorts of things, and I did inset with  
3 them as well. At one point the committee were actually  
4 meeting in the school for quite a few years --

5 Q. In Loretto?

6 A. Yes. They met because of the accommodation, it was  
7 a big meeting room we needed for all the people that  
8 were involved. But I found it incredibly useful because  
9 it kept you up-to-date on what was happening in the real  
10 world.

11 Q. You say the "real world". What do you mean by the "real  
12 world"?

13 A. It's the world -- in the boarding context you can very  
14 much -- you are living day-to-day, you are looking after  
15 young people, it's very full on. And my background is  
16 state school, I was at Ross High School in Tranent,  
17 I started in the state sector, and I felt the majority  
18 of children in Scotland go to the state sector. So  
19 I wanted to make sure that the best approaches from the  
20 maintained sector were brought into Loretto in any of  
21 the schools I worked at so that you had a broad base in  
22 terms of what you were doing, and that you were in line  
23 with the regulators as well at that time.

24 So the East and Midlothian child protection  
25 committees give me an opportunity to mix with police,

1 with social work, with health, and actually have that  
2 communication and partnership which is so vital if you  
3 are trying to get the best of outcomes for young people,  
4 so that you have a team of people who are like-minded,  
5 who you can ask for help. And I think it is much better  
6 if you know who the person is in the child protection  
7 office at Dalkeith, and they get to know you, and you  
8 get to know them so that you can get advice. So that  
9 was my main reason for being there.

10 Q. Can I just be clear, when you say the child protection  
11 office in Dalkeith, what are you referring to?

12 A. That was part of the police station.

13 Q. It's the police -- that is what --

14 A. Yes, it was police. Yes.

15 Q. Because one of the concerns that I think was raised, and  
16 I think you read the transcripts of part 1 at least of  
17 this Inquiry, was the complaint that it is more  
18 difficult now to get to the right person to speak to  
19 within the police if you have a child protection issue.  
20 If you dial 101 you don't know who you are going to get.  
21 Did that ring true from your experience?

22 A. In my experience when I was doing the job at Loretto it  
23 was really good, because it was quite a tight group of  
24 people that I worked with, and I can remember it was a  
25 sergeant, he was called Jim, and I could phone him for

1           advice, so I had a point of contact that I knew which  
2           was really good.

3           I think that has changed. And it used to be quite  
4           difficult at a weekend; if you got to 5 o'clock on  
5           a Friday, inevitably things would happen at 5 o'clock on  
6           a Friday, and over the course of a weekend, from my  
7           point of view, it would have been good to have more  
8           consistency in terms of the personnel that were  
9           involved, because occasionally you would get that it  
10          would be anybody, it may not be child protection police  
11          that had expertise in that area. But generally Monday  
12          to Friday it was very good. I could ring Dalkeith and  
13          would be given advice or if I had to report something.

14        Q. By the sounds of it there is a degree of local benefit,  
15          if you like. Within the city it would appear that may  
16          be less easy to come by, from some of the comments of  
17          other headmasters or headmistresses.

18                Did you see change, given the scale of your career,  
19          for example when Police Scotland replaced Lothian  
20          and Borders?

21        A. I think it was less personal, and I think that is  
22          difficult in the area that I was working in. It is good  
23          to get to know like-minded people who are trained in  
24          child protection and the law.

25        Q. In terms of working with East Lothian and Midlothian,

1           what other benefits were there from the state sector  
2           that would otherwise have been missing, looking  
3           exclusively then internally at Loretto in the private  
4           sector?

5       A. I think a social work input is really important, as is  
6       health. In the personal and social health education  
7       programmes we did connect with the Local Authority and  
8       LGBT and all sorts of different things to bring people  
9       in, but I think it was easier for the maintained sector  
10      to get support and help quicker because that was what  
11      was known. So I felt it was my job in the role that I  
12      did to break down those barriers, so that as far as  
13      I was concerned all of us are teaching children, all  
14      of us are looking after children, and it is really  
15      important that whether you are independent sector or  
16      maintained sector we are working together.

17                So I think the maintained sector sometimes had more  
18      access to social work, more access to things directly  
19      than we had, but gradually I would like to think that  
20      was built up within the school, and Loretto was known  
21      for having good relationships with all the other  
22      agencies.

23      Q. I was going to ask, when you came into this world were  
24      those relationships in place, or were they built up over  
25      the time you were at Loretto, whether by you or others?

1       A. They were built up gradually. I would say when  
2       I arrived in Loretto there were good systems in place in  
3       terms of pastoral care. But Loretto was like the other  
4       school, Dollar, that I had worked in. It was -- there  
5       was still not that synergy between the maintained sector  
6       and the independent sector in the world of child  
7       protection. It was still a bit of them and us. And  
8       that takes time to build up the confidences. People  
9       need to get to know how you work, you need to get to  
10      know how they work, so it took time and I think is still  
11      evolving.

12     Q. What remains to be evolved, do you think?

13     A. I think partnerships always have to be evolving because  
14      there will be a change in personnel, so it's really  
15      important -- when I was a headteacher myself, I was  
16      really keen to be out in state schools, primary schools,  
17      to be speaking to colleagues, to be making sure that  
18      I was up to speed with everything that was happening in  
19      Scotland, and not just in the independent sector.

20             I think that is a constant, you are constantly  
21      learning, constantly reflecting, and it is really  
22      important that people in the care of children are making  
23      sure they are speaking to other people about their  
24      practice because you can always improve.

25     Q. So we have heard obviously about, again going back to



1 phase 1, the idea of schools being models for others.

2 People go for best practice by looking to other people?

3 A. Yes.

4 Q. Is your point that it's not just within the private  
5 sector, day or boarding, it is across the totality?

6 A. Absolutely.

7 Q. Is there reticence on the part of private sector, from  
8 your experience, to rely on that? Sorry, I am saying  
9 private and state, you are saying maintained. If you  
10 could just humour me and go with private and state for  
11 ease of my brain. Is there any reticence on the part of  
12 the boarding sector to do that, because they don't think  
13 it is necessary, or is there any reticence on the part  
14 of state to share the information that you think is so  
15 useful?

16 A. I think it has changed over the years actually. It is  
17 evolving. When I first started it was very divided.  
18 I started in 1987 in the private sector and it was very  
19 difficult to get information from the state sector. So  
20 I think it works both ways, and over the course of the  
21 last 30 years I think there have been improvements. But  
22 it's an ongoing thing. I think it is still quite  
23 difficult to jump from sector to sector as a teacher at  
24 times. There is still I think a little bit unknown  
25 about the independent sector, although there are I think

1           about 3,300 staff in it, so it's a small council, and  
2           I think sometimes the main bodies forget it is actually  
3           a large group of people that have to be regulated, make  
4           sure they have the right qualifications, and pulling all  
5           that together.

6           We are a lot better than we were, I think, in  
7           education, about bridging the gaps, but I still think  
8           there is a way to go.

9       Q.   Again talking about the importance of being able to  
10          speak to people, such as the police, such as social  
11          work, such as health, is that something you have had  
12          difficulty with in other schools, thinking of moving on  
13          to Glenalmond, coming from Dollar, were your experiences  
14          with those schools any different from Loretto, or was it  
15          pretty constant?

16       A.   I would say in Dollar, it was before the Children Act,  
17          there was very little partnership and liaison with  
18          police or social work, it wasn't joined up in any shape  
19          or form, but I think that was normal in schools at that  
20          time.

21          At Glenalmond we had a really good relationship with  
22          the local community, with the police, with social work,  
23          with health. So again, looking at the start of it, we  
24          have come on a journey, and it is better than it was,  
25          but there is always more to do.

1 Q. I think, to be fair, that reflects what we heard in  
2 phase 1, that really it was from the mid-1990s that the  
3 world began to change, and it has been changing ever  
4 since. Is that a fair summary of what you experienced  
5 career-wise whilst you were going from mid-1990s to  
6 stopping work in 2019?

7 A. Very much so. When I started people were not -- whether  
8 it was state school or in the independent sector, they  
9 weren't trained in pastoral care. Those staff only came  
10 into existence in the 1980s. It was all in its infancy  
11 when I started. And certainly as a housemistress from  
12 1990 to 1993, you very much were working on your own.  
13 These were different times and different cultures,  
14 different days, and thankfully I think we have moved on  
15 considerably since then.

16 Q. One of the issues you talk about is the amount of  
17 training you seem to have had with SCIS.

18 A. Yes.

19 Q. Scottish Council, and obviously in phase 1 we have heard  
20 I think all schools talking enthusiastically about the  
21 role of SCIS to share the communications you are talking  
22 about, best practice. You are on the board. Does that  
23 ring true?

24 A. Yes, it does. I think it was geared up very much of  
25 a -- any new regulations, any child protection that was

1           required we were given. There was good practice in  
2           existence all the way through from SCIS, and good people  
3           to talk to if you had issues at all or if you had to  
4           alert them about something.

5       Q. Are they the focus for much of the communication and  
6       disseminating information --

7       A. Yes.

8       Q. -- to the private sector?

9       A. Yes.

10      Q. Do you know, do they engage with -- you are talking  
11      about needing to share information from state. Do SCIS  
12      engage in that too?

13      A. They do, because they are part of what's --  
14      Scottish Government, and I know John Edward is very  
15      involved at Scottish Government level in terms of  
16      education, so they are very clued-up as to what is  
17      happening outside in the state sector as well.

18      Q. Presumably having been involved in governance, you will  
19      appreciate that when --

20      A. I still am.

21      Q. You still are?

22      A. Yes.

23      Q. In terms of looking at Loretto in particular, obviously  
24      we are aware of the house system. When you moved to  
25      Loretto in 2000, what was your impression about the

1 school, from where you are now, in terms of its welfare  
2 and pastoral provision?

3 A. I think I have said in my statement, I thought they were  
4 further ahead in terms of their paperwork with what  
5 I had seen in the independent sector prior to that. The  
6 house system, I would say that, you know, I can  
7 always -- in fact, I will give you an anecdote, because  
8 I can remember the deputy head saying to me, "Elaine,  
9 I have never heard such so much about girls' boarding as  
10 I've heard from you", because I'm very open and I'm  
11 really transparent and I used to talk about things at  
12 meetings.

13 So I think there was -- it was changing, but the  
14 world of boarding tended -- boarding housemasters and  
15 mistresses, they ran their own houses, they were like  
16 little schools. They weren't fiefdoms as such in  
17 Loretto, because we did have good teamwork and good  
18 meetings, but that was changing when I arrived at the  
19 school. So there was still a little bit of that but it  
20 was moving forward, and there was much more debate and  
21 discussion and transparency throughout that time.

22 Q. Did you get the sense that progress was being achieved  
23 by being co-educational as distinct from the past?  
24 Presumably there were some teachers who had been there  
25 for many years and had seen considerable change.

1       A. Yes, I think co-education helped, and there was equality  
2       in terms of the girls and boys at Loretto when  
3       I arrived. It was a school that was changing.

4       Q. We have heard a lot about Loretto in the 1950s and  
5       1960s, perhaps up to the 1990s, in terms of it being  
6       a very male environment, a very hierarchical peer  
7       society, and a society where there would be a code of  
8       silence not to talk. Is that what you found in 2000 or  
9       had it changed?

10      A. I think it had evolved by that stage. Certainly running  
11      my own house, you have to walk the walk, and you are  
12      round the rooms, and you are up half the night, and it's  
13      about dialogue and getting children to talk to you.  
14      Inevitably you will miss things and children won't talk  
15      to you, but the whole culture when I started in 2001 was  
16      collaborative, and it got better and better, I would  
17      say, as time went on.

18      Q. Was that something that you were very alive to, the  
19      potential and the need to be vigilant and notice things?  
20      That is one of the themes that seems to have come out.  
21      It's not necessarily speaking to people, it's noticing  
22      changes.

23      A. It is noticing things. It is listening, and it's  
24      listening particularly to your support staff, to your  
25      cleaning staff, to people who are maybe visiting the

1 house, and ensuring that everybody has their antennae up  
2 in terms of watching out for things that are unusual  
3 about children. And in meetings we always discussed  
4 things, if there had been changes in young people, or if  
5 we were concerned about anything. It was very important  
6 to me as assistant head that the keep in view was in  
7 place and that we discussed children.

8 Q. You make the point in paragraph 52 on page 10 that:

9 "We had four different school counsellors during my  
10 time at the school."

11 When you arrived in 2000, you would understand there  
12 had been a school counsellor in place for five years.

13 Had your previous school had a counsellor?

14 A. No. I thought again Loretto was ahead of its time.

15 Q. As you go on to say:

16 "Each had a different style but were all  
17 pupil-centred. It became apparent to me that the school  
18 needed a counsellor to be in the school more frequently,  
19 so over the years the hours would increase."

20 Can you expand on that? Initially, by the sounds of  
21 it, there was inadequate provision of a counsellor  
22 because more time was required.

23 A. I think that goes along with what I was saying about  
24 the change in the listening and the noticing and the  
25 collaborative working, that the more you get under the

1 skin of what is going on in a house or what is going on  
2 within a school, you will find more people in need of  
3 either professional counselling or a sounding board.  
4 But you need to create that culture and environment that  
5 people will step up and they will tell you if -- the  
6 pupils will tell you about someone they are worried  
7 about or a member of staff that they are not happy with,  
8 or ... the counsellor helped that and for -- as  
9 assistant head, I was pretty determined when I came out  
10 of the boarding house that I would put in more support  
11 for the staff that were working with young people in  
12 terms of reflected practice, and opportunities for the  
13 staff both to discuss their concerns, and also that  
14 children could approach the counsellor. And I didn't  
15 need to know about it, nobody knew about it unless it  
16 was a child protection concern and they would tell me.

17 But it became -- I increased the hours, because  
18 there was a need to increase the hours, because I think  
19 everything was opening.

20 Q. Meaning?

21 LADY SMITH: I am interested in you saying that your  
22 approach to using a counsellor was that it should remain  
23 confidential as between student and counsellor, only  
24 subject to the caveat that if a clear child protection  
25 matter had arisen the counsellor would need to take that



1 further. Was the practice that the counsellor would  
2 explain that to the pupils if such an instance arose?

3 A. Yes, Lady Smith. And I would also get a note regularly  
4 from the -- of general things and general themes, and be  
5 forewarned if there was maybe something I should put  
6 into the personal and social health education programme.

7 LADY SMITH: So that would be without identifying the pupil.

8 A. Yes.

9 LADY SMITH: One last thing on this. Sorry, I will let you  
10 finish what I was going to say a moment ago. If a pupil  
11 had been to the counsellor at all did you tell the  
12 parents?

13 A. No, unless they were very young.

14 LADY SMITH: Right. When you say very young?

15 A. 11, I think. It was junior school end.

16 LADY SMITH: Right, thank you. I did interrupt you. Did  
17 I stop you saying something that was important?

18 Right, Mr Brown.

19 MR BROWN: I think we can move on, because I anticipated  
20 there might be questions about that by your Ladyship.

21 If we could go to paragraph 67, and this may tie in  
22 with some of the things you have been saying not about  
23 counselling:

24 "Staff supervision ratios were increased in the  
25 boarding houses from 2007 to 2015. For younger pupils,

1           this ratio was higher. Staff were on duty in the dining  
2           hall at meal times and in particular outside the dining  
3           hall. House double meetings took place twice a day.  
4           Tutors spoke individually with pupils every week.  
5           Tutorial groups met each day."

6           It may sound a silly question, but why was it felt  
7           necessary to increase the staff supervision ratios?  
8           What was wrong with what you had?

9       A. It was a reflection of -- I had come out-of-house in  
10       2006, and I am one of these people that does reflect,  
11       and I thought there should be more -- I don't want --  
12       staff should have more time for themselves, and also  
13       I think I mention at the end of my statement that  
14       burn-out is an issue often for house staff. I didn't  
15       within that to happen. Also the Care Inspectorate we  
16       worked with very closely, and age appropriate cover was  
17       very key for them at that time.

18       So listening to what they were saying and their  
19       experience, and my own experience of running a boarding  
20       house when it was pretty short-staffed quite a lot of  
21       time. You know, you are responsible and you are on  
22       a lot. I thought I need to make that a little bit  
23       easier for anybody coming in. And also for younger  
24       children, the more age appropriateness that the -- you  
25       know, they are able to speak -- when I started in

1 boarding, I had a boarding house, and one of the dorms  
2 had 14 young girls in it, ranging in age from 9 to 14,  
3 that was in Dollar. And that -- I don't think that was  
4 appropriate, I think ...

5 So over the course of my career, I learned that  
6 actually things needed to change, and the age  
7 appropriateness was what was being steered by the  
8 Care Inspectorate, and it was something I believed in as  
9 well. I think if you have staff around you are more  
10 likely to hear things. You are not going to have staff  
11 who are quite so burned-out if they have been up  
12 a 3 o'clock in the morning with a sick child or  
13 something has disturbed them.

14 Q. Presumably the realities of running what is effectively  
15 a business, all of that will cost a great deal of money,  
16 and I take it over time you have had experience of  
17 headmasters, would it be fair to them, that have been  
18 brought in to do different jobs, which may reflect the  
19 direction of travel of the governors, because things are  
20 getting too expensive, you need to save money, you need  
21 to spend money on particular things. Is that something  
22 that has gone up and down in terms of your satisfaction  
23 with what is provided because of financial reality?

24 A. Yes, there are financial realities, but I think pastoral  
25 care has to be core central, and the money spent on that

1 is money well spent in terms of looking after children.

2 Q. Obviously tensions can arise within schools, just like  
3 anywhere else. There can be tensions presumably between  
4 pupils and staff, tensions between staff and staff,  
5 tensions between staff and headmasters. Are these all  
6 things you have experienced?

7 A. Yes.

8 Q. Have you ever worried, given your particular interest in  
9 child protection, that what might be described as office  
10 politics can distract away from what is going on with  
11 the children?

12 A. I would like to think it never did, that where people  
13 were perceived to have behaved badly, or where there  
14 were problems with finance, or there were changes in  
15 culture, my core and to thine self be true is important,  
16 it was always the children come first.

17 Q. I understand that. That is you. Do you think there is  
18 a danger, though, if office politics become too  
19 prevalent and there are tensions within the staff room  
20 or between staff and management, that there is a risk  
21 from a child protection point of view because focus is  
22 away from what you see as a primary concern, the welfare  
23 of the children?

24 A. I think that could well be the case.

25 Q. Have you ever seen that or been worried about it?

1       A. In the period from 2008 through to 2012/2013 I think the  
2       staff morale was very low, so I spent quite a bit of my  
3       time trying to make sure that, from a pastoral  
4       care/child protection perspective, the school was  
5       functioning well. But I was aware there were issues  
6       within the school in terms of staff morale.

7       Q. So simple morale can be a distraction of itself?

8       A. Yes.

9       Q. The other aspect I suppose within the school -- you have  
10      obviously talked about looking out, say, in East and  
11      Midlothian. But within a school where you have  
12      obviously colleagues who work day in, day out with one  
13      another, do you think there is a risk that you may miss  
14      things because of familiarity or because of friendship?

15     A. Personally not, but I think there could be a risk. But  
16     I would say in my own experience that if there was  
17     issues with members of staff that I had worked with for  
18     a long time, you would deal with them when they came to  
19     your desk, but I think that is always there as a risk.

20     Q. Would you ever consider, for example, "I, as a child  
21     protection officer", to just label you, "can't deal with  
22     this case because I am too connected with the person who  
23     is involved or allegedly involved"?

24     A. Yes, I would do that if I thought that.

25     Q. Presumably, and I think you have said this, you were

1           always looking back thinking: what if? Perhaps I could  
2           have done that better.

3           Have there been experiences in your career where you  
4           look back and think: I should have been more robust,  
5           I should have done something different?

6       A. Yes, there are numerous ones where you think you would  
7           like to have done something better. Because you do not  
8           know what an outcome will be like for a child. So  
9           I used to always see children who had gone through  
10          possibly a child protection case and were still at the  
11          school, and I would see them regularly every week, and  
12          then that would tail down. But sometimes I'd think:  
13          should I have kept seeing them? They seemed to be  
14          managing and coping, and they didn't want to see me  
15          anymore, but should I have kept that going? So you  
16          question yourself on things like that.

17          I worked with a young man for a long time who turned  
18          out -- not at Loretto -- who wasn't who he said he was.  
19          And there's instances like that. It was all fairly  
20          documented in the media many years ago, and I had left  
21          the school before it had all come out, but he wasn't who  
22          he said he was, you know. So you don't know sometimes.

23       Q. I think you say in your statement you can never be --

24       A. You can't.

25       Q. -- certain.

1           I mentioned the [REDACTED] teacher, who we will call  
2           Martin. We obviously know that in 2014 he was  
3           disciplined for conduct, which really focused on him  
4           being drunk, and inappropriate, but perhaps the  
5           principal focus was the drunkenness. Do you think that  
6           was something that could have been handled better with  
7           hindsight, given what you know subsequently?

8           A. Yes. For me, the drunkenness wasn't the issue,  
9           the issue was the inappropriateness with the child.  
10          I think at that time --

11         Q. Or children.

12         A. Or children. My memory is it was a child, it was on the  
13         dance floor. But always you can do things better. But  
14         he -- the disciplinary procedure was followed, he was  
15         disciplined.

16         Q. You were involved in that?

17         A. Initially but not at the end. That was the headmaster  
18         who dealt with that. But it was -- in the circumstances  
19         it was fair, it was fairly done.

20         Q. But with hindsight, because I think the initial report,  
21         and we can look at it if needs be, was obviously  
22         inappropriate conduct on a dance floor with two pupils,  
23         and then drunkenness on a bus, including the suggestion  
24         that he had been shouting to a female pupil could she  
25         relieve him?

1 A. I wasn't on the bus --

2 Q. No, no. But I think the focus seemed to be lost over  
3 the process of the case. If you had that experience  
4 now, would you expect a warning to be sufficient, or  
5 would you be I think a little more cautious perhaps?

6 A. Now, and knowing what I know as a head, because I have  
7 sacked people, I would say, yes, we could have been  
8 harsher.

9 Q. He was a colleague, [REDACTED], [REDACTED]  
10 [REDACTED], he is a friend. Do you think that  
11 played any part in a small school? Everyone knew  
12 Martin, so he was given the rub of the green, if I can  
13 use a golfing ...

14 A. No, I would say that would be an unfair suggestion.

15 Q. Okay. Obviously you are aware what happened thereafter?

16 A. Only through the [REDACTED].

17 Q. All right.

18 LADY SMITH: So when you say you can see that the school  
19 could have been harsher on Martin in 2014, why and in  
20 what way do you feel they could have been harsher?

21 A. I think now, with the way the culture and the climate  
22 is, that a final written warning then would seem fair.

23 Now I think we have moved on in terms of treatment  
24 and staff who behave inappropriately, and as a head  
25 I have done that when people have been inappropriate,



1 I think his position within the school would have become  
2 untenable, now, looking at it in 2021.

3 LADY SMITH: Let's not beat about the bush. Are you saying  
4 you think he would have been dismissed?

5 A. Yes.

6 LADY SMITH: Thank you.

7 MR BROWN: Obviously someone like a [REDACTED] teacher, just as  
8 with a [REDACTED] teacher, is in a one-to-one  
9 situation. Was that something, thinking back to Martin,  
10 where there was greater focus by the school and by you  
11 in your role on monitoring the potential for abuse by  
12 people in that position? Is that not potentially a very  
13 vulnerable point within a school where teachers are  
14 one-to-one?

15 A. Martin wasn't necessarily one-to-one in my experience  
16 with him. [REDACTED]  
17 [REDACTED], he was usually with groups, and  
18 when you are [REDACTED], as I have  
19 done, you are with [REDACTED], so that I was unaware of  
20 one-to-ones taking place of [REDACTED] and things like  
21 that.

22 LADY SMITH: We have heard from him that that happened.

23 A. But I wasn't aware of it. So that when I have seen him  
24 doing his job, it has been with [REDACTED] of kids or it has  
25 been with a group. It is getting ready to do Higher or

1           A level [REDACTED] presentations and things like that. Or  
2           [REDACTED] in his classroom. So that I am not  
3           aware ...

4       LADY SMITH: Your own knowledge apart, Elaine, Mr Brown was  
5           interested in whether you agreed it was potentially  
6           a very vulnerable point within a school if teachers are  
7           working on a one-to-one basis, and particularly in  
8           a case, may I add, where a male teacher is working with  
9           a teenage girl.

10      A. Yes, it has potential.

11      LADY SMITH: Thank you.

12      MR BROWN: You say at paragraph 76 on page 14:

13                "Clear advice was given to staff about being alone  
14                with a pupil."

15                And 77:

16                "There was a clear process in place for any member  
17                of staff to report concerns about individuals."

18                In the context of individual teachers and this is  
19                obviously referring with Martin in mind, were you aware  
20                that female pupils had crushes on Martin?

21      A. No. He was popular with boys and girls.

22      Q. Was that something you were alive to in a general sense?  
23           Male teachers/female pupils, male pupils/female teachers  
24           or male teachers, whichever variation you want, had the  
25           potential for teens to be sexually attracted to one of

1           their teachers?

2       A. Yes, over the years. Not necessarily with Martin, but  
3       I was aware, and you are aware as a teacher, to be  
4       mindful that children can get crushes, or young people,  
5       whether it's male or female. That can happen.

6       Q. But again, what steps would you be taking to try and  
7       address that potential difficulty?

8       A. In the child protection training that I used to do, or  
9       Anne Darling or Sue Hamilton did, they certainly covered  
10      being alone with people. Or if there was -- I don't  
11      think "crush" was the word that was used, but they would  
12      look at scenarios like that, and it is something that  
13      would happen.

14      LADY SMITH: Did Martin dress differently from other male  
15      teachers?

16      A. He was quite flamboyant, is what I would say. He wasn't  
17      untidy. He was quite flamboyant. He was smart in his  
18      dress sense. It was unusual.

19      LADY SMITH: Unusual in what way?

20      A. It would be brightly coloured. He would wear brightly  
21      coloured trousers, tweed jackets. I have since worked  
22      with people who would dress in the same way, but, yes,  
23      he was flamboyant. Stylish, I would say.

24      LADY SMITH: Thank you.

25      MR BROWN: More relaxed?

1 A. I wouldn't say in his dress.

2 Q. Cooler?

3 A. Possibly the children would think that.

4 Q. That is my point.

5 A. But there was other staff as well who were smart and  
6 dressed well.

7 Q. Yes. But if a pupil is likely to think someone is  
8 "cool", is that of itself perhaps an indicator that you  
9 had better keep an eye on things?

10 A. Yes. And female staff used to be very smart as well,  
11 and again the children would think some of them were  
12 cool, so, yes, I take your point.

13 Q. In terms of the way staff approached pupils, perhaps  
14 being slightly more casual, more sympathetic, are these  
15 all things that in your role you would be alive to and  
16 looking out for?

17 A. I used to observe lots of staff in the school teaching,  
18 and I was alive to people who were empathic or others  
19 who found it difficult to create a rapport with young  
20 people. Martin did create a rapport with young people.

21 Q. But presumably you assumed that if anything untoward was  
22 happening, he would report it?

23 A. I wouldn't necessarily have thought he would report it.  
24 I would have thought a pupil or another member of staff  
25 or himself would report it if there was -- if he felt he

1           was getting undue attention. So, yes, if he was getting  
2           undue attention he would report it, but a pupil or  
3           friend of a pupil or someone would report it.

4       Q. So if a teacher is getting texts saying "YASH", which we  
5           understand is "You are so hot", you would expect that to  
6           be reported?

7       A. I would.

8       Q. Therein lies the problem: you assume people will do the  
9           right thing.

10               Did you have particular problems with any teachers  
11           that you recall in your time at Loretto?

12       A. Some. Not in terms of necessarily a child protection  
13           issue.

14       Q. That is what I am interested in, obviously.

15       A. Over the course of my time, it was a long time, and as  
16           acting head, yes, I had reason to speak to people about  
17           various disciplinary things, but not particularly to do  
18           with child protection.

19       Q. Again there is reference in your statement to a [REDACTED]  
20           teacher, and again this is why I focused on [REDACTED]  
21           teachers, who are not full-time members of staff but  
22           come in from the outside. They are another weak spot,  
23           potentially?

24       A. Yes.

25       Q. And this was a teacher who I think parents were

1           complaining about because of invasion of personal space  
2           or over-enthusiasm towards pupils to be perhaps very  
3           sweeping. You refer at paragraph 102 that you spoke to  
4           him and you said:

5                 "He was passionate about his teaching and, as  
6           a [REDACTED], there were different cultural norms."

7                 And in that case he was simply spoken to?

8           A. Yes.

9           Q. Again, with the benefit of hindsight, and not because of  
10          anything that has taken place since with that  
11          individual, would you approach that differently now?

12          A. Not with the evidence I had at the time.

13          Q. Because that is one of the tensions I think we know of.  
14          You say in your statement you are now trained to just  
15          believe what you are being told by the pupil, but  
16          obviously there is a balance to be achieved.

17                 Do you have a view on mandatory reporting since you  
18          have a background in child protection? Do you have  
19          a view about mandatory reporting in terms of just simply  
20          reporting each time something is alleged?

21          A. I think the systems would be overloaded. I want to  
22          know, as a head teacher, what is happening in my school,  
23          and then there would be a group of us, senior management  
24          team, who would decide whether it met a child protection  
25          threshold and whether it should be passed on.

1           That is when it was very helpful that I could pick  
2           up the phone to Dalkeith police station, to social work  
3           department, and talk to them about: right, this has come  
4           on to our desk. What should we do about this? Does  
5           this go down and meet a child protection threshold or  
6           not?

7           So would everything be reported? I think you have  
8           to measure it, you have to look at your evidence, you  
9           have to take advice.

10        Q. Looking ahead, you spent a career involved in child  
11        protection in one way or another. You have perhaps  
12        alluded to this already. What would you want to see,  
13        looking ahead, to progress things further?

14        A. Working together, the regulatory bodies, inspection  
15        teams. Really having dialogue and working together.  
16        Being in schools, seeing staff in charge of child  
17        protection and headteachers around schools. Governing  
18        bodies who put pastoral care front and central all the  
19        time. And I know economics come into it, I understand  
20        that, and I understand they are businesses, but it needs  
21        to be front and central so that children feel listened  
22        to and noticed. And training is really important, that  
23        people are trained in the roles that they are in.

24        Q. Are we not largely there with training or is there much  
25        further to go, do you think?

1       A. I think ongoing training every year is important in  
2       child protection, and that does happen. I don't know if  
3       it happens -- I know it happens in the schools that  
4       I have worked in, but I would like to think it happens  
5       everywhere.

6               I think reflection and self-reflection and  
7       reflective practice has worked really well for me over  
8       the years, and I think from staff that have fed back to  
9       me, from Glenalmond as well, it works for them. Because  
10      it helps strengthen your own mental health and wellbeing  
11      in order to be able to deal with the mental health and  
12      wellbeing of the young people that are coming into your  
13      care, and it is really important. I don't think that is  
14      as embedded as I would like to see it, and I think with  
15      the pandemic there are going to be more issues.

16      Q. Final question. You talked about being on the board of  
17      SCIS but also GTCS. Obviously I think you have read the  
18      evidence of GTCS in phase 1 and concerns about  
19      communication. You told me before you started giving  
20      evidence that you had been at a meeting of the GTCS  
21      board. Have matters progressed since GTCS gave  
22      evidence?

23      A. Very much so in terms of GTCS in partnership and trying  
24      very hard to have more communication with the Registrar  
25      of Independent Schools and that being very important.



1           And I made comment that that partnership should have  
2           been happening, and that it is something that is crucial  
3           and vital and needs to be ongoing quickly, along with  
4           all the other regulatory bodies that are coming into  
5           schools in the independent sector. It is really  
6           important.

7           MR BROWN: Elaine, thank you very much indeed.

8           LADY SMITH: Thank you. Are there any outstanding questions  
9           that anyone wants to make an application for? (Pause).

10           That completes the questions we have for you,  
11           Elaine. Thank you very much for engaging with us as  
12           helpfully as you have done. Thank you for your written  
13           statement, which is part of your evidence, and for  
14           coming today to elaborate on what you have told us  
15           there, and be taken elsewhere, and I hope that wasn't  
16           too stressful for you.

17           All I need to say now is thank you, but it really is  
18           a very grateful thank you. This is all helping me to  
19           build my knowledge and understanding that I need to have  
20           in relation to children who continue to be in care and  
21           children who have been in care, including boarding  
22           schools.

23           I am now glad to say, at 4.05 pm in the afternoon,  
24           in what has no doubt been a long day for you, I can let  
25           you go.

1       A.   Thank you, Lady Smith.

2                               (The witness withdrew)

3       LADY SMITH:  Mr Brown, we are going to have to postpone  
4               the read-ins for another time, but I am sure we will be  
5               able to find slots for them.

6       MR BROWN:  My Lady, what I was going to say is tomorrow  
7               morning we have one witness at 10 o'clock.  The plan was  
8               then to do a read-in, and then obviously we were to  
9               close with the evidence again, one in person, headmaster  
10              Graham Hawley, and then Peter McCutcheon, chairman of  
11              the board of governors, remotely from within this  
12              building.

13              That was due to take place essentially after the  
14              morning break.  It may be, for other logistical reasons,  
15              if we simply try and do the read-ins after the first  
16              witness, and then hopefully start sharp at 2 o'clock,  
17              because I may have in the interim progressed matters.  
18              We could then I think conclude the Loretto evidence  
19              tomorrow afternoon with the two remaining witnesses.

20      LADY SMITH:  I am happy to be as flexible as events demand  
21              tomorrow.  It would be great if we could fit all that  
22              in.

23      MR BROWN:  I think it is possible.

24      LADY SMITH:  Thank you very much, Mr Brown.

25                      (4.08 pm)

(The Inquiry adjourned until 10.00 am on Wednesday,  
12 May 2021)

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