

Thursday, 4 November 2021

(10.00 am)

LADY SMITH: Good morning. We return to evidence in relation to Keil School, Dumbarton in this, our boarding schools case study, and we're expecting to hear from three witnesses today, the first of whom I understand is ready to give evidence; is that right?

MR BROWN: My Lady, that's right. The first witness is Angus Dunn, who as you'll discover I think actually is known as Louis, his second name, which is the one I understand he uses.

Angus Louis Dunn (affirmed)

LADY SMITH: I understand that if people are using your first name you go under the name Louis.

A. I do.

LADY SMITH: Which is your second name, I think, but if you prefer I could call you Mr Dunn. What would you like?

A. That is far too reminiscent of my other form of employment. I'm really happy with Louis.

LADY SMITH: Louis, thank you for that. The red folder in front of you has a hard copy of your statement in it, the statement will also come up on the screen, so you can use either or neither as we refer to parts of your statement, whatever suits you best.

Could I also sure assure you, Louis, if you have any

1 concerns or queries during your evidence you should feel  
2 free to let me know. It's very important to me that we  
3 do all we can to make you comfortable giving your  
4 evidence, or as comfortable as possible. I do know that  
5 giving evidence itself is always challenging but we'll  
6 do what we can to help you.

7 Also, if you want a break at any time, no problem.

8 If it works for you, it works for me. All right?

9 A. Thank you.

10 LADY SMITH: I'll hand over to Mr Brown, if that's okay, and  
11 he'll take it from there.

12 A. Thank you.

13 Questions from Mr Brown

14 MR BROWN: Louis, good morning.

15 A. Good morning.

16 Q. As you'll see, I'm using the microphone. It's in front  
17 of you. I know you're a teacher so I'm sure you are  
18 used to projecting, but it's very important that we hear  
19 what you say, and the ladies who are the stenographers  
20 who are recording what you are saying are listening to  
21 you through the microphone, so please use it.

22 A. Thank you, yes.

23 Q. You're Angus Dunn, known as Louis.

24 A. (Witness nods).

25 Q. You are 56?

1       A.  I am.

2       Q.  You produced a statement, for which we are grateful, to

3           the Inquiry, which has a reference number

4           WIT-1-000000515, and that's what's from front of you.

5           We see it runs to 20 pages, the last of which has

6           a final paragraph, 108, which says:

7                 "I have no objection to my witness statement being

8           published as part of the evidence to the Inquiry.

9           I believe the facts stated in this witness statement are

10          true."

11          And you then signed and dated it last November?

12       A.  I did.

13       Q.  Can we take it you read through it and were satisfied

14           that it's accurate?

15       A.  Yes.

16       Q.  I think there may be one or two --

17       A.  There's a couple of typos and punctuation-y things, but

18           yes.

19       Q.  We'll come to those, yes.  We don't need to go through

20           the statement at length, it's in evidence and we have

21           obviously read it and will read it again.  In terms of

22           background, you're a language teacher?

23       A.  Yes.

24       Q.  And we see, having graduated from Glasgow, you have then

25           worked in a number of schools, both state, private, day

1           and boarding?

2       A.   Predominantly private.

3       Q.   Yes.

4       A.   I had two terms in St Columba's RC in Clydebank after

5           Keil closed and that was as a supply teacher for

6           108 days.

7       Q.   Thank you.   Then you went on to two further boarding

8           schools?

9       A.   Yes.

10      Q.   Are you still working as a teacher?

11      A.   I am.

12      Q.   And still at your final school, which is in Perthshire?

13      A.   My current school, yes.

14      Q.   Absolutely, yes, thank you.   You seem to stay at schools

15           for quite long periods?

16      A.   I stayed four years in London.   Then I got promotion to

17           Keil because I wanted to come home, my father had died

18           and I wanted to support my family.   The same situation

19           applied to leaving Shrewsbury.   I would have still been

20           at Shrewsbury had not my mother experienced old age and

21           I felt it better to come home.

22      Q.   Thank you.   The bulk of it is boarding?

23      A.   Yes.

24      Q.   When you went to Keil, which is obviously the focus of

25           our interest, did Keil come as a surprise to you in

1 terms of comparison with your former school?

2 A. In terms of accommodation? Practice? Can you --

3 Q. You tell me.

4 A. Okay. This was at a time before the Children Act, or  
5 the Children Act came in in England. The school  
6 I worked at in London, there was very, very little  
7 personal privacy for the boys, for example.

8 Keil came as a surprise in that a cousin of mine had  
9 been there in the mid 1950s and described his spell  
10 there as imprisonment. It came as a surprise in that it  
11 was very, very rough and ready. There was minimal  
12 record-keeping, in my memory. The culture within the  
13 school -- bear in mind, I'd been at a large independent  
14 boys' school in Glasgow myself where there was a culture  
15 of cooperative endeavour -- I'm not explaining myself  
16 very well, but I felt as a small school it didn't have  
17 the layers of -- should I say management? The layers of  
18 accountability that -- the structures. I think in one  
19 part of my evidence I describe it as a one-man band.

20 Q. We'll come to that.

21 A. It did strike me as different, but it was my first  
22 experience of a predominantly boarding school. When  
23 I was at Forest, it was a school of 1320 pupils, there  
24 was a boarding house of 50. Keil percentage terms then  
25 was maybe 65, 70 per cent boarding. I took that as

1           being a cultural shift which was new to me.

2       Q.   It's simply we've heard evidence of another teacher who

3           described it as like going back in time.

4       A.   Oh totally.

5       Q.   You recognise that?

6       A.   Oh, very, very much so.   And I would allude to

7           Evelyn Waugh's Decline and Fall.   There's a line in that

8           where an education agency talks about, "Excellent

9           school, good school, and school", and "Frankly, school

10          is pretty bad" and it was of that Decline and Fall era.

11          It was barely post war in some of its structures.

12       Q.   We know it was a spartan environment.

13       A.   Yes.

14       Q.   Both for the boys but for the teachers too?

15       A.   I did not live in, so I can't really comment on that.

16          In terms of teaching accommodation, I was in a former

17          flat which had Axminster carpets and Sanderson curtains

18          and all sorts.   So it was very, very much a home

19          teaching environment.

20       Q.   But I think from what you've already said, it did not

21          have the structures that you would expect in terms of --

22          and you talk about this record-keeping?

23       A.   No.

24       Q.   Was that non-existent or existent?

25       A.   I say in my statement that I have no recollection of any

1 records being kept. That said, it could be that I did  
2 not have access to such records.

3 Q. I think you were there for 1992 to the closure,  
4 obviously, in 2000?

5 A. Yes, I turned the key in the door.

6 Q. You say that in terms of annual review, you don't recall  
7 there being an annual review.

8 A. No.

9 Q. Did you have chats with headmasters annually?

10 A. No.

11 Q. That wasn't your experience?

12 A. No.

13 Q. In terms of policies, were you given any induction or  
14 sense of purpose when you joined in 1992?

15 A. I was told the shortcomings of my predecessor, I was  
16 told to do my best to revivify the department. The  
17 department was described in a subsequent reference  
18 I received when I moved on, when I had to move on, as  
19 being moribund, and I did my best to reinvigorate it, to  
20 introduce German into the curriculum, but I was given  
21 no -- there was no written instruction.

22 Q. But in terms of how the school operated, were there  
23 handbooks for teachers? Were there rules for pupils?

24 A. We are now going back a long time. We're going back to  
25 a pre-computer era. There may have been school rules

1 published, but again I don't have a clear memory of  
2 those. In terms of a teacher handbook, no.

3 Q. We've heard that pupils picked things up as they went,  
4 learnt from other pupils. From a teacher's  
5 perspective --

6 A. Completely the same.

7 Q. -- it was exactly the same?

8 A. Yes. You were expected to know what you were doing. If  
9 that makes sense to you, I'm sure it does. But in terms  
10 of induction? No.

11 Q. So you've agreed that coming to Keil felt like going  
12 back to in time. When you then moved on to your current  
13 school, did you feel that you were coming back into the  
14 current day?

15 A. Can I go back 21 years to starting at Shrewsbury?

16 Q. Yes.

17 A. Before I started at Shrewsbury, I received a folder,  
18 which ran to something like 300 pages, which was the  
19 staff induction material. Paragraph beyond paragraph  
20 beyond paragraph. This came as a complete shock to me.  
21 The system of management in place there, and at my  
22 current school, bears no relation to the nothing that we  
23 had at Keil.

24 Q. You were there for eight years, and we'll come onto now  
25 the management of Keil and your comment about a one-man



1 band, but I take it when you joined in 1992, the  
2 SNR would be CGC ?  
3 A. For one term.  
4 Q. For one term. And did you know he was moving on?  
5 A. On the third day of my employment I discovered he was  
6 moving on.  
7 Q. What did you take from that?  
8 A. Well, is a bigger, really quite  
9 prestigious school. London. Some schools are stepping  
10 stones for SNR .  
11 Q. You've worked in that sector all your life. Did you  
12 feel that he was viewing Keil as a stepping stone?  
13 A. His successor did. Yes, I think so.  
14 Q. But did you get a sense that he had been -- and this is  
15 just from talking to other members of staff -- did you  
16 get the sense he'd been brought in to try and bring Keil  
17 forward? This is CGC we're talking about.  
18 A. I didn't really know him long enough to have that sense.  
19 Q. But from others?  
20 A. Oh yes, I think so. I think so.  
21 Q. And did you get a sense in 1992 that Keil had changed  
22 under his SNR , again from talking to others?  
23 A. People who've been in schools a long time can become  
24 very entrenched in the ways of the school, and  
25 I believe, from talking to others, that he tried to move

1 the place forward. He brought in a number of staff,  
2 some of whom you've spoken to this week, who came from  
3 different backgrounds and maybe brought different ideas,  
4 and those who had been there a long time did not  
5 wholeheartedly agree, I think, with what he was doing.  
6 And this is from talking to others.

7 Q. Okay. But I think when you joined in 1992 he's  
8 obviously moving on, as you discover on day three, but  
9 you would understand, I think, as we have heard, there  
10 was a Senior Management Team in place, which effectively  
11 was him as SNR and a deputy headmaster, depute,  
12 Tom Smith.

13 A. (Witness nods).

14 Q. Now, Tom Smith, I think, as we know from your statement  
15 and others, then remained as depute CGC's  
16 , John Cummings, and in the final swan song of  
17 the school, was headmaster for a year?

18 A. He was.

19 Q. Until it shut because of essentially lack of funds; is  
20 that correct?

21 A. Correct.

22 Q. You say in paragraph 14, page 3, as you've said in  
23 evidence:

24 " ... I will do my best to demonstrate the extent to  
25 which it was in effect a one-man band."

1 I take it the "one-man band" was Tom Smith?

2 A. It was.

3 Q. When you arrived in 1992, who did you think was de facto

4 running the school?

5 A. Tom Smith.

6 Q. And when John Cummings arrived, I think -- would he be

7 at the beginning of 1993?

8 A. Yes.

9 Q. So second term?

10 A. April 1993, I think.

11 Q. Was there a lacuna between CGC and Cummings

12 starting?

13 A. There was an interregnum when Smith ran the school, and

14 it may have been one term or two, I'm a bit hazy on

15 that.

16 Q. And that de facto running of the school continued even

17 when John Cummings was head?

18 A. Oh yes.

19 Q. Why? I mean, in the sense it seems odd there's a head;

20 the deputy head, no doubt, the number two, will perhaps

21 be closer to the day-to-day management, but did it go

22 beyond that?

23 A. Can I refer you to paragraph 17?

24 Q. Yes. Just to read that out:

25 "Relations between Smith and Cummings were not

1           good."

2       A.   The reason I know they were not good, forgive me

3           interrupting, is because Smith told me so later.

4       LADY SMITH:   Because what, sorry?

5       A.   Tom Smith told me later that relationships between him

6           and Cummings had not been good.   His exact words were,

7           "I don't know if you were aware of this, but John

8           Cummings and I did not get on."

9           Forgive me, my Lady.

10      MR BROWN:   Now, we've heard that John Cummings, when he came

11           in, tried to soften the school; is that correct?

12      A.   He introduced things such as merit for good work which

13           had not been there before, for instance.   To soften the

14           school -- to humanise the school, you mean?

15      Q.   You tell me, you were there.

16      A.   I'm doing my best, Andrew.   He was a most -- he is

17           a most courteous man.   He has a gentility about him and

18           a kindness about him, and yes, I think he did.   If you

19           ask me to place my finger on what he did by way of

20           humanising the school, I can't really find anything.

21      Q.   All right.   But he was interested, perhaps, in the

22           academic side being brought up?

23      A.   Oh yes.

24      Q.   And was that one of the things that struck you about

25           Keil?   Again we've heard that sport, again under

1 reference to being old-fashioned, was very important?

2 A. When my cousin was there in the 1950s, you could only

3 get negative comments for work and positive comments for

4 sport, and it was little different in the 1990s. And it

5 is coming back, John Cummings introduced a system of

6 termly, half-termly staff meetings where every pupil was

7 named and we could go through and a pat on the back from

8 the headmaster for good work.

9 Q. So academic effort was being recognised?

10 A. Yes.

11 Q. And approved?

12 A. Yes.

13 Q. And that was new?

14 A. I only had a term under the previous regime.

15 Q. Thank you. But you go on to say, and this is perhaps

16 looking more at the day-to-day running of the school,

17 that was controlled by Tom Smith?

18 A. Utterly.

19 Q. Were you ever a member of a union?

20 A. I am.

21 Q. Were you when you were at Keil?

22 A. Yes.

23 Q. Was that approved of or not?

24 A. No one's business -- oh, I tell a lie, I do apologise to

25 you. I did not join a union until after I left Keil

1           because I -- at the time of the closure, I saw how  
2           useful membership of a trade union could be. My  
3           apologies. I had been a member before I went to Keil.  
4           I don't know why I stopped paying a sub.

5       Q. We have heard it was not something that was welcomed.  
6           Is that something you recall? If you don't, please just  
7           say so.

8       A. No, not at all. Not at all.

9       Q. All right. But in terms of paragraph 16, you say:

10               "Tom was a powerhouse who ran everything and knew  
11               how everything should be run."

12       A. Yes.

13       Q. "For example, in my current position, I attend heads of  
14           department meetings every three weeks and I have annual  
15           meetings with my line managers, of whom I have at least  
16           two, and such meetings are recorded. At Keil, in eight  
17           years, I attended two heads of department meetings -  
18           called academic board. Smith dismissed staff meetings  
19           as 'gripping sessions', by which I mean opportunities to  
20           complain."

21       A. Smith had been a rector before. Now, why he left that  
22           rectorship I do not know. And having been a head of  
23           department and then becoming not a head of department in  
24           my subsequent school, I can understand the frustrations  
25           of having been in a certain position and then having

1           someone else not doing that as well as you feel it could  
2           be done yourself. That's what I mean by knowing how  
3           everything should be run, because he had been a rector.

4       Q. And I take it he had firm views on how Keil should  
5           operate?

6       A. Yes.

7       Q. And given the reference to "griping sessions",  
8           presumably if anyone tried to shift his position, that  
9           input was not particularly welcome?

10      A. I can't actually remember trying.

11      Q. Why not?

12      A. Because I don't know how it would have been accepted.  
13           One tried to fit in with the culture, I think, and the  
14           culture came from one man.

15      Q. In terms of culture, and this is within the staffroom,  
16           was it a team mentality or was there division, for  
17           example between day teachers and boarding staff?

18      A. There is a tradition in certain boarding schools that --

19      LADY SMITH: Actually, it's really helpful if you do speak  
20           into the microphone like that.

21      A. I beg your pardon, sorry, my Lady.

22           There is a tradition in boarding schools that only  
23           full boarding staff are proper teachers.

24      MR BROWN: And did that mentality --

25      A. Yes, very much so.

1 Q. -- exist at Keil?

2 A. Very much so. Those of us who went home to pursue our  
3 own lives at 4.30, as I say in my statement, were  
4 somehow lesser beings. When I became a housemaster of  
5 a day house, I was particularly keen to make day pupils  
6 part of the organisation.

7 Q. And was that well received?

8 A. No -- I did my best to get it through.

9 Q. Was there resistance to that, though?

10 A. Yes.

11 Q. For the same reason?

12 A. Yes.

13 Q. You're not a proper teacher?

14 A. Yes.

15 Q. Because you're not in a boarding house?

16 A. Yes.

17 Q. You do go on to say, obviously, in paragraph 17, as you  
18 alluded to:

19 "Relations between Smith and Cummings were not good.  
20 The key cause of conflict, in my view, was that Smith  
21 thought he knew how to run the school, could see the way  
22 the land was lying in terms of recruitment ..."

23 A. Mm-hmm.

24 Q. Which is under reference to the Assisted Places Scheme,  
25 which when it ended was that effectively, do you think,



1           the end of Keil?

2       A.   Yes.  We were encouraged -- the then government raised  
3           the permitted level of exposure to the Assisted Places  
4           Scheme to 21 per cent, for whatever reasons, and I was  
5           extremely surprised when I went to Shrewsbury to  
6           discover that not a single pupil there benefitted from  
7           the Assisted Places Scheme.

8       Q.   Which I think, as you say in your statement, made up  
9           over 20 per cent of Keil's income?

10      A.   To the best of my knowledge.

11      Q.   But Smith, as you say, felt that Cummings was not  
12           forceful enough in promoting the school?

13      A.   He thought that Cummings was good at the overseas tours,  
14           at the outward selling bit, because you'll find out,  
15           he's a particularly charming individual.  But bear in  
16           mind, as I said to you before, that Smith had been  
17           a rector.

18      Q.   And this comes to a head, we read, in 1998 when Smith --

19      A.   Yes, a most --

20      Q.   I beg your pardon?

21      A.   I was going to say a most unpleasant event.

22      Q.   I'll come back to that in a second.  I'll just read what  
23           you say:

24           " ... [he] got a group of staff together and asked  
25           us to write to Cummings to express our concern at the

1 way the school was running and at numbers and ask that  
2 something be done."

3 And the group, you make reference to a number of  
4 teachers, were they housemasters?

5 A. I'm trying to remember the order of names that  
6 I mentioned.

7 Q. I can tell you, it's OZC , Bain, QTW, Coombs.

8 A. OZC and Bain were resident assistants in boarding  
9 houses. Coombs at that stage was a resident assistant  
10 in the girls' house, I think, although he may have taken  
11 it over by then, and OZC was the [REDACTED]  
12 teacher. So there were three, as it were, full boarding  
13 teachers and two day teachers. OZC and I both lived  
14 out.

15 Q. Why were the five of you selected to write this letter  
16 or encouraged to write the letter?

17 A. Remember that we were in a room with Smith, and this is  
18 where it gets interesting. I simply don't know.  
19 I wonder if I was more malleable maybe than the others?  
20 I really can't tell you.

21 Q. But you said it was unpleasant?

22 A. It was extremely unpleasant and the following day I went  
23 to Smith's office and told him that I wanted no part of  
24 it and that it was completely abhorrent.

25 Q. And the result was?

1       A. He was in there at the time talking to Sarah Guy and I'm  
2       afraid I burst in, which is not like me at all, and said  
3       I wanted no part of it, it was disgusting behaviour.  
4       There then followed an incident two or three days later  
5       in the common room where my colleague, John McMurtrie,  
6       expressed similar views of me and maybe one or two of  
7       the others, and expressed his views with some violence.  
8       Q. All right, so it's causing ructions within the  
9       staffroom?  
10      A. Very much so.  
11      Q. But to be clear, was a letter sent?  
12      A. Yes.  
13      Q. You didn't sign it, from what you're saying? Or did  
14      you?  
15      A. It was an anonymous letter.  
16      Q. I see. But we should understand, as you say in  
17      paragraph 18, it was engineered by the depute?  
18      A. Yes.  
19      Q. Did he write the letter?  
20      A. I honestly don't know.  
21      Q. Okay. And I think we know that the then head,  
22      John Cummings, moved on a year later?  
23      A. Mm, to a significantly -- a significant promotion.  
24      Q. Okay. And Tom Smith then became head?  
25      A. Yes.

1 Q. Did the mood improve in the staffroom or did it remain  
2 fractured?

3 A. There was -- I also received a promotion at the time so  
4 I wasn't actually in the common room. But I would say  
5 there was a feeling of some renewed energy, oddly, in  
6 that last year.

7 Q. I mean, to the extent Smith, from what you've been  
8 saying, could see the landscape well --

9 A. Oh, he had the numbers. We didn't.

10 Q. And when the school finally closed in 2000, did that  
11 come as a bolt from the blue to most staff?

12 A. I was contacted in the last day of March and told that  
13 the headmaster wished to see me on the Saturday. I'd  
14 been, oddly enough, at my old school with a rugby match  
15 that morning and I was talking to some of my former  
16 teachers and said, "Look, I've got to see the head this  
17 afternoon, goodness knows what this is", and he took me  
18 and Martin Coombs into his house and said, "We're  
19 closing at the end of June, you'll be paid until the end  
20 of August", and those were his exact words. And it was  
21 a bolt from the blue. I'd written a timetable for the  
22 next year, for example.

23 Q. Okay. But in fairness to Smith, he had spent a lot of  
24 energy trying to keep the school going?

25 A. Immensely so, yes.

1 Q. And he had the drive to do so?

2 A. Yes.

3 Q. That lack of funding, which ultimately led to the

4 closure of the school, was that apparent throughout the

5 eight years of your tenure?

6 A. I'm answering this in two ways. The lack of funding was

7 apparent in that there was no cleaning, cleaning was

8 done by pupils. Academically we were extremely well

9 resourced. I could have any textbooks I wanted. But

10 first there was that.

11 Second, I do not know how many parents were able to

12 pay the full fees. Dumbarton's a relatively depressed

13 area, and the area of benefit, in other words the

14 Western Isles and the Highlands, is not that affluent

15 either, so I don't actually know how much profit, as

16 such, there was every year. But in terms of repairs and

17 so on, if that's what you're asking, the place was

18 falling apart.

19 Q. The phrase or the word "shoestring" has been used on

20 a number of occasions.

21 A. Mr Harvey-Jamieson in his evidence, I believe, talked

22 about hand to mouth. I believe I do too. It was run,

23 yes, on a shoestring.

24 Q. And we've heard evidence that housemasters in particular

25 had lengthy working weeks, which would be in sometimes

1           three-figure hours?

2       A.   Yes.   As they do in my current school, yes.

3       Q.   So that hasn't changed?

4       A.   I was talking to my housemistress last night on this  
5           very topic; no, it hasn't.

6       Q.   All right.   But in Keil, presumably, living  
7           a hand-to-mouth existence meant focus, perhaps, was on  
8           keeping the school open rather than other things?

9       A.   I think I say so in my paragraph.   That was very much  
10          it.   We tried to keep the place presentable, tried to  
11          get people in the door.   The entire focus, I think --  
12          not the entire focus, because obviously there was  
13          education going on, but a major focus was keeping the  
14          place open.

15      Q.   And there was also a focus on sport?

16      A.   That as well.

17      Q.   You were there for eight years.   In that eight years --  
18          and again this is just a broad sense -- did the school  
19          change in its outlook in any meaningful way so far as  
20          you were concerned?

21      A.   I instituted things like quizzes, which I ran with Bain.  
22          I introduced things whereby pupils would go out on  
23          trips, we did trips abroad.   We did things that had not  
24          been done by my predecessor.   I tried to give them  
25          a more open outlook and introduce them to such things as

1 Glasgow, because it was very much Dumbarton and the West  
2 in its viewpoint. It became, I hoped, a more  
3 cosmopolitan environment.

4 Q. But in terms of day-to-day things, pupils were still  
5 cleaning the school?

6 A. Yes.

7 Q. That never changed?

8 A. No.

9 Q. And in terms of the day-to-day running of the school,  
10 obviously we know about the Keil system, which involved  
11 squads with chiefs and deputies, again as a broad  
12 question, was Keil very different from previous and post  
13 schools in terms of the amount of reliance that was  
14 placed on senior pupils?

15 A. (Pause). I'm pausing because I'm thinking.

16 It was very different. It reminded me of some South  
17 African schools that I knew of, for instance, where  
18 there are no resident staff at all and senior pupils run  
19 boarding houses. It ran like that. There were resident  
20 staff, but yeah, as a day master, it was very much  
21 run -- not run by the pupils, but the pupils had to do  
22 an awful lot.

23 Q. Forgetting South Africa and your British experience --

24 A. I beg your pardon, yes.

25 Q. No, no, but putting South Africa aside, where there may

1           be similarities, have you ever seen anything like that  
2           in any of the schools you worked in --

3       A.   Never.

4       Q.   And that didn't change?

5       A.   No.

6       Q.   When you went, there were obviously girls attending  
7           Keil, it had gone co-ed.

8       A.   Yes.

9       Q.   But did that progressively, in terms of numbers,  
10           increase, so it became more balanced, one between the  
11           other?

12      A.   We didn't have anywhere to put the girls. The girls'  
13           accommodation was very, very small. But in terms of the  
14           overall, I think more girls came, but I can't tell you.

15      Q.   Did that change the dynamics of the school meaningfully?

16      A.   (Pause). I don't think it did.

17      Q.   All right. In terms of your experience as a day  
18           teacher, were you providing cover -- obviously you  
19           talked about the day house to try and encourage day  
20           pupils to become perhaps more engaged, but were you  
21           doing boarding cover every so often?

22      A.   Yeah, for my first two or three years there, there was  
23           a rota of staff who had to stay in and supervise prep,  
24           which was done in classrooms, supervised by pupils. So  
25           as a member of staff you weren't sitting with them, you



1           were constantly running around hoping that order was  
2           being kept in prep classrooms.

3       Q.   But there was reliance on the chiefs and the deputies --

4       A.   Yes.

5       Q.   -- to maintain that order?

6       A.   To greater or lesser effect.

7       Q.   But you were expected to at least patrol?

8       A.   Yes.

9       Q.   What about pastoral issues? Was that something that was  
10           raised with you, that you were to look out for  
11           children --

12      A.   No.

13      Q.   No?

14      A.   No.

15      Q.   From your perspective, if we can just touch on the  
16           pastoral side, was there any pastoral guidance?

17      A.   No.

18      Q.   In terms of children knowing who they might speak to if  
19           they had problems?

20      A.   They knew they had matron. And apart from that, I don't  
21           recall -- except for their lead pastoral staff, as it  
22           were, for their housemasters and tutors.

23      Q.   But were you aware that they were encouraged to go and  
24           speak to housemasters and tutors?

25      A.   No.

1 Q. That wasn't a formal policy?

2 A. There was so little written policy.

3 Q. In terms of matron, was that something that was shared

4 with the children: if you have a problem, go and speak

5 to matron? Or is that something they just learnt?

6 A. I think they just learned it.

7 Q. Did children speak to matron --

8 A. Yes.

9 Q. -- or anyone else?

10 A. Yes, certainly to matron.

11 Q. We've heard a lot about the cultures of silence in

12 schools, which you would presumably recognise, from

13 pupils. Pupils perhaps often don't come forward with

14 things. Is that a fair observation?

15 A. Teachers delude themselves -- I think I deluded myself,

16 I think I've said so in one of my points here -- that

17 pupils will talk to them about anything. Pupils don't,

18 unless you have a particularly healthy environment.

19 There tends to be a -- yes, I would say a culture of

20 silence among pupils in general.

21 Q. In general. Is that something you've seen in other

22 schools?

23 A. I'm seeing it in my own school now.

24 Q. Still?

25 A. Much, much better than it was, but one can never know.

1 I've certainly seen it in other schools. I saw it when  
2 I was at school, which I admit is some time ago.

3 Q. Again, as a comparative exercise, was Keil any  
4 different? Was it worse? Better?

5 A. It was my first experience of full boarding, but  
6 comparing it with subsequent boarding schools, I ...  
7 I am so shocked at what happened subsequently. That  
8 this was never revealed. I think things are much, much  
9 more open now but I can't say because I don't know.

10 Q. All right. But I think in terms of discipline, for  
11 example --

12 A. Oh dear.

13 Q. -- was there pupil discipline of pupils? Were you aware  
14 of that, official or unofficial?

15 A. No.

16 Q. Teaching discipline was by way of detentions and Natural  
17 History, we would understand?

18 A. NH, yes.

19 Q. NH. But there was a firm culture, as we see at  
20 paragraph 43 on page 8, at least for rugby:

21 "For failure to perform adequately at rugby,  
22 a punishment called The Hill could be awarded by staff  
23 ...", you say.

24 A. Yes.

25 Q. " ... in which a pupil or group of pupils would have to

1           run up and down the raised beach outside the staff  
2           common room for a number of times while being  
3           supervised."

4       A.   Supervised remotely by a teacher standing in the common  
5           room.

6       Q.   While looking out a window?

7       A.   Yes.

8       Q.   Keeping warm?

9       LADY SMITH:   That must be a bench, not a beach?

10      A.   Sorry?

11      LADY SMITH:   Not a raised beach?

12      A.   It is a raised beach, yes.

13      LADY SMITH:   Oh, a raised beach?   Outside the common room?

14      A.   Yes, it's part of the structure, the Firth of Clyde, my  
15           Lady.

16      LADY SMITH:   Oh, so that's outdoors, not inside the  
17           building?

18      A.   No, no, outdoors.

19      LADY SMITH:   Sorry, it was the way that sentence read, I had  
20           a picture of something in a corridor outside the common  
21           room.   That's not what you mean.

22      A.   That would maybe not have been quite as unpleasant as  
23           the thing in itself.

24      MR BROWN:   I'm obliged.   So that is literally a beach from  
25           the Clyde up a hill.

1 A. Yes, with actual fossils and all sorts of stuff coming  
2 out of it.

3 Q. That upsets you still, you say.

4 A. Yes.

5 Q. Why?

6 A. I'm of a generation where physical assault of pupils was  
7 still legal, and I felt it was a physical assault on  
8 pupils.

9 Q. And --

10 A. And it was -- I beg your pardon.

11 Q. No, carry on.

12 A. It was viewed by the rugby staff as -- and I was part of  
13 the rugby staff: they weren't working hard enough so  
14 I gave them 20 of The Hill, for example. Now,  
15 I appreciate rugby involves strenuous activity, but  
16 there are limits.

17 Q. But I think you raised concerns and was account taken of  
18 those concerns?

19 A. No.

20 Q. Now, you said a moment ago that you were, I think,  
21 horrified to learn what was not being shared by the  
22 pupils, and that's, I think, talking about the  
23 conviction in the last five years of one of the teachers  
24 we've mentioned, Bill Bain.

25 A. Mm-hmm.

1 Q. And we'll come onto that. But thinking about the school  
2 generally, pupils were not coming forward about that,  
3 but was there discussion amongst staff about particular  
4 concerns that people were aware of in a general sense  
5 and might discuss in the staffroom, for example?

6 A. Can you possibly go to the paragraph where --

7 Q. What I'm thinking of is paragraphs 32 and 33, and this  
8 is talking about problems with a particular  
9 housemistress, which seemed to have been discussed by  
10 staff.

11 A. The discussion in paragraph 33 was a private discussion  
12 between me and Martin Coombs. It was not in the common  
13 room.

14 Q. I see. But what it demonstrates is that teachers were  
15 speaking to one another and raising concerns?

16 A. Yes. I still don't know what he was talking about, but  
17 yes.

18 Q. No. The obvious question is: if such concerns existed  
19 in the mind of one teacher, why was it not being shared  
20 with management?

21 A. Don't know. When a concern was raised by a pupil with  
22 me about Bain, I did go straight to management.

23 Q. We'll come onto that.

24 A. Thank you.

25 Q. I'm talking about the general culture in the school.

1 A. Yes, I understand.

2 Q. Were teachers not expected to report concerns to  
3 management?

4 A. They certainly are now.

5 Q. Yes, but in Keil between 1992 and 2000, what was the  
6 attitude?

7 A. I'm extremely surprised they didn't. That's not  
8 answering your question, I know. I can't say we were  
9 discouraged from raising it.

10 Q. But it didn't happen?

11 A. Apparently not.

12 LADY SMITH: Louis, can I ask you just to try pulling the  
13 microphone a bit nearer to you? It does help when --

14 A. If I actually place it there so I'm -- is that better?

15 LADY SMITH: Yes.

16 MR BROWN: Thank you.

17 A. I'm sorry, my Lady, it's the combination of stuff. If  
18 I aim there and straight at Andrew, is that good?

19 LADY SMITH: That's better, thank you.

20 A. Thank you, my Lady.

21 MR BROWN: I'm most obliged.

22 But I'm interested against that background and what  
23 you've been saying about what might be seen as  
24 deficiencies in the school, an old-fashioned approach to  
25 many things, lack of policies, lack of this, lack of

1           that. At paragraph 38, you say:

2           "I was very happy there. I believed that the pupils  
3           were very happy, and that we lived and worked  
4           cooperatively for their benefit."

5       A. That was the way that I worked, and I did believe they  
6           were happy because I knew no different. And I did  
7           believe that the small body of the common room,  
8           excepting what I said about day staff and boarding  
9           staff, was generally aimed for the benefit of the  
10          pupils.

11       Q. So there was a general perception of: this is good,  
12          we're happy, but when perhaps one looks more at the  
13          detail of what was done or was not done --

14       A. Absolutely.

15       Q. -- scrutiny is perhaps less helpful?

16       A. Or in fact very, very helpful.

17       Q. Well, in terms of discipline, and going back to that,  
18          one of the comments you make is there was obviously  
19          discipline, but you say there was never any attempt to  
20          speak to pupils and get to the root of indiscipline?

21       A. That is -- yes, that is as I remember it.

22       Q. And that, you say, was at odds with what you knew from  
23          work in your previous school?

24       A. Hugely so. As I say in one of my points here, when  
25          there's a dispute between a pupil and a teacher in my



1           current school, we aim for rectification on both sides.

2       Q.   That's now.

3       A.   Oh yes.

4       Q.   The world has moved on.   But even prior to 1992 --

5       A.   When I was at Forest School and there was a dispute with

6           a pupil, it would be usually resolved before the

7           housemaster, but between teacher and pupil, so that

8           there was a mature adult discussion, which was

9           enormously to the benefit of the boys, I think.

10      Q.   Again, when you went to Keil, did you think: I'm moving

11       backwards?

12      A.   On my first morning at Keil I heard a history master

13       explode in a corridor to a pupil, I mean absolutely

14       explode in his face in a corridor and I thought

15       I couldn't think what I was coming to.   And yet, as

16       I say, I was happy and enjoyed my time.   So yes, it was

17       very much of a previous time.

18      Q.   And did you try and change that?

19      A.   Well, I didn't -- I to the best of my knowledge didn't

20       behave that way.   I felt it was better to explain to

21       pupils.   But -- sorry?

22      Q.   Did you raise it with anyone else --

23      A.   No.

24      Q.   -- and say, "This is not a great way to run a school"?

25      A.   No.

1 Q. Why not?

2 A. Because I thought it was the way the school ran. I was

3 trying to -- attempting to fit in and become part of

4 that culture. As time went on, I began to raise it, but

5 certainly not at the start, no. I thought it was just

6 the way things were done in boarding schools.

7 Q. It's just your comment about griping sessions not being

8 welcome, was that a factor, do you think? In your

9 decision not to raise things?

10 A. Yeah, that came a little later. As you're aware,

11 Tom Smith's wife worked with me and I said it was a long

12 time since we'd had an academic board, by which I mean

13 four, maybe five years, and she said, "Well, I'll go

14 away and ask Tom", and then came back and said, "Well,

15 Tom says he doesn't like them because they just turn

16 into griping sessions". Now, at that time, Tom was also

17 a housemaster so he had considerable power.

18 LADY SMITH: Louis, I was just reflecting on you saying that

19 you thought maybe boarding schools were just like this.

20 Am I right in thinking when you went to Keil you'd be

21 about 27, 28 years old?

22 A. Yes.

23 LADY SMITH: It was still quite early in your own career as

24 a teacher?

25 A. Yes. My own school experience had been at a Glasgow

1 independent day school, so from 5 to 17 I was at  
2 Kelvinside Academy so I had no knowledge of this type of  
3 school. And yes, it was my first experience of quasi  
4 full boarding.

5 LADY SMITH: Were most of the teachers and staff at Keil  
6 a good bit older than you when you arrived?

7 A. The nearest in age to me, I think, was ECB ,  
8 who was a teacher, he was two years older. And then  
9 if you go beyond ECB , you're then going ten years to  
10 Martin Coombs. So yes, in answer to your question.

11 LADY SMITH: In professional terms, a different generation?

12 A. Absolutely. And of a different experiential background.  
13 Though I'd been educated in Scotland, I had not at that  
14 time taught in the Scottish state sector, which is where  
15 the majority of teachers had come from.

16 LADY SMITH: Thank you, that helps me with the picture of  
17 what you were presented with.

18 Mr Brown.

19 MR BROWN: I'm obliged.

20 Moving on though, by 1999, returning to  
21 paragraph 63, you've been there for seven years.

22 A. Mm.

23 Q. You were perhaps a little bit older and more confident.  
24 You did -- and the details, I don't think, are  
25 particularly of moment, but you take a call from

1           a parent expressing concern about a teacher.

2       A.   Yes.

3       Q.   And you passed it to the headmaster.

4       A.   Yes.

5       Q.   That was John Cummings?

6       A.   Yes.

7       Q.   And this is towards the end of his tenure, end of the

8           summer term 1999?

9       A.   Yes.

10      Q.   And you were told to say nothing more?

11      A.   Precisely.  "Leave it with me, I'll deal with it."

12      Q.   And, so far as you're concerned, you don't know what

13           action was or wasn't taken?

14      A.   No.

15      Q.   Okay.  That culture of "leaving it with me", did that

16           surprise you?

17      A.   No, because in situations where there's an accusation,

18           it has to be dealt with by, really, by one person, and

19           also not to talk about it.  Were the accusation proven

20           to be false, it would not have been kind or helpful to

21           the teacher concerned.

22      Q.   So you think that's a reasonable approach?

23      A.   Yes.

24      Q.   It has to be investigated?

25      A.   Yes.

1 Q. But were you surprised not to have any feedback in due  
2 course?

3 A. No.

4 Q. You weren't surprised?

5 A. No, because I -- all I had done was the right thing,  
6 which was to report the accusation, and the  
7 investigation of it would have had to be at very senior  
8 management level.

9 Q. But again talking about the culture at Keil, you went  
10 and reported it. Do you think every other teacher would  
11 have done the same?

12 A. I don't know.

13 Q. Was there any policy about reporting?

14 A. No. I just did what I thought was the right thing,  
15 which was to tell the headmaster.

16 Q. Thank you. If we can move on now to Bill Bain and the  
17 prosecution --

18 A. Yes.

19 Q. -- which you, as we read, were involved prior to  
20 reporting.

21 A. Yes.

22 Q. And we don't need to labour that, we can read that. You  
23 were in due course contacted by the police and gave  
24 a statement?

25 A. Yes.

1 Q. And I think you attended the High Court, but obviously  
2 didn't need to give evidence because a plea was taken?  
3 A. Yes.  
4 Q. Which I think was a matter of relief for you?  
5 A. Enormous.  
6 Q. Bill Bain was a teacher you had worked with throughout  
7 the entire time at Keil?  
8 A. Yes.  
9 Q. Again, just to start with, when you arrived at Keil he  
10 was already in situ. What did you think of him?  
11 A. I was introduced to him at a drinks party at the  
12 headmaster's house. He came bouncing up, very open.  
13 I think I've said somewhere a perpetual adolescent. He  
14 was enthusiastic, keen on everything, into everything,  
15 did all the sport. As John Whyte said in his leaving  
16 speech, the one thing you'll never hear is Bill Bain  
17 saying, "I'll just have a Sunday to myself". Funny, I'm  
18 afraid.  
19 Q. The one thing is clear, though: he did a very great deal  
20 in school --  
21 A. Enormously.  
22 Q. -- for the boys?  
23 A. Yes.  
24 Q. And the school, running hand to mouth, presumably took  
25 full advantage of that?

1 A. Yes.

2 Q. It suited them?

3 A. Yes.

4 Q. And even though you were a day pupil, did you have

5 a sense that his --

6 A. I was day staff.

7 Q. Sorry, day staff, thank you. Even though you were day

8 staff, going home at 4.30, did you get a sense that he

9 was popular with the boys?

10 A. Oh, Pied Piper, yes, absolutely so.

11 Q. Can you say why he was popular with the boys?

12 A. Bearing in mind what happened subsequently, no. But he

13 was always in their company, he was always, as I said,

14 bouncing around, doing sport, doing this, doing that,

15 taking them on trips, filling a minibus full of kids and

16 heading to McDonald's, that sort of thing.

17 Q. Was there any concern about the level of activity by

18 Bain with children --

19 A. No.

20 Q. -- in the school?

21 A. No.

22 Q. Were they just grateful he was there to take the load?

23 A. Yes.

24 Q. Now, we've heard Tom Smith in his statement say he was

25 overgenerous with his time with pupils. You would agree

1           with that, I take it?

2       A.   I don't like the word "overgenerous".

3       Q.   Why not?

4       A.   Because I think it was his decision to do so.

5           Overgenerous sounds to me pejorative.  He was certainly

6           very generous with his time.

7       Q.   We understand that his room in the house was often open

8           to pupils?

9       A.   I don't know.

10      Q.   That wasn't something you were aware of?

11      A.   No.

12      Q.   Or his physics classroom, computers, were accessible?

13      A.   I don't know about that.

14      Q.   You don't know about that?

15      A.   No.

16      Q.   All right.  So day to day there was no discussion of him

17           which raised concerns in your mind?

18      A.   No.

19      Q.   But I think, as you set out both in your statement to

20           us, which mirrors in some respects, I think, your police

21           statement, concerns did form in your mind --

22      A.   Yes.

23      Q.   -- because of things you were hearing?

24      A.   Yeah, they did.

25      Q.   Can you remember when that first started?



1 A. Can we go to -- the first slight qualm would be,  
2 I think, the incident involving a pupil at the rugby  
3 pitch and I don't necessarily want to name the pupil in  
4 this environment.

5 Q. I'm not interested in the pupil's name.

6 LADY SMITH: No, we don't need the name.

7 A. Okay, thank you. But that was when I thought, "Gosh,  
8 there's something up here".

9 MR BROWN: And what happened?

10 A. I reported it to the late OPR, who was  
11 of the rugby at the time.

12 Q. What caused you concern?

13 A. The words that I quote there.

14 Q. Is this paragraph 78:  
15 "I saw Bain hug a boy ... on the rugby pitches."

16 A. Yeah.

17 Q. Who was perhaps 12 at the time?

18 A. Probably.

19 Q. And the boy tells Bain to get off in the tone of someone  
20 who wants to stop being teased.

21 A. Mm-hmm.

22 Q. And Bain says, "I'm sorry ... it's because I love you so  
23 much".

24 A. Correct.

25 Q. And that concerned you?

1 A. Oh yes.

2 Q. Might be seen as a teacher just teasing a pupil. What  
3 was the concern?

4 A. I think Bain's words.

5 Q. You told OPR

6 A. Yes.

7 Q. He was the housemaster?

8 A. Yes.

9 Q. What was the response from OPR ?

10 A. Didn't hear anything.

11 Q. Did he express concern?

12 A. I don't think so.

13 Q. And you think this was about 1995?

14 A. I think so.

15 Q. All right. I think, in fairness, in your police  
16 statement, which we have a copy of, you perhaps date  
17 that to 1993 or 1994? It's a long time ago.

18 A. It's a long time.

19 Q. And that was a statement you gave in 2015, I think.

20 A. Yes.

21 Q. One of the things you also say in that, I don't think we  
22 need to show you, just take it from me, you say there  
23 were rumours that Bill would allow the kids access to  
24 the loft area of Islay Kerr House and would purchase  
25 alcohol for the kids in his care. That's something that

1 obviously you didn't see but was being talked about from  
2 what you reported to the police. Does that ring bells?  
3 A. The alcohol doesn't ring a bell, but if I said it, it  
4 must have been the case. Sorry, the reason I know  
5 pupils had access to the loft area -- I don't know what  
6 went on in his house -- is that one of them who  
7 I mention here fell out of it and broke a leg, I think.  
8 Q. Okay. So that would be public knowledge?  
9 A. Yes, the ambulance was involved.  
10 Q. Okay. What else do you remember causing you concern?  
11 A. Paragraph 81, perhaps. And further down, paragraph 82.  
12 Q. I think paragraph 81 was a pupil asking you during  
13 a cricket session whilst you were taking the stumps out  
14 at the end of a practice session why was it that Bill  
15 lost interest in boys as they grew older.  
16 A. And that just rang an alarm bell.  
17 Q. Well, yes.  
18 A. But there's nothing on which I could nail anything. And  
19 that's the thing I would wish to repeat to you. But,  
20 yes, of course it raised an alarm.  
21 Q. And having raised an alarm, what did you do?  
22 A. (Pause). Yeah.  
23 Q. Is the answer you didn't do anything?  
24 A. I'm afraid so.  
25 Q. Had that happened now, what would you do?

1       A. We have GIRFEC, we have SHANARRI, we have a complete set  
2       of protocols through which we go. As soon as that is  
3       raised now, there is an established state-sponsored  
4       format for dealing with it.

5       Q. In Keil, from what you're saying, there were no  
6       processes in place --

7       A. No.

8       Q. -- to follow?

9       A. No.

10      Q. But do you regret failing to act?

11      A. Of course.

12      Q. I think you also talk about pupils saying this is a very  
13      different place after you leave.

14      A. Yes.

15      Q. Again, I suppose that might have made some sense to you  
16      because of course it would be a different place, but  
17      were alarms not being triggered by that comment?

18      A. I refer you to what I said a few moments ago. It was my  
19      first experience of boarding.

20      Q. Yes.

21      A. I -- now, yes, but then I'd -- I simply don't know. But  
22      when I was there in the evenings, I was supervising prep  
23      so I wasn't in the boarding houses.

24      Q. Okay.

25      LADY SMITH: Can I just go back a minute.

1       A.   Sure.

2       LADY SMITH:   I was thinking about your reference to GIRFEC  
3                   and SHANARRI and I quite understand how and why that's  
4                   hardwired into any teacher's mind in Scotland now.  If  
5                   one goes through the SHANARRI well-being factors,  
6                   though, safe, healthy, active, nurtured, achieving,  
7                   respected, responsible, included, none of those would  
8                   come into play as a result of a child asking you why  
9                   does so-and-so lose interest in boys when they get  
10                  older.  Do you see what I mean?

11       A.   I do.  Teachers tend to use GIRFEC SHANARRI as a single  
12                  phrase.

13       LADY SMITH:   I get that.  So what are you really saying  
14                   about modern thinking as compared to thinking at that  
15                   time?

16       A.   What I'm saying is that in my current school we are  
17                  trained and drilled never to promise confidentiality.  
18                  Once a pupil has told you something, you have to pass it  
19                  to the deputy head (pastoral), and that is the culture  
20                  and I think it's disciplinary if you fail to.  That's  
21                  a hardwired culture of mutual responsibility, which  
22                  exists now and existed at my previous school, but not at  
23                  Keil.

24       LADY SMITH:   So help me with this, and I don't want to put  
25                  words into your mouth.  Are you actually saying because

1 of the modern culture of thinking about the interests of  
2 every single child and risks that those interests could  
3 be harmed, the child could be harmed in any way, you  
4 must take up anything that even limply waves a red flag  
5 or even a flag that's not quite red yet, so that people  
6 in the leadership positions in the school know about it  
7 and think about what they're going to do?

8 A. We have a framework called iSAMS. On iSAMS there's  
9 a well-being manager. There's a button there and you  
10 have to press it to raise a concern of any type so that  
11 the houseparent then has a magnificent structured  
12 development on which to go. I'm working at the moment  
13 on a GIRFEC case and it all started from someone  
14 pressing a well-being manager to say this child is not  
15 managing a classroom environment. So it's a yes is what  
16 I'm saying to you.

17 LADY SMITH: Can you tell me again what that system's  
18 called?

19 A. iSAMS.

20 LADY SMITH: That stands for what?

21 A. Don't know.

22 LADY SMITH: Don't worry. We'll --

23 A. Good luck. But most schools in our sector use it.

24 LADY SMITH: I may have heard that one already, I'm not  
25 sure.

1 MR BROWN: I think there are a number of programmes,  
2 my Lady, that we have been given details of.

3 A. It is magnificent from that point of view because it  
4 will build a holistic view of a pupil's progress and  
5 good points as well.

6 LADY SMITH: And from what you say, it sounds like quick,  
7 effective communication of information.

8 A. Quick, effective, during a class communication of  
9 information, for example. Without going into detail,  
10 and forgive me, Andrew, I have a couple of pupils at the  
11 moment where every single perceived transgression or  
12 good point has to be recorded during a class and sent to  
13 a housemaster.

14 LADY SMITH: Thank you. I'm sorry, I've digressed.

15 MR BROWN: Not at all.

16 LADY SMITH: But I thought it was useful to interject at  
17 that point.

18 MR BROWN: It's very helpful because we'll come on to the  
19 experience at Keil of lack of communication, and perhaps  
20 the reasons for that in a moment.

21 Just one question about the system. Is that bespoke  
22 to your current school or is it --

23 A. Oh, no, no, no. iSAMS is used by many, many schools.

24 Q. That's what I was wondering, because we've heard  
25 evidence of some bespoke systems in some schools

1 but this is obviously one that's used --

2 A. No, iSAMS is used by -- I hate to say the big hitters,  
3 but it's used by many, many leading schools.

4 Q. Thank you. Going back, though, to things that you knew,  
5 and you list a number of experiences where flags were  
6 being waved, sometimes more limply than others, others,  
7 I think, causing concern, for example indication that  
8 photographs had been taken by Mr Bain of boys in  
9 changing rooms.

10 A. Mm-hmm.

11 Q. And that caused puzzlement.

12 A. It caused puzzlement. John McMurtrie and I were the day  
13 housemasters at the time and I don't know if either of  
14 us put it up the line.

15 Q. All right, but it was --

16 A. It was presented in a montage of various rugby positions  
17 and boys running around fields and. It wasn't a unique  
18 photograph.

19 Q. But I think, staying on the rugby side of things, you  
20 say in terms, he showed obvious arousal when taking  
21 rugby --

22 A. On one occasion, yes.

23 Q. Did you tell anyone about that?

24 A. OPR

25 Q. So this housemaster, who presumably in the pecking order



1           of teachers is higher up than you?

2       A.   And considerably older.

3       Q.   And considerably older.   And what was the response when

4           that was shared?

5       A.   "Oh".   I can't remember any other response.

6       Q.   You recall, I think, a number of occasions where

7           engaging with other teachers you thought they were aware

8           of concerns about Bain; is that right?   Thinking

9           about --

10      A.   Paragraph 83?

11      Q.   Yes.

12      A.   I'm sorry, it says "as quoted above", I beg your pardon.

13      Q.   I think this is a lady teacher who, as you recall it,

14           expressed concerns when she heard Mr Bain was going to

15           another school after the closure --

16      A.   Mm-hmm.

17      Q.   -- because of what she perceived, as you saw it, to know

18           about him.

19      A.   Yes.

20      Q.   I think, as you are aware, that is not a recollection

21           she shares with you, but that is your recollection of

22           events?

23      A.   That is my clear recollection, yeah.

24      Q.   All right.   And what about Tom Smith, who clearly was

25           the driving force of the school?   What do you think he

1           may or may not have known?

2       A.   Well, there was one -- again, you'll have to help me on  
3           the paragraph.

4       Q.   Don't worry about the paragraph, just tell us what you  
5           remember.

6       A.   No, I will.  I said to Tom one day, "I'll get you up The  
7           Hill", as it were, from rugby, climbing the raised  
8           beach, and he said, "No, I'll just stick around to keep  
9           an eye on Bill."

10      Q.   What did you take from that?

11      A.   What he said.

12      Q.   Did you take it that he was concerned about --

13      A.   I would imagine keeping an eye -- if you keep an eye on  
14           someone -- there is a thing where you're not meant to be  
15           in the same environment with a pupil without a witness,  
16           and that is good practice and good culture.  So it could  
17           have been that.

18      Q.   Could have been that, all right.  But I think you do  
19           say, and this is to the police, that it was common  
20           knowledge that he would buy children sweets?

21      A.   Oh yes, yes.

22      Q.   And that was thought just to be friendliness?

23      A.   Yes.

24      Q.   That didn't cause concern?

25      A.   It was thought to be friendliness.

1 Q. What about giving money to pupils? Was that known?

2 A. Didn't know about that -- I mean, I -- he may have done,

3 but -- yeah.

4 LADY SMITH: Did any other teacher buy sweets for children?

5 A. Very good point, my Lady. The answer is I don't know.

6 It's quite common practice in a boarding environment

7 to -- we call them innings, where a teacher will buy

8 a stack of pizzas and share them with pupils. Those

9 sort of things are actually really quite common and it's

10 certainly part of the culture in one of the boarding

11 houses where I work that they have bake-off days which

12 involves a stack of biscuits from Tesco's. So, yeah,

13 that homeliness is very much part of the culture,

14 certainly at my current school, yes.

15 LADY SMITH: But I'm just interested in the fact that you

16 mentioned that activity, if I can call it that, that

17 behaviour by Bain.

18 A. It was so un-Keil.

19 LADY SMITH: What was different about it?

20 A. It was so un-Keil.

21 LADY SMITH: Oh, un-Kiel, it wasn't the sort of thing that

22 the happened at Keil?

23 A. No. But it does quite -- hang on a second. Giving

24 sweets to pupils is not a thing that happens. If I have

25 a small class, I will bring coffee for the class and

1           that's just to make Saturday mornings more bearable,  
2           frankly.

3       LADY SMITH: Thank you.

4       MR BROWN: Thank you.

5           Returning to your police statement and the tail end  
6           of it, you make reference to the boy at the cricket  
7           pitches and the comment about Bill losing interest when  
8           children get older and you thought that was 1995, 1996.  
9           You then go on to say:

10           "There was an occasion in '95, '96 or '97 ..."

11           So clearly memory is frail. You were marking  
12           jotters and you find scrawled on the back of a jotter  
13           someone has written, "Did you hear Bill Bain fiddled  
14           with ..." and then names a pupil.

15       A. Yeah.

16       Q. Now --

17       A. Yeah. Uh-huh.

18       Q. I mean, again, from what you've said, if that happened  
19           today, protocols would be followed to the letter?

20       A. Scanned, put into evidence, it would be -- yeah,  
21           absolutely.

22       Q. But I think you also told the police that after the  
23           cricket experience in 1995 or 1996, by that stage you  
24           had:

25           " ... made up my mind that Bill had sexual desires

1           for young teenage boys and I didn't want to discuss it  
2           with the boy who was talking about it at the cricket  
3           nets."

4       A.   That raised the alarm bell, yeah.   It's a difficult  
5           thing to do.

6       Q.   But once the boy's away and obviously it's a difficult  
7           thing to discuss with the boy, but from what you're  
8           saying to the police, in your own mind, you're now --

9       A.   I'm beginning to look for things.

10      Q.   But again, and just as a matter of fact, you didn't take  
11           it further?

12      A.   No.

13      Q.   And I know you say in part of your statement, "and  
14           I don't know why".   Have you thought further about why  
15           you didn't do it?

16      A.   I'm thinking further, I'm thinking further now, Andrew.  
17           Was it part of the culture not to?   Young teacher, not  
18           very sure of himself.   I should have taken it forward.  
19           I don't know how it would have been received.   But  
20           I think that's another what if.

21      Q.   Sure, what if, but do you think the culture was  
22           a relevant factor?

23      A.   Oh yes.

24      Q.   And again, forgive me for asking what may be an obvious  
25           question, but what was it about the culture that might

1           have blocked you from taking it on?

2       A.   I don't think I would have known where to go.

3       Q.   There's an obvious chain of command in the school?

4       A.   I know.

5       Q.   And from what you're saying, Tom Smith, the powerhouse,

6           might be the obvious person to speak to since he runs

7           the school.

8       A.   Yeah, I don't know.   I simply -- I mean, I ...

9       Q.   But I think, obviously, and we have heard this from

10           a number of teachers who volunteered statements, that

11           the general picture that is painted is that no one had

12           any idea and it was a tremendous shock when you

13           discovered in 2015 what was going on.

14       A.   (Witness nods).

15       Q.   Is that how you felt in 2015?

16       A.   Horrorified.   It was actually earlier than that.

17       Q.   Sorry?

18       A.   It was earlier than that.

19       Q.   Yes.

20       A.   I -- yes, because as I've said, and I'm sure -- I hope

21           others have said: how did we not know?   I do not know

22           what Bain did, incidentally.   I have no idea what the

23           accusations were against him and I don't want to know.

24       Q.   But would we understand that after Keil closed you kept

25           in touch with the staff?   It's a small-knit group.

1 A. Yes and no. I mean, I moved to England and I suppose  
2 I would see one or two of them afterwards, really just  
3 one, Suzanne Lynch. But I can't think -- no, because  
4 I -- I'd moved on, I'd moved away.

5 Q. Did you not attend socials with them occasionally?

6 A. There were two that I can remember.

7 Q. When was the last one?

8 A. 2017, I think. It's one of the later paragraphs here.

9 Q. And, I think, as you say in this paragraph, 106, one  
10 would hear one's former colleagues denying any knowledge  
11 of what he did.

12 A. Vociferously so.

13 Q. Did you have any views on that?

14 A. Well, you see, by that time I'd been contacted by that  
15 pupil, you see, so I knew -- I'd been contacted at some  
16 length by officers of Strathclyde Police. I was very  
17 surprised.

18 Q. At the -- what were you surprised by?

19 A. At the strength of denial. It's a small, close-knit  
20 society.

21 Q. Were you somewhat incredulous?

22 A. I would say so.

23 Q. And I think as well as that dinner you talk in  
24 paragraph 105 that obviously you have given a statement  
25 to the police --

1       A.   Yes.

2       Q.   -- and you've discussed the terms, and in that statement

3           you made reference to what you told us about Tom Smith

4           keeping an eye on Bill?

5       A.   Yes.

6       Q.   And that was something that Tom Smith wanted to speak to

7           you about?

8       A.   He started off by asking if I was getting better.

9       Q.   Because you'd had an illness?

10      A.   I fell ill, quite dramatically, and about the third

11           sentence was, "What's all this I hear about ...?"

12           I think that's what I've said.

13      Q.   "What's all this I hear about you saying to the police

14           that I knew about Bill Bain? I didn't."

15      A.   Mm-hmm.

16      Q.   So he took offence at the suggestion that he had any

17           idea?

18      A.   Yes.

19      Q.   All right. You passed the phone away?

20      A.   I actually dropped the phone. I put it on the sofa to

21           my then partner.

22      Q.   Why?

23      A.   I was really upset.

24      Q.   What was the tone?

25      A.   Of Smith?



1 Q. Mm.

2 A. Aggressive.

3 Q. Have you spoken to him since?

4 A. No.

5 Q. Turning to paragraph 107, you conclude by saying:

6 "I previously mentioned an omerta [of silence] about

7 the situation, as if there is a sensitivity among us -

8 I have no concrete proof of this apart from picking up

9 a feeling from the way people think - that we had failed

10 to do anything and do not wish to admit to anything

11 being amiss."

12 Was there an omerta amongst the staff, do you think?

13 A. You have already reminded me that I failed to act when

14 I should have acted. So maybe I'm part of that too.

15 I think the vehemence of denial of the -- as they put it

16 at the time -- the elephant in the room the last time we

17 met does -- just makes little bells jingle and jangle,

18 yes.

19 Q. With hindsight, you would accept you knew?

20 A. I accept that there were things that made me

21 uncomfortable. I did not -- I do not and did not know

22 what he did.

23 Q. No.

24 A. But there were things that made me uncomfortable.

25 Q. In a small community, you picked up on them.

1 A. Yes.

2 Q. Do you think others could have missed them?

3 A. Yes.

4 Q. You think they could have missed them?

5 A. I know the little alarm bells that were ringing in my  
6 head, which would give me no reason to think they didn't  
7 ring in other people's heads.

8 Q. Okay.

9 A. But again, and I say this here, the actual prima facie  
10 evidence was not there. The actual sight of events.

11 Q. No. You were a day teacher who went home at 4.30.

12 A. Yes.

13 Q. Is there anything else, Louis, that you would wish to  
14 share with us?

15 A. My enormous appreciation for your questioning this  
16 morning and for the support I've had from the support  
17 staff through this long and distressing process. I am  
18 deeply, deeply, deeply grateful for the time you have  
19 given me, my Lady. It's been a -- it's been a long one,  
20 this. And thank you for giving me this forum. And  
21 I thank the government for instituting this much-needed  
22 Inquiry. Thank you, my Lady.

23 LADY SMITH: Are there any outstanding applications for  
24 questions of Louis? Louis, that completes the questions  
25 we have for you today. Could I respond with my

1           gratitude to you for engaging with us as fully and  
2           frankly as you have done, both in providing your written  
3           statement, and I know that's hard work, and in coming  
4           here today to answer the questions we have for you in  
5           a public forum. I know that's hard work too.

6       A. Thank you.

7       LADY SMITH: I do appreciate how draining it is to do that,  
8           but I have the impression that you understand what this  
9           is all about and it's all about doing the best for  
10          children now and in the future and recognising how the  
11          best was not done for all children in the past when they  
12          were in residential care.

13      A. Yes.

14      LADY SMITH: I really appreciate your contribution, thank  
15          you.

16      A. Thank you, my Lady. I will have to live with having  
17          worked at that place, as the pupils will have to live  
18          with having been there. And I hope they find closure  
19          just as I intend to find closure in a few minutes on the  
20          other side of that door.

21      LADY SMITH: Good. I will let you go.

22      A. Thank you.

23      LADY SMITH: And I hope you're able to take the rest of the  
24          day off.

25      A. I am, I am.

1 LADY SMITH: Thank you.

2 A. Thank you very much, my Lady.

3 (The witness withdrew)

4 LADY SMITH: Mr Brown, I think we'll take the morning break

5 now and move to the next witness after the break.

6 MR BROWN: Yes. I'm sure the witness will be here. I have

7 yet to speak to him, so if we could perhaps just have

8 an extra five minutes so I can introduce myself.

9 LADY SMITH: Certainly.

10 MR BROWN: Thank you.

11 (11.24 am)

12 (A short break)

13 (11.46 am)

14 LADY SMITH: Mr Brown.

15 MR BROWN: My Lady, the next witness is William Bain.

16 LADY SMITH: Thank you.

17 MR BROWN: Who will require a warning for matters outwith

18 his conviction and charge.

19 LADY SMITH: Thank you.

20 William Bain (affirmed)

21 LADY SMITH: First of all, help me with this. Would you

22 like me to address you as William, Bill or Mr Bain?

23 A. William's fine, thank you.

24 LADY SMITH: Thank you, that's very helpful. Your statement

25 is in the red folder, you will be taken to that shortly

1 by Mr Brown. It will also come up on the screen, if  
2 we're referring to any particular parts of your  
3 statement. Feel free to use either or neither, as you  
4 find most helpful.

5 A. Right.

6 LADY SMITH: William, do let me know if you have any queries  
7 or concerns during the course of your evidence or if you  
8 want a break. If it works for you, it works for me, so  
9 that I can do what I can to make you comfortable giving  
10 your evidence.

11 Now, before I hand over to Mr Brown, you're probably  
12 aware of this already, but I wanted to warn you that if  
13 questions arise in the course of your evidence, the  
14 answers to which might lead to you incriminating  
15 yourself in relation to anything of which you were not  
16 previously charged and/or convicted, you're not obliged  
17 to answer them. But of course, if you choose to answer  
18 them, you must answer them fully, given that you have  
19 affirmed that you will tell the whole truth and nothing  
20 but the truth. Does that make sense?

21 A. That's fine, yes.

22 LADY SMITH: Thank you. As I say, any queries, don't  
23 hesitate to let me know.

24 A. Thank you.

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

1           he'll take it from there.

2       A.   Right.

3       LADY SMITH:   Mr Brown.

4                               Questions from Mr Brown

5       MR BROWN:   My Lady, thank you.

6                   William, good morning.

7       A.   Good morning.

8       Q.   Her Ladyship touched on the statement, and humour me

9           because it has a reference number which I need to read

10          in, which is WIT-1-000000508.   That's a statement that

11          you obviously provided to the Inquiry during lockdown,

12          I think?

13      A.   That's right.

14      Q.   So the process was done online; is that correct?

15      A.   Yes.

16      Q.   Sending documents, and ultimately it got to the stage

17          that you were content with what you had written and any

18          revisals that you felt necessary, so on page 14 we see

19          that you signed the statement on 10 November last year

20          and it concludes with the statement:

21                "I have no objection to my witness statement being

22                published as part of the evidence to the Inquiry.

23                I believe the facts stated in this witness statement are

24                true."

25                Is that correct?

1 A. That's correct.

2 Q. So you would understand that the statement is in  
3 evidence and it's obviously been read already and will  
4 no doubt be read again, but we don't have to labour all  
5 the details.

6 We see from your background you're now 68?

7 A. Yes.

8 Q. And you spent a career in education post university at  
9 a number of schools?

10 A. Mm-hmm.

11 Q. And obviously of particular interest to us is your time  
12 at Keil School.

13 A. Yes.

14 Q. In Dumbarton from 1987 to 2000. 2000 obviously was when  
15 it closed, and you then had a brief period of teaching  
16 at another school, but then went on to another Scottish  
17 boarding school where you stayed for 14 years until the  
18 allegations which turned into a conviction became known.  
19 Is that a fair summary?

20 A. That's correct, yes.

21 Q. In terms of your previous schools, was there a boarding  
22 element to certainly one of them?

23 A. There was a boarding element to both of them.

24 Q. At both of them?

25 A. Yes.

1 Q. Primarily day schools but they also provided a boarding  
2 house?

3 A. That's right, yes.

4 Q. Is that essentially it?

5 A. Yes.

6 Q. Did you have engagement in the boarding houses of those  
7 first two schools?

8 A. Yes, I did, yes.

9 Q. You did?

10 A. Mm-hmm.

11 Q. So we should understand that, really, a boarding  
12 responsibility is something that has been the norm for  
13 you for your entire career?

14 A. Yes.

15 Q. And was that something, thinking to when you began at  
16 Edinburgh in 1976, was that something you sought out or  
17 was it just requested of you?

18 A. That was requested of me.

19 Q. Okay. When you came to Keil in 1987, you've been to two  
20 major city schools already and then you go to Keil, what  
21 were your feelings about Keil when you joined? Do you  
22 remember?

23 A. I remember thinking that -- as I say, the boarding  
24 department at the other two schools had been very much  
25 a sideline and wasn't the core of things, so I thought



1           they hadn't therefore been able to perhaps manage that  
2           side of things as well as they could have done, and  
3           I thought that Keil would be a place where the boarding  
4           was the central core and so everything should be focused  
5           on that.

6       Q.   And was that something that you were keen to do more of,  
7           if you like, the boarding responsibility?

8       A.   Not so much the boarding responsibility, the whole ethos  
9           of being totally involved.

10      Q.   I see, so involvement with the children was the driving  
11           force --

12      A.   Yes, yes.

13      Q.   I see.  You were interviewed, I think, by a [REDACTED],  
14           [REDACTED], appointed SNR [REDACTED], CGC [REDACTED] who  
15           I think was appointed --

16      A.   At that point, yes.

17      Q.   -- a [REDACTED] before you joined?

18      A.   Yes.

19      Q.   And you note one thing, and we'll come back to this very  
20           briefly: he thought it would be helpful if you were  
21           registered with GTCS, so you did that?

22      A.   I think I was already registered with GTCS before that.

23      Q.   Okay.

24      A.   In fact, I'm sure I was, prior to that.  Pretty sure.

25      Q.   Okay.  Did you get a sense from CGC [REDACTED] that he was

1           trying to change Keil in any way?

2       A. I think he was -- he was trying to move it forward, yes,

3           but I don't know about trying to change in any

4           significant way. I think he was trying to take it -- he

5           was trying to increase the numbers as much as anything.

6       Q. We've heard that Keil -- perhaps you can confirm this --

7           for the entire time you were there was running somewhat

8           hand-to-mouth?

9       A. Yes.

10      Q. Were you aware of that from the very outset?

11      A. I knew when I applied it was a small school. I didn't

12           realise it was quite so -- quite so tight that way.

13           I didn't realise how on the edge it was.

14      Q. And did that become more and more apparent the longer

15           you were there?

16      A. Yes.

17      Q. And I think one of the things we have heard from

18           a number of sources is that the life of a boarding

19           master, as distinct from just a simple day teacher, was

20           pretty onerous?

21      A. Yes.

22      Q. Very long hours.

23      A. (Witness nods).

24      Q. And we've heard that you were perhaps the most

25           enthusiastic at providing alternatives to the children?

1       A. I felt that in term time it was total commitment and  
2       holiday time was total holiday.

3       Q. I see. And we know that you were very much an outward  
4       bound person, you did Duke of Edinburgh, you would take  
5       children away in minibuses?

6       A. Yes.

7       Q. On your own?

8       A. Yes.

9       Q. And during term time you lived the school?

10      A. Yeah.

11      Q. Just before we turn to your experience, thinking of the  
12      school more generally, did you feel in comparison to  
13      your previous schools that it was old-fashioned in its  
14      outlook?

15      A. Yes, definitely.

16      Q. Why was that?

17      A. I suppose, apart from anything else, they'd only just  
18      ceased corporal punishment when I arrived, fairly  
19      recently, I think probably within the year or maybe two  
20      years, I don't know, but it was certainly very recent.

21      Q. In comparison to the two previous schools you'd worked  
22      at, had they stopped --

23      A. They hadn't -- but they had by the time I got to Keil,  
24      certainly, yes.

25      Q. Because we would understand that the privates were

1           progressively --

2       A.   That's right, phasing it out.

3       Q.   -- phasing it out.

4       A.   That's right.   So it was that side of things.   But also

5           they left most of the management, the day-to-day

6           management to the senior pupils.

7       Q.   Had you ever seen anything like that before?

8       A.   No, no.

9       Q.   And, thinking of progression after Keil, did you ever

10           see anything like it after?

11      A.   No.

12      Q.   So in that sense, is Keil distinct?

13      A.   Very much so, yes.

14      Q.   And did that trouble you?

15      A.   There were aspects of it that troubled me, yeah.

16      Q.   What were they?

17      A.   Well, there was no doubt -- although there was no

18           fagging as such, technically, there certainly was

19           informally.   And the senior pupils had expectations of

20           junior pupils that they shouldn't have had.

21      Q.   And was anything done to try and stop that?

22      A.   Not really.

23      Q.   Given the lack of funds and living hand to mouth, was

24           the focus in terms of management really trying to keep

25           the school alive, perhaps, rather than looking inwards

1           and seeing how it was operating?

2       A.   Probably, yeah.

3       Q.   Is that fair?

4       A.   Yeah, absolutely, yeah.

5       Q.   I think when you joined in '87 -- you were interviewed

6           by **CGC**           Who was **SNR**           at that point?

7       A.   **CDL**

8       Q.   But I think he in turn was  by Tom Smith?

9       A.   I'm not sure how many years down the line that was, but

10           it was -- it certainly wasn't immediate.

11       Q.   No, it may have been a couple of years, I think we would

12           understand?

13       A.   Yeah, a few years later, yeah.

14       Q.   And Tom Smith was someone you worked with closely?

15       A.   Yes.

16       Q.   He became a deputy head who, on some accounts, was

17           really the person who ran the school.

18       A.   That's correct, yeah.

19       Q.   Is that a fair description?

20       A.   Yeah.

21       Q.   He was very driven?

22       A.   Sorry?

23       Q.   He was very driven?

24       A.   He was very driven, yes.

25       Q.   **CGC**           was  by John Cummings.

1 A. Yes.

2 Q. And we've heard that there were tensions between the two  
3 of them, is that fair?

4 A. Yes, I think so, yes.

5 Q. Was the feeling from Tom Smith that he could run the  
6 school better?

7 A. I think so, yes.

8 Q. And how did that show itself?

9 A. It was -- I mean, there was a slight -- there was  
10 a slight tension between them. They would sometimes  
11 disagree about how things were to be done. But  
12 John Cummings was more relaxed, and as you say, Tom was  
13 more driven.

14 Q. Was John Cummings trying to change the school [REDACTED]  
15 from CGC time?

16 A. I think he probably was, yes, yes.

17 Q. In what way?

18 A. I think he was trying to make it more relaxed and more  
19 comfortable, nicer for the pupils, nicer place to be.

20 Q. Greater focus on education rather than rugby, for  
21 example?

22 A. No, I don't think that, necessarily, but a greater focus  
23 on ... on happiness, perhaps.

24 Q. Did he succeed?

25 A. Probably not, because he didn't -- no, probably not.

1 Q. Was that in part because of pushback from his number  
2 two?

3 A. It may -- there may have been -- it may have been  
4 an element of it, certainly, yes.

5 Q. Because Tom Smith thought he knew better?

6 A. I think he -- he knew differently. I'm not going to say  
7 better. He had a different approach.

8 Q. All right. We've heard that an anonymous letter was  
9 sent to John Cummings urging him to change his approach.  
10 Do you remember that?

11 A. I don't remember that, no.

12 Q. Okay. It was suggested, I think, that you might have  
13 been involved at the request of Tom Smith in sending  
14 that letter or supporting that letter?

15 A. Not to the best of my knowledge.

16 Q. All right. Is that something you may have just  
17 forgotten?

18 A. I may have just forgotten, but I don't -- I think  
19 I would remember that.

20 Q. All right. Broadly in terms of the teachers, obviously  
21 we know that there were teaching staff who would go home  
22 at the end of the school day, and then there's the  
23 boarding staff, which is --

24 A. (Witness nods).

25 Q. -- a small core of the total staff.

1 A. Yeah.

2 Q. Was there a "them and us" mentality as between the  
3 boarding staff and the teaching staff?

4 A. Not really. I mean, within the common room we were  
5 quite collegiate as far as that went, but -- but -- but  
6 certainly the boarding staff knew that in the end of the  
7 day they were there to carry everything through.

8 Q. Okay. Was there much discussion of pupils as between  
9 boarding and day staff in the way that you would now  
10 understand in a boarding school?

11 A. Within the daytime, yes, within the daytime, in that  
12 period, yeah.

13 Q. But I think we get the picture that one of the things  
14 that was lacking as distinct from your experience  
15 perhaps before and after is at Keil there weren't  
16 policies in place covering every eventuality?

17 A. No, there were virtually no policies. Certainly nothing  
18 written.

19 Q. Nothing written?

20 A. No.

21 Q. You just picked up as you went along?

22 A. Yeah.

23 Q. That was true for both pupils and staff?

24 A. Yes.

25 Q. Did that concern you at all?



1       A. Not really, because that was the sort of thing which was  
2       changing in schools all the time at that point. A lot  
3       of schools didn't have policies, written policies,  
4       beforehand. They were introducing them gradually.

5       Q. But was Keil perhaps a little bit slower because --

6       A. Oh yes. It was 10 or 15 years behind the pace.

7       Q. Okay. And we understand that rugby, which you obviously  
8       took a part in, was seen as a very important part of the  
9       school. That was the traditional thing?

10      A. It was seen as an important part. I wouldn't say it was  
11      out of any proportion compared to any of the other  
12      schools I've been in.

13      Q. All right.

14      A. It was considered important -- I think perhaps for the  
15      size of school, we struggled more to make teams and  
16      therefore had to push harder to be successful.

17      LADY SMITH: Was the school successful in its rugby matches?

18      A. For a school of its size, it was extremely successful,  
19      yes.

20      LADY SMITH: Thank you.

21               Mr Brown.

22      MR BROWN: Thank you.

23               But I think in terms of the way it ran day to day,  
24      as you said, much of the responsibility was put onto the  
25      pupils and we've heard, for example, cleaning the school

1           was left to the squads of boys under the supervision of  
2           their chiefs and deputies.

3       A.   That's right.

4       Q.   And was that pretty much prevalent throughout all  
5           aspects of the school life, save for classroom  
6           activities and sport?

7       A.   Yes, very much.

8       Q.   For the rest, it was really left to the boys to order?

9       A.   To do everything, yeah.

10      Q.   And in terms of who was selected for positions of  
11          responsibility, it's a small school, relatively, a small  
12          pond to pick from --

13      A.   Yeah.

14      Q.   -- who chose who were to be the prefects and deputies?

15      A.   I don't absolutely know that. I presume the headmaster,  
16          effectively, in the end assisted by his housemasters,  
17          I suppose, largely. The housemasters would have been  
18          fairly key to that, but --

19      Q.   Yes.

20      A.   But he would have had the final say, certainly.

21      Q.   We've heard there was a Senior Management Team which  
22          would effectively be the headmaster and the depute?

23      A.   (Witness nods).

24      Q.   For the bulk of your time, that would be Tom Smith and  
25          John Cummings?

1 A. Yeah.

2 Q. But [REDACTED] that, CGC [REDACTED] and CDL [REDACTED] and [REDACTED]

3 Tom Smith?

4 A. Well, I mean, initially CGC [REDACTED] I think very much

5 was the man in control at [REDACTED]. CDL [REDACTED] just

6 did day-to-day management. It wasn't a management team

7 as such. He did the day-to-day stuff and CGC [REDACTED] had sort

8 of the global view.

9 Q. Did that change when Tom Smith came on board?

10 A. Yes.

11 Q. Because we understand he had been a rector --

12 A. Yes.

13 Q. -- so he had firm views on how schools should run,

14 having had that responsibility?

15 A. That's right.

16 Q. So, just to be clear, when he came on board, I think in

17 '89, that's when it would become more of a team

18 approach?

19 A. Very much so, yeah.

20 Q. Although no doubt the headmaster left day-to-day stuff

21 very much to him?

22 A. Oh yes, even then, yes.

23 Q. Okay. Being a housemaster, we get the sense that

24 involvement was very much up to the individual. If you

25 wanted to be a laissez-faire housemaster, because of the

1           reliance on the boys organising things, housemasters  
2           could sit in their own accommodation, which might not  
3           even be attached to the house, and leave it to the boys  
4           to get on with things. Is that right or wrong?

5       A. That's correct.

6       Q. That is correct?

7       A. Yeah.

8       Q. You, on the other hand, were enthusiastic?

9       A. Yes, I was enthusiastic.

10      Q. And, as you say, you had additional responsibilities.  
11      As well as being residential house tutor, rugby coach,  
12      cricket coach, athletics coach, teaching electronics and  
13      running electronics club, chess club coach, computer  
14      club organiser and mountaineering club organiser.

15               Were you very different from the rest?

16      A. No, there were several people who were doing that sort  
17      of level of time, but it was a small number. You know,  
18      there were four or five -- it wasn't a big staff  
19      overall, so it was -- you know, I can't remember what  
20      the total staff numbers were. Especially when you take  
21      part-timers and so on. But there were three or four of  
22      us who were trying to do a lot and there were three or  
23      four other boarding staff who were not doing very much,  
24      and there were only about half a dozen that were  
25      involved in the boarding directly.

1 Q. So it's a pretty tight group?

2 A. Very tight group.

3 Q. In that tight group, do you think you did more than

4 anyone else?

5 A. Not necessarily, no. I mean, I did a lot, but everybody

6 did a lot. I mean, perhaps in terms of total hours,

7 possibly, but ... (Witness shakes head).

8 Q. Tom Smith in a written statement describes you as being

9 "overgenerous" with your time. Is that right or not?

10 A. I'm not sure you can be overgenerous with your time. If

11 there is a need for it, then -- and you have no reason

12 not to, then why not?

13 Q. You were single, you had, I suppose, not being unkind,

14 nothing else to do?

15 A. Absolutely, yeah, yeah.

16 Q. So you were interested in the boys and doing things for

17 them?

18 A. Yeah.

19 Q. Thinking of your statement at page 5 and the broad

20 heading, "Culture at Keil", you say at the start of your

21 employment, the school was a fairly unhappy place?

22 A. Yes. There were a lot of people -- I wouldn't say a lot

23 of people, there were -- I suppose you could almost

24 divide the pupils into two or three groups of pupils

25 there. There were a fair number of pupils there who

1           were scholars of one sort or another because the  
2           foundation had been set up to provide education for  
3           people from the west coast and they were -- there were  
4           scholarships available for them. There were people who  
5           were there happily and willingly, and there was  
6           certainly a group who were there because they hadn't  
7           managed to get into another school.

8       Q.   Okay.

9       A.   And they weren't very happy in general terms.

10      Q.   You say that over time the happiness level improved.

11      A.   I think so, yeah.

12      Q.   And was that in large measure due to John Cummings'  
13           efforts to make it kinder or something different?

14      A.   I think there were lots of factors. I think that was  
15           part of it. Part of it was that we started to admit  
16           girls. Part of it was we had more day pupils. Part of  
17           it was that we allowed weekly boarding rather than just  
18           full time. Part of it was because we brought in leave  
19           weekends, for instance, we'd have a whole term from one  
20           start -- one end to the other.

21      Q.   But presumably, being an unhappy school, certainly in  
22           parts, there were a lot of boys who might be seen as  
23           somewhat vulnerable or in need of comforting?

24      A.   Yeah, yeah.

25      Q.   Is that --

1 A. That's certainly -- that would be true, yeah.

2 Q. And did you see yourself as an important part of the  
3 response to that unhappiness?

4 A. Yes, at times, yeah.

5 Q. The reason I was asking about John Cummings was you say  
6 at paragraph 24 he was more proactive and you've said  
7 that:

8 "He was more involved. The **SNR** ...  
9 had just gone back to his house and stayed there all  
10 day."

11 So he was more detached?

12 A. Yeah.

13 Q. You go on and you talked about fagging and repeat in  
14 your statement what you've just told us. You say:

15 "During that time, the management team, comprising  
16 of the housemasters, the deputy headmaster and the  
17 headmaster turned a 'blind eye' to this."

18 A. They just let it carry on. They didn't worry about it.  
19 I mean, when it was raised they just said, "Oh, that's  
20 the boys, you can't do anything about it", you know,  
21 "Let them get on with it, they'll sort it out."

22 Q. You go on to say:

23 "I believe that some of these 'services' were sexual  
24 in nature."

25 Why do you say that?

1       A.  There were a couple of occasions I had wandered into the  
2       house television room and made observations that were  
3       not -- that implied that.  Junior pupils under blankets  
4       with senior boys.

5       Q.  And you say you told a senior member of staff about  
6       that?

7       A.  Yes.

8       Q.  So it was discussed?

9       A.  It was discussed, yeah.

10      Q.  But his response would seem to be, "Boys will be boys  
11      and let the chiefs deal with it"?

12      A.  Yeah.

13      Q.  The same blind eye: leave it with the chiefs to sort?

14      A.  Yeah.

15      Q.  Did that trouble you?

16      A.  Yes and no.  I mean, if it had worked for them, it  
17      worked.  In a sense, he was -- I suppose -- going back  
18      to a much older tradition within the boarding schools,  
19      I suppose.  If you read Tom Brown's School Days and all  
20      that sort of thing, that's what happened.

21      Q.  It would also reveal, presumably in the context of your  
22      conviction, that abusing children as you did was  
23      unlikely to be discovered?

24      A.  That would be true, yeah.

25      Q.  Obviously we have the terms of the indictment, we'll



1           come to that. Were you at any stage concerned that your  
2           behaviour would be found out?

3       A. Prior to my first offending, yes.

4       Q. Sorry?

5       A. Prior to my first offending, yes. At the time -- at the  
6           time that I first offended, I thought very seriously  
7           that that was a possibility.

8       Q. But it clearly didn't get found out?

9       A. No, it didn't, no.

10      Q. And you continued?

11      A. Yes, and I continued.

12      Q. For years?

13      A. Yes.

14      Q. Was there any stage that you felt at Keil you might be  
15          discovered?

16      A. (Pause). Not really, no. No.

17      Q. So the culture at Keil of just turning a blind eye would  
18          you say never really changed?

19      A. I would say that's true but I would also say to some  
20          extent it was typical of the culture in the country as  
21          a whole.

22      Q. But I think from what you said, people are very busy  
23          trying to keep the school afloat. Their eyes may go off  
24          the child protection ball.

25      A. Yes.

1 Q. I know that was something that was developing in the  
2 second half of the 1990s, but would you agree in a small  
3 school which is running perilously close to running out  
4 of money, everyone's focus was just trying to keep the  
5 show going?

6 A. Yeah.

7 Q. Keeping it looking as if it was good to entice more  
8 pupils, going on foreign tours to bring in pupils from  
9 abroad. It was all about keeping the school alive?

10 A. That was a major focus.

11 Q. And from a day-to-day point of view, it's convenient  
12 that the boys were there to do its cleaning and the  
13 supervision?

14 A. But it was also instructive to them.

15 Q. But also in terms of what you might have come to  
16 understand as basic behaviour, for example not letting  
17 teachers be one-to-one with pupils?

18 A. Yeah, yeah.

19 Q. You would have a second member of staff. I think we've  
20 heard it said if there had been a requirement for two  
21 staff, there wouldn't have been many trips?

22 A. There would have been none at all, probably.

23 Q. So to that extent, that's why you were allowed to take  
24 children away overnight, because there was no one else  
25 to go with you because the numbers were short?

1       A. I think at that stage even if the numbers hadn't been  
2       short that would have been allowed. I don't think there  
3       would have been -- seen as being a problem with that at  
4       that point.

5       Q. Okay. Another example, we know that a teacher, who we  
6       will call 'Richard', another single male, was  
7       housemaster for the girls' house.

8       A. Correct.

9       Q. Did that trouble you at all? Did that seem odd?

10      A. It seemed a little bit strange, yeah.

11      Q. But was that another example of just making do and mend,  
12      there's a gap, we need to fill it?

13      A. And there was no one else available to fill the role,  
14      that seemed to be the case, yeah.

15      Q. Was that the subject of concern amongst the staff, do  
16      you remember?

17      A. There was some talk about it, certainly, yes.

18      Q. I mean, to be clear, did the staff talk to one  
19      another -- there was a staffroom, presumably?

20      A. There was a staffroom, yeah.

21      Q. Was there open discussion about concerns or did they not  
22      really get talked about?

23      A. No, I mean, there was discussion about concerns, but ...  
24      but as I say, the total staff numbers, I can't remember  
25      what the total staff numbers were, as I said before, but

1           they weren't big so at any one time there was never very  
2           many people in the staffroom. At break time when you're  
3           rushing to grab a coffee and that would be about it.  
4           And lunchtime, much the same, you know, but you were  
5           always rushing. There wasn't a lot of time to talk.  
6           You know, the most time we ever had in the day was  
7           probably straight after supper when the chiefs were  
8           getting everything tidied up and sorted out and we could  
9           go back and do the crossword together.

10        Q. All right. Did you feel the culture was one, from  
11        a teacher's perspective, of encouraging you to reveal  
12        any concerns?

13        A. No, no. There was no ... I mean, in academic terms we  
14        had meetings where we considered their academic  
15        progress, but not about their social progress -- you  
16        know, their social progress in any way, shape or form,  
17        no. Only academically.

18        Q. And again, I take it, from your perspective, thinking of  
19        offending, that made life easier too?

20        A. I suppose it did, yeah.

21        Q. But I think we see from your statement that there was  
22        certainly gossip about other teachers, and without  
23        worrying about the details of the individuals, you were  
24        asked about a number of individuals --

25        A. Yes, yes.

1 Q. -- and you talk, for example, about rumours about  
2 'Richard'.  
3 A. Yes.  
4 Q. You say in paragraph 52:  
5 "I did not directly hear of him abusing children,  
6 but there were rumours circulating. I would hear  
7 comments from other children about him. The comments  
8 would not be anything specific. The comments were to me  
9 by the children and I would also hear the children  
10 talking about it amongst themselves."  
11 A. Yes.  
12 Q. "I do not recall any detail. I didn't take any action  
13 because they were simply rumours and were being told by  
14 a third party. I have no idea whether the management  
15 took action with regards to the rumours. I didn't keep  
16 in contact with him after he left the school."  
17 A. (Witness nods).  
18 Q. I think that's one of two teachers you discuss there  
19 being rumours from pupils.  
20 A. Yes, that's right.  
21 Q. You didn't take any action about them.  
22 A. No. No.  
23 Q. Was that because that wasn't the done thing?  
24 A. I think so, yeah. There was no -- there was no -- there  
25 was no -- there was no mechanism for it, for a start.

1           There was no real mechanism for it, and so you let it  
2           go.

3       Q.   Were you also quite happy for rumours to be circulating  
4           about other people, given what you were doing?

5       A.   I suppose in a sense I felt more normalised.

6       Q.   But attention might have focused away from you and the  
7           potential for discovery because other people were  
8           chattering about other teachers.

9       A.   That's true, yeah.

10      Q.   There was limited record-keeping?

11      A.   (Witness nods).

12      Q.   About pupils, about complaints?

13      A.   Mm-hmm.

14      Q.   No processes?

15      A.   Mm-hmm.

16      Q.   And also, just going back to this turning a blind eye,  
17           was there a feeling in the staffroom there was no point  
18           complaining, even if you wanted to?

19      A.   I wouldn't say that for certain, but I couldn't --  
20           I wouldn't -- I wouldn't say not either. I would --  
21           I wouldn't say I had any feeling about that. I wouldn't  
22           think -- I couldn't say I felt there was, I couldn't say  
23           I felt there wasn't. No.

24      Q.   Okay. And there's very little external monitoring, the  
25           school is just existing, making do?

1 A. Yes.

2 Q. And from your perspective, or from the perspective of  
3 others, you're great because you carry a lot of load?

4 A. Yeah.

5 Q. Which was presumably welcome for everyone else?

6 A. That's probably true, yeah.

7 Q. That in itself didn't cause any concerns that you were  
8 so active with children?

9 A. No, I don't think so.

10 Q. We've heard that you were known, for example, for buying  
11 sweets for children.

12 A. Yeah.

13 Q. That didn't seem, from what we've heard, to be the norm.  
14 Is that correct? Or is that just another example of you  
15 being more interested in children?

16 A. It's certainly correct that it wasn't the norm and I did  
17 so. I mean, the whole issue of outings of various sorts  
18 come into that category too because, as I said there at  
19 the start, there was a group of pupils who were there as  
20 scholars of various sorts and there was a group of  
21 pupils who were there because they had to be and a group  
22 of pupils who were there because they wanted to be. But  
23 the group of pupils who were there as scholars were in  
24 most cases pretty hard up. So if there was an outing  
25 to, say, the cinema at a weekend, staff would take those

1           who could afford to pay their way, and that meant the  
2           ones who couldn't, wouldn't go. Week after week they  
3           missed out. I didn't feel that was fair.

4       Q. Did you give children money?

5       A. So in that situation, I paid for everybody.

6       Q. Did you also give children money after you abused them?

7       A. I -- after?

8       Q. You abused them?

9       A. No. No.

10      Q. Are you sure about that?

11      A. I'm sure about that.

12      Q. All right. I think it's fair to say that the boys who  
13           complained of your sexual abuse suggested that you did  
14           give them money.

15      A. I haven't actually heard that, but it -- it may be true.  
16           They may have been given money after that, but only to  
17           the same extent as any other pupil would have been.  
18           They weren't treated any differently.

19      Q. I see.

20      LADY SMITH: So were you giving children money as well as  
21           sweets?

22      A. Not -- not that I can recall specifically for any  
23           particular reason. I mean, if somebody said, "Oh,  
24           I haven't ..." -- you know, "I need this book", or,  
25           "I want to go to ...", "I want to buy this", then



1 I might sometimes, yes.

2 LADY SMITH: So it might have happened?

3 A. Oh, it will have happened, I'm sure.

4 LADY SMITH: It did happen?

5 A. It will have happened, yes.

6 LADY SMITH: Thank you.

7 Mr Brown.

8 MR BROWN: My Lady, thank you.

9 A. But, I mean, any money given was trivial compared with

10 the cost of taking a dozen boys to the cinema or

11 something like that or out bowling, which happened much

12 more regularly.

13 LADY SMITH: Thank you.

14 MR BROWN: I think you talk at page 67, after you say at

15 paragraph 66, on page 13:

16 "The other staff were not overtly aware of my

17 behaviour, although I presumed they must have had

18 similar suspicions about me as I had about some others."

19 A. Yeah.

20 Q. Were you aware of suspicions?

21 A. No.

22 Q. But you think they must have existed, just as you

23 suspected --

24 A. I would have thought so, yeah.

25 Q. I mean, in that regard, just to be clear, Tom Smith,



1           you.

2           Mr Brown.

3       MR BROWN: My Lady, thank you.

4           William, we were coming onto paragraph 67 on page 30

5           and we were agreeing that the other staff were not

6           overtly aware of your behaviour:

7           " ... although I presume they must have had similar

8           suspicions about me as I had about some others."

9           Then you go on:

10          "There was one complaint made by a parent during the

11          last term of CGC           's SNR           about my

12          sexual behaviour ... there were some investigations

13          within the school and the complaint was withdrawn."

14       A. Correct.

15       Q. In terms of the complaint, can I suggest it wasn't

16          withdrawn, it just stopped, because it didn't go any

17          further?

18       A. I was told it was withdrawn.

19       Q. Who told you that?

20       A. CGC           .

21       Q. Were you aware of investigation within the school after

22          the complaint was made?

23       A. Yes.

24       Q. And what did that involve so far as you were concerned?

25       A. As far as I was concerned -- I mean, at the time I was

1           asked about it, obviously, but as far as I was  
2           concerned, the investigation was nothing to do with me,  
3           it was done entirely by CGC . I don't -- I know  
4           -- I know there was an investigation, I think he went  
5           around to various other people and asked various other  
6           things, but I don't know what he asked or who he asked.

7       Q. Could you take your mask off?

8       A. Sorry, I forgot that, yes.

9           I know CGC did investigate it, but I don't  
10          know with whom or what he was asking or who he was  
11          asking, I have no idea about that, but I do know he was  
12          asking people, making some sort of investigation.

13       Q. Well, I think we know from the boy who complained, whose  
14       police statement we have, and if we could just look,  
15       please, at CFS665, first page at the bottom. it will  
16       appear on the screen in front of you.

17       A. Oh, right.

18       Q. I think he started, as we see, in 1988, and says at the  
19       bottom paragraph:

20                "When I first met [you], he freaked me out a little.  
21       I can't really say why but I just felt a little on edge  
22       around him. On one occasion during first year a few of  
23       us kids would be allowed into Mr Bain's physics lab out  
24       of hours. By that I mean after school hours. It was  
25       just something to do. We would play with the equipment

1           or use the computers that were within the lab. However,  
2           I distinctly remember there being a period of time in  
3           first year when the lab was always locked and the blinds  
4           were always closed. The rumour around the kids in the  
5           school was that Mr Bain was in the lab with a boy ...  
6           but it was just a rumour at the time although I remember  
7           on an occasion I chapped the door of the lab, Mr Bain  
8           answered it and seemed flustered. He popped only his  
9           head round the door and said the lab was closed and  
10          closed the door and locked it."

11                 Do you remember that?

12         A. No, I don't remember that.

13         Q. Obviously this pupil does.

14         A. Yeah.

15         Q. Are you taking issue with his recollection?

16         A. I'm not taking issue with his recollection -- I mean,  
17           I'm taking issue with his recollection about -- ah, no,  
18           I'm not taking issue with his recollection, what he  
19           actually says there. I mean, there was a lab, there was  
20           often pupils in the lab after school. I was there  
21           tidying up and preparing experiments for the next day,  
22           I was quite happy -- but we also ran things like the  
23           chess club and the electronics club within the lab, so  
24           it was often after school, it was nearly always open  
25           after school in that sense.

1 Q. But the idea of finding the door locked and you looking  
2 flustered, might that be one of the occasions you were  
3 abusing a child?

4 A. That is not going to be the case. I mean it -- no.

5 Q. Why not?

6 A. Because I wouldn't have abused ... I suppose it's -- it  
7 is -- it is vaguely possible, I suppose, but I don't  
8 think it's likely. I mean, the blinds would be down if  
9 I was preparing any experiment for the next day that  
10 involved blackout. If I involved any optics  
11 experiments, I would have the blinds down and drawn for  
12 that reason. There were other practical reasons why  
13 that may be the case. I'm not saying on this particular  
14 occasion he might not be right, but I don't think it's  
15 likely.

16 Q. Did you use the lab as somewhere to abuse boys?

17 A. Not generally, no.

18 Q. Not generally?

19 A. No.

20 Q. Sometimes?

21 A. There was an occasion.

22 Q. Okay. He goes on:

23 "During my first three years at the school there  
24 were a few occasions that Mr Bain had been inappropriate  
25 with me. This was an occasion whilst in the second year

1 [I think it must have been '89]. I was in the physics  
2 lab out of hours and Mr Bain there was there. I'm not  
3 sure if anyone was there. Mr Bain was sat on one of the  
4 high stools with his legs together. I think I walked  
5 past him and as I did so he grabbed me by both arms near  
6 the top of my arms and pulled me towards him so that my  
7 back was pressed against his chest. I almost straddled  
8 over his legs. My bum was pressed against his groin  
9 area and I immediately felt an erection against my  
10 buttocks. I have been asked how I know it was  
11 an erection. I can say that it was the centre of his  
12 groin and I am fully aware of what an erect penis feels  
13 like. He was pulling me tight against him and was  
14 moving me about so that my buttocks were rubbing against  
15 his penis. I tried to pull away and he eventually let  
16 me go."

17 Does that sound like the sort of thing that you  
18 would do?

19 A. No.

20 Q. Why would he say otherwise?

21 A. I don't know.

22 Q. "Another occasion where he did the same when I was  
23 making hot chocolate ... in the annex room located next  
24 to the physics lab."

25 Was there an annex to the physics lab with a kettle?

1       A. There was a -- there was a prep room, which I presume is  
2       what he might mean, and there would have been a kettle  
3       in the prep room. I don't remember anybody making hot  
4       chocolate in there. I wouldn't have considered it ...  
5       ah ... no, I wouldn't -- I can't -- I can't recall  
6       anybody doing that.

7       Q. Again, are you suggesting this is not correct?

8       A. Ah, I don't recall it so I -- ah ... (Pause).

9               So, I don't -- I -- I -- I don't know. I think it's  
10       highly unlikely. I can't remember letting people make  
11       drinks in the -- in the prep room and I don't think  
12       I would have done so because -- you've got to remember,  
13       it's a long time ago.

14       Q. Memory is fickle?

15       A. And memory is fickle, and you sometimes dream things  
16       that then become memories.

17       Q. I see.

18       A. But I don't -- I don't remember that at all. I don't  
19       remember letting people make drinks in that room.  
20       I didn't make drinks in a that room myself, so I don't  
21       think there would have been any cups there. It wouldn't  
22       have been a safe room to do that because there would be  
23       lab equipment of various sorts in there.

24       Q. Would you accept, though, that for a boy such a thing  
25       might be a memorable experience?



1       A. Absolutely, yeah.

2       Q. So his recollection could be entirely accurate?

3       A. It -- it might possibly be.

4       Q. Okay.

5       A. But I don't recall it.

6       Q. No.

7       A. He says himself, "My memory is hazy".

8       Q. Second paragraph from the bottom:

9               "The third incident I wish to report is in my mind

10              the most serious. Some time in third year [so again

11              1990] I was in physics out of hours, on this occasion

12              I was using the computer in the annex just off the

13              physics lab."

14              Was there a computer in the annex off the physics

15              lab?

16       A. There wasn't a computer -- there was two labs. There

17              was a computer -- there was computers in the two labs,

18              but there wasn't a -- there was no computer in the

19              annex, no.

20       Q. All right. We can agree there were computers and

21              children were allowed to use them?

22       A. There were computers and children were allowed to use

23              them, yes.

24       Q. You join, you're talking to him in a jovial way, that's

25              what you would do, presumably, with children?

1 A. Yes.

2 Q. And:

3 " ... pulled at me so that the top half of my body

4 was lying over his legs. I was still sat in the chair.

5 He started to tickle me around the side and rib area.

6 I think I was laughing at the time and then Mr Bain used

7 his left hand and started to rub and jiggle my

8 testicles."

9 Did you tickle children?

10 A. Not as a general rule, but sometimes, yes.

11 Q. Did you jiggle their testicles?

12 A. No.

13 Q. Why would he remember it if it didn't happen?

14 A. I don't know.

15 Q. He then goes on:

16 "Mr Bain would often come up behind me and massage

17 my shoulders ..."

18 Did you do that with children?

19 A. No.

20 Q. " ... and often he would take hold of two of my fingers

21 and rub his hands up and down them simulating

22 masturbation. This happened numerous times to me

23 throughout second and third year."

24 Is that an accurate recollection?

25 A. Not to the best of my knowledge, no.

1 Q. So can we take it, same answer to the same question, if  
2 he remembers it, you're not suggesting it is wrong?  
3 A. I believe he's wrong.  
4 Q. Oh you do believe he's wrong? Okay. Final paragraph:  
5 "Towards the end of the third term Mr Bain gave me  
6 £10."  
7 That is the sort of thing that you would do, from  
8 what you were telling us before the enforced break?  
9 A. I remember that particular instance that he's referring  
10 to, but he is not referring to it accurately. Because  
11 that was the instance that actually caused the complaint  
12 to Mr CGC And I remember specifically giving him  
13 50p.  
14 Q. If other witnesses remember you giving £10, does that  
15 come as a surprise to you?  
16 A. Absolutely. At that stage, £10 would have been a lot of  
17 money.  
18 Q. Yes. But obviously he's quite accurate that it led to  
19 a complaint?  
20 A. He's accurate in that it led to a complaint, yes, that's  
21 true.  
22 Q. And his parents came to the school in due course and  
23 spoke to Mr CGC who spoke to you?  
24 A. I believe so, yeah.  
25 Q. Well, I think you -- it's not a question of believing.

1 A. Well, he spoke to me, but I don't know about his parents  
2 coming to school, I have no knowledge of that.

3 Q. All right. Presumably he told you a complaint had been  
4 made?

5 A. He told me a complaint had been made, that's right.

6 Q. And was it of a sexual nature?

7 A. And he said it was of a sexual nature, yes.

8 Q. What was the sexual nature that you understood?

9 A. I didn't know. I wasn't given any detail.

10 Q. But let's not be in any doubt, the complaint was that  
11 there was sexual conduct by you?

12 A. Yes, yes, yes.

13 Q. And there were then investigations by CGC ?

14 A. Correct.

15 Q. And I think we know from other statements that boys were  
16 spoken to by CGC

17 A. I believe so, yeah.

18 Q. Over the page on page 3, he describes the complaint  
19 having been made, his life becoming very difficult at  
20 the school after that, as his housemaster was friends  
21 with you and took offence to reporting and bullied the  
22 boy as a result of making a complaint constantly. Does  
23 that ring any bells?

24 A. I remember the child as having had a difficult time  
25 prior to and -- and consequent to the complaint. He had

1           always been a little bit -- not delicate, exactly, but,  
2           yes, a little bit ... needy, perhaps.

3       Q.   The sort of pupil you devoted your attentions to?

4       A.   The sort of pupil I tried to protect in many cases from  
5           bullying.

6       Q.   Vulnerable children?

7       A.   Vulnerable children, certainly true, yeah.

8       Q.   You were on the lookout for vulnerable children?

9       A.   I tried to protect vulnerable children, yes.  It's also  
10          actually true, he says he no longer had me as a teacher.  
11          I continued to teach him right the way through the  
12          school.

13      Q.   Perhaps your memory is less good than his do you think?

14      A.   I could check that on books quite aptly but I remember  
15          teaching him at A-level so I don't think so.

16      Q.   He makes reference in the next paragraph to:

17                 "It is in my opinion certain that Mr Bain is being  
18                 inappropriate with other boys at the school because  
19                 I watched him tickle, play with other boys the way he  
20                 had with me."

21                 That's a very clear memory.  Were you risqué with  
22                 children?

23      A.   Probably, yes.

24      Q.   Using sexual innuendos?

25      A.   Innuendo, yes.  But again in terms of the time at which

1 we're talking about, it's the time when it was  
2 mainstream to have Frankie Howard and people like that  
3 on television making innuendos as jokes.

4 Q. With 11-year-old boys?

5 A. With anybody.

6 Q. I see.

7 LADY SMITH: When you were in a position of trust? As  
8 a teacher?

9 A. It wasn't seen as being unusual.

10 LADY SMITH: Is it, William, that you didn't think it was  
11 unusual?

12 A. I don't think it was unusual. I don't believe it was  
13 unusual. I believe it -- I mean, I heard similar  
14 innuendo from other people.

15 LADY SMITH: Mr Brown.

16 MR BROWN: Could we go, please, to CFS896 and page 2. The  
17 statement will appear.

18 "My wife and I attended at the school almost  
19 immediately and spoke with SNR

20 Mr CGC Also present was Mr OPR  
21 who was the housemaster. I explained our concerns and  
22 Mr CGC explained that the matter had been reported to  
23 him and the school had run an internal investigation,  
24 however there was nothing to support the allegation and  
25 he confirmed that the incident would remain on [your]

1           record for the rest of [your] working life and I was  
2           happy enough with that."

3           Do you remember that part?

4       A.   Which part specifically?

5       Q.   The fact it would be on your record --

6       A.   Is this the -- oh, it would be on the record? That was  
7           never -- I was never informed of that.

8       Q.   And obviously you continued to teach?

9       A.   And I continued teach.

10      Q.   Were you aware of any hindrance in your progression to  
11         other schools?

12      A.   I wasn't aware of any hindrance to my progression to  
13         other schools, so I presume it's another incorrect  
14         remembrance.

15      Q.   Does that seem likely when it's a parent talking about  
16         a pupil complaining of sexual behaviour?

17      A.   Well, I don't -- I know nothing of that, but I can only  
18         assume that that must be the case. I -- I ... I have no  
19         knowledge that it was on my record and I have no  
20         knowledge that it was ever referred to again.

21      Q.   But what we can confirm is the school was aware of  
22         a sexual allegation against you --

23      A.   Oh yes, absolutely, yes, yes.

24      Q.   It was investigated?

25      A.   That's correct.

1 Q. This is in 1990/91.

2 A. (Witness nods).

3 Q. And presumably it would have been known about by the

4 management team because that's the sort of thing they

5 have to know about?

6 A. You say presumably, but as I say, I -- it was a strange

7 place and not everything got carried on, so I -- one

8 would presume so now, but whether one would presume that

9 of them at that stage, I have no idea.

10 Q. By that stage, of course, we have CGC [REDACTED] in,

11 I think, the [REDACTED] of his career at Keil?

12 A. Absolutely, yeah.

13 Q. His mind may be on other things?

14 A. Yeah.

15 Q. But we also have a depute head who is the real driving

16 force of the school?

17 A. Yeah.

18 Q. So can we take it Tom Smith, since he drove the school,

19 would be aware of this?

20 A. He was certainly aware because he sat in on the original

21 meeting I had with CGC [REDACTED].

22 Q. So he knew?

23 A. So he knew certainly, yeah.

24 Q. Yet despite that knowledge, you continued to work as his

25 number two in a house where he knew that you were, to



1           use his words, overgenerous with your time with boys?

2       A.   Yes, yeah.

3       Q.   You obviously felt confident that you wouldn't be

4           discovered?

5       A.   (Pause).  I wouldn't say that.  I did think that if

6           I was discovered, then some of what I had -- would have

7           to say would actually prevent it going any further.

8       Q.   Sorry, say that again?

9       A.   I think that some of what I might have to say would

10          prevent it being taken any further.

11      Q.   What do you mean by that?

12      A.   I mean some of what my first victim told me might

13          prevent it going any further.

14      Q.   All right.  Well, in relation to your first victim, we

15          see in paragraph 68 on page 14 of your statement you

16          believe that:

17               "... some other children were aware of my behaviour

18               as in a couple of cases I believe that is why my victims

19               approached me."

20      A.   Correct.

21      Q.   So basically it's their fault?

22      A.   No, I'm not saying that at all.

23      Q.   Well --

24      A.   I'm saying that --

25      Q.   -- you go on to say:

1           "I happened upon [the first victim] masturbating and  
2           he asked me to give him a hand, saying I would enjoy it  
3           and so would he."  
4       A.   That's correct.  
5       Q.   Can I suggest that's tosh and it's the sort of thing  
6           that you might say just to justify your behaviour?  
7       A.   No, it isn't tosh, it's the absolute fact. And what's  
8           more, I asked him how he knew he would enjoy it.  
9       Q.   Can I just stop you there? You obviously appeared in  
10           the High Court in Glasgow and were jailed for six and  
11           a half years, having pled guilty to five offences of  
12           lewd and libidinous practices and behaviour. And the  
13           libel covered the period September '89 to December 1995.  
14       A.   Correct.  
15       Q.   Just bear with me one moment. (Pause).  
16           The first victim, in his statement to the police,  
17           describes that first event very differently and makes  
18           the point that he was prepubescent.  
19       A.   I have never seen or heard what the first victim's  
20           statement was, so I can't comment on that.  
21       Q.   Really? There was no discussion of what the statements  
22           were in advance of your plea?  
23       A.   No.  
24       Q.   Your solicitors and your counsel didn't share the import  
25           of the complaints against you?

1 A. I never -- I never -- I have no recollection of the  
2 detail of that.

3 Q. Is that a recollection you have chosen to forget,  
4 perhaps?

5 A. Eh! The details of the complaints were numerous and so  
6 I must admit I didn't perhaps read them as carefully as  
7 I might. But I have no recollection of that.

8 Q. One of the common themes in the charges you pled guilty  
9 to, and we have a copy of this at GUS27, which is the  
10 first page of the indictment, is you were very keen,  
11 clearly showing an interest in the terms of the  
12 indictment, to have words and emphasis changed from  
13 "compel" to "induce"?

14 A. Correct.

15 Q. You didn't like the fact it was being suggested you  
16 compelled children to do things.

17 A. (Witness nods).

18 Q. So clearly you did take an interest in what was being  
19 said against you?

20 A. I did, yes, absolutely, and I still don't recall that,  
21 which makes it all the more surprising.

22 Q. Presumably it's something you don't particularly enjoy  
23 thinking about? Or do you?

24 A. No, I don't, I must admit, sorry, so it could be, but  
25 I don't recall it.

1 Q. Because, let's be clear, this was -- or these were pleas  
2 of guilty that you instructed your counsel to tender on  
3 your behalf.

4 A. Correct.

5 Q. Your instructions. Your acceptance of guilt.

6 A. Correct.

7 Q. And so far as the narrative, you remember the narrative  
8 being given by the prosecutor? Agreed narrative? Do  
9 you remember that?

10 A. I don't really remember it in detail, no, but -- as  
11 I say, there were -- I had lots of things on my mind at  
12 the time, of course.

13 Q. Yes.

14 A. So --

15 LADY SMITH: Do you remember a stage in the process at  
16 which, in court, the prosecutor read out a description  
17 of your offending? You aren't being asked whether you  
18 remember the detail of every word the prosecutor said,  
19 but do you remember that being done?

20 A. I vaguely remember that, yes.

21 LADY SMITH: And the content of it having been discussed  
22 with you beforehand?

23 A. I discussed -- certainly I discussed some content with  
24 my lawyer beforehand, yes, I do remember that, yes.

25 LADY SMITH: Thank you.

1 A. In that sense, yes, sorry, I see what you're saying.

2 LADY SMITH: Mr Brown.

3 MR BROWN: If we look at JUS29, we can see the narrative  
4 that was read and which will have been discussed with  
5 you.

6 If we go, please, to, I think, perhaps the fourth  
7 page, thank you.

8 You were employed as a teacher, it reads as -- and  
9 this was what was read out to Lady Scott, giving your  
10 years. You took on different responsibilities.

11 "The abuse admitted relates to the period 1989 to  
12 1995. The panel accepts that he sexually abused five  
13 pupils as libelled over that period.

14 The complainer in Charge 1 attended the school from  
15 1989 to 1994. The abuse began when he was 11 years of  
16 age and continued approximately twice per week for  
17 around two and a half years."

18 That's correct?

19 A. Correct.

20 Q. "The complainer in Charge 3 attended the school 1991 to  
21 1998. He was sent to that school particularly because  
22 he suffered from dyslexia and the school had good  
23 provision for this. The abuse began when he was  
24 12 years of age and continued for around two years. It  
25 happened approximately four to five times per week at

1           its peak and would take place in the classroom, the  
2           school photography darkroom or [your] private flat."

3           Correct?

4       A.   That's what it says.

5       Q.   That's what you admitted.

6       A.   That's what I admitted.

7       Q.   So it's correct?

8       A.   It's what I admitted and it's what I -- what I've  
9           admitted.

10      Q.   I think in fairness the statement actually goes on:

11           "It was more than four to five times per week if he  
12           stayed over weekends.

13           The complainer in Charge 4 attended the school from  
14           1993 to 1999. The abuse began when he was 11 and  
15           continued for around three years ... at least once per  
16           week ... the classroom or [your] flat."

17           Charge 5, 1991 to 1997:

18           "... the abuse began when he was 11 years of age and  
19           continued for around three years ... [it] happened  
20           approximately 50 times and would take place in the  
21           classroom, the school photography darkroom or the  
22           Pannel's flat."

23           The final complainer was there from 1990 to 1997:

24           "The abuse began when he was 12 ... and continued  
25           for around 2 years. The complainer suffered bullying at

1           the school and sought refuge in [your] private flat. It  
2           was there and in the classroom that the abuse took  
3           place."

4           All correct?

5       A. That's correct.

6       Q. On that narrative, you were abusing children hundreds of  
7           times. Correct?

8       A. Correct.

9       Q. And you were picking on the vulnerable, correct?

10      A. They were vulnerable.

11      Q. And you took advantage of that by being kind.

12      A. (Pause). It's your words that I was being kind.

13      Q. Well, do you agree or not?

14      A. What, that I was being kind?

15      Q. Yes.

16      A. Would you consider it kind?

17      Q. William, you were picking on vulnerable children by  
18           being kind to them to achieve what you wanted.

19      A. Ah.

20      Q. Which was to abuse them sexually and for them to do  
21           things to you, inducing them to bugger you, for example.

22      A. I would agree that I induced them to be kind -- I was  
23           kind to them and perhaps I -- in some cases I had  
24           an ulterior motive. I was kind to all children.

25      Q. Particularly kind to some --

1 A. Not particularly kind to some.

2 Q. -- to achieve what you really wanted?

3 A. Not particularly kind to anyone. I was always totally

4 fair about what I did.

5 Q. Were you being fair to the children you abused?

6 A. I was totally fair in the sense of I was always

7 equal-handed with everything.

8 Q. Were you being fair to the children --

9 A. No --

10 Q. -- you abused?

11 A. -- I wasn't.

12 Q. But you were working in an environment where you could

13 do things without really any fear. Is that not the

14 point?

15 A. That is true.

16 Q. And as you've told us, nothing really changed in that

17 school until it closed?

18 A. Mm, no, things did change in the school, gradually.

19 Q. The libel goes from 1989 to 1995.

20 A. Yeah.

21 Q. Can we take it it continued beyond that?

22 A. No. The changes were already occurring during that

23 time. There were changes in the school. There were

24 changes in the nature of the school. There was changes

25 in the numbers, as I said, there were changes in the



1           population of the school. It changed steadily.

2       Q. And you were still being friendly to children?

3       A. I was friendly to children right to the very end.

4       Q. Were you not --

5       A. But there was no sexual involvement at the very end.

6       Q. Why not?

7       A. (Pause). There was no ... there was no demand.

8       Q. There was demand from you, clearly.

9       A. No, there wasn't.

10      Q. Why were you doing it hundreds of times then? That was

11           something you wanted.

12      A. That was something I wanted at the time, yes. But

13           I always asked first if that was what they wanted as

14           well.

15      Q. Again, will you be surprised to learn that that is not

16           the picture painted by the boys when they --

17      A. That is likely to be the case, I understand that, but it

18           is still -- that is -- as far as I'm concerned, that is

19           a fact.

20      Q. Does that allow you to sleep, taking that viewpoint?

21      A. I sleep well. I don't -- that doesn't affect my sleep.

22      Q. I see.

23      LADY SMITH: William, were you suggesting that somehow it

24           helps that you asked if this sexual abuse was what the

25           boys wanted as well?

1       A.  If they had said not, that it wasn't what they wanted,  
2           then I would not have -- I would not have carried  
3           through.

4       LADY SMITH:  These were children.

5       A.  I understand that, and I understand that that's why the  
6           law is the way it is.

7       LADY SMITH:  Maybe you'd groomed them to want to please you?  
8           Is that possible?

9       A.  Well, it is possible, but not -- it's -- to some extent  
10          it is true.

11      LADY SMITH:  Thank you.

12      A.  But I would still say that in the first instance it's  
13          not the case.

14      MR BROWN:  A prepubescent child wanted you to do things; is  
15          that what we should understand?

16      A.  That's what you understand, yes, and he did it because  
17          he had previous experience which he'd enjoyed, is what  
18          he said.

19      Q.  That's your recollection?

20      A.  That's my recollection, absolutely.

21      Q.  Can we take it that you, given your willingness on any  
22          view to do these things to children, have an interest in  
23          children?

24      A.  I have an interest in children in the sense --

25      Q.  Sexually.

1 A. Ah, that's a different matter entirely. Not really, no.  
2 I -- I had -- at the time, I had. But -- but it wasn't  
3 a -- an overriding interest. I was more interested in  
4 their welfare overall than I was in anything sexual.  
5 Q. So it was like a light switching on, was it?  
6 A. What was like a light switching on?  
7 Q. Your sexual interest in abuse of children?  
8 A. I suppose it was taking advantage of a situation that  
9 became possible and -- yeah.  
10 Q. Did it ever stop?  
11 A. Yes, of course it stopped.  
12 Q. Why would it stop?  
13 A. Because there was no longer any demand.  
14 Q. William, your abuse, as we've agreed, ran to hundreds of  
15 occasions.  
16 A. Yes.  
17 Q. Four, five, more times a week.  
18 A. That is what it says and that's what I admitted to.  
19 Q. That was your demand, not the child's. You're the  
20 adult.  
21 A. I'm the adult, yes, absolutely.  
22 Q. You chose to abuse these children.  
23 A. And I chose to abuse them.  
24 Q. And I'm suggesting that that isn't something that  
25 suddenly develops one year and stops another. Has that

1           been --

2       A.   That's your suggestion.

3       Q.   Yes, and I'm asking for your comment.  Has that not been

4           a lifelong interest?

5       A.   No.

6       Q.   Why did you leave Edinburgh Academy?

7       A.   There were a number of reasons.

8       Q.   Which were?

9       A.   I had trouble with discipline.  And as a result of

10           having trouble with discipline, I hadn't performed very

11           well in an inspection.

12       Q.   Anything else?

13       A.   No.

14       Q.   Nothing similar to the events of 1989 to 1995?

15       A.   No.

16       Q.   Sure?

17       A.   Sure.

18       Q.   What about Robert Gordon's?

19       A.   What about Robert Gordon's?

20       Q.   Why did you leave there?

21       A.   Because I was -- I had -- one of the other reasons for

22           leaving the academy was because I was a junior member of

23           staff doing -- teaching both physics and chemistry.  My

24           tutors had always said that you should try to get out of

25           doing anything in general science and you should

1 specifically focus on one subject. So that was my  
2 incentive for leaving.

3 LADY SMITH: Did you teach in the prep school there?

4 A. No.

5 LADY SMITH: You were teaching in the senior school?

6 A. Senior school.

7 LADY SMITH: That would be boys from the age of 11?

8 A. Yes.

9 LADY SMITH: Thank you.

10 A. At Robert Gordon's, the reason I left was because I saw  
11 this opportunity -- I was number five in the physics  
12 department at Robert Gordon's. There was no chance of  
13 any movement there within years and years. This was  
14 a promoted post.

15 MR BROWN: And then you moved, after Keil, to a brief period  
16 in another school.

17 A. Correct.

18 Q. Why did you leave there so quickly?

19 A. Things didn't work out. I was appointed as housemaster.  
20 There was a small teaching role but it was only really  
21 just a nominal teaching role but the intention was  
22 basically to be the housemaster. There was also  
23 involvement with things like outdoor education which  
24 I wasn't happy with. There were -- there were numerous  
25 problems. It wasn't -- it was a -- yeah, there was

1           a lot of problems right from the very start. There was  
2           a lot of theft going on in the house and I had trouble  
3           resolving that. And I argued with the headmaster about  
4           how it could be resolved.

5       Q. Sexual matters?

6       A. Nothing sexual.

7       Q. And then you go on to spend 14 years, until your crimes  
8           came out into the open, at Glenalmond?

9       A. Correct.

10      Q. Were there ever concerns at Glenalmond?

11      A. No.

12      Q. Were there concerns that you were being too overgenerous  
13           with your time and your room with boys?

14      A. No.

15      Q. No?

16      A. I mean, sometimes they -- the -- people -- I was  
17           generous with my -- with my time in my rooms, but there  
18           was never any concern as far as I know.

19      Q. You know, obviously, that the world became much more  
20           engaged in child protection.

21      A. Absolutely, yeah.

22      Q. You would know that there would be particular concerns  
23           about having children in your rooms.

24      A. I do know that, yeah.

25      Q. But you didn't change your behaviour?

1       A. There was no sexual abuse, if that's what you mean. So  
2       to change from that -- from the early 1990s -- but  
3       I didn't change my behaviour because there was no  
4       requirement. As long as the door was open and everybody  
5       was free to come and go, there was no -- there was no  
6       restraint put up on it.

7       Q. So is the answer you didn't change your behaviour, you  
8       still had pupils regularly back to your rooms?

9       A. I lived on site and they came and went as they pleased.

10      Q. Just as they had done at Keil?

11      A. Absolutely, yeah.

12      Q. So is the answer just yes, you continued the same  
13      behaviour?

14      A. But you're implying therefore -- you are making the  
15      implication that I continued sexually abusing as well  
16      and there was no sexual involvement whatsoever.

17      Q. I was simply asking about giving access --

18      A. So my behaviour had changed. It was not the same. It  
19      was different behaviour. But it was similar behaviour  
20      in some aspects. Does that satisfy you?

21      Q. Well, I think since I was asking about having children  
22      into your rooms simpliciter, yes, and the answer I think  
23      was just yes, but it seems to trouble you.

24      A. Well, I'm afraid that you are going to use it in  
25      a manner to imply other things, which it seems to me

1           that you are doing.

2       Q.   I see.

3       A.   Okay?

4       Q.   Clearly in those schools there was no awareness, as

5           we've agreed, about there being an investigation in

6           1990, 1991 --

7       A.   Absolutely not, no.

8       Q.   So, despite what a parent was told to give them

9           reassurance --

10      A.   Yeah.

11      Q.   -- that didn't happen, it would seem?

12      A.   That didn't happen as far as I know, no.

13      Q.   Is that the sort of thing, do you think, that should

14           happen with teachers if there are concerns, they should

15           be recorded?

16      A.   Absolutely, yeah.

17      Q.   Because you do, from a position of particular knowledge,

18           make a number of observations about what should happen.

19           Particular training for those in residential roles?

20      A.   Yeah.

21      Q.   Training for child protection, reporting being

22           formalised, record-keeping being public so there's

23           openness.

24      A.   Yeah.

25      Q.   And the children should all have at least two trusted



1 adults appointed as confidantes and meet with them  
2 regularly together and individually.

3 A. Yeah.

4 Q. Do you think those would have stopped your behaviour?

5 A. Probably, yeah.

6 Q. Anything else that could be usefully achieved to stop  
7 behaviour like yours?

8 A. I think most of the things which would do that have  
9 actually -- times have moved on. The whole approach of  
10 schools to child -- to -- to child protection has  
11 changed. And so I think yes, absolutely, yeah.

12 Q. Can I just ask a few questions about fitness to teach?

13 A. Yes, of course you can. You can ask any questions you  
14 like.

15 Q. Would you accept that, given your behaviour, you are not  
16 a fit person to teach children?

17 A. Absolutely, and I'm not allowed to.

18 Q. But you weren't a fit person in 1989 through to 1995,  
19 because on your own admission, you were serially  
20 abusing --

21 A. Correct.

22 Q. -- different children?

23 A. That would be correct, yeah.

24 Q. And from that point on, you were simply someone who  
25 should never have been allowed to teach given your

1           behaviour?

2       A.   I shouldn't have been allowed to teach prior to that,

3           no.

4       Q.   And obviously that didn't stop you teaching?

5       A.   No.

6       Q.   Do you have concerns that the Fitness to Teach provision

7           is adequate?

8       A.   It probably isn't.

9       Q.   Is that coming back to the point you want that there

10           should be openness and sharing of records so the sort of

11           thing that was complained of in 1990 should have been

12           highlighted?

13      A.   That's correct.

14      Q.   It might have finished your career?

15      A.   Absolutely.

16      Q.   But it needs to be known?

17      A.   Absolutely, yeah.

18      Q.   I think, though, once you were convicted, it was at that

19           point the GTCS started proceedings against you?

20      A.   Yes.

21      Q.   And you took umbrage at that?

22      A.   Yes, absolutely, yeah.

23      Q.   Can you remember why you took umbrage?

24      A.   Because there was no way I could possibly teach any more

25           anyway, having had a conviction, and they seemed to be

1           claiming they had the -- the right to take action,  
2           although in fact I wasn't a member of the GTC.

3       Q.   That's what I was interested in.  Had you stopped paying  
4           your dues?

5       A.   Yes.

6       Q.   And you had understood that you had fallen off the --

7       A.   The membership.

8       Q.   -- the membership?

9       A.   Yeah.

10      Q.   Did you make that point to them?

11      A.   I did.

12      Q.   Did it stop them?

13      A.   No.

14      Q.   Do you think it achieved anything?

15      A.   I doubt it, but it's still worth making the point.

16      Q.   And do you think removing you from the register of  
17           teachers achieved anything?

18      A.   I suppose it provides a way of ensuring that I wouldn't  
19           try and get back into the profession again in any way or  
20           form, but I don't think it really achieved anything, no.  
21           I'd already retired at that point.  I was at retirement  
22           age anyway, so probably it achieved nothing anyway so it  
23           wasted their time.

24      Q.   One would like to think, with a conviction such as  
25           yours --

1 A. It couldn't -- I couldn't possibly go into teaching  
2 anyway, absolutely.

3 Q. And that's quite right, of course?

4 A. Absolutely.

5 LADY SMITH: Am I right in thinking you registered with the  
6 GTCS in 1993? Your statement suggests that. You say  
7 you applied for registration in 1993.

8 A. I can't recall exactly when I registered, I must admit.  
9 I don't recall.

10 LADY SMITH: Early 1990s? If you can't remember a specific  
11 date?

12 A. I remember there was pressure put on people at Keil to  
13 register, but I have a feeling I was registered before  
14 that, but I may not be right about that. I have  
15 a feeling I was registered when I was at Gordon's, but  
16 I may well be wrong.

17 LADY SMITH: You seem to have a memory of stopping payment  
18 of your dues, as it was put. When did that happen?

19 A. I stopped payment of my dues as soon as I was -- as soon  
20 as I was suspended.

21 MR BROWN: Could we look very, very briefly at GTC23,  
22 page 3. I think this is correspondence from GTCS and it  
23 does suggest, in fairness to them, that your  
24 subscriptions were by direct debit up to end March 2017.

25 A. It does look like it, yes.

1 Q. Is it possible your memory of events five years ago is  
2 flawed?

3 A. It's -- it's possible, but I -- my -- I -- I do  
4 remember -- I don't remember whether I paid by cash or  
5 direct debit. I thought -- I must admit, I thought I'd  
6 paid by cash every year. I didn't realise I was paying  
7 by direct debit. I don't check my direct debits  
8 carefully. I'm not financially interested in that sort  
9 of thing. But I certainly wrote to them in 2015 to say  
10 I was -- wanting to leave membership, so they shouldn't  
11 have taken a direct debit. In fact, I did get  
12 a membership card in 2015, I had it and I wrote back  
13 saying I didn't want to continue, so they shouldn't have  
14 continued taking that direct debit, as far as I'm  
15 concerned.

16 Q. Their fault again?

17 A. Well, in that particular instance, absolutely, yeah.  
18 I certainly wrote to them.

19 MR BROWN: William, thank you.

20 LADY SMITH: Are there any outstanding applications for  
21 questions of William?

22 William, that completes the questions we have for  
23 you. Thank you for engaging with us, providing your  
24 statement, which of course is part of your evidence. As  
25 Mr Brown indicated, it has been read, it will be read

1           again. And thank you for engaging with the questioning  
2           today. I appreciate it's not easy.

3       A. Thank you.

4       LADY SMITH: But it's very important to me to hear from you,  
5           as I have done, for the purpose of this Inquiry, which  
6           is all about children and children's interests.

7       A. Yes.

8       LADY SMITH: And that's the most important thing we're doing  
9           here. I'm now able to let you go with my thanks.

10      A. Thank you.

11                               (The witness withdrew)

12      LADY SMITH: Mr Brown, I think if we rise now and try to sit  
13           again at, say, 2.15, that will give us long enough for  
14           this afternoon's witness.

15      MR BROWN: It certainly will.

16      LADY SMITH: Very well.

17      (1.20 pm)

18                               (The luncheon adjournment)

19      (2.15 pm)

20      LADY SMITH: Mr Brown.

21      MR BROWN: My Lady, the last witness of the day is  
22           'Richard'.

23      LADY SMITH: Thank you.

24      MR BROWN: And again, my Lady, he should be warned.

25      LADY SMITH: Yes.

1                                'Richard' (sworn)

2        LADY SMITH:   'Richard', you'll see there's a red folder in  
3                        front of you. That's got a hard copy of your statement  
4                        in it, and Mr Brown will no doubt take you to that in  
5                        a moment. You'll also see your statement coming up when  
6                        we're referring to it on the screen in front of you, so  
7                        do use either or neither, if you'd find it helpful.

8                        Also, if you have any questions or concerns in the  
9                        course of giving your evidence, please let me know and  
10                        I'll do what I can to see to it that you're as  
11                        comfortable as you can while you're giving evidence. If  
12                        you need a break, that's absolutely fine. If it works  
13                        for you, it works for me, so do let me know.

14                        Finally, before I hand over to Mr Brown, I want to  
15                        say this, which you may already appreciate. If you are  
16                        asked any questions in the course of your evidence which  
17                        might incriminate you in relation to any matter for  
18                        which you have not already been charged or convicted,  
19                        you do not need to answer the questions.

20        A.    (Witness nods).

21        LADY SMITH:   However, if you do choose to answer them, I do  
22                        expect you to answer them fully, as you have, after all,  
23                        just taken an oath to tell not just the truth but the  
24                        whole truth. Do you understand that?

25        A.    I understand.

1 LADY SMITH: Thank you. I'll hand over to Mr Brown now, if  
2 you're ready.

3 Thank you for taking your mask off, because we will  
4 hear you better.

5 A. Thank you.

6 LADY SMITH: If you can also stay in a good position for the  
7 microphone, that helps, you'll find it easier to make  
8 yourself heard and we'll find it easier to hear you,  
9 particularly for the stenographers to hear you through  
10 the sound system.

11 Mr Brown.

12 Questions from Mr Brown

13 MR BROWN: My Lady, thank you.

14 'Richard', good afternoon.

15 A. Good afternoon.

16 Q. I have to hear you and you have to hear me, so please  
17 say if you don't hear any question, or if you don't  
18 understand any question. We'll see how we get on, but  
19 the microphone is currently quite a distance from you.  
20 It may be if you could move a little bit more towards  
21 you, from past experience that would help.

22 As her Ladyship said, we'll start with your  
23 statement, which is in the red folder and is on the  
24 screen in front of you. It has a witness reference  
25 number: WIT-1-000000604. We see it runs to 22 pages and



1           on the last page you've signed it and dated it  
2           20 January this year, and I think we can understand that  
3           you did this remotely, giving the statement, because of  
4           Covid?

5       A.   That's correct.

6       Q.   Back and forth with emails?

7       A.   Yes.

8       Q.   Until you were satisfied that the statement was okay and  
9           that's why, in paragraph 109, you have adopted the  
10          following sentence:

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

15      A.   Correct.

16      Q.   Thank you. As you will understand, your statement is in  
17           evidence and we don't have to rehearse everything in it.  
18           We just want to talk about a number of particular items.

19                In terms of background, you are 67?

20      A.   Yes.

21      Q.   And for much of your adult life, you were a teacher?

22      A.   Correct.

23      Q.   And of particular interest to us is the period you spent  
24           at Keil School in Dumbarton, which, in the context of  
25           your whole teaching career, was relatively brief?

1 A. That's right.

2 Q. You were there from 1989 to 1991?

3 A. I was.

4 Q. Why did you come to Keil?

5 A. I came to Keil because it was an opportunity for me to

6 see and experience some of the events of the Glasgow

7 City of Culture in 1990. And Dumbarton is not too far

8 from Glasgow. They had an advertisement for somebody to

9 teach [REDACTED] and [REDACTED]. I was particularly interested

10 in the [REDACTED] and the festival generally. And I applied,

11 was interviewed, and was offered a job.

12 Q. So, really, it wasn't so much the school that drew you

13 to Scotland, it was the festival or City or Culture --

14 A. It was the City of Culture event, yes.

15 Q. Which I think we all probably remember as well as you

16 do. So it was just happenstance that a job came up that

17 suited your desire --

18 A. That's right.

19 Q. -- to come to Glasgow? Okay. In terms of the primacy

20 of [REDACTED], was that your greater interest?

21 A. [REDACTED].

22 Q. That's what interests you?

23 A. Those were the things that interested me professionally

24 and personally.

25 Q. Have you been involved away from work in those areas as

1 well?

2 A. I've had involvement with an arts festival, I've had  
3 involvement with Festival Theatre in Chichester, some  
4 involvement with the National Theatre in London.

5 Q. And also choral singing?

6 A. And some choral singing. I'm not the best sight reader,  
7 but some.

8 Q. And I think in connection, you've mentioned [REDACTED],  
9 its cathedral, it has a choir?

10 A. It has a cathedral, it has a choir.

11 Q. Have you been involved with the choir at the cathedral?

12 A. I was involved with the choir at the cathedral and the  
13 music programme generally. [REDACTED]  
14 [REDACTED] in the cathedral for a while.

15 Q. Thank you. All, I suppose, essentially very civilised  
16 and arty, and then you come to Keil.

17 A. I know.

18 Q. Was it a shock to your system, coming to Keil?

19 A. It was different, but I can't expect one place to be  
20 exactly like another.

21 Q. No. But in terms of perhaps the more artistic side of  
22 school life, was it different from previous schools?

23 A. It was different from previous schools. The -- part of  
24 the brief at interview was that they would like me to  
25 come and contribute to [REDACTED] generally and

1 encourage a broader interest in [REDACTED] at the school.

2 Q. Your interview, we know, was with CGC [REDACTED], who was

3 [REDACTED] SNR [REDACTED].

4 A. That's right.

5 Q. And was he open with you that he was trying to progress

6 the school, move it on from what it had been?

7 A. Yes, that -- that was certainly his stated ambition.

8 Q. Did you understand that it had been a very traditional

9 school and that was why he had been brought in himself,

10 to try and take things further?

11 A. Yes, I did.

12 Q. And in the context of your two years at Keil, we can

13 come to this in due course, I'll just take it now,

14 I think we read in the statement, for example, you found

15 it a spartan place with little decoration, and that was

16 one thing, for example, that you wanting to bring in,

17 bright art to try and --

18 A. I would have liked to bring in more. I mean, I had

19 a limited budget to buy some framed pictures and things

20 like that, just to brighten up some very dreary

21 corridors.

22 Q. And was that approach welcomed by your fellow teachers?

23 A. Not by all of them.

24 Q. Were there tensions within the school?

25 A. There were tensions within the school. There was quite

1 a lot of hostility from some of the masters who'd been  
2 there a long time to any of the changes. There was,  
3 saving everybody's presence, a distinct anti-English  
4 attitude towards Mr **CGC**, and that rubbed off towards  
5 me as well because they felt here were the English  
6 attacking the traditional ways in which Keil had  
7 existed. Keil, as I think you know, had first been  
8 founded in Kintyre and had moved to Dumbarton some time  
9 earlier, but the strong West of Scotland self-reliance,  
10 independence were valued as traits within the school.

11 Q. Was it just teachers who had been there for many years  
12 that were causing these tensions or, in terms of the  
13 anti-English side, was that coming from a broader base  
14 of staff?

15 A. I think a number of the newer, younger Scots men and  
16 women on the staff as well picked up on this resentment  
17 of the way in which Mr **CGC** was doing things.

18 Q. We understand that when you joined in '89 there would  
19 have been a new deputy head, Tom Smith.

20 A. That's correct, yes.

21 Q. And we would understand from what others have said that  
22 he was a very driven deputy head and de facto day to day  
23 was perhaps running the school and **CGC** was  
24 a slightly remote character. Is that your recollection?

25 A. I think that's probably true. Tom had come from -- was

1           it Arbroath Academy? -- where he'd been rector, and he  
2           seemed much more keen on looking at a Scottish  
3           curriculum.

4       Q.   Were there tensions, from your perspective, with him in  
5           terms of the English side or was it --

6       A.   There weren't really tensions with Tom.

7       Q.   No?

8       A.   And I found Tom helpful because I'd not taught Scottish  
9           standard grade and higher before, and in some ways he  
10          was helpful to me on that front.

11      Q.   Did those tensions diminish over the two years you were  
12          there or did they remain constant?

13      A.   Tensions with Tom or tensions --

14      Q.   Tensions as between the staff, between perhaps those who  
15          had been there before and the new people on the one hand  
16          and then this anti-English perception you have?

17      A.   I think they remained much the same, or else they  
18          increased slightly, because as time went by, people were  
19          more and more ready to be critical of the **SNR**.

20      Q.   This is **CGC**?

21      A.   Yes.

22      Q.   Why were they critical of him?

23      A.   Whether it was personality -- he could be abrasive in  
24          his manner. The other thing that has to be taken into  
25          consideration -- and I don't know whether you've heard

1           this from anybody else -- is the strength of influence  
2           that the Keil old boys had. And the influence of  
3           a previous master, who had recently retired.

4       Q. No. But these were influences, would they be trying to  
5           act as brakes on change?

6       A. I think that's an elegant way of putting it.

7       Q. Okay.

8       LADY SMITH: How was it that the old boys had influence?

9       A. There was a strong Old Keil committee. I think there  
10           was a Masonic lodge.

11       LADY SMITH: Amongst whom?

12       A. A Masonic lodge of Old Keil boys and some of the  
13           masters.

14       LADY SMITH: Is that just supposition on your part or did  
15           you know that as a fact?

16       A. I know I was sounded out about whether I wanted to join  
17           a Masonic lodge. But I didn't.

18       LADY SMITH: Mr Brown.

19       MR BROWN: Thank you.

20           So, from what you're saying, you have a **SNR**  
21           who was facing criticism?

22       A. Yes.

23       Q. From the staff, some of the staff, at least?

24       A. Yes.

25       Q. The old boys association and a previous master?

1 A. Yes.

2 Q. Within the staff context, who was leading the van to try  
3 and criticise him?

4 A. You want me to name names?

5 Q. I'm just interested. Was it at managerial level there  
6 was opposition or was it just amongst individual  
7 teachers? Let's just start with that.

8 A. It was some individual teachers.

9 Q. Okay. But I think we understand that CGC  
10 outlasted you?

11 A. Yes, he did.

12 Q. Although he then went on, we know, in, I think, 1992 to  
13 a school south of the border?

14 A. Yes, to [REDACTED], I think?

15 Q. Yes. Did he achieve the change, do you think, he  
16 sought?

17 A. He never clearly communicated to me beyond the fact he  
18 hoped that I would encourage [REDACTED] generally. My  
19 background in [REDACTED] was another thing that he  
20 found helpful and attractive, so I was given some budget  
21 to improve the [REDACTED], to try to encourage [REDACTED] to  
22 try to encourage individual study in those sorts of  
23 ways, but time was short, money was short, and whether  
24 he was trying to increase the attraction of the school  
25 by doing these things -- you know, broadening the school



1           beyond being lessons and rugby, widening what we in the  
2           academic world in those days used to call the hidden  
3           curriculum of activities which would develop  
4           personality, whether he achieved what he was setting out  
5           to do or whether, as I felt to some extent, it was  
6           a question of pragmatism, take an opportunity when it  
7           comes up. There's 'Richard', let's get 'Richard' up,  
8           let's see what 'Richard' can contribute, over the two  
9           years of [REDACTED] festival.

10       Q. Yes. In terms of one body we haven't discussed, the  
11       school is run by a trust. That was set up to provide  
12       education for the boys from the West and the Islands?

13       A. Mm-hmm.

14       Q. And that trust, we know, remains extant today.

15       A. (Witness nods).

16       Q. Did you ever see board members within the school,  
17       trustees?

18       A. I think the first time I saw any of the trustees was  
19       Speech Day at the end of my first year.

20       Q. Did you see them again thereafter?

21       A. Speech Day at the end of my second year.

22       Q. So can we take it they were not involved regularly with  
23       the school?

24       A. They were not -- well, they were not in school. Whether  
25       they had meetings with the head or the bursar or the

1 deputy head, I don't know.

2 Q. But as a teacher --

3 A. As a teacher, no.

4 Q. And as a pupil? Were they engaged with the pupils, from

5 what you saw?

6 A. I wouldn't have thought so. I don't know when -- they

7 might have been.

8 Q. You didn't see it --

9 A. I didn't see it. In other schools in which I have

10 worked, I have had a nominated governor or trustee who

11 took an interest in my subject area.

12 Q. Was that before or after Keil?

13 A. Both.

14 Q. So that was a change you noticed at Keil?

15 A. Yes.

16 Q. Let's look at some other changes you noticed. One of

17 them, I think, is that pupils had a much greater role to

18 play in the running of the school than your previous

19 schools?

20 A. Certainly.

21 Q. And post schools as well?

22 A. I'm sorry, and?

23 Q. And any schools you went to after Keil?

24 A. Any schools I went to before or after, yes.

25 Q. I think you talk about boys doing the cleaning?

1 A. Boys doing cleaning, boys doing a lot of things.

2 Q. Even to the extent your class wasn't particularly clean

3 so you would clean it yourself?

4 A. So I would do some for myself, yes. These were the days

5 of chalk and blackboards. I didn't want to sit in chalk

6 dust all day every day.

7 Q. But apart from teaching and sport, rugby, were teachers

8 largely not involved in the day-to-day running?

9 A. There was a sort of axis of responsibility. The

10 prefects were called chiefs.

11 Q. Yes.

12 A. And there were chiefs and deputy chiefs, and they would

13 report to the housemasters. I was not a housemaster.

14 Other house tutors on the resident front didn't really

15 get involved in any of those conversations.

16 Q. So the point of connection is the housemaster rather

17 than an assistant?

18 A. Yes.

19 Q. In the two years you were there?

20 A. Yes.

21 Q. And we know that you were an assistant in Mackinnon

22 House.

23 A. In my second year.

24 Q. In your second year, yes. And you had to move into the

25 tutor's cottage, as you say in paragraph 11, and you

1           would presumably have as an assistant some role to play  
2           in Mackinnon House?

3       A.   That's right.   Yes, I -- because the housemaster's house  
4           was [REDACTED].

5       Q.   Yes?

6       A.   From Mackinnon House, I was there to be the first adult  
7           responder in the event of a crisis.

8       Q.   Although I think, as you say, first of all, your  
9           involvement, looking at paragraph 11, was checking with  
10          the chiefs that everyone was up in the morning and the  
11          chiefs were doing their job in the evening.

12      A.   Yes.

13      Q.   "Some evenings I would check with them that everyone was  
14          present and that lights were put out in the  
15          dormitories."

16               Some evenings --

17      A.   (Witness nods).

18      Q.   -- would you rely on their word that these things were  
19          being done or did you check?

20      A.   Occasionally I checked.   Occasionally I relied on their  
21          word.

22      Q.   But I think as we see from paragraph 12, your cottage  
23          wasn't one that gave direct access into the house, so  
24          you had to walk round to the front door to get in?

25      A.   I would usually walk around to the front door.   There

1           was a door I could unlock, which would give access into  
2           the boys' common room.

3       Q.   But normally that wouldn't be used?

4       A.   Usually that would not be used.

5       Q.   And, as you say, the person who has prime responsibility  
6           and is the point of contact most of the time, the  
7           housemaster --

8       A.   Is the housemaster.

9       Q.   -- [REDACTED] ?

10      A.   That's right.

11      Q.   Did he come round and check, as far as you're aware?

12      A.   Sometimes he did. I mean, there were nights he knew  
13           that I might be out at a theatre event or something  
14           else, and presumably he came over to check. He had  
15           a study in the house.

16      Q.   Was he very engaged, from what you saw in that second  
17           year, with the house or was he distant?

18      A.   He was engaged when he was in his study. He'd be in his  
19           study for maybe an hour or an hour and a half some  
20           evenings.

21      Q.   But would there be some evenings when there would simply  
22           be no adult presence in the house?

23      A.   Possibly, yes.

24      Q.   In terms of the culture of the house, we've heard  
25           broadly about boarding schools in the past, that

1 individual houses could be, effectively, autonomous  
2 little states with no particular oversight from the  
3 school as a whole. Was that the position with Mackinnon  
4 House?

5 A. Sorry? Could you ask me that again? I didn't hear it  
6 clearly.

7 Q. Certainly. We've heard in relation to boarding schools  
8 generally --

9 A. Yes.

10 Q. -- that houses could on occasion be autonomous, in  
11 other words with no real oversight from anywhere else,  
12 including the school itself. Were the houses at Keil  
13 autonomous in that sense?

14 A. I think they were, but that didn't come as a complete  
15 surprise to me because I've been in other schools where  
16 that is the case.

17 Q. Yes. But was there a culture of keeping things within  
18 the house?

19 A. When you say "keeping things", do you mean --

20 Q. Any concerns, it would be dealt with in-house?

21 A. At Keil, I think that was probably the case, yes.

22 Q. How would you describe the housemaster, if you were to  
23 think back of the year you spent?

24 A. He was generally a jovial sort of man. He had overseas  
25 teaching experience as well as Scottish teaching

1           experience. He was a great enthusiast for the rugby.

2       Q. Was he a traditionalist then?

3       A. Oh, he was definitely a traditionalist, yes.

4       Q. Was he one of the brakes on CGC 's efforts?

5       A. Certainly, yes, he was.

6       Q. He didn't want change?

7       A. He didn't want change. He was comfy with the ways

8           things were.

9           Can I ask a question at this stage, Mr Brown? Is

10           this because it's relevant to what you're asking.

11           Lady Smith?

12       LADY SMITH: Let me explain. First of all, the way this

13           works is Mr Brown and I get to ask the questions.

14       A. I appreciate that, but there is --

15       LADY SMITH: However, what I think you're trying to ask me

16           is are these questions, directed to how the school

17           operated and in particular how the houses operated,

18           something I'm interested in --

19       A. Indeed.

20       LADY SMITH: -- from the perspective of my terms of

21           reference --

22       A. Yes.

23       LADY SMITH: -- and what this Inquiry is all about?

24           Absolutely, yes.

25       A. Right. My question --

1 LADY SMITH: You were there for two years.

2 A. Yes.

3 LADY SMITH: And you lived in the school.

4 A. Yes.

5 LADY SMITH: So it certainly strikes me and I think strikes  
6 Mr Brown that you may be able to help us with our  
7 understanding of what it was like at that time. That's  
8 why we're asking. Does that help?

9 A. My question is based on whether an issue has come before  
10 the Inquiry concerning incursions onto the estate from  
11 neighbours.

12 LADY SMITH: That's not what these questions are about.  
13 I am very interested in whether there were systems in  
14 place or not that are relevant to the effective running  
15 of the school in all respects, including in relation to  
16 child protection. That's where these questions are  
17 coming from. And the interest in systems and potential  
18 system failure comes directly from the terms of  
19 reference that I am responding to in this Public  
20 Inquiry.

21 I don't know what you have in mind in terms of  
22 incursions into the estate, but if you think they are of  
23 any relevance to that interest in systems and system  
24 failure that I have, maybe we should learn about it.

25 MR BROWN: We will come to that, my Lady. I think,



1           'Richard', if you just take one question at a time.

2       A.   Very well, sorry.

3       Q.   And answer what you're being asked about.  At the end,

4           if there are things you want to add, you'll have that

5           opportunity.

6       A.   Thank you.

7       Q.   In terms of the system that was in place, to continue

8           Lady Smith's theme, your housemaster was one of the

9           traditionalists who did not want change and what that

10          meant, we would read from your statement, is boys would

11          discipline boys, teachers would be stand-offish and let

12          the boys get on with it.  Fair?

13      A.   I think that's a fair summary.

14      Q.   There would be no policies about how things were to run?

15      A.   There didn't seem to be any -- certainly there was no

16          set down policy document.

17      Q.   No.  When you joined the school, there was no induction?

18      A.   No.

19      Q.   You picked it up as you went along?

20      A.   I did.

21      Q.   You've mentioned picking up information from

22          Tom Smith --

23      A.   Yes.

24      Q.   -- about how the Scottish system works?

25      A.   Yes.

1 Q. No one told you that on day 1?

2 A. My head of subject was helpful in terms of what the

3 syllabus was to be about.

4 Q. Yes, but as well as no policies written down, there is

5 no procedure to record things formally?

6 A. No. None.

7 Q. Was there interchange or exchange of information between

8 classroom and house? Thinking in terms of pupil conduct

9 welfare.

10 A. There would be conversations over coffee at break time

11 or at lunchtime, if a classroom issue had blown up, yes.

12 Q. But it's in that casual ad hoc way rather than a formal

13 discussion between staff about all pupils and how

14 they're getting on?

15 A. The staff meetings that took place occasionally were

16 a forum for that sort of thing, but they were

17 comparatively brief and so things might have not been

18 passed on.

19 Q. And in terms of discipline, for example, as you say,

20 corporal punishment had not long gone?

21 A. Mm-hmm.

22 Q. And did you get the sense there was a feeling from some

23 staff that it was something that they would wish to have

24 brought back?

25 A. Oh, I think that's certainly true.

1 Q. As it was, pupil discipline was common of other pupils?  
2 A. Yes.  
3 Q. With teacher supervision?  
4 A. Sometimes. Sometimes not. It depends on the nature of  
5 what was under discussion, I think. There was this  
6 amorphous term, NH, which notionally was for Natural --  
7 LADY SMITH: We've heard about that.  
8 A. You've had NH?  
9 LADY SMITH: Natural History.  
10 A. Natural History. But it wasn't a study of Natural  
11 History. It might be mowing lawns, sweeping paths, not  
12 quite w-i-n d-e-r, winder, now go and clean it, as in  
13 Dickens, but boys could be assigned an amount of NH in  
14 terms of time in which they had to do these sorts of  
15 jobs, and sometimes it was written down, if a master had  
16 issued NH, or a mistress, but otherwise what the chiefs  
17 issued may have gone unrecorded.  
18 MR BROWN: So it was somewhat arbitrary?  
19 A. Yes.  
20 Q. And as you say at paragraph 25:  
21 "The housemasters, not the tutors, had oversight of  
22 ... [discipline]."  
23 A. Yes.  
24 Q. Again, it's in-house?  
25 A. It's in-house.

1 Q. Was this different from your previous experience of  
2 school discipline?

3 A. Generally, yes.

4 Q. And thinking of schools you went to afterwards?

5 A. And schools I went to afterwards. There would be some  
6 record of any punishment issued. There would be  
7 a degree of parental consent sought if there was  
8 detention, particularly in a day school, so the parents  
9 would know what was going on. That didn't happen. As  
10 far as I remember it, you know.

11 Q. Yes.

12 A. It is 30 years ago.

13 Q. And to come on to the issue that I think was in your  
14 mind, paragraph 23 talks about Keil being on an open  
15 site in pleasant grounds, it being originally a large  
16 private mansion.

17 A. Mm-hmm.

18 Q. But next door it had Bruce Hill council estate and there  
19 were incursions from the inhabitants of Bruce Hill into  
20 the school grounds.

21 A. That happened quite a lot. It was part of the West of  
22 Scotland sectarianism. Bruce Hill was largely  
23 a Catholic neighbourhood. Keil was not a Catholic  
24 school. These people would come over sometimes with  
25 scaffolding poles and smash windows on the ground floor

1           in the main school building or in -- sometimes around  
2           the boarding houses.

3       Q.   And I think, as you say, that sometimes created  
4           an atmosphere of unease amongst pupils and staff?

5       A.   Yes.   Particularly because after dark the site was not  
6           well lit, and if people were coming from the main  
7           building to a boarding house, whether it was Mackinnon  
8           or Islay Kerr or even to the junior house, they were  
9           walking in the dark and might be ambushed.

10      Q.   And as you say, you don't remember the matter being  
11           tackled in any structured way by the headmaster or the  
12           bursar.   It was not stamped out.

13      A.   That's right.

14      Q.   So, shortly put, nothing was done?

15      A.   Nothing was done in terms of improving the lighting,  
16           nothing was done in terms of any sort of security  
17           patrol.   People could get in from all angles of the  
18           estate.

19      Q.   And you make the point at paragraph 27, because of the  
20           way again, reading short, the way the school operated  
21           and because the older pupils managed, in inverted  
22           commas, the younger ones, there might have been  
23           undetected abuse?

24      A.   That is a possibility.

25      Q.   Because there was little oversight of the pupils?

1 A. That's right.

2 Q. By staff?

3 A. By staff.

4 Q. And that was the norm at Keil in the time you were

5 there?

6 A. It is.

7 Q. Was there suspicion amongst the staff of bullying?

8 A. If there was suspicion of bullying, nothing was actually

9 tackled, and I suspect the traditional attitude was it's

10 all part of growing up. In other words, it was

11 condoned.

12 Q. Was a blind eye turned?

13 A. A blind eye was probably turned.

14 Q. And again, to put it in context, this is by the

15 housemasters, who are the point of contact for the

16 pupils in their houses, and also presumably the senior

17 management?

18 A. Yes.

19 Q. And just so we understand, senior management would be

20 the headmaster and the depute?

21 A. And the bursar.

22 Q. And the bursar. Although presumably the bursar was

23 there in office hours more than --

24 A. Not more than office hours, correct. But of course he

25 held the purse strings.

1 Q. Yes. And cost, you've introduced what I was coming to  
2 next, was always an issue at Keil?

3 A. Certainly.

4 Q. It was, to use various phrases we've heard, run on  
5 a shoestring, it was a hand-to-mouth existence?

6 A. It was, and this is why I think I had £250 or £300 for  
7 those pictures I spoke about and that was resented. So  
8 we're not talking huge money on that particular project.

9 Q. And again in terms of child protection, you go on at  
10 paragraph 31, there was no child protection in terms of  
11 formal guidance or arrangements in place?

12 A. That's right.

13 Q. Had you experienced child protection arrangements in any  
14 of your previous schools?

15 A. In my previous schools there were general guidelines,  
16 but not necessarily written-down policies.

17 Q. We know that the mid-1990s was a period where great  
18 change took place in terms of central government taking  
19 an interest. Does that fit with your recollection?

20 A. That fits with my recollection, but we're talking about  
21 '89 to '91, and my previous teaching going from '76  
22 to -- well, '89 up to when I moved to Keil.

23 Q. Yes. So are you saying that prior to going to Keil,  
24 child protection was something, though it may not have  
25 been formalised in policies, that you had been aware of?

1       A.  It was something I was aware of.  It was something that  
2       as a teacher, beyond, you know, what happened in one's  
3       classroom or what happened if one took an outing, was  
4       not directly a teacher's responsibility because there  
5       were matrons who were there for childcare purposes.

6       Q.  And did that exist at Keil, matrons?

7       A.  No.

8       Q.  There weren't --

9       A.  There was a sanatorium matron, but there were no house  
10      matrons.

11      Q.  And, just to continue that paragraph we were looking at:

12             "There was no such 'procedure' communicated to  
13      [you]."

14             Then we come back to something we've touched on  
15      already:

16             "The housemasters had autonomy, and possibly did not  
17      communicate concerns to the headmaster."

18      A.  That is my surmise.

19      Q.  Were you ever aware of what we would now term child  
20      protection concerns being transmitted at any level  
21      throughout the school?

22      A.  No.

23      Q.  Whether it's to the headmaster from a housemaster or  
24      from one staff member to another, saying, "I'm worried  
25      about this boy"?



1 A. Not in that sort of way.

2 Q. Again, and I've touched on this, but just to round this  
3 area off, we understand Keil obviously has the boarding  
4 masters and then there are simple teachers who leave at  
5 the end of the school day. Was there exchange, other  
6 than over the coffee you've described, between the two  
7 bodies, or did they view each other with some tension?

8 A. I don't think there was that sort of tension, but on the  
9 other hand, whether it was just me, in my first teaching  
10 job when I was in a boarding school, I was often  
11 entertained, invited home to the homes of the day staff,  
12 and that didn't happen at Keil.

13 Q. Was it an unfriendly school?

14 A. (Pause). Not in a -- in a sense of overt hostility, but  
15 I felt an outsider.

16 Q. With the staff?

17 A. With the other members of staff, for the most part, yes.

18 Q. What about pupils?

19 A. The pupils didn't appear hostile. Some of the older  
20 chiefs were a little bit sceptical, people that I didn't  
21 have any teaching contact with.

22 Q. But you were there, from what you're telling us, trying  
23 to introduce [REDACTED] and a cosmopolitan outlook?

24 A. Yes.

25 Q. How did that go down with the Keil pupils?

1 A. The majority of them seemed grateful. They took  
2 an interest.

3 Q. Were you happy being at Keil for those two years?

4 A. Not really.

5 Q. And we see at paragraph 38, for the reasons you give,  
6 you moved south in 1991?

7 A. Yes.

8 Q. And was there a degree of relief?

9 A. On my part?

10 Q. Yes.

11 A. There was. Yes.

12 Q. In terms of contact as an assistant housemaster, did you  
13 ever have pupils back to your accommodation?

14 A. Very rarely.

15 Q. In what circumstances?

16 A. In the event that somebody needed some immediate first  
17 aid, and in the event that there was some particular  
18 emotional concern.

19 Q. And was that you looking for pupils, in a sense spotting  
20 emotional concern, or was that pupils coming to you?

21 A. It was people coming to me.

22 Q. So some pupils were willing to come and speak?

23 A. Yes. Not many.

24 Q. How did they know to come to you? What system was in  
25 place?

1 A. It would have been somebody knocking on the door and  
2 saying, "Please, sir, can I speak to you?"  
3 Q. And what steps would you take in that situation?  
4 A. I'd sit them down, listen, maybe make a note.  
5 Q. And what would you do with the note thereafter?  
6 A. I would pass it up to the housemaster.  
7 Q. And what would the result of that be?  
8 A. It was then out of my hands.  
9 Q. Would you ever hear any feedback?  
10 A. No. Not really.  
11 Q. So, from what you're saying, occasionally a child would  
12 come to you for some reason of perhaps distress or  
13 injury?  
14 A. Mm-hmm.  
15 Q. Were you conscious that there were vulnerable children  
16 in the school?  
17 A. There was a range of vulnerabilities. Learning  
18 difficulties. I was aware of one or two family  
19 circumstances that were the cause of concern to people.  
20 Q. Learning difficulties, was that in any way catered for  
21 by the school?  
22 A. It wasn't. I'd come from a situation where I had been  
23 head of [REDACTED] and [REDACTED] for six years in a prep  
24 school, and I'd had access to specialist assistant  
25 teachers who would come in and do work with people who

1           were showing signs of dyslexia, for instance, and would  
2           offer the additional support in those sorts of ways, and  
3           no doubt there were people who had other sorts of  
4           learning difficulties not concerned with language but  
5           concerned with numeracy or whatever and they probably  
6           just ended up in the B stream for that sort of reason.

7       Q.   Yes.

8       A.   When more could have been done for them in other  
9           circumstances.

10      Q.   It wasn't -- was that because there was no provision for  
11           it, no thought about it, or no money to fund it, or  
12           a mix of all three?

13      A.   I think you start with the lack of money and work  
14           backwards down your list.

15      Q.   Okay. But it would be obvious, presumably, to you as  
16           a class teacher which children were perhaps less suited  
17           to Keil and its traditional self-discipline, rugby,  
18           tough approach, is that fair?

19      A.   Yes, I think so.

20      Q.   As a teacher, you can spot who is perhaps more  
21           vulnerable in a class, more likely to be picked on by  
22           the other boys?

23      A.   Yes, and I think it's -- you know, it's almost as simple  
24           as introvert and extrovert.

25      Q.   Okay. Now, obviously one of the particular areas you

1           were asked about was your contact with a Keil pupil  
2           which continued on after he left Keil.

3       A.   Yes.

4       Q.   And this is contained at page 11 onwards. Obviously, as  
5           part of the process, the details of that were shared  
6           with you and you have made comment about what he has  
7           said --

8       A.   Yes.

9       Q.   -- about you. This is a child who left in 1990, after  
10          your first year at Keil --

11      A.   Yes.

12      Q.   -- and went on to another boarding school in Perthshire.

13      A.   Mm-hmm.

14      Q.   And we would understand that you visited him over the  
15          holidays?

16      A.   On one occasion.

17      Q.   On one occasion. Just to be clear, there was only ever  
18          one occasion that you were in his company after he left  
19          Keil?

20      A.   That's right.

21      Q.   And that was the occasion when you went for lunch at his  
22          home?

23      A.   Yes.

24      Q.   With his parents?

25      A.   Yes.

1 Q. Beyond that, there was no actual contact?

2 A. That's true.

3 Q. Face to face?

4 A. Yes.

5 Q. That pupil obviously described you as one of two

6 teachers who he thought were approachable, the other

7 being a gentleman called Bain.

8 A. Mm-hmm.

9 Q. Do you remember, before we go back to the pupil,

10 Bill Bain?

11 A. In general terms, yes.

12 Q. He was there at the same time as you?

13 A. That's right.

14 Q. Did you have much to do with him?

15 A. Not a huge amount. We were different subject areas, we

16 had different outside interests.

17 Q. Were you aware that he was very involved with the pupils

18 after school hours, in terms of allowing them to use his

19 flat, use computers in the physics lab, the darkroom?

20 A. I know he ran activities of that sort, yes.

21 Q. Do you remember any concern ever being expressed about

22 the amount of contact he had with pupils?

23 A. No, because resident staff were there for that reason.

24 I talked earlier about the hidden curriculum in terms of

25 providing activities and hobbies and pastimes, and he

1           was doing those things.

2       Q.   So from your perspective there was no talk amongst the

3           staff about him perhaps being overgenerous with his

4           time?

5       A.   No.

6       Q.   Okay.  But returning to the pupil who left and with whom

7           you maintained contact, his recollection is that it was

8           at your suggestion that you came to visit him.

9       A.   He had given me his address when he left.  We had

10          maintained contact by letter, and I can't remember which

11          way round it was, but I was invited to go to lunch.

12       Q.   If it's his recollection, as you know, because you've

13          been told this, you said to him, "I've never been north

14          of Perth.  Perhaps if I'm at a loose end in the summer

15          holidays, I can come up and you can show me around", is

16          he right about that?

17       A.   I might well have said that sort of thing.

18       Q.   Yes.

19       A.   But in -- not as in fishing for an invitation.

20       Q.   Okay.

21       A.   It's the sort of thing you say to people ...

22       Q.   But if his recollection is you then made contact, he

23          having left his contact details with you, you made

24          contact and came for lunch, would that be right also?

25       A.   That's true.

1 Q. So you initiated the contact, having had his details?  
2 A. I suppose I thought he wanted to keep in contact.  
3 Q. Was that usual?  
4 A. In my experience, yes. I'd had correspondence with past  
5 pupils for several years.  
6 Q. At your instigation?  
7 A. At theirs.  
8 Q. Or yours?  
9 A. Or mine.  
10 Q. You go on to say that you felt the atmosphere at lunch  
11 was a bit frosty.  
12 A. It wasn't the sort of lunch I'd expected, having been  
13 invited.  
14 Q. Did you get the feeling his parents thought it was a bit  
15 odd?  
16 A. He says his parents thought it was a bit odd.  
17 Q. Yes.  
18 A. The practice I had been used to was to foster  
19 home/school links, albeit that this was a past pupil.  
20 Q. Well, that's why I'm curious. You say you were worried,  
21 paragraph 56, about how he was coping with life because  
22 he seemed to have been a target for bullying, but he'd  
23 moved on. Why the interest in him?  
24 A. Because temperamentally if he'd been a target for  
25 bullying at Keil, was he also going to be a target for



1           bullying in his new school and was he going to be  
2           miserable? Therefore I kept the channel of  
3           communication open.

4       Q.   Would that not be something to share with the new school  
5           rather than keep contact with him? He's no longer your  
6           responsibility.

7       A.   Well, he was no longer my responsibility, but on the  
8           other hand, I'd had that responsibility.

9       Q.   Now, obviously, as you know from the account he has  
10          given to us, after lunch there was a car drive in your  
11          car.

12      A.   Yes, he suggested we do that.

13      Q.   And he takes you around the local area, which obviously  
14          he knows and you don't?

15      A.   Mm-hmm.

16      Q.   But he then goes on to say, as you know, that you park  
17          and, on his account, you produce adult magazines and you  
18          tell him that he should read them or look at them. And  
19          then, reading on, you say, "Have you got a hard-on yet?  
20          I have", and you put your hand in his lap and went to  
21          put his hand in yours. Is that what happened?

22      A.   No, it didn't.

23      Q.   Your statement in relation to what then carries on says  
24          repeatedly or draws inferences, I think it's probably  
25          fair to say, that he must be having emotional issues to

1           make these statements up. Fair?

2       A. His behaviour suddenly swung in the car.

3       Q. His recollection, obviously, is it was your behaviour

4           that swung in a sinister direction. Why would he say

5           that?

6       A. I don't know.

7       Q. And you'll be aware that these are things that he then

8           went on to share within a number of years at his

9           following school, that that is what happened, so we have

10          accounts given to that school within a relatively short

11          period of the drive you took. Would you accept that

12          might lend some credibility, being more recent?

13       A. (Pause). I'm sorry, would you ask that again?

14       Q. Yes. You should be aware that we have accounts given by

15          him to his subsequent school, the school he was moving

16          on to, which give the same level of detail, so in other

17          words in the 1990s, as he is giving to us now. You

18          follow?

19       A. Yes.

20       Q. Would you accept that given he was making statements

21          relatively close to the events he was describing, that

22          might lend some credibility to what he says now? He's

23          been saying it, in other words, for decades.

24       A. I understand the question now. Yes, I can understand

25          that interpretation.

1 LADY SMITH: 'Richard', did you possess adult magazines at  
2 that time?  
3 A. Not in the car, no.  
4 LADY SMITH: I didn't ask you whether --  
5 A. I'm sorry.  
6 LADY SMITH: -- you accepted you had any in the car. Did  
7 you possess adult magazines at that time?  
8 A. I had some at home.  
9 LADY SMITH: Thank you.  
10 Mr Brown.  
11 MR BROWN: But on your account, it's in the car that his  
12 behaviour changes; is that right?  
13 A. Yes.  
14 Q. But nonetheless, you continued in contact with him.  
15 A. Because it wasn't out of character for him to have these  
16 mood swings.  
17 Q. You say.  
18 A. Yes.  
19 Q. Would it not be the more natural response if what you  
20 are saying is accurate to think: I'll just let the next  
21 school know that this is perhaps a vulnerable child, but  
22 I will step back?  
23 A. I might have done that, but I didn't.  
24 Q. Why not?  
25 A. (Pause). Because I didn't hear much more about it.

1 Q. Tell us then about the contact that was maintained  
2 thereafter.

3 A. He would write to me on occasions, I would send a reply.

4 Q. Would you telephone?

5 A. I don't remember telephoning him. At all.

6 Q. All right. Are you suggesting he's wrong if he recalls  
7 that you made calls to the school he had moved on to  
8 trying to speak to him?

9 A. I think he's mistaken or confused about that.

10 Q. All right. Again, you should understand that there are  
11 records from that school of you telephoning asking to  
12 speak to him. Would you accept that your recollection  
13 may in fact be wrong?

14 A. It might be.

15 Q. Perhaps because of the passage of time?

16 A. Yes.

17 Q. And I recognise these are events of almost 30 years ago.

18 A. Mm-hmm.

19 Q. When you wrote to him, that you do remember, what sort  
20 of form of communication were you sending?

21 A. I can't remember. Letters, I presume.

22 Q. Postcards?

23 A. Maybe.

24 Q. He obviously says, as you know, that you were pressing  
25 him to come and see you in England.

1 A. I might well have issued an invitation for him to come  
2 down to the arts festival in Sussex, but I don't --  
3 well, I'm sorry he felt it was pressure.

4 Q. Again, why the interest in a pupil who is, from your  
5 perspective as a teacher, history?

6 A. Simply to offer him an opportunity of experiencing  
7 something quite different from what was in his usual  
8 range of experience helping on a hill.

9 Q. Okay. No more than that?

10 A. No.

11 Q. Obviously in the context of his recollection there was  
12 a sexual overtone in the car after lunch with his  
13 parents. It wasn't for that purpose, was it?

14 A. No, it was not.

15 Q. Okay. But there came a stage where, he having left the  
16 school, I think in 1990, at the end of your first year,  
17 that correspondence is ongoing until 1993. Why were you  
18 persisting for years your efforts to contact this boy?

19 A. I was in contact with a number of past pupils over the  
20 course of several years.

21 Q. We understand from him that earlier correspondence, in  
22 part at least, was just put in the bin, but some of the  
23 letters we have copies of, or the correspondence we have  
24 copies with. If we could look at just a number of  
25 correspondence examples. If we go to STR007. Page 2,

1           please.

2       LADY SMITH: Just while that's coming up, 'Richard', you say

3           you were in contact with a number of past pupils over

4           the course of several years. Are you talking about

5           pupils from Keil?

6       A. I did have some contact with some pupils at Keil on

7           Facebook.

8       LADY SMITH: Continuing contact?

9       A. It was a re-establishment of contact rather than

10           a continuing contact.

11       LADY SMITH: Were there any other pupils you were writing

12           to?

13       A. There was one who was doing a sixth form course in

14           Surrey and his parents had asked me to keep in contact

15           with him in order that he might have a more local

16           contact.

17       LADY SMITH: Thank you.

18           Mr Brown.

19       MR BROWN: I think in fairness, Facebook came rather later.

20       A. Indeed. This is why I say it was a question of

21           re-establishing contact. I don't think I joined

22           Facebook until 2008.

23       Q. If we look at this and perhaps go to the bottom of the

24           page where we see the postcard, because this is

25           a postcard, obviously, and this is the Chain Gate in

1           wells and I think we can see Wells Cathedral on the  
2           other side of the wall.

3       A.   Yes.

4       Q.   Recognise it?

5       A.   Is it Wells or is it Carlisle? I can't remember.  
6           I can't remember.

7       Q.   Take it from me, and it's not me being clever, it's  
8           because it's on the postcard which we're about to look  
9           at.

10      A.   Oh yes, so it is at the bottom. Wells.

11      Q.   Wells, yes. If you go up to the written part, this is  
12           you writing and from the postmark this is August 1993,  
13           so three years after he's left:

14                "I have deserted Chichester for a fortnight. This  
15                week I am working in Wells Cathedral with an American  
16                choir. Last week it was the same group in Carlisle.  
17                28 teenage girls and sundry adults so I'm being kept  
18                busy. Ring me after the 17th with your news."

19                That is the sort of thing you'd be sending?

20      A.   Yes, it's not especially controversial, is it?

21      Q.   No. But I think we know from another document, STR008,  
22           and if we can go to page 2, you received this letter  
23           in October 1993, it's to you and it's from the  
24           headmaster at his new school, and it reads:  
25                " ... I am writing to make absolutely clear to you

1 something which, to date, you seem not to have accepted;  
2 namely, that [the boy] has no wish to meet with you, or  
3 communicate with you at all, either now, or in the  
4 future.

5 I find it extraordinary that you should continue to  
6 try to make contact with [him] in this way when he has  
7 made it apparent that such approaches are unwelcome.  
8 I do not intend to take this any further at this stage,  
9 but should you ignore this advice I shall be forced to  
10 contact your employer to explain the situation.

11 I have copied this ... to [the boy's] father."

12 Would you accept from the tone or the terms of that  
13 letter, there's a clear inference that you've been told  
14 to stop but you've ignored it?

15 A. I hadn't been told to stop or I would have done.

16 Q. Well, why then did the headmaster say, "I am writing to  
17 make absolutely clear to you something which, to date,  
18 you seem not to have accepted; namely, that [the boy]  
19 has no wish to meet with you"? Clearly that only  
20 implies that you've been told to stop but you haven't.  
21 Isn't that correct?

22 A. I have no recollection of being asked to stop prior to  
23 receiving that letter.

24 Q. We are, of course, talking of events 30 years ago. You  
25 may have forgotten?



1 A. I was very surprised when that letter arrived.

2 Q. And surprised --

3 A. Had somebody asked me to stop beforehand, I would have

4 done.

5 Q. And would you be surprised, also, because from what

6 you're telling us these were innocent conversations of

7 no particular moment?

8 A. Yes.

9 Q. With no pressure?

10 A. I don't think I was putting any pressure on **CDC**

11 Q. All right. Can we look, please, at page 7. This is

12 obviously dated 28 February 1993, so six months before

13 the postcard, eight months before the headmaster writes

14 warning you off.

15 A. Mm-hmm.

16 Q. To the boy:

17 "No more excuses - book a super apex train ticket

18 and come south for a few days either the week before or

19 the week after Easter Sunday! We're not snowbound and

20 it's sunny here. You can pretend you're in the South of

21 France. But you'll not see naked ladies on the beach

22 in April. However, I do have ..."

23 What was that about?

24 A. I really can't remember, short of inviting him to come

25 south if he wanted to.

1 Q. "You won't see naked ladies on the breach, however I do  
2 have ..."

3 Might the implication be you can show him porn  
4 again? That's how he'd see naked ladies, because that's  
5 what you'd done three years before?

6 A. I don't think so.

7 Q. Would you accept that's an inference one could draw?

8 A. An inference?

9 Q. One could draw.

10 A. One might.

11 LADY SMITH: What about "no more excuses", 'Richard'? That  
12 sounds as though you had been asking the boy repeatedly  
13 before then and he'd been giving you reasons why he  
14 wasn't going to come south. See that? Right at the  
15 beginning.

16 A. I'm sorry?

17 LADY SMITH: Right at the beginning of the letter:  
18 "No more excuses - book a super apex train ticket  
19 and come south ..."

20 What can I take from that other than that you had  
21 been inviting him on more than one occasion before then  
22 and he had been telling you he wasn't coming and  
23 explaining why he wasn't coming?

24 A. I don't suggest here that he had made lots of excuses in  
25 the past. It was just a way of opening the letter.

1       LADY SMITH: Really? And I'm to take that from you writing  
2            "no more excuses"?  
3       A. Well ...  
4       LADY SMITH: Is that really what you meant? Is that really  
5            what you were referring to?  
6       A. I think so, but again it's 30 years since I wrote this.  
7       LADY SMITH: Maybe. Maybe there had been telephone calls?  
8       A. I can't remember.  
9       LADY SMITH: All right. Thank you.  
10           Mr Brown.  
11       MR BROWN: I think at this point the boy was 17.  
12       A. Mm-hmm.  
13       Q. Do you have an interest in boys?  
14       A. Not in small boys.  
15       Q. Older boys?  
16       A. Maybe older boys.  
17       Q. And that was an interest you had when you taught at  
18           Keil?  
19       A. Yes.  
20       Q. And before?  
21       A. Yes.  
22       Q. Lifelong. I'm not being critical of sexuality, but that  
23           is what interests you, is that fair to say?  
24       A. Not exclusively.  
25       Q. All right. Thank you.

1 A. I've had heterosexual relationships.

2 Q. But your interest goes beyond that, to older boys?

3 A. Young men. Mature men.

4 Q. Boys?

5 A. Boys.

6 Q. Could we look at one other document, please. Could we

7 look at page 8, please. This is another postcard that

8 you wrote to the boy and it begins:

9 "Thanks for my guided tour."

10 The only guided tour, because the only time you met

11 him face to face, as you agreed, was in the summer after

12 he left Keil?

13 A. Yes.

14 Q. "Thanks for my guided tour. Can you come south the

15 weekend before Christmas? I'm having a party Saturday

16 19th, and there's the cathedral special Christmas carol

17 service on Sunday 20th."

18 And you've signed it and, as you can see under the

19 blacked-out area, three kisses. Would you accept that

20 has to come from the year he left school or left Keil,

21 given the context in your message?

22 A. I would accept that that's the date of the thing, yes.

23 Q. What about the three kisses?

24 A. I'd not have put three kisses.

25 Q. They're obviously on the postcard --

1 A. They're on the postcard.

2 Q. But you wouldn't have put three kisses?

3 A. I don't think I did.

4 Q. Could you have done?

5 A. If I had done, it would have been a joke, but I don't

6 think I did.

7 Q. Okay.

8 A. But they are there.

9 Q. But this is to the boy when he's 15 and do you remember

10 what the postcard on that occasion showed?

11 A. No.

12 Q. Could we go to page 9, please. Is that an appropriate

13 postcard to send to a 15-year-old from a former teacher?

14 A. By today's standards, no. By the standards of the age

15 when we had naked ladies in The Sun every day ...

16 Q. Would you agree in context it fits in with what the boy

17 was saying about the porn magazines in the car?

18 A. I suppose so.

19 Q. And the difficulty you have, 'Richard', obviously, is

20 that you have been convicted of indecent assault of

21 a young man or a boy, who I think was aged 14 to 16 in

22 relation to the two charges of indecent assault you were

23 convicted of. Is that correct?

24 A. Yes.

25 Q. And that assault took place in the late 1980s shortly

1           before you went to Keil?

2       A.   Yes.

3       Q.   And it took place not in school, but in your own home?

4       A.   Yes.

5       Q.   Can we take it you'd invited that boy to your home?

6       A.   He had come of his own volition.  As he'd done with his

7           parents on several occasions.

8       Q.   In terms of the narrative of that conviction, I think

9           what was reported in court to the judge was between 1986

10          and 1988 you would invite the victim, who was a family

11          friend, to your flat at weekends, plying him with

12          cigarettes and alcohol, before asking the victim to

13          watch pornographic videos and abusing him.  Do you

14          remember that being said in court?

15       A.   Yes.

16       Q.   Would you agree that there is an obvious similarity?

17       A.   Yes.

18       Q.   Is the boy telling the truth?  Is that what you were

19          hoping to achieve --

20       A.   That is not what I was hoping to achieve, no.

21       Q.   Notwithstanding your postcards urging him to come down,

22          potentially kisses on a postcard to a 15-year-old, and

23          a persistent contact over three years?  Is that not

24          exactly the same --

25       A.   That was not my intention.

1 Q. What was your intention?

2 A. To offer him the opportunity of experiencing the arts  
3 festival, the music in the cathedral and to broaden his  
4 interest in the world.

5 Q. As you had done with the boy you spent 18 months in  
6 custody for abusing?

7 A. Those were different circumstances.

8 Q. In terms of looking ahead, and going back to the broader  
9 concerns of this Inquiry and having to protect children,  
10 I think in the final pages of the statement, page 21 and  
11 page 22, you talk about things you consider that would  
12 help the Inquiry. And you mention in paragraph 104  
13 matrons, which you've touched on already, as being  
14 a useful thing, correct?

15 A. I consider them to be an essential thing in a boarding  
16 school.

17 Q. Because they are someone pupils can talk to?

18 A. Yes, and because they would deal with the more intimate  
19 matters as might a mother.

20 Q. I see. And having at least two resident tutors, so  
21 there's numbers, presumably to cover child protection  
22 concerns?

23 A. It covers child protection concerns. It also ensures  
24 that the tutors themselves don't suffer any burnout  
25 during the long term.

1 Q. Yes. Obviously, as we know, one of the problems with  
2 Keil, we discussed this, is with so few staff doing so  
3 many things, that was a non-starter.

4 A. That's right.

5 Q. I'm interested in paragraph 107, you were obviously  
6 a bachelor, and you talk about the practice of  
7 accommodating bachelor staff in bedsits in the same  
8 building as the pupils needs reconsideration.

9 "All resident staff should have self-contained flats  
10 big enough to allow them to lead proper adult lives."

11 Can you expand on that?

12 A. In my first year at Keil I was living in the main  
13 building and my parents came to stay from the South of  
14 England for three days or four days and had to walk  
15 right through the main part of the building, and I had  
16 a flat large enough at that time to give my parents the  
17 second bedroom, even though they had to come through the  
18 main part of the school, the main part of the house,  
19 that was possible. Had I been trying to entertain my  
20 parents in my second year at Mackinnon, that would have  
21 been impossible because my day room was about eight feet  
22 by six, my bedroom was a little bit larger. That's all  
23 I had. You cannot invite friends or family to visit in  
24 those circumstances if you've got bachelor masters  
25 living in very small bedsits.



1 Q. You go on at paragraph 108, having said there should be  
2 no reason why a pupil would need to enter the tutor's  
3 flat, you recognise that that is very far from ideal?  
4 A. Yes.  
5 Q. You go on at 108:  
6 "In my opinion, the loneliness of bachelor staff as  
7 they get older is a threat to their emotional well-being  
8 and professional judgement."  
9 I appreciate you say that not from the perspective  
10 of Keil but from your experience of working with other  
11 more elderly bachelor masters in boarding schools.  
12 A. That's right, that's where that came from.  
13 Q. Might it apply to you in terms of Keil and your pursuit  
14 of the boy for three years?  
15 A. It most certainly might have applied to me had I stayed  
16 at Keil longer than two years. But I don't relate that  
17 to this allegation.  
18 Q. Sending a postcard of naked ladies, was that an example  
19 of professional judgement?  
20 A. It was bad professional judgement.  
21 MR BROWN: My Lady, I'll leave it there.  
22 LADY SMITH: Thank you. Are there any outstanding  
23 applications for questions of Richard?  
24 'Richard', that completes the questions we have for  
25 you. Thank you very much both for your detailed written

1 statement and I know that the procedures of getting  
2 written statements to us because of the impact of Covid  
3 have been difficult, but it's very helpful to have that  
4 from you. And it's been very helpful to hear from you  
5 today. I do appreciate that. I know it's been  
6 difficult at times. But bearing in mind that my  
7 paramount interest here is the welfare of children,  
8 I really don't make any apologies for challenging you  
9 the way that we have done. We have to do that.

10 A. (Witness nods).

11 LADY SMITH: But, as I say, I'm grateful to you for dealing  
12 with it in the way that you have in giving us your  
13 evidence.

14 I'm sure you're now very tired after the efforts of  
15 today. I'm able to let you go, but you do go with my  
16 thanks and gratitude.

17 A. Thank you.

18 (The witness withdrew)

19 LADY SMITH: Mr Brown.

20 MR BROWN: My Lady, that concludes today's evidence.

21 Tomorrow we have the final day of evidence for Keil with  
22 one live witness, who was the penultimate headmaster,  
23 and then Mr Harvey-Jamieson will return to conclude,  
24 I think, the Keil evidence, having begun, albeit not in  
25 the usual way, with a current headmaster.

1           I should add that there will be one more read-in.

2       LADY SMITH: Yes, I remember that.

3       MR BROWN: Which I think it would be as well to do tomorrow

4           rather than today.

5       LADY SMITH: Yes.

6       MR BROWN: Your Ladyship will also be aware that one of the

7           witnesses last week, one of the elderly witnesses, after

8           he gave evidence, was concerned that he had forgotten

9           something. He has sent in two brief pieces, which can

10          be read in tomorrow.

11       LADY SMITH: That's very helpful. Thank you.

12       MR BROWN: Yes.

13       LADY SMITH: Okay. I'll rise now for today and sit again at

14          10 o'clock tomorrow when, as has been indicated, we will

15          hear from two witnesses in person, have the last

16          statement that has to be read in, and some short

17          addenda, to get my Latin right, to an existing witness's

18          statement who has already provided their evidence. But

19          I'll rise now. Thank you.

20       (3.42 pm)

21               (The Inquiry adjourned until 10.00 am

22               on Friday, 5 November 2021)

23

24

25

I N D E X

|                                   |     |
|-----------------------------------|-----|
| Angus Louis Dunn (affirmed) ..... | 1   |
| Questions from Mr Brown .....     | 2   |
| William Bain (affirmed) .....     | 60  |
| Questions from Mr Brown .....     | 62  |
| 'Richard' (sworn) .....           | 127 |
| Questions from Mr Brown .....     | 128 |

