

1 Thursday, 11 November 2021

2 (10.00 am)

3 LADY SMITH: Good morning. As you may all appreciate, this  
4 morning we turn to closing submissions in this part of  
5 the boarding schools case study.

6 Before I invite Senior Counsel to the Inquiry to  
7 address me, could I just tell everybody I am going to  
8 observe the two-minute silence at 11 o'clock. It may  
9 well be that that is a convenient stopping point in any  
10 event for the morning break, and if so, we'll take  
11 a break and the two-minute silence will be privately  
12 observed by those who wish to do so.

13 But now I'll turn to Mr Brown and invite him to  
14 address me when he's ready.

15 Closing submissions by Mr Brown QC

16 MR BROWN: My Lady, good morning.

17 Briefly, because obviously my submissions will  
18 formally wait until we've heard from all seven schools,  
19 but some observations, just as I made after hearing the  
20 phase involving Loretto and Morrison's.

21 First of all, I'm grateful to Gordonstoun and QVS  
22 for providing their submissions, with which I take no  
23 issue, obviously. There is no challenge to the evidence  
24 of the applicants of the abuse.

25 We've had an interesting four and a bit weeks of

1 evidence. It's been interesting in particular because  
2 one point, which I think sometimes was present in the  
3 background, is a feeling that boarding schools somehow  
4 are not a place where abuse could take place and victims  
5 could be traumatised. They are, after all, rich kids  
6 whose parents are wealthy. That is the perception.

7 That, of course, is entirely wrong, and the Inquiry  
8 was, in my submission, entirely right to consider  
9 boarding schools as a particular chapter, because we  
10 have heard compelling evidence of a wide range of abuse  
11 and very real trauma, put most articulately, perhaps, by  
12 'Martin' from QVS who said, having been challenged by  
13 a victim of abuse in another setting, that his views  
14 weren't really of any worth, as he said:

15 "My trauma is every bit as real to me as his was to  
16 him."

17 And that's, of course, right. And it was  
18 interesting that those views were echoed by  
19 Helen Holland when she made comments to the BBC having  
20 listened to 'Jane', one of the Gordonstoun pupils, and  
21 her evidence.

22 So I think that's been an important scene-setter for  
23 the whole chapter of boarding schools, and an important  
24 one.

25 We've heard from 79 witnesses over the last month by

1 a variety of means; obviously a number of read-ins,  
2 emphasised by the ongoing pandemic, but interesting  
3 nonetheless. It is, of course, still the position that  
4 for many school was good, although I would say that  
5 a distinction that might be drawn from this phase, as  
6 opposed to the first phase, the Loretto and Morrison's  
7 phase, was there was much more challenge to the benefit  
8 of the education received at a number of the schools.  
9 In some cases it was felt to be very poor, along with  
10 a culture that was abusive.

11 It has, of course, been very interesting to hear  
12 from past heads and also the current heads, and in that  
13 regard again I repeat what I said on the last occasion,  
14 that it's been very striking that current heads and  
15 current Chairs of Boards or Commissioners have been  
16 present either physically or online throughout their  
17 respective chapters of evidence, and that only  
18 emphasises the seriousness which they take the Inquiry's  
19 work, and that is, of course, entirely commendable.

20 What was perhaps also different about this chapter  
21 is we were dealing with three very different schools.  
22 There were broad similarities perhaps between Loretto  
23 and Morrison's in that they were the same type of school  
24 doing the same type of thing, but here we had different  
25 schools all set up with the best of intentions but for

1 very different purposes.

2 With Gordonstoun, as it was described, a culture of  
3 committing itself to expeditionary education and the  
4 work of Kurt Hahn; with QVS, a school for the children  
5 of Scottish servicemen; and with Keil, a school  
6 initially set up as a technical college in Kintyre, but  
7 thinking of the education of children from the West of  
8 Scotland and the Isles, all very worthwhile, all  
9 well-intended, but all, despite their differing  
10 characters, with recurring themes of failure and abuse,  
11 largely in the period from the 1960s to the 1990s.

12 Yesterday the Inquiry published its findings about  
13 Marist Brothers and their particular approach to  
14 education at two schools. Inevitably perhaps, because  
15 it's the educational world, there are similarities with  
16 the themes developed in the Marist hearing, the most  
17 obvious of which was sexual abuse by teachers.

18 It happened in all three schools that we were  
19 investigating in this chapter, on the evidence, with  
20 Aberlour, **KME**, Jones and a gap year student at  
21 Gordonstoun, Andrew Keir; QVS, I suggest, clearly, and  
22 this is recognised in the submissions by QVS,  
23 Ben Philip; and at Keil, perhaps on the most appalling  
24 scale and level, William Bain, and, I would suggest on  
25 the evidence, of predatory behaviour by 'Richard'.

1           It was particularly striking, I would suggest, in  
2 relation to Bain that he was so clear that he doubted  
3 his abuse would ever be discovered, and if discovered,  
4 the children wouldn't be believed. Such were the  
5 conditions that existed in that school that he felt  
6 untouchable.

7           What is also interesting in relation to the sexual  
8 abuse is the similarities with three of the abusers that  
9 there was ongoing and persistent contact with their  
10 victims by correspondence and encouragement for further  
11 contact. That, I think, was distinct in some respects  
12 from the evidence we heard in the first phase that,  
13 although Guy Ray-Hills obviously liked to maintain  
14 contact, but in this instance it appears to have been  
15 positively predatory and very, very deliberate and  
16 persistent.

17           Another common feature, and in this set of hearings  
18 obviously we heard from convicted abusers, was their  
19 capacity for deceit and self-delusion, which was  
20 breathtaking in its arrogance and absurdity. That is  
21 something that I know your Ladyship is contemplating in  
22 other fora. We also heard, common to the first set of  
23 hearings, voyeuristic practices, principally at  
24 Aberlour.

25           Again, another common theme with the Marists and

1 Morrison's and Loretto is the excessive punishments by  
2 staff that could never have been appropriate under  
3 a regime of corporal punishment, in the worst cases  
4 involving what one applicant positively believed was  
5 sadism and you'll remember a number of teachers were  
6 described as frothing at the mouth and becoming excited  
7 by what they were doing. There was violence in the  
8 sense of more than six, the maximum allowed, there was  
9 violence in terms of physical injury, there was abuse in  
10 the sense children were talking about not being able to  
11 sit for days.

12 Of course, common to this, and underpinning much of  
13 it, was the emotional abuse which has manifested as fear  
14 by children at every level of their lives at school.

15 One very stark difference, though, from the Marists,  
16 however, is the scale of peer-on-peer abuse we have seen  
17 with the boarding schools, both physical and sexual with  
18 the attendant emotional trauma. That is, of course,  
19 a continuation of a theme from Loretto and Morrison's  
20 and demonstrates a lack of control by staff who were, on  
21 the evidence, happy to delegate control of boarding  
22 houses to senior pupils, and I think there is universal  
23 condemnation and realisation that as a system of  
24 education, that is simply hopeless. From today's eyes,  
25 it is astounding it was tried, and, particularly with

1 Keil, to the level it was used.

2 The same is true of the autonomy of houses, which  
3 ties in with that delegation of control because it  
4 allowed rampant bullying to go unchecked, with dreadful  
5 consequences for pupils and a constant feeling of fear.  
6 Your Ladyship will remember Dr Mann, who interestingly  
7 was the first witness to speak on a theme which was new,  
8 which was racism, and peppered the hearings,  
9 particularly at Gordonstoun, talking about bullying. As  
10 he said:

11 "You never knew when it was going to happen and from  
12 where it was going to happen, so you would be walking  
13 down to your dinner and suddenly somebody would come up  
14 and just give you the worst dead arm, dead leg for the  
15 reason they enjoyed it. They thought it was fun. So  
16 there was no moment in the day when you didn't walk from  
17 A to B to C when you didn't somehow suspect somebody  
18 could or would come up to you from some angle to  
19 verbally abuse you, physically abuse you. That was the  
20 real stress, you couldn't see it coming and there was no  
21 catalyst that you could see that would allow you to  
22 predict or protect yourself at any time. It would just  
23 happen. It was considered sport. It was sport. It was  
24 fun to those who would impose it on others."

25 LADY SMITH: Now, we heard much from those who were victims

1 of abuse about how it meant they lived in a state of  
2 anxiety and fear all the time. An abuse-free day didn't  
3 mean it was a good day, I think.

4 MR BROWN: No. And as your Ladyship will recall, that way  
5 of living drove children to the extremes.

6 LADY SMITH: Yes.

7 MR BROWN: We heard in the evidence of two pupils who either  
8 attempted suicide, 'Felix' at QVS, or contemplated it,  
9 with 'Angus' at Keil, and his words are horrifying, as  
10 he said on Day 244:

11 "A lot of my memories from Keil, certainly in third,  
12 fourth and fifth year, are sitting at the top of the  
13 quarry there and thinking of reasons not to jump off."

14 And what was worse, of course, and again reflects  
15 a theme that was prevalent, certainly in some decades:  
16 no one noticed he was away. It is the perfect storm of  
17 horror for a childhood, and it reflects a culture of  
18 a lack of oversight by staff, which was deliberate,  
19 particularly at Keil, where lack of funds drove  
20 processes which might have been acceptable in a small  
21 school in the 1930s and 1940s but was plainly hopeless  
22 from the 1950s on as numbers grew. The fact it  
23 persisted at Keil into the 1990s, on the evidence, is  
24 remarkable but is perhaps underscored by the financial  
25 problems and focus that those running the school had to



1 take just to keep the place going.

2 But the cultures we see across all the schools,  
3 again, it's the same themes. We have a culture of  
4 ignoring what was known and obvious. The worst,  
5 undoubtedly, again, is Keil and William Bain. On the  
6 evidence it was known, because parents reported it, from  
7 the early 1990s that he appeared to be abusing children,  
8 but that did not go on his record, as was said to  
9 happen, and more strikingly still, it was not shared  
10 with the new headmaster, it would appear, when he took  
11 over, notwithstanding there was a common deputy head,  
12 who on one view of the evidence had been present when  
13 Bain was challenged in the first place, and in any event  
14 was aware, from other evidence, of broad concerns.  
15 Certainly his behaviour was a known quantity, in my  
16 respectful submission, the denials of any knowledge are  
17 perhaps not the most compelling.

18 The same is true with Andrew Keir, though,  
19 opportunities were missed with him. Interestingly,  
20 because of inadequate record-keeping, a crucial document  
21 went in the wrong file and a culture that in today's eye  
22 was inadequate in terms of references and the sharing of  
23 relevant information, things were known but not put in  
24 references.

25 Other cultural traits are as important, though: the

1 code of silence, the omerta, as one witness called it,  
2 was corrosive and toxic. It's a code which would appear  
3 to apply between pupils and staff, but also between  
4 staff and school, on occasion. Either way, the culture  
5 of silence in all schools is something that has to  
6 change and there has to be meaningful ways of  
7 information-sharing. I'll come back to that, because  
8 clearly there has been progress.

9 LADY SMITH: Yes.

10 MR BROWN: But not as far as one might ideally hope.

11 LADY SMITH: And allied to that is not being sidelined by  
12 a desire not to damage a colleague's career.

13 MR BROWN: Well, there are interesting aspects to that, not  
14 just not wanting to damage a colleague's career, but  
15 also from the pupil's side, not wanting to upset or harm  
16 parents.

17 LADY SMITH: Of course.

18 MR BROWN: Again, it's just all playing to the same dangers,  
19 because perhaps, understandably at human level, emotions  
20 were emotions that simply have no place in the open  
21 culture which is required in a school.

22 What was remarkable, of course, with QVS in  
23 particular, though, I think this is the first and only  
24 time we've heard it, but from two sources, teachers were  
25 positively encouraging children not to speak. They

1 understood that and shared it with their charges, which  
2 is astounding.

3 There was also a lack of system of complaint,  
4 a culture of silence, a culture of failing to have  
5 proper records, a culture of failing to report,  
6 a culture of failing to be frank with other schools and  
7 moving teachers on for convenience. Again, that has  
8 been alluded to, and, perhaps most fundamentally,  
9 a culture of having no one identified you could talk to.

10 We heard of the impact for many of the pupils living  
11 under such conditions, but it's important to emphasise  
12 that although we are only hearing from them, they were  
13 also speaking more broadly. It wasn't just them. They  
14 spoke to many, many pupils enduring isolation and  
15 an inability to talk. They were speaking of a culture  
16 of fear and abuse and of isolation that affected  
17 potentially all pupils.

18 We've also seen, continuing the theme of the lack of  
19 openness and appointments, reliance, for example, on  
20 friends to take jobs, as well as failures to be open  
21 about those under investigation or those leaving under  
22 a cloud, the importance of objectivity when dealing with  
23 these things and one thinks obviously of the experience  
24 of Wendy Bellars who I think acknowledged that perhaps  
25 her approach had been less than ideal.

1 LADY SMITH: Yes.

2 MR BROWN: There was also at QVS a culture of office  
3 politics as well as pettiness and bitchiness which may,  
4 or at least theoretically could, have led to child  
5 protection issues being missed. There was also a common  
6 theme of a lack of proper governance at board level at  
7 all three schools in the past, though I emphasise that  
8 clearly now with the two schools that remain open, the  
9 world is very much better and very different.

10 Fundamentally, though, what we are dealing with,  
11 just as we heard with Loretto and Morrison's, is  
12 of cultures of naivety and assumption that everything  
13 would be all right because these things wouldn't happen.  
14 That is no way to run a school. Undoubtedly things have  
15 been improving in all the schools since the 1990s,  
16 though at different speeds, and I entirely recognise  
17 that that point is taken on board and was taken on  
18 board, though at different speeds, by all three schools.

19 Things were beginning to change in the early 1990s  
20 and we saw that at Loretto with the complaint of  
21 Mr Stock and in the same way at QVS with the comparable  
22 complaint from Mr Harrison. What is different perhaps  
23 is QVS actually responded very well, led by  
24 the Commissioners, who gripped, to use the word of  
25 management, the problem, bringing in inspectors,

1 bringing in police and trying to change, as distinct,  
2 perhaps, from the approach taken at Loretto, which we  
3 may hear about a little bit more tomorrow.

4 QVS recognised the merit of external eyes to  
5 ascertain if there was merit or not in the complaint, so  
6 it's clear by 1991 at least there was a sea change  
7 beginning there. It's interesting that one of the  
8 common themes we've heard from some very impressive  
9 former heads and current heads is that inspection is  
10 something positive to be welcomed. It's part of the  
11 growth mindset. These are professionals who know what  
12 they're talking about and can help. It is not about  
13 trying to paper over any cracks.

14 In that regard, I do recognise, with gratitude, some  
15 of the evidence we heard of very progressive leadership  
16 skills, particularly at Gordonstoun, thinking of both  
17 Mark Pyper and his successor, Simon Reid, which  
18 obviously in terms of Lisa Kerr now provided a very  
19 sound foundation and introduced very profound change.  
20 That may have not been so obvious in some of the other  
21 former heads we heard of, but it is an indication, if  
22 nothing else, of the need for strong, compassionate,  
23 intelligent leadership, which, when it's present, has  
24 a very significant change for the better and is  
25 something that should be considered by all schools

1 looking to the future.

2 In that regard, I should commend all three schools  
3 who have been dealt with in this session for their  
4 positive, helpful and serious approach to the Inquiry.  
5 As I've noted, heads, Chairs of Boards, Commissioners,  
6 and with QVS Colonel Knightley, followed closely,  
7 thoughtfully, and I would suggest gave compelling and  
8 helpful evidence in the round-up sessions. It's  
9 reflected very well in the submissions where there is no  
10 challenge to the evidence, but a recognition that they  
11 must always try to do better. There's also been  
12 a recognition of a need for a culture of openness,  
13 particularly as regards reporting and employment issues,  
14 which will be helpful later on when the Inquiry process  
15 progressing to written findings. There's also  
16 recognition of the need for outside guidance, the  
17 potential benefits again of the LADO system or sensible  
18 local connections with police and social work. All  
19 useful for our purpose looking to the future.

20 As I recognise again, it's no doubt clear that real  
21 change in cultures has already been effected: much  
22 greater reporting, the bespoke and intelligent systems  
23 of reporting, as well as a recognition that one can  
24 never be complacent and assume things will not happen.  
25 That's one of the fundamental sea changes which matters.

1           And of course that was emphasised by two recent  
2 instances of sexual abuse at QVS, or connected with QVS.  
3 One was obviously out of the school at home and had been  
4 going on for decades. What is striking is under both  
5 regimes, there was an assumption that systems were in  
6 place which would prevent it; they didn't.

7           It is also striking how the recent case was  
8 well-handled, and in many ways is a model of how schools  
9 should respond, telling everyone instantly.

10       LADY SMITH: Yes. It was helpful to hear about that recent  
11 experience.

12       MR BROWN: Yes.

13       LADY SMITH: But also going back to the dangers of  
14 assumption, I suppose what is striking about that is  
15 that of course the schools have been seeking to act in  
16 good faith. Nobody has ever suggested that any of them  
17 were in bad faith so far as the systems they had for  
18 children were concerned or the lack thereof, but in so  
19 many cases what led them to fail was them starting with  
20 always wanting things to be right for the children and  
21 assuming that they were and would be right for the  
22 children without critically examining what the basis for  
23 their assumptions were and whether they were safe  
24 assumption to make.

25       MR BROWN: Indeed so. And what was encouraging, just as

1 with Loretto, who went through the same process very  
2 shortly or in fact during the Inquiry --

3 LADY SMITH: Yes.

4 MR BROWN: -- it makes the point there is no room for  
5 complacency, there is no room for assumption, but  
6 systems can be in place which can pick up when this  
7 happens and lead to an entirely appropriate response,  
8 which is open and progressive, and again it's striking  
9 with QVS, a lessons-learned mentality, taking it  
10 forward, thinking progressively. Because, to close with  
11 some repetition, what we have heard in the last four  
12 weeks is the horror of assumption and complacency, and  
13 we have heard from applicants so, so powerfully of the  
14 harm that that caused and is to be hoped that by this  
15 chapter, and also moving on to Fettes in due course, we  
16 will find common themes that can improve the lot of  
17 pupils in the future.

18 LADY SMITH: Thank you very much, Mr Brown.

19 Can I now turn to the submissions for Gordonstoun?

20 Closing submissions by Mr Dunlop QC

21 MR DUNLOP: My Lady, I'm obliged. Scars have the strange  
22 power to remind us that our past is real, so wrote  
23 Cormac McCarthy. Gordonstoun bears the scars of its  
24 past. They have been felt all too keenly during this  
25 Inquiry. The school is grateful for the opportunity to



1 participate, to listen and to learn, and that being so,  
2 it is, I'm sure, of no surprise to your Ladyship that  
3 the school offers no challenge to the credibility of the  
4 former pupils who have testified.

5 On the contrary, the school is content that the  
6 Inquiry accepts the testimony of the former pupils who  
7 have spoken.

8 The principal, Lisa Kerr, members of the school's  
9 leadership and alumni support teams, David White, the  
10 chair of the Board of Governors, attended every day of  
11 the evidence in phase two to acknowledge and to listen  
12 to those who came to give evidence and what they had to  
13 say.

14 As Ms Kerr said so memorably in her testimony,  
15 addressing all those who have testified to your  
16 Ladyship, they have been heard.

17 As was said in the school's opening statement, the  
18 contrast between the school of today and the school of  
19 the past could not be greater. The school wishes to  
20 assure your Ladyship and indeed all those who gave  
21 evidence that Gordonstoun continues to listen, to  
22 develop and to respond to ensure the safety and the  
23 well-being of all of its pupils. This is so that the  
24 lessons from the past can demonstrably be learned and  
25 implemented, as I hope is clear they have been over

1 recent years.

2 In line with that, the school wishes to offer its  
3 sincere thanks to those who have come forward to assist  
4 the Inquiry. Their testimony was brave and compelling.  
5 At times it was difficult to listen to. What was heard  
6 was far removed from the principles of the school's  
7 founder, Kurt Hahn, where challenge, adventure, service  
8 and, above all, compassion, are key. Those who love the  
9 school, present throughout this stage of the Inquiry,  
10 were moved by what they heard, sometimes to tears. They  
11 are determined that the scars of which I have spoken  
12 should not be forgotten nor concealed. They should be  
13 acknowledged and understood so that the deeply  
14 regrettable events of the past are never again repeated.

15 Equally the school would not want the various  
16 positive aspects of the testimonies to be overshadowed  
17 by those less edifying.

18 The school would respectfully suggest that the  
19 evidence led before the Inquiry usefully breaks down  
20 into six areas, which I'll perhaps take in turn.

21 The first is Aberlour House. As set out in the  
22 opening statement, Gordonstoun was founded in 1934 by  
23 visionary educationalist Kurt Hahn. He also founded  
24 a small prep school, Wester Elchies, in 1936 and that  
25 school relocated to and became known as Aberlour House

1 in 1947. Although they share a founder, Gordonstoun and  
2 Aberlour operated as separate schools until 1999 when  
3 Aberlour House became a subsidiary of Gordonstoun. This  
4 was a precursor to the formal closure of Aberlour House  
5 in 2004 and a move to the Gordonstoun campus.

6 Before 1999, Aberlour House had its own board, its  
7 own headmaster, and whilst many students went on to  
8 Gordonstoun from Aberlour, the relationship between the  
9 two was informal, although strong.

10 The company that ran Aberlour House was recently  
11 restored to the Companies House register in order that  
12 it, or rather its insurers, might deal with claims  
13 relating to abuse there. Professor Brian Williams,  
14 a former governor at Aberlour House, has provided in  
15 writing a fulsome apology received into evidence during  
16 the course of the testimony of Ms Kerr. The legal  
17 demarcation between the entities is, or at least was  
18 pre-1999, clear but perhaps rather beside the point.  
19 The true point is that addressed by Ms Kerr in her  
20 opening: some, mercifully few, children suffered whilst  
21 at Aberlour House. The entity that ran the school then  
22 exists now only as a vehicle to handle claims. It has  
23 no heart and it has no soul. Gordonstoun has a heart.  
24 Gordonstoun has a soul. And it offers once more its  
25 deepest sympathy to those who suffered abuse at

1 Aberlour.

2 My Lady, the second matter that I have to address is  
3 abuse by staff.

4 Gordonstoun took a proactive approach from the  
5 outset of this Inquiry informing your Ladyship of every  
6 instance and example it could find that might come under  
7 the heading of abuse. No stone has been left unturned  
8 by the school, and on the basis of the evidence heard  
9 the Inquiry will rightly be concerned at the actions of  
10 some of the staff who, it would seem, acted  
11 reprehensibly in circumstances in which their behaviour  
12 was appalling and caused lasting damage.

13 It is of ongoing concern to the school that such  
14 cases were not detected or stopped at the time. It is  
15 acknowledged that the evidence suggested that there was  
16 a culture of not telling, or telling but not being  
17 believed, which prevailed at the time. The Inquiry  
18 heard a number of examples of abuse by staff at Aberlour  
19 House and also at Gordonstoun.

20 In particular, the Inquiry heard evidence of  
21 examples of serious abuse, primarily at Aberlour House  
22 but also at Gordonstoun. I'm going to address some  
23 specific examples, but in doing so, I should not be  
24 taken as suggesting in any way that the problems were  
25 limited to those examples. As has been recognised

1 already, the school has been careful to ensure the  
2 Inquiry has been made aware of all allegations of abuse  
3 which have been made known to the school.

4 The Inquiry heard that Derek Jones, now deceased,  
5 abused John Findlay at Aberlour House. This clearly and  
6 understandably had a lasting impact on Mr Findlay and  
7 yet remarkably, Mr Findlay, who went on to Gordonstoun  
8 after Aberlour House, equally clearly retains  
9 a deep-seated respect for and fondness of Gordonstoun.  
10 He and other witnesses accepted that the school of today  
11 has moved a long way from his experiences, to the extent  
12 that he would, without hesitation, send his own children  
13 there.

14 A matter of concern is the fact that there were  
15 contemporaneous allegations of Jones' behaviour at least  
16 in part. It was said by John Findlay that his parents  
17 were assured that Jones would not teach again, and yet  
18 he did in England and then in Kenya. That this was  
19 allowed to happen might be said to be symptomatic of the  
20 culture at the time at schools from whom your Ladyship  
21 has heard already, perhaps in society in general, of not  
22 wishing to discuss matters that are difficult or awkward  
23 or embarrassing and where there was a culture of not  
24 telling tales amongst the pupils, it would not be unfair  
25 to say that this pervaded into the culture of the staff

1 at the time.

2 LADY SMITH: It's interesting that you refer to it being  
3 difficult for people to discuss having been abused.  
4 A phrase used by an applicant in a previous case study  
5 was, "When I was a child, I didn't have the lexicon for  
6 it".

7 MR DUNLOP: Absolutely.

8 LADY SMITH: He's so right and he speaks for so many people  
9 in that respect.

10 MR DUNLOP: He does.

11 LADY SMITH: Children find it very, very hard to explain  
12 what's going on. They can't find the words to do so.

13 MR DUNLOP: And that is why, as we'll come onto, innovations  
14 such as well-being watchers are so important because  
15 they enable children, they give children the power to  
16 make those revelations where necessary.

17 LADY SMITH: Yes.

18 MR DUNLOP: It's perhaps unclear from the available evidence  
19 of exactly how it happened, and despite the initial  
20 involvement of the police, but Jones was allowed to  
21 leave and to leave quietly and ultimately did go on to  
22 teach elsewhere. My Lady, this is something that should  
23 not have happened. There is no equivocation about that  
24 and there is simply no way it would be allowed to happen  
25 at the Gordonstoun of today. This is, after all, the

1 school that has pioneered mandatory reporting as  
2 a cornerstone of safeguarding children.

3 **DKX** was not a teacher, but he was allowed to work at  
4 Aberlour House. Precisely how that came about is also  
5 unclear, but however it came about, it is clear from the  
6 evidence of the former deputy headmaster, Mr Hanson,  
7 that even in the past a male member of staff sharing  
8 a tent along with female pupils should never have  
9 happened. But it did happen, and as a result, 'Sarah'  
10 told the Inquiry she was raped while on a camping trip.  
11 Hers is a good example of testimony that was so  
12 difficult to listen to. She was on an event that should  
13 have been fun and it ended in a brutal loss of  
14 innocence.

15 The evidence of 'James' was read into the evidence  
16 and described the regular abuse he suffered while at  
17 Aberlour House in the hands of a teacher, KME. He  
18 indicated that the scars of this followed him to  
19 Gordonstoun. James said he never told anyone about what  
20 was happening to him, perhaps indicative of the very  
21 point Your Ladyship has just made.

22 Andrew Keir was employed as a teacher at  
23 Gordonstoun. He's been convicted of lewd acts and  
24 indecent assault involving boys at Gordonstoun, some of  
25 whom gave evidence to this Inquiry. Mr Keir also

1 testified and continues to protest his innocence. The  
2 school does not support his protestations. His  
3 convictions are clear and at least for some of them are  
4 admitted as reflecting the actuality. Mr Keir is, by  
5 his own confession, a paedophile. The safety checks  
6 adopted at Gordonstoun, indeed in education as a whole  
7 in the 1970s and 1980s, were not such as to allow this  
8 to be recognised or stopped before it was too late. The  
9 changes in systems since then, as I will come onto, are  
10 such that it is hoped and believed that this would not  
11 happen now.

12 By orders of magnitude less serious but still  
13 requiring to be addressed are the actions of EXL, whose  
14 approach to discipline would not only be completely  
15 unacceptable today, but was also so out of step with the  
16 school at the time that it led to his departure from the  
17 school. His evidence in the statement read to the  
18 Inquiry regrettably seems to lack insight as to this,  
19 even as at today's date. For the avoidance of doubt,  
20 the school does not lack such insight.

21 The third aspect, my Lady, and perhaps following on  
22 logically, is peer-to-peer abuse, and it is, in  
23 hindsight, regrettably clear that there was a material  
24 deficiency in the supervision of pupils in the 1970s and  
25 the 1980s. The laudable concept of autonomy embodied in



1 the trust system was allowed to develop into a situation  
2 in which some pupils became, to adopt CCN's description,  
3 feral. Whilst many former pupils clearly blossomed in  
4 this environment, for some it was actively harmful in  
5 exposing them to unchecked bullying. Some of the  
6 evidence was, frankly, harrowing.

7 Such systems as in place were largely dependent on  
8 who was housemaster at the material time, but the  
9 evidence of 'Duncan' and Dr Mann clearly demonstrates  
10 that the approach was wholly inadequate. The evidence  
11 of the latter also speaks to a tolerance of racism which  
12 simply would not be tolerated now and which is deeply  
13 regretted.

14 The fourth aspect that I'd like to address is really  
15 just an overview of the school before the introduction  
16 of Mr Pyper. The school acknowledges that its systems  
17 were lacking, did not allow for adequate supervision of  
18 pupils, adequate vetting of staff or adequate provision  
19 for staff going on elsewhere. This has again, with  
20 hindsight, led to the difficulties already adverted to  
21 in the form of abusive staff and pupils.

22 Notwithstanding that, my Lady, it is, in my  
23 submission, clear that many pupils enjoyed a fulfilling  
24 and rewarding education at Gordonstoun. Multiple  
25 positive testimonies have been volunteered and I know

1           they will not be ignored by the Inquiry. Even during  
2           an era where other students spoke of severe bullying,  
3           many described Gordonstoun as life-enhancing, even  
4           life-saving because of the refuge it provided from  
5           a destructive home life; and others, examples of whom  
6           are given, all offered positive testimony of their time  
7           at the school.

8           The philosophies of Kurt Hahn, when carried out  
9           properly and under proper supervision, lead to  
10          a rewarding education. That even through the travails  
11          of the 1970s and 1980s so many pupils still speak  
12          positively of the school is something that is a source  
13          of pride and some balm against the shame and the regret  
14          occasioned by the other evidence.

15          It suggests that such peer-on-peer abuse as was  
16          perpetrated at the school, whilst deeply regrettable and  
17          deeply regretted, was targeted and appeared to be linked  
18          to particular houses rather than endemic across the  
19          whole school.

20          The fifth aspect, my Lady, that I'd like to touch on  
21          is the change that was signalled by Mr Pyper's  
22          introduction as head, and that, of course, came in 1990  
23          and heralded what, in my submission, can be seen to be  
24          a continuous course of improvement with the appointment  
25          of Mr Pyper as headmaster. It's not pretended for

1 a second that his introduction saw the immediate cure of  
2 all previous ills. Mr Pyper recognises that himself.  
3 But it did usher in a new way of thinking in which  
4 planned improvement and pastoral care were given  
5 a prominence that had been lacking in the previous era.  
6 Kindness became the pre-eminent virtue promoted to  
7 children. Recruitment policies were changed, staff  
8 being properly vetted, trained, supervised. Physical  
9 punishments were removed.

10 LADY SMITH: Regarding kindness as the key, the pre-eminent  
11 virtue, as you put it, is very interesting to me. One  
12 hears in other contexts of the need to love all children  
13 in care, whether it's boarding school care or other  
14 residential institutions, which may be thought to be not  
15 right. You cannot mandate that an adult loves somebody  
16 else's child. However, you can mandate, I think, that  
17 people should be kind to other people's children.

18 MR DUNLOP: Absolutely.

19 LADY SMITH: It's not that difficult a skill to learn.

20 MR DUNLOP: It should not be. Anyone going into education  
21 should have that at their core. My Lady, that is the  
22 ethos of Gordonstoun and that, in my submission, is the  
23 ethos that should be accepted by this Inquiry.

24 LADY SMITH: And maybe it has to be said openly. It's  
25 recognised that it can be very difficult to love

1 children that are not your own, and indeed that could  
2 lead to uneven treatment of children, favouritism of  
3 some children and not others, that's not what it's  
4 about, but kindness as an aspect of mutual respect where  
5 children are concerned and caring about their well-being  
6 in a kind way.

7 MR DUNLOP: Precisely. In my submission, respect and  
8 kindness should be seen as two sides of the same coin.  
9 They go hand in hand. They are essential one for the  
10 other and vice versa.

11 Perhaps the change signalled by Mr Pyper's  
12 introduction is seen most clearly in the speech that he  
13 delivered within a week of taking position as head.  
14 Your Ladyship heard that speech was met initially with  
15 resistance, but he persisted and he introduced many  
16 vital improvements. On his own evidence, these took  
17 five or six years to have an effect, but that effect was  
18 palpable. His innovations saw the change from  
19 an environment where behaviour was not subject to  
20 sufficient safeguards to the school that exists today,  
21 one where the safety and well-being of every child is  
22 the paramount concern.

23 Even then, even during Mr Pyper's reign, it is  
24 accepted there were pupils -- this was when Keir was  
25 active -- it is very clear that the vetting of Keir was

1 inadequate, as was the supervision of him.

2 Nevertheless, a new morality and ethical code was  
3 introduced to the school, staff and pupils alike, such  
4 that early in his tenure Mr Pyper was confident that  
5 ill-treatment or abuse of a child would have been very  
6 difficult to conceal at the school. Mr Keir would not  
7 have been able, in let's say 2011, to get away with how  
8 he had behaved 20 years previously. Even if incidents  
9 of bullying were not, as they can never be, fully  
10 eradicated, the bullying culture of the 1970s and 1980s  
11 became a thing of the past, something to be recognised  
12 and guarded against, but never again to be tolerated or  
13 permitted.

14 It is suggested that the Inquiry may feel that the  
15 sea change marked by the appointment of Mr Pyper was  
16 well described in the compelling testimony of  
17 Diana Monteith. That improvement then, as I think is  
18 recognised by my learned friend, continued with the  
19 introduction of Simon Reid and now Lisa Kerr. Mr Reid  
20 introduced the well-being information system that has  
21 been the cornerstone of pupil protection at Gordonstoun  
22 ever since. He also introduced mandatory reporting  
23 requirements into every staff contract, stipulating that  
24 failure to report a suspicion of abuse would constitute  
25 gross misconduct and could therefore lead to summary

1 dismissal.

2 The Inquiry can be satisfied, in my submission,  
3 beyond any doubt of the commitment of Ms Kerr and the  
4 current board to ensure that in leading the continual  
5 improvement of care, delivering the very highest  
6 educational standards, they also take care to learn from  
7 the mistakes of the past. This can be seen from the  
8 school's early work with NSPCC, Mandate Now, Barnado's,  
9 and most especially with CELCIS. As the Inquiry has  
10 heard, the school was unique in engaging with CELCIS  
11 with a view to understanding how to support survivors of  
12 abuse and with a view to reassuring them of improved  
13 standards in pupil protection.

14 The school will continue openly to engage with  
15 alumni and with organisations such as CELCIS about the  
16 past and it encourages other schools to do the same.

17 Finally, my Lady, the question of lessons learned.

18 Following 30 years of changes and improvements,  
19 which have included transformed societal attitudes, new  
20 legislative and regulatory regimes and revolutionised  
21 approaches to care and education through a recognition  
22 of the need for planned care and quality assurance,  
23 modern boarding schools such as Gordonstoun are safe and  
24 nurturing places. Children in such schools benefit from  
25 support and care, which connects their academic learning

1 with out-of-classroom experiences such as sport, the  
2 arts and adventure. They have their parents plus  
3 a whole network of school staff who get to know them  
4 better than is possible in other settings where time is  
5 more limited.

6 That being so, my Lady, children at Gordonstoun  
7 today are happy and love boarding. It would be  
8 a tragedy if the failings of the past meant that the  
9 many rewards and positives of boarding experienced by  
10 children went unrecognised by this Inquiry. Boarding  
11 gives an opportunity for them to learn the value of  
12 human diversity, by living and learning alongside people  
13 from all around the world and to have unique curricular  
14 experiences which challenge and excite them. They also  
15 have loving and connected relationships with their  
16 parents, family time is more special because school does  
17 much of the heavy lifting of the teenage years.

18 Modern boarding is not about sending a child away.  
19 It's an active and positive choice.

20 In earlier parts of the Inquiry, it has been asked  
21 whether one-to-one interaction between staff and  
22 students might be considered inappropriate. This is not  
23 something with which Gordonstoun agrees. Effective  
24 pastoral care through all of the complexities of teenage  
25 life requires that interaction. Staff operate in loco

1 parentis and parenting cannot be done by committee.  
2 Of course that means that stringent vetting, supervision  
3 and training of staff, which schools like Gordonstoun  
4 have in place, is so important, but one-to-one  
5 interaction is as well.

6 As part of the changes seen over this period,  
7 record-keeping has been transformed. The school has  
8 fully organised the thousands of student files in its  
9 archive, digitisation is an ongoing project, electronic  
10 well-being files were introduced in 2013.

11 The priorities of the current leadership at the  
12 school are built around three key principles: continual  
13 improvement, a relentless commitment to doing better  
14 through self-evaluation, planning and reflection,  
15 quality assurance, knowing, not just trusting, that the  
16 right things are happening through systematic checks.  
17 That is perhaps the key difference between knowing and  
18 not just assuming, because the danger of assumption,  
19 reflected by counsel to the Inquiry, is one that is all  
20 too clear, from what we've heard. And sustainability,  
21 ensuring that staff have the support, systems and  
22 resources they need to make the improvements and to  
23 assure quality.

24 In 2018 a robust annual questionnaire was  
25 introduced, asking parents, pupils and staff about



1 a huge range of issues at the school. The results  
2 contribute to a cycle of continual improvement, such  
3 that when Education Scotland inspected the school in  
4 2019, the survey was described as the first that  
5 Education Scotland felt comfortable to use as part of  
6 their findings about a school precisely because it is so  
7 robust. The survey shows the triangulation of views  
8 across key stakeholder groups. The results in 2018 were  
9 extremely positive and have been improving ever since.

10 The pastoral section is designed around the SHANARRI  
11 well-being indicators, and the current section links  
12 into How Good Is Our School inspection framework.

13 The effective use by staff of the bespoke well-being  
14 information system is a key way in which the school  
15 keeps children safe and thus one reason why its pastoral  
16 care is consistently rated as sector-leading. This is  
17 a custom-built addition to the school's management  
18 information system, iSAMS, which allows careful sharing  
19 of vital information and for dots to be joined across  
20 different parts of children's lives. The system means  
21 that those in a position of responsibility have  
22 a real-time dashboard of pupil well-being.

23 Of course an IT system in and of itself does not  
24 keep children safe, but the extraordinary level of work  
25 involved in caring for young people can be facilitated

1 by good and efficient systems, ideally with quality  
2 assurance and record-keeping built in.

3 The school's pastoral teams are well-trained and  
4 organised. Meetings happen vertically and horizontally.  
5 The networks are an important part of the quality  
6 assurance process. They enable the sharing of best  
7 practice and safeguarding developments.

8 Pastoral staffing has been made more sustainable  
9 through recent management restructuring, which amongst  
10 other improvements introduced the roles of assistant  
11 head well-being, assistant head boarding. In houses, in  
12 addition to a resident houseparent, an assistant  
13 houseparent and a matron, recent staffing increases now  
14 mean that every house now also has a resident tutor or  
15 a second matron.

16 The school is currently developing a behaviour  
17 management framework which will incorporate more  
18 restorative approaches. The staff understand their role  
19 as educators. Their imperative is to teach young people  
20 how to do well and how to restore things when they get  
21 it wrong, focusing on the three principles of educate,  
22 repair, sanction where necessary.

23 Other recent developments within the school include  
24 empowering students by placing them at the heart of  
25 creating a positive culture. By way of example, and

1 I mentioned this earlier, a group of over 30 students  
2 across the school have been designated well-being  
3 watchers, whose role is to support pupil well-being,  
4 signpost staff and professional support, they are  
5 trained in confidentiality, active listening, body  
6 language, they understand safe spaces. They're fully  
7 trained in dialogue and initiative, shared with schools  
8 around the UK, teaching young people to learn to listen  
9 to each other, to build mutual understanding, to give  
10 them that lexicon that your Ladyship mentioned earlier.  
11 The well-being watchers meet weekly with younger  
12 students and their doors are marked to indicate where  
13 help may be found.

14 Likewise, the student well-being committee is of  
15 central importance at the school, running things like  
16 World Mental Health Day activities.

17 My Lady, safeguarding and child protection are  
18 unrecognisable today when compared to what existed in  
19 the 1970s and 1980s, when the abuse which dominated the  
20 evidence heard by this Inquiry took place. Even the  
21 concept introduced in the 1990s, of which Gordonstoun  
22 was an early adopter, of having a sole CPO is now  
23 outdated. Safeguarding the actions which are taken to  
24 prevent children suffering harm is the responsibility of  
25 everyone in a school. Gordonstoun trains every single

1 member of staff in how to keep children safe, refreshers  
2 are provided, updates are given. The extensive pastoral  
3 leadership team is, as one would expect, especially  
4 knowledgeable and always developing its learning.

5 Child protection is similarly transformed at  
6 Gordonstoun with a child protection lead in the senior  
7 school, another in the junior. Other members of the  
8 team are trained to level four and the school continues  
9 to increase the number of pastoral staff trained to this  
10 highest level.

11 The school has recently enhanced the role of the  
12 tutor, so that this adult, usually a teacher, sits at  
13 the centre of each child's care and education. Tutors  
14 are organised by house and key stage in terms of  
15 education and development.

16 Each child has a tutor houseparent, assistant  
17 houseparent, matron, resident tutor or house assistant,  
18 in addition to which they can speak to school  
19 counsellors, the chaplain, pastoral assistant heads and  
20 the like.

21 There is simply a huge range of people who know and  
22 can support the pupils. The aim, and it's an aim which  
23 is actively pursued, is that every child has at least  
24 one member of staff with whom they can form a trusted  
25 connection.

1           In calling for written evidence, the Inquiry will  
2           have read many inspection reports of Gordonstoun  
3           recognising the high standards. These are the result of  
4           in-depth visits from expert teams of inspectors, who  
5           have free reign to go anywhere. These visits are  
6           welcomed, as has been recognised. The school is rightly  
7           proud that the dedication and professionalism of staff  
8           led to Education Scotland's most recent report  
9           describing pastoral care and child protection as sector  
10          leading and outstanding and other schools are pointed  
11          towards Gordonstoun as an exemplar of best practice.

12          Most recently, Gordonstoun was awarded UK's best  
13          independent boarding school award for its work on  
14          post-Covid mental health recovery.

15          My Lady, in closing, the school is not complacent.  
16          No school environment will ever be perfect nor will it  
17          be risk-free but the Inquiry can be satisfied that the  
18          failings of the past have been understood and addressed.  
19          The school is proud of and committed to the unique  
20          educational ethos of its founder. It is run by  
21          dedicated people for whom child safety and well-being is  
22          at the heart of every action they take.

23          The school reiterates the pain experienced by those  
24          now at the helm in hearing how things went wrong in the  
25          past. It reiterates its sorrow for those who have

1           suffered from past failings but it recalls the words of  
2           Ms Kerr once more: they have been heard. The  
3           Gordonstoun of today is unrecognisable from that  
4           described in the more concerning chapters. It is  
5           a school that embraces the positive aspects of the ethos  
6           of its founder and allows that ethos to be furthered in  
7           a caring, nurturing and safe environment where every  
8           pupil is empowered, respected and protected.

9           It has, as it is hoped is recognised, engaged fully  
10          and positively with the Inquiry. It reiterates its  
11          offer to give the Inquiry access to the school itself or  
12          to the well-being system to see how things operate now.  
13          Happy empowered pupils are the beating heart of  
14          Gordonstoun today. Dedicated professional staff are its  
15          soul.

16          If our scars have the power to remind us that the  
17          past is real, those scars, my Lady, have been explored  
18          in detail by this Inquiry, whose scrutiny is vital and  
19          is welcomed. The Inquiry has the assurance that  
20          Gordonstoun will not forget the scars of its past, nor  
21          will it allow the wounds that inflicted those scars to  
22          recur.

23                 I'm obliged.

24       LADY SMITH: Thank you very much for that.

25                 Well, as I indicated at the opening today, I will

1 rise now for the two-minute silence and take the morning  
2 break, and then I'll return after that to hear the  
3 Queen Victoria School's submissions. Thank you.

4 (10.59 am)

5 (A short break)

6 (11.22 am)

7 Closing submissions by Mr MacIver

8 LADY SMITH: Mr MacIver, thank you for anticipating what  
9 might be most helpful to the stenographers, that's very  
10 helpful.

11 MR MACIVER: Yes, my Lady.

12 First of all, my apologies. I took the view that  
13 the risk of my voice giving out was worth going to get  
14 more water, so here I am.

15 LADY SMITH: I hope you didn't feel you were doing the walk  
16 of shame. That's absolutely fine, Mr MacIver. Now,  
17 whenever you're ready, I'm ready to hear what you have  
18 to say about QVS.

19 MR MACIVER: I'm obliged, my Lady.

20 The first thing QVS would wish to emphasise is its  
21 gratitude to the former pupils who have come forward to  
22 assist the Inquiry. In his evidence on 31 March,  
23 headmaster Donald Shaw closed by recognising the bravery  
24 of those who have given accounts to the Inquiry and his  
25 profound apologies to those who have been affected by

1 abuse. He stated that even one case of abuse is too  
2 many. QVS wishes to emphasise that that is not mere  
3 words.

4 Regardless of any progress made since or positive  
5 testimony from those who enjoyed all or part of their  
6 time at the school, any and every incidence of abuse of  
7 a child who should have been able to count on QVS as  
8 a place of safety is a stain on the institution that  
9 cannot be washed clean.

10 At the close of his evidence on 27 October, Colonel  
11 Clive Knightley, who is an experienced former army  
12 officer and now of course deputy head of the Armed  
13 Forces Families and Safeguarding Unit described his  
14 experience of listening to the testimony of survivors --

15 LADY SMITH: Mr MacIver, everything you say is really  
16 important. Could I invite you to slow down a little and  
17 make sure the microphone is in the best position that it  
18 can be in.

19 MR MACIVER: I'm obliged, my Lady.

20 LADY SMITH: Yes, that's it. Thank you.

21 MR MACIVER: Colonel Knightley described his experience of  
22 listening to the testimony of survivors over the  
23 previous six days as upsetting, verging on harrowing.  
24 That discomfort is itself nothing as set against the  
25 lived experience of those who suffered and QVS



1 recognises that. The Inquiry can be assured that it  
2 represents a genuine reaction of horror of those at QVS  
3 and within the MoD on hearing these first-hand accounts  
4 of failures occurring on its watch.

5 QVS and MoD are proud of the history and the present  
6 providing education to those with Scottish connections  
7 in the Armed Forces but they're not proud of the history  
8 heard by the Inquiry. The incidents of excessive  
9 discipline often used as a pretext for bullying, sexual  
10 abuse, of neglect, of peer-on-peer abuse, of a culture  
11 of silence and of emotional abuse, QVS is ashamed that  
12 those happened and is sorry to each and every pupil, to  
13 those who came forward and to any who have not yet come  
14 forward.

15 One systemic failure which is a particular source of  
16 shame is the culture of silence which for far too long  
17 appears to have reigned at the school. Donald Shaw  
18 described it in his evidence as appalling that reporting  
19 of abuse and ill-treatment was discouraged for so long.  
20 That word is not too strong. From that breach, so much  
21 flowed. Children who should have been supported in  
22 a safe environment felt unable to report what they were  
23 suffering and feared consequences if they were to do so.  
24 They found themselves isolated at precisely the time  
25 when they were most in need of support. That was wrong

1 and QVS apologises to all of them.

2 My intention is to address the Inquiry in three  
3 broad chapters today. Firstly I want to address the  
4 evidence around the school until the early 1990s;  
5 secondly, as part of an evident cultural change around  
6 that time, to address the evidence separately around the  
7 school between the 1990s and the period covered by the  
8 Inquiry, the end of that period; and thirdly to try and  
9 identify useful lessons and practices which can be drawn  
10 from the experience of QVS as it stands today.

11 So firstly the school to the 1990s.

12 It's clear throughout this phase of the Inquiry that  
13 the 1990s have represented a change in the national  
14 culture around boarding schools and around schooling  
15 more generally. Child safeguarding and child protection  
16 were starting to come to the fore and the picture from  
17 the evidence around QVS is of a culture and practice  
18 continually growing and improving in those areas ever  
19 since.

20 QVS is as responsible for the experience of those  
21 entrusted to it long ago as to those in its care today,  
22 as it's transitioned from an all-boys' establishment with  
23 a stronger military focus to the current co-educational  
24 school of today that provides a broad education to those  
25 with parents in the Forces. It's important to draw out

1 and face up to the themes emerging from the accounts  
2 given to the Inquiry.

3 The first of those themes is discipline. Those  
4 speaking to the period before 1970 all described  
5 a regime of harsh discipline, and corporal punishment is  
6 and remained a theme in all of the accounts of the  
7 periods prior to its abolition. 'Bob' described  
8 a teacher who overpunished to the extent that his father  
9 felt compelled to come to the school to intervene  
10 himself. 'Andrew' spoke to excessive physical  
11 punishment by staff. 'Andy' gave an account of physical  
12 punishment being used by a teacher for poor academic  
13 performance. 'Bob' spoke to a particular individual who  
14 slathered at the prospect of meting out punishment. All  
15 of this behaviour was entirely inappropriate regardless  
16 of whatever social standards may have been at the time.

17 The pupils attending in the 1970s and 1980s speak  
18 also to physical punishment. Both 'Alex' and 'Ann'  
19 described a teacher notorious for throwing a wooden  
20 duster at the heads of pupils and, concerningly, this  
21 was described as being well known amongst staff.

22 'Martin' spoke to punishment for poor academic  
23 performance. 'Joe's' view was of punishment which  
24 reflected the standards of the time. 'James' spoke to  
25 excessive punishment by staff, including practices of

1 blitz periods and punishment for bed-wetting.

2 The second perhaps related theme is pupil-to-pupil  
3 punishment. There's evidence of this taking on  
4 a physical form. This practice does not appear to have  
5 been an official one, but something which rose among  
6 pupils themselves as a means of enforcing school  
7 standards. It features in the evidence of 'Alex', and  
8 'Joe' describes the practice getting out of hand among  
9 the younger pupils in taking on grotesque forms. It is  
10 to be regretted that this ever took place in the school.

11 The official route for discipline by pupils involved  
12 and still involves the issuing of days. It's concerning  
13 that 'Peter', when speaking to the 1990s, recalls  
14 an arbitrary non-accountable system of prefects issuing  
15 laps and cleaning duties, sometimes repeatedly. It's to  
16 be emphasised that the modern practice which continues  
17 in QVS bears little resemblance to that.

18 Donald Shaw spoke to a transparent sanction system  
19 used relatively infrequently and limited to prefects  
20 referring students to staff for 'a day', which involves  
21 helping at meal times in public and under close  
22 supervision by the staff. It's submitted that this  
23 represents a positive example of softening what had been  
24 a harsh and unwelcome practice and making sure that it  
25 remains under control while maintaining the utility of

1 having perfect participation in the discipline system.  
2 To update the point, practice does remain under active  
3 review and Mr Shaw has found it notable in his  
4 discussions that in fact there is wide student support  
5 for it.

6 The third theme is bullying. The experience of  
7 pre-1970s pupils does vary in that it does not feature  
8 as a major theme in the evidence of 'Andrew' and 'Bob'  
9 but for 'Andy' and 'Ann' very serious bullying episodes  
10 do feature despite the measures described by 'Andy' to  
11 counter this.

12 Later pupils, however, do speak consistently to  
13 bullying. In the 1970s 'Joe' spoke to hazing and severe  
14 episodes of mental bullying. 'Alex's' account of being  
15 seriously bullied for having reported abuse is  
16 especially distressing. The importance of reporting is  
17 something which features heavily in QVS's modern ethos  
18 and it's very concerning indeed to hear an account so  
19 contrary to today's practices.

20 Pupils in the 1980s speak to bullying among pupils  
21 amplified by a culture of non-reporting. 'Martin' spoke  
22 to that. 'Clifton' spoke to the bullying of  
23 a bed-wetter. 'James' spoke to a violent culture among  
24 pupils, amplified by emotional bullying and by a culture  
25 of non-reporting. 'Keith', by contrast, spoke to

1 a single incident which he managed to have successfully  
2 resolved.

3 Moving into the 1990s, three of the pupils speaking  
4 to that period disagreed with the suggestion that the  
5 culture at that point was one of bullying.

6 However, fourthly, emotional abuse, and this is  
7 considered appropriate to emphasise as a theme worthy of  
8 attention in its own right as a matter both part of and  
9 separate to the broader theme of bullying.

10 The accounts of bullying mentioned above do focus on  
11 physical mistreatment, but it's also clear from them  
12 that that by its very nature brings with it emotional  
13 distress for those concerned. It's notable that most of  
14 the former pupils who gave evidence in person did speak  
15 to what would be recognised now as emotional abuse as  
16 part of their time at the school and about continuing to  
17 suffer from emotional consequences in their later lives.

18 LADY SMITH: As you're probably aware, Mr MacIver, I've  
19 heard time and again from people, now adults, seeking to  
20 emphasise how sometimes emotional abuse is the hardest  
21 thing to suffer. If they had a choice, terrible choice  
22 to have, but if they had a choice, they would accept  
23 physical rather than emotional, for example.

24 MR MACIVER: Yes. And it's notable from those witnesses  
25 that in many cases it's not simply saying this, but

1           exhibiting it in how they gave evidence.

2       LADY SMITH: And creating a culture where day and daily the  
3           child feels under that sort of abusive, emotional  
4           abusive pressure.

5       MR MACIVER: Yes.

6           It does appear that the worst aspects of emotional  
7           bullying may have been slower to be addressed than the  
8           physical forms. The distressing evidence of 'Felix',  
9           whose time at the school was in the early 1990s, stands  
10          as an extreme contrast to the more positive accounts  
11          which were starting to emerge in evidence from that  
12          period. His comment in response to a particular  
13          incident that nobody would have thought to tell the  
14          teacher is on its own a very sad one.

15          He spoke to having suffered from extreme physical  
16          and emotional bullying, to a culture of discouraging  
17          sneaking, as it was known at the school, culminating in  
18          his case in a suicide attempt and in his leaving the  
19          school.

20          Many of the themes in this part culminate in his  
21          evidence, and QVS acknowledges the experience and effect  
22          of all those incidents upon the pupils and reiterates  
23          how sorry it is to everyone whose time was tarnished in  
24          that way.

25          The fifth theme emerging was the sexual abuse by

1 Ben Philip. 'Joe', 'James' and 'Peter' had spoken to  
2 themselves having suffered abuse. 'Martin' spoke to  
3 Ben Philip as a known voyeur. These accounts are vivid  
4 and harrowing. QVS accepts the compelling nature and  
5 the sad consistency among them over a period of many  
6 years. The picture emerging is of a man determined to  
7 exploit his position and with the opportunity and the  
8 craft to do so and in plain sight where others remained  
9 oblivious. That's not said by way of mitigation. The  
10 significance of it lies in the warning that threats to  
11 children's well-being can arise from any source at any  
12 point. Indeed, it may well have been a conscious  
13 approach to portray a positive side to many people in  
14 order to maintain credibility as a trustworthy  
15 individual.

16 That's the structural challenge at the heart of  
17 a school's task, to be at all times alert, to look  
18 beyond the surface, to review the status quo for scope  
19 for exploitation. These matters highlight starkly the  
20 dangers around a culture of silence, allowing scope for  
21 grooming by a charismatic teacher and a lack of  
22 recognition by pupils of that grooming and abuse even at  
23 the time it was occurring. The evidence of James and  
24 his oblique attempts to report the abuse suffered by him  
25 stands as a further lesson for always being on watch for



1 issues which should be picked up and pursued.

2 These are clearly structural concerns which are as  
3 real today as they were in the past at the time when  
4 Ben Philip was at the school. Though QVS cannot change  
5 the past and acknowledges the pain of all those who gave  
6 evidence, it hopes that those who have suffered can draw  
7 some comfort from the fact that these concerns are  
8 uppermost in the priorities of the modern school and  
9 that there has been learning and progression in how such  
10 matters are dealt with.

11 A sixth theme is sexual abuse but by pupils  
12 themselves and incidents of this form are spoken to  
13 personally by 'Ann' and by 'Alex'. They've clearly had  
14 a significant and sad impact. In addition, 'Andrew'  
15 and 'Martin' spoke to having been aware of sexual abuse  
16 among pupils in their time at the school.

17 A seventh discrete theme is the culture of  
18 discouraging sneaking at the school. A culture of  
19 silence and a culture not sneaking sadly comes across  
20 very clearly through the pupil evidence. QVS is truly  
21 sorry that this was so. It can only have resulted in  
22 the missing of opportunities to tackle unacceptable  
23 behaviour. Accounts of pupils being actively  
24 discouraged from reporting abuse or being themselves  
25 sanctioned for reporting are among the most troubling

1 passages of all the evidence. It's hugely concerning  
2 that this theme, even more so a theme of staff awareness  
3 of the practice, recurs across virtually the whole  
4 period of the pupil evidence.

5 The culture was by no means unique to QVS and must  
6 be taken also as a reflection of where society may have  
7 stood at the time. Donald Shaw, in his own evidence,  
8 although having himself no involvement with boarding or  
9 the military in growing up, spoke in March about  
10 recognising the existence of cultures of silence from  
11 his own childhood far away. It may be that the Inquiry  
12 will have cause in the other phases to reflect upon  
13 harms caused by this.

14 The culture of silence was a notable target for  
15 improvement, where the greatest efforts to improve the  
16 school culture took place from the 1990s onwards.  
17 Alice Hainey spoke to not having been aware of  
18 a military code in her time at the school, though  
19 Evelyn Smith did mention this as part of her impression  
20 of QVS. Wendy Bellars spoke to having encouraged as  
21 a priority on her appointment a culture of openness and  
22 of pupil reporting concerns. Donald Shaw acknowledged  
23 her contribution towards that, which he has been  
24 enthusiastic in continuing to promote in this time.

25 To close this first chapter, the experience of

1           having been at QVS was not entirely negative in terms of  
2           preparation for life for some of those pupils who  
3           submitted statements. Others, however, relate  
4           significant impact on their later lives, particularly  
5           the emotional effects, the negative impacts on their  
6           families and on their subsequent relationships, and QVS  
7           is truly sorry to all of those whose lives were impacted  
8           as a result of those negative experiences among  
9           students.

10           QVS would like to thank Inquiry counsel for having  
11           done an excellent job in highlighting a past that was  
12           not known to many of those now involved with the school  
13           and giving the school an opportunity to demonstrate the  
14           many changes and improvements which have taken place  
15           since. One aspect of the evidence which might merit  
16           particular attention is the statement of Glenn Harrison,  
17           because it stands out in some contrast to the rest of  
18           the evidence, being partly a personal observation, with  
19           which no issue is taken, and indeed the Inquiry has  
20           already heard this morning that that served as something  
21           of a trigger for tackling the bullying culture during  
22           the early 1990s; but his evidence is also, in a greater  
23           part, speculation as to events which may have occurred  
24           off stage, as it were.

25           His own observations will, of course, form part of

1 the assessment undertaken by the Inquiry, but when it  
2 comes to his views on things that might have occurred,  
3 for example, evenings out of the school, when he was not  
4 present, it is submitted that the Inquiry ought simply  
5 to set that part aside as speculation, inconsistent with  
6 the rest of the evidence before it. I say that because  
7 the matter was put to a number of pupils and there was  
8 no real basis among their evidence for supporting the  
9 impression that Mr Harrison had given in the speculative  
10 part of his evidence, and indeed they commented upon him  
11 as being an unworldly figure who might be easily misled.

12 LADY SMITH: In conjunction with calling his evidence  
13 speculative in that respect, I suppose you can point to  
14 the fact that nowhere in his statement does he offer any  
15 direct evidence of having seen the activities that he is  
16 inferring took place as having taken place.

17 MR MACIVER: That's precisely it, my Lady.

18 LADY SMITH: He doesn't offer any specification of what he  
19 thinks actually took place.

20 MR MACIVER: No.

21 LADY SMITH: It's quite murky.

22 MR MACIVER: The final point in the first chapter is to note  
23 is the unhappiness expressed by 'Ann' towards the end of  
24 her evidence that her contact with Donald Shaw, her  
25 initial contact with him in reporting what had happened

1 to her, had been shared more widely when she'd been  
2 under an impression that it would be kept confidential.  
3 QVS is very sorry that she's not content with how the  
4 school handled the matter, but in light of the  
5 seriousness of her account, which she has herself now  
6 shared with the Inquiry, QVS hopes that she can now at  
7 least accept why QVS took the decision to share more  
8 widely. Her contribution has been a valuable one and  
9 the school recognises the courage that it took from her  
10 to come forward.

11 Turning to my second chapter, the school since the  
12 1990s.

13 The pupils who have come forward so far to give  
14 their evidence are speaking to periods up to the  
15 mid-1990s. Events since have shown that there's no room  
16 for complacency, and the fact that the Inquiry has  
17 before it evidence of other instances of abuse since  
18 then stretching almost up to the present day illustrates  
19 a strong theme of the evidence of Mr Shaw,  
20 Colonel Knightley and Mr Plumtree, which is that no  
21 system is or can be perfect, and what is of crucial  
22 importance is to create a culture which is continually  
23 trying to improve with the welfare of the child or young  
24 person at the heart of it.

25 The Inquiry did hear that even recently children

1 have continued to suffer from abuse. It is for that  
2 reason, above all, the Inquiry's findings and  
3 recommendations will be of great use to informing and  
4 developing future practice and culture in boarding  
5 schools. QVS hopes that those former pupils who gave  
6 evidence, and others who may have followed the  
7 proceedings but have so far remained silent, may be able  
8 to draw some comfort from lessons which have been  
9 learnt.

10 The Inquiry has heard directly from some  
11 participants about several serious incidents during the  
12 period from the early 1990s. The incidents involving  
13 Grant and Mark illustrate abuse by staff of positions of  
14 trust. The incident involving [REDACTED]  
15 concerned pupil-to-pupil abuse, and the incident  
16 involving Gerry Buchanan in 2016 illustrates serious  
17 deficiencies by leadership in their response to criminal  
18 admissions by a member of staff. The Inquiry's heard  
19 evidence and has ample material from QVS regarding those  
20 and their outcomes.

21 This last point is of some importance in  
22 demonstrating a key improvement in the culture of the  
23 school. In each case, there was police investigation  
24 into the conduct in question, relating to potential  
25 criminal consequences, coupled with a QVS/MoD

1 disciplinary action approach in terms of employment  
2 matters.

3 The history of those incidents has also shown  
4 a progression in improvement in how those matters were  
5 dealt with. A child raising a complaint now is  
6 believed; the complaint is investigated; the member of  
7 staff is suspended; disciplinary processes may follow.

8 In the Buchanan case, the Inquiry heard that the  
9 flawed process there itself gave rise to disciplinary  
10 proceedings against staff. QVS also recognises the  
11 difficulty posed by the reference and compromise  
12 agreement that came about at the end of Mark's case and  
13 would welcome the Inquiry's findings and recommendations  
14 on that issue.

15 One matter on which I might be able to bring the  
16 Inquiry up to date, which came too late to be reflected  
17 in the written submissions, is that those particular  
18 difficulties in relation to Mark's reference have been  
19 something which have been turned over in minds ever  
20 since that passage of evidence. This came to my  
21 attention too late for inclusion in written submissions,  
22 but QVS has identified the applicable MoD policy  
23 relating to references and that will be sent on to the  
24 Inquiry in due course.

25 LADY SMITH: Thank you. I'd like to see that.

1 MR MACIVER: For today's purposes, though, I think it would  
2 be useful to inform the Inquiry that there is  
3 a dedicated short passage within that policy relating to  
4 QVS, and it might be appropriate if I simply read out  
5 that at this point.

6 The policy itself dates from October 2020 and the  
7 short passage relating to QVS says that:

8 "If you are a teacher employed at QVS, references  
9 will normally be provided by your headteacher. In  
10 addition to providing details regarding your length of  
11 service and the nature of your employment, you can  
12 expect the reference to cover ..."

13 And there are five bullets:

14 "... your teaching experience; knowledge,  
15 understanding and skills; attendance; competence; and  
16 disciplinary record in relation to children."

17 It would not be appropriate for me to attempt to  
18 make any further comment today. For example, I don't  
19 know what preceded that policy or what else might be  
20 contained within it. It may be that QVS is able to  
21 address some relevant points with the Inquiry when  
22 sending on the policy to it.

23 A theme emerging from the 1990s is the development  
24 of a new culture within the school. It's been a feature  
25 of this phase of the Inquiry, as I noted, that a broader



1 shift across the culture nationwide had occurred during  
2 the 1990s such that openness, emotional intelligence and  
3 a focus on safeguarding the child came to the fore in  
4 a way that had not been the case previously.

5 At QVS, that manifested itself in a shift in  
6 emphasis from a physical culture which had existed  
7 before until then, being an all boys' school focusing on  
8 rugby and a probable career path, perhaps, into the  
9 military. Some of the martial trappings around the  
10 status of a military school do still remain, but the  
11 school has moved towards a culture with an emphasis on  
12 pastoral care and on child protection.

13 The evidence of Graeme Beattie provides a succinct  
14 overview of developments, given that he's been employed  
15 since 1984. He speaks to the school having always been  
16 a caring environment, but as he details his role through  
17 time, it's clear there's been a trend towards  
18 participation in pastoral care and GIRFEC, towards more  
19 formal monitoring and appraisal, and towards  
20 participation with individualised disciplines designed  
21 to cater to individual needs of each child.

22 The appointment of Alice Hainey as deputy  
23 headteacher in 1992 with a special new responsibility  
24 for pastoral care and well-being illustrates  
25 a particular change at that time. It appears from her

1 account of her first days that pupils were well aware of  
2 the need for change, perhaps a result of the negative  
3 press coverage that had been very recent. She, however,  
4 speaks to the lack of an official complaints and  
5 reporting process at the time of her appointment, so  
6 although her impression was of an institution with no  
7 code of silence and where the pupils were happy, her  
8 reference to a deluge of complaints coming immediately  
9 is in itself an indication of the scale of what had to  
10 be done.

11 An important innovation which flowed from this was  
12 the trusted adult position and the initiation of child  
13 protection guidelines. The trend since then is towards  
14 ensuring pupils are listened to and staff being properly  
15 accountable, towards creating a space for voices to be  
16 heard and away from that culture of silence.

17 Evelyn Smith, who was appointed assistant head in  
18 2002, described a rolling programme of renewing and  
19 developing various policies aimed at child welfare as  
20 well as training. Her evidence also illustrates  
21 a difficult element in the development of school culture  
22 whereby office politics can create feelings of mistrust  
23 among staff. She describes tensions over the treatment  
24 of [REDACTED]. That case does illustrate that  
25 the school had moved away from overlooking and

1           minimising the complaints of children.

2           Wendy Bellars gave similar evidence about staff  
3           atmosphere at the time of her appointment as head  
4           teacher in 2007. She was clear about the reinforcement  
5           of focus on child protection during her time, including  
6           a number of important developments on that front,  
7           including safeguarding and child protection, and the  
8           development of committees to assist the operation of the  
9           Board of Commissioners and the interest taken by those,  
10          specifically in matters such as pastoral care. A "talk  
11          to someone" policy initiated in her time was designed to  
12          foster openness and she sought to move the culture  
13          towards one of respect. Illustration of this might be  
14          seen in the QVS child protection guidelines, a version  
15          of which are before the Inquiry.

16          It's notable from them that the definitions of abuse  
17          section has changed and expanded over that period.  
18          Donald Shaw, in an exchange with your Ladyship,  
19          acknowledged that the categories identified in the  
20          current guidance may no longer be appropriate. To bring  
21          the Inquiry up to date on that theme, these guidelines  
22          are themselves now presently undergoing a review process  
23          and a copy will be passed to the Inquiry once that is  
24          complete.

25          Donald Shaw expressly acknowledges Ms Bellars' role

1 in having improved that aspect of the school during her  
2 tenure. He himself took over after her dismissal in  
3 2016 and has instigated many positive developments which  
4 QVS believes place it in a good position to ensure that  
5 the risk of abuse to children is minimised and that the  
6 school embeds a proper growth mindset towards continual  
7 improvement going forward. These specific elements,  
8 given their recency, are addressed in the final section  
9 of these submissions.

10 The final theme from the 1990s is the move to  
11 co-education, and the introduction of the girls to QVS  
12 is perhaps the single biggest development in changing  
13 the culture around the school. Brian Raine, in his  
14 statement, described how the introduction of girls in  
15 1996 was a major development requiring major changes in  
16 structure, accommodation and procedures, but also ethos,  
17 attitudes, sports and extracurricular activities.  
18 However, the benefits were obvious and enormous. It was  
19 easier for armed services families to educate their sons  
20 and daughters in one school. Holiday arrangements,  
21 weekends, parents' evenings and visits became much  
22 easier and convenient. The boys and girls grew up  
23 naturally with each other and, partly because of the  
24 number of siblings, got on well with each other and  
25 remained very good friends after school.

1           It's a change that QVS considers to have been  
2           an enormous success and QVS would like to put on record  
3           its view that the move itself was a major factor in  
4           contributing to the softening of the hard culture  
5           described in earlier accounts and would like to thank,  
6           in particular, the first generation of female students  
7           for their contributions towards that change.

8           The third and final chapter relates to the modern  
9           school. While QVS is conscious that the Inquiry's remit  
10          strictly does not run beyond December 2014, it does  
11          consider it would be helpful to share with the Inquiry  
12          some of the lessons learnt and practices developed under  
13          MoD oversight and being applied in the school as it  
14          stands today.

15          QVS is aware that the current policies and practices  
16          cannot be the final word on the matter. Donald Shaw and  
17          Colonel Clive Knightley stated in closing their evidence  
18          on 27 October: QVS recognises that it must aim at  
19          a culture of improvement, and that, were the Inquiry to  
20          reconvene in 2031, it would, it is hoped, find a culture  
21          which had improved significantly beyond the improvements  
22          which have bedded in up to today.

23          There can be no room for complacency. This is shown  
24          most uncomfortably for QVS by the fact that even during  
25          the course of the Inquiry QVS has seen a staff member

1 convicted for offences against children in the period to  
2 2019. No system can ever be considered perfect, not  
3 least because those against whom it's guarding are  
4 engaged in trying to circumvent it, and QVS recognises  
5 the importance of vigilance, of humility, of continual  
6 review and of a growth mindset aimed always towards  
7 improvement in ensuring that the policies and practices  
8 followed are to be as robust as possible. Encountering  
9 an active case so recently is as stark a warning against  
10 complacency as could possibly be imagined.

11 With that in mind, QVS would like to set out  
12 a number of principles and practices which it considers  
13 might form a basis for the Inquiry's consideration of  
14 whether recommendations might be made across schools  
15 going forward.

16 Firstly, a bias towards reporting. The Inquiry  
17 heard of two incidents of criminal conduct by members of  
18 staff arising in 2016 and 2019. It's submitted that the  
19 2019 incident represents a model response, but that's  
20 sharply in contrast to the serious failing in 2016,  
21 where the personal judgement of a staff member was  
22 employed to override candour being given to the  
23 appropriate authorities.

24 The Inquiry heard from Donald Shaw about the  
25 school's response on learning of the Clark case in 2019,

1           whereby all the appropriate bodies were informed on the  
2           day or at least within the next day. Mr Shaw described  
3           it as a response which was instinctive on his part and  
4           which in fact outstripped the school's policies. He  
5           describes the school's attitude as being concerned not  
6           about overreporting, as that because such incidents are  
7           mercifully relatively rare.

8           He also spoke to practical measures for encouraging  
9           reporting, as he put it, to make sure that "I knew there  
10          was something dodgy", that type of thought did not go  
11          unaired. QVS to that end has employed an anonymous  
12          intranet button as an instant trigger for a confidential  
13          and non-judgemental investigation to happen from the  
14          child protection co-ordinator who is now in place at the  
15          school.

16          The Buchanan case from 2016 stands in sharp and  
17          disappointing contrast. There, there was a confusion  
18          between protection and pastoral roles and to whom the  
19          latter might be owed, which led to a situation where  
20          important information was not reported when it should  
21          have been. The Inquiry has heard about the disciplinary  
22          procedures which ensued once that had come to light.

23          One issue is there was a suggestion in evidence  
24          around that case that data protection had been construed  
25          as a hindrance towards sharing information in the

1           circumstances. The Inquiry may wish to consider making  
2           a specific point that data protection is not  
3           a hindrance, and that should, perhaps, be a training  
4           point for any staff who are engaged in such matters.

5           QVS is also concerned that consideration given at  
6           the time of that incident to child welfare appeared to  
7           stop at the children within the school, for example, by  
8           taking care to examine the school IT equipment; the  
9           protection of children actually in the images did not  
10          appear to enter the equation when considering what the  
11          staff response ought to be in terms of disclosure.

12          A second theme which perhaps emerges from the 2019  
13          case is in the engagement with the pupils and the scope  
14          for possible useful practices in this regard. Donald  
15          Shaw describes the engagement with Barnado's as part of  
16          the follow-up arising from the 2019 disclosure and using  
17          them as an additional means of support, coupled with  
18          immediate publicity among the parents, meaning that  
19          professional counselling was always on hand to the  
20          students.

21          Donald Shaw in particular spoke to his own personal  
22          discomfort at learning from the incident that, despite  
23          any efforts to advocate about risk, children may still  
24          not be able to recognise grooming and abuse when it's  
25          happening, and the risk of in-plain-sight abuse thereby



1 remains real. He considered there to be no alternative  
2 but to continually reinforce the message with children  
3 about what is acceptable adult behaviour and what is  
4 not.

5 The other side of the coin, and this was in response  
6 to your Ladyship's suggestion, was to agree with the  
7 importance that "not your fault" be front and centre  
8 when dealing with children as a message to avoid  
9 discouraging openness.

10 He also spoke to his ideas around a pupil-led  
11 discussion process as an option for development. This,  
12 in its way, also mirrors a practice already in place at  
13 the school of giving the child a voice, by having pupils  
14 engaged in any intervention-planning processes which  
15 arise in their own cases, although decision-making, of  
16 course, remains a matter reserved for adults.

17 A third theme is in staff-to-pupil contact. Mr Shaw  
18 in his evidence in March spoke at length on a strong  
19 emphasis being placed in QVS on managing staff contact  
20 with pupils. The accounts given by pupil witnesses as  
21 to visits to staff quarters are not reflective of  
22 today's QVS, where there's very little scope for  
23 children to enter staff quarters and never to do so  
24 unaccompanied.

25 LADY SMITH: It does seem pretty clear that the evidence

1 I've heard flags that up as being too risky to permit.  
2 What about the Gordonstoun approach of saying that there  
3 are occasions where one-to-one interaction between  
4 a pupil and member of staff is critically important?

5 MR MACIVER: It's recognised that that's inherent in  
6 education, and while the instinct might be to try to  
7 eliminate any risks, there are risks which have to  
8 remain in terms of education requires close contact  
9 between adults and children. Sometimes that will be one  
10 to one, music lessons are a particular theme where that  
11 might be required. What's important is that that be  
12 managed and the risk thereby minimised, and part of that  
13 is, for example, in policy that this take place in  
14 public parts of the school only, with doors open and the  
15 like, and certainly the avoidance of private situations  
16 in private quarters is of critical importance.

17 LADY SMITH: Thank you.

18 MR MACIVER: It is in the nature of a boarding school for  
19 there to be staff access to the boarding areas, but  
20 there is an understanding within QVS of the importance  
21 of pupil privacy, and Mr Shaw spoke to a "knocking and  
22 waiting" policy regarding entering bedroom areas.

23 A fourth theme relates to staff references. I've  
24 spoken about that already, and this may be an example  
25 where possible improvements to QVS's use of the

1 reference process is worthy of consideration. There is  
2 current consideration within QVS and within the MoD as  
3 to the extent of engagement of the headteacher with the  
4 recruitment process which currently undergoes a central  
5 sift. MoD are also considering an idea of doubling the  
6 reference process in order to have a dedicated and  
7 further safeguarding check at the application stage,  
8 such that it might be of use in spotting red flags in  
9 safeguarding's own right rather than running general  
10 checks and trusting that any safeguarding matters would  
11 be picked up by those.

12 There was a suggestion in Mr Shaw's evidence that  
13 there should be a very expansive approach towards  
14 references, seeking those at the application stage from  
15 all applicants, but the Inquiry may wish to note that at  
16 present the practice would be to obtain references from  
17 all candidates at interview stage, and of course there  
18 are practical difficulties in terms of simply attracting  
19 any applicants at all in insisting upon references at  
20 a very early stage, at which candidates may not wish  
21 their employers to know about those.

22 A further theme which is specific to QVS relates to  
23 its position within the MoD. The school having a unique  
24 position as being part of a much larger body means that  
25 it benefits from a wider MoD estate and a conscious push

1 towards child welfare issues there. In particular,  
2 Colonel Knightley spoke to a recent restructuring within  
3 the Ministry, leading to a renewed focus on safeguarding  
4 and regular inspections.

5 The Inquiry, I believe, has already had passed to it  
6 one recent impact on QVS in that a safeguarding review  
7 took place in September of this year, and I understand  
8 that that's already been sent to the Inquiry.

9 The practical result of this wider expertise is the  
10 MoD effectively is acting as the Local Authority for QVS  
11 and as a source of advice and resources. Donald Shaw  
12 spoke to the MoD being a source of policy as much as any  
13 Local Authority would be for the schools in which he'd  
14 worked in his previous career. He also spoke to the  
15 Director of Children and Young People being active in  
16 dialogue of holding QVS to account and the benefits of  
17 that.

18 His personal view was against mandatory closer links  
19 to a local Local Authority, because that would bring  
20 with it costs of its own, though since the point's been  
21 raised, MoD have been giving that further consideration  
22 and considers that there might be some merit to using  
23 links with the Local Authority, which I think would be  
24 Stirling, as enhancing links to Scottish practices, in  
25 which MoD is conscious that it is not itself in

1 a position of expertise, the bulk of its estate lying  
2 elsewhere. It would not wish to rule out the utility of  
3 raising further and even more formal links with the  
4 relevant Local Authority.

5 It's come out as a strong theme from the evidence  
6 that good local and personal relationships are very  
7 important and are used positively by Mr Shaw, such as in  
8 his regular liaisons, informally, with local police.  
9 I recall from previous schools that the centralisation  
10 of the police force had itself brought difficulties in  
11 establishing contacts, and QVS is happily not in that  
12 position.

13 The Local Authorities themselves participate in  
14 staff selection. QVS itself does adhere to the Scottish  
15 requirements, such as GIRFEC and the GTCS, and has  
16 always been keen to do so as part of its longstanding  
17 practice of trying to reflect changes across society  
18 more broadly.

19 The presence of MoD itself has a further important  
20 role because it is an active investigator when so  
21 required. In the scenarios described, its role as  
22 employer entails it complying with employment  
23 legislation while at the same time protecting children  
24 coming under its care. It is therefore compelled to  
25 a very thorough and measured approach when dealing with

1 cases and with reports of abuse, and it's recognised  
2 that that thorough process may inevitably be slow as  
3 a result.

4 A further theme particular to QVS relates to the  
5 Board of Commissioners. The Inquiry heard about QVS  
6 benefitting in its unique position from that  
7 relationship as in the Commissioners being an active and  
8 interventionist body providing another layer of  
9 oversight to the school. Alan Plumtree, in his evidence  
10 in March, described the existence of some safeguarding  
11 child protection input by individuals within the  
12 committee structure that was in place in 2006, but in  
13 the last three years or so, safeguarding and child  
14 protection functions have been allocated a committee of  
15 their own, such is their recognised importance.

16 Donald Shaw made the point that lead responsibility  
17 in those areas has always been understood to rest not  
18 with Commissioners but with the MoD and the DCYP, and  
19 the result is that there is now a multi-layering of  
20 supervision between the two, which is considered to work  
21 well. MoD now has ten certain committees of the  
22 Commissioners to avoid doubling the work, but the double  
23 layer of oversight remains. It's an accident of the  
24 structure, but it's a useful one and has been of benefit  
25 to QVS.

1           Mr Plumtree described Commissioners' visits to the  
2 school as being useful and working ones, not ceremonial,  
3 and emphasised that Commissioners' route of  
4 accountability is to the MoD as a whole. He eliminates  
5 any suggestions there might be that one service might be  
6 favouritised over another. He spoke to safeguarding as  
7 the Commissioners' conscious priority.

8           IT matters arose as a separate theme, and the  
9 Inquiry heard about uses of IT in child protection, but  
10 that IT itself brought with it difficult wider issues.  
11 Broader privacy concerns around private equipment are  
12 considered to limit scope for action. The Securly and  
13 Google Alert systems are useful in generating alerts,  
14 rapid action in the children's cases, but rely on use of  
15 QVS equipment or software in order to operate. The  
16 broader culture, however, is one of private mobile  
17 technology raising issues around photos, around  
18 bullying, which was recognised as an ever-increasing  
19 tide by Ms Bellars early in her time as head. It may be  
20 that this is an issue too large to be easily addressed  
21 at this stage of the Inquiry.

22       LADY SMITH: Yes. Certainly on the evidence I've heard  
23 about the time frame I'm required to look at, abuse of  
24 children via messaging on mobile phones simply hasn't  
25 featured.

1 MR MACIVER: Yes.

2 LADY SMITH: Unsurprisingly --

3 MR MACIVER: Yes.

4 LADY SMITH: -- my end date being as it is. But I suppose  
5 at a very high level it's something that I inevitably  
6 have to have regard to as one looks forward to think  
7 about systems that would have longevity and being aware  
8 of new types of abuse emerging all the time. We've  
9 certainly seen that during the period that I've been  
10 examining.

11 MR MACIVER: That's exactly it. It's not even possible to  
12 envisage what IT itself will bring with it as a thing in  
13 18 months' or two years' time. It's an issue which has  
14 potential concerns.

15 LADY SMITH: Mm-hmm.

16 MR MACIVER: A more minor theme, perhaps, was the issue of  
17 site security, which Donald Shaw spoke to as having  
18 enhanced in his time. A clearer theme which emerged  
19 from the evidence is related to vigilance, and the point  
20 there being that despite the improvements detailed since  
21 the 1990s, it has to be recognised and emphasised that  
22 scope for improvement remains and will always remain.  
23 No system can be perfect. It's in the nature of  
24 safeguarding that one must remain vigilant and seek to  
25 continually improve and to adapt to current



1           circumstances.

2           Mr Shaw and Colonel Knightley in a different context  
3           recognised that a culture of silence can persist,  
4           regardless of efforts to eradicate it. School houses  
5           might be an example of this within QVS.

6           One point is that where, while the broader culture  
7           has been rooted out, it's of some concern, with my  
8           lawyer's hat on, that Mr Shaw recorded a tendency of  
9           some pupils to have cited a right to silence as part of  
10          their attitude towards reporting, which he himself had  
11          to counter by repetition of his "report, report, report"  
12          message. The Inquiry might wish to consider whether the  
13          language of rights itself, as in a similar way to the  
14          proper perception of data protection that I alluded to  
15          earlier, that these misunderstandings might themselves  
16          risk creating a conflict with the culture of reporting.

17          So, to conclude, QVS very much appreciates the  
18          courage of those who have come forward to share their  
19          very personal experiences of life at the school and  
20          thanks them all for their reflections on what might have  
21          been done to make things better. It's allowed QVS to  
22          recognise, reflect on and learn from the size of the  
23          impact of these experiences on all of their lives. QVS  
24          regrets and apologises again to all who suffered  
25          negative experiences at the school. QVS in 2021 is

1 a better school, which continues to learn from their  
2 experiences.

3 Finally, QVS would also seek to emphasise that the  
4 offer that Donald Shaw made at the outset to pupils to  
5 visit the school and to contribute, if they could, and  
6 thereby perhaps to achieve for themselves a degree of  
7 closure was a real one, and it would be a privilege for  
8 him to seek to contribute to them in that way.

9 LADY SMITH: Thank you very much, Mr MacIver. I'm very  
10 grateful to you for that.

11 Well, Mr Brown?

12 MR BROWN: My Lady, may I just take on one point that my  
13 learned friend raised, which is the new bullet points  
14 that he referred to in terms of references, and the  
15 fifth bullet point, which would make reference to  
16 discipline in relation to conduct or contact with  
17 pupils. We welcome to have that, as was offered, but it  
18 would be, I think, particularly helpful if, when that is  
19 provided, there can be some expansion on what that means  
20 in practice, because obviously reference to discipline  
21 that has been proved is one thing, but one of the  
22 constant themes is the openness to be aware of  
23 allegations, whether proved or otherwise, and it would  
24 be interesting if that could be clarified with  
25 a covering note.

1 LADY SMITH: I agree, that would be helpful. Is that all  
2 right, Mr MacIver?

3 MR MACIVER: Yes, that would be entirely appropriate. It  
4 was envisaged that an explanation --

5 LADY SMITH: Thank you very much.

6 MR BROWN: I'm obliged.

7 My Lady, that concludes the submissions for this  
8 part of the Inquiry. Tomorrow we are going to have  
9 a morning, I think, of read-ins in relation to Loretto  
10 because there were some statements which came forward  
11 which clarified one of the matters that was raised or  
12 touched on this morning, the complaints by Mr Stock.

13 LADY SMITH: Indeed.

14 MR BROWN: So that will take place tomorrow, but then phase  
15 three, Fettes, will begin in a fortnight's time.

16 LADY SMITH: Indeed. Thank you very much. I'll rise now  
17 until 10 o'clock tomorrow morning, and again it doesn't  
18 sound as though tomorrow's going to take the full day.  
19 We'll be done within the morning; is that right?

20 MR BROWN: I think that's absolutely right, my Lady.

21 I think we would anticipate being finished probably  
22 around the same time as today.

23 LADY SMITH: Very well. Thank you very much to everybody  
24 who's attended today.

25 (12.12 pm)

1 (The Inquiry adjourned until 10.00 am  
2 on Friday, 12 November 2021)  
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