

Thursday, 9 December 2021

1

2 (10.00 am)

3 LADY SMITH: Good morning and welcome to the last day of
4 evidence in our Fettes section of the case study into
5 the provision of boarding school residential care for
6 children in Scotland.

7 Now, we finish with hearing from Helen Harrison.

8 I understand she's ready; is that right, Mr Brown.

9 MR BROWN: She is ready, my Lady.

10 LADY SMITH: Thank you.

11 Helen Harrison (sworn)

12 LADY SMITH: Helen, could I begin by thanking you for the
13 paper that you prepared and made available in advance of
14 coming along today. It's been very helpful to be able
15 to read it in advance, but I know that Mr Brown has some
16 aspects that he'll want to discuss with you.

17 However, please do tell me if there's anything that
18 hasn't been covered during you being questioned that you
19 want to tell me about because it's important that you're
20 able to do that. Is that all right?

21 A. Absolutely, thank you.

22 LADY SMITH: Very well.

23 Mr Brown.

24 MR BROWN: My Lady.

25 Questions from Mr Brown

1 MR BROWN: Helen, good morning again.

2 A. Good morning.

3 Q. Thank you for, as Her Ladyship says, the statement and
4 the documents that you've provided this week to the
5 Inquiry. Can I ask, have there been problems from your
6 side in preparing documents? Because one of the sets of
7 documents we received this week was about peer-on-peer
8 abuse, which is something that I think we had been
9 seeking for a little while.

10 A. And apologies for that. We have aimed to be completely
11 open and give you everything and work with the Inquiry.
12 I think what happened there was a genuine mistake.
13 A section 21 notice came in, it had 19 requests for
14 files, those 19 were dealt with in good order and given
15 back to you, and there was a number 2, which said, "And
16 anything on peer-on-peer abuse", and we put our hands
17 up, we missed that. And we've had it ready and waiting
18 and were quite confused as to why the Inquiry had not
19 asked for it. But it is a genuine mistake and apologies
20 that they've come in late.

21 Q. That's fine. They will be considered but I must confess
22 I haven't had time to read them.

23 A. No, absolutely.

24 Q. Because of the delayed arrival. But you provided a lot
25 of material, some of which obviously you know we touched

1 on yesterday --

2 A. Absolutely.

3 Q. -- with Saffy in relation to Black Lives Matter and ED&I

4 and we'll come back to that in due course.

5 A. Mm-hmm.

6 Q. Your statement, which is FET431, and I think you have

7 a copy in front of you on the screen?

8 A. Absolutely.

9 Q. But also a paper copy, and page 4 talks about your

10 thoughts on listening to applicants' evidence. You've

11 been present every day of the Inquiry?

12 A. Yes.

13 Q. Along with other members of staff, governors?

14 A. Governors have been present every day as well.

15 Q. Right. We don't need to repeat everything that you say,

16 but you describe the evidence as harrowing. Has it

17 surprised you to learn what Fettes, particularly in the

18 past, was like?

19 A. I had read witness statements, so I knew how distressing

20 this was going to be, but listening in person, as you've

21 said, Lady Smith, can only reinforce the really

22 distressing nature of some of the witnesses' statements

23 and absolutely profound impact they've made on me.

24 Q. And I think, as you say later on in the statement, on

25 day 1 you sent an email to staff?

1 A. Yes. It was to my senior leadership team.

2 Q. Yes. And that would be?

3 A. So that is the head of the prep school, our bursar, our
4 deputy heads academic and pastoral, and our senior
5 deputy head.

6 Q. And in that email you said?

7 A. I've said it in my witness statement. I -- I -- I just
8 wanted to get down on paper just the impact it had, so
9 I did a series of bullet points which I felt was
10 important to just conclude my statement with.

11 Q. This is page 25 of the statement.

12 A. Yes. You can't listen to all that we have and be in my
13 position and not feel a huge weight of responsibility,
14 because it matters so much that we get this right, and
15 that obviously has always informed everything I've done,
16 but the -- in hearing what happens when things go wrong
17 in such detail and with such evident bravery and emotion
18 and -- from those people and from a place that you -- is
19 important to you, you feel a huge weight of
20 responsibility, which leads to the second bullet point,
21 which is a lack of complacency. I know you have heard
22 that, and I think that we know that. I start every term
23 talking about noticing and, you know, in the beginning
24 of the January term I'll say it with even more
25 conviction because of what I've heard in the Inquiry.

1 I don't know, there's more there.

2 Q. It's all there, we can read it.

3 A. Yes.

4 Q. But one of the things that struck me is -- and there's

5 obviously no disagreement with any of the bullet

6 points --

7 A. Mm.

8 Q. -- but you have been at Fettes, as we see on page 5 of

9 your statement, and allowing for years off with your own

10 family --

11 A. Yeah.

12 Q. -- you've been there since 1996.

13 A. Mm.

14 Q. I think you would agree, Fettes has changed very much in

15 those 25 years?

16 A. Yes.

17 Q. Do you recognise that perhaps some of the things that

18 are in your list of bullet points you wouldn't have been

19 aware of in 1996 and ensuing years? Or not adequately?

20 A. I think the latter. I think I said in my -- when

21 I was -- in my first statement to the Inquiry, these are

22 fundamentals that we're talking about and I think we are

23 all working out that the mid-1990s was a real time of

24 change in terms of this area, but it is absolutely

25 certain that during my time, and specifically during my

1 time in which I've been leading as deputy head
2 (pastoral) and then obviously as head, there has been
3 significant change during that.

4 I would like to say, as I say so clearly in 107 of
5 my witness statement, none of those things I was saying
6 we don't do. It was a reinforcement of how important
7 they are that we do them.

8 Q. Yes. But yesterday you remember your former boss --

9 A. Yes.

10 Q. -- accepting that, thinking back to perhaps the first
11 seven, eight years of his tenure, he starting as head in
12 1998, but looking at documents from 2005, Fettes, when
13 it came to allegations of abuse, was over-defensive.

14 A. (Witness nods). Yes.

15 Q. And didn't respond adequately. Now, you were there at
16 the time.

17 A. (Witness nods).

18 Q. I appreciate not in a management position and in those
19 particular years you weren't there at all because you
20 were doing other things.

21 A. Yes.

22 Q. But thinking back to 1996 when you started -- and this
23 is obviously in relation to what we've been hearing,
24 grounds of complaint by 'Iona', was that something you
25 were aware of as a new geography teacher?

1 A. I was aware of the inspection that had just happened and
2 I was aware that inspection had happened -- had been
3 brought forward by allegations that had been in the
4 press. So you -- because I really came just straight
5 after that and CXL has -- he was in his last
6 years. He appointed me, but he was in his last years.

7 So yes, we were aware of it, and I absolutely
8 agree -- as you said, my predecessor -- we were too
9 defensive, and it's something we have tried very hard to
10 make sure we are not.

11 Q. Do you remember that -- and I'm sorry, this is on the
12 basis that you were there for 25 years.

13 A. Mm.

14 Q. Do you remember a point where, in the management team or
15 within the school more generally, there was
16 a recognition that perhaps the approach of the school
17 had not been ideal?

18 A. I think the Inquiry's a help in that in terms of putting
19 together the 2016 submission was a point to have a look,
20 you know, I looked at all the files and therefore I was
21 in a position of leadership at that point in time.

22 I did look at the files and you had evidence there
23 that in the past things had not been done in the way
24 that we would want it to be.

25 Q. It's simply yesterday one might have got the impression

1 from Michael that that was something that really came
2 quite late in the day, that on reflection he'd been
3 thinking about things --

4 A. Yeah.

5 Q. -- and really yesterday he acknowledged that Fettes had
6 been too defensive. I don't think that was perhaps
7 obvious from his statement and it seemed to be a more
8 recent thing.

9 A. I agree with you, and I think it is -- there's been
10 a point of reflection. That's me listening to my
11 predecessor, as you were yesterday.

12 Q. So from your perspective, was it 2016 when the Inquiry
13 started asking for information that you began to reflect
14 on it?

15 A. Which sounds very late, but I think that was in terms of
16 looking at things that happened in the past, that was
17 probably the time that I had -- I was in that position
18 and had that opportunity to look at the information.

19 Q. I think, as we know, and you've heard evidence about
20 a number of members of staff, Chenevix-Trench being the
21 most obvious --

22 A. Mm.

23 Q. -- where the evidence we have heard has been both good,
24 but bad.

25 A. Mm.

1 Q. And within Fettes there were moves to remove a memorial
2 to him.

3 A. Mm-hmm.

4 Q. Which have taken place over the time you've been at
5 Fettes?

6 A. Mm-hmm.

7 Q. When was the memorial removed?

8 A. 2017.

9 Q. And I think I'm right in saying that there were efforts
10 to do that a lot sooner?

11 A. Yes.

12 Q. But they were resisted?

13 A. Yes.

14 Q. Was that another example of the defensive mentality?

15 A. Yes, I think that's absolutely right. I think you're
16 right to say that there are voices on both sides.
17 I think we needed to look very clearly at the evidence
18 and I'm glad the plaque's not there.

19 Q. Have any other plaque's been removed?

20 A. Yes.

21 Q. Same time?

22 A. Yes.

23 Q. Is that reflective, do you think, of the change of head
24 and a review of everything at that stage?

25 A. Yes.

1 Q. And part of that review would be informed, no doubt,
2 because the Scottish Child Abuse Inquiry is hitting you
3 with section 21 notices asking you for information.

4 A. Absolutely.

5 Q. It made you think?

6 A. Definitely.

7 Q. I'm not being deliberately critical, but that would
8 suggest that up until that point, it wasn't really being
9 thought about? Or if it was, there was still
10 a defensive mentality?

11 A. Definitely the second. I think you'll see from the
12 governors' minutes there was a lot of discussion about
13 it, but different decisions, of which I was not part of,
14 different decisions were resulted in. But there was
15 discussion.

16 Q. Oh there was undoubtedly discussion, but triggered by
17 people from outside the school.

18 A. Yes.

19 Q. It was responsive.

20 A. Yes. No, definitely.

21 Q. That's one of the things I want to talk about, being
22 proactive as opposed to simply reactive, and you touch
23 on this yourself.

24 A. Mm.

25 Q. You set out, at considerable length and with detail

1 which we don't need to repeat --

2 A. Mm-hmm.

3 Q. -- the transformation in terms of child protection.

4 A. Mm-hmm.

5 Q. And you make much of the crucial role of tutor.

6 A. Yes.

7 Q. And that tutors have a close relationship with their

8 students.

9 A. Yes.

10 Q. And the hope obviously is that that will be -- along

11 with everything else you talk about in your statement,

12 because there are now many, many avenues to converse --

13 you hope that people will talk.

14 A. Yes.

15 Q. We discussed yesterday with Michael the intractable

16 problem of students not talking.

17 A. Yeah.

18 Q. I appreciate in your statement there is a mass of

19 material showing all the things you are trying to do,

20 but would you agree the intractable problem remains?

21 A. Yes, and if you don't say that, then you're not doing

22 your job properly in my position. I think that's where

23 you have to continue to be creative in finding ways to

24 get through. And I think that's one thing -- it's in

25 one of the bullet points that I mentioned, that how can

1 we make sure we get that voice heard?

2 Certainly everything we do is aiming to get
3 a conversation, a communication, which is entirely key,
4 as we've seen, but we've heard from witnesses how
5 difficult that is. I think it was a very -- one witness
6 said, "What language would I have used and who would
7 I have spoken to?" and I wrote it down because it really
8 resonated. I think the "Who would I speak to?", we keep
9 trying different ways to do this, making sure there's
10 independence in that, and I know that's something that's
11 come very clearly through witnesses' statements. They
12 need to -- they need to trust, and that's what we've got
13 to work out. I thought it was interesting "What
14 language would I use?" and whether we could be more
15 creative in helping to find the right language when
16 people are discussing incredibly difficult things and
17 that's something that I've taken back and will think on.

18 Q. Sorry to cut in. What are your current thoughts about
19 language?

20 A. Well, I mean, I think it all -- it needs to be
21 an environment that people feel safe and can use --
22 because when we are talking about these significant
23 safeguarding concerns, you're delving into something so
24 personal, and it's something that we discuss, every
25 child protection course will talk to you about that,

1 and -- because these are not easy topics of conversation
2 and we have to understand that. So the environment has
3 to be good.

4 I'm wondering if there's something we could do more
5 to give people a different language if they've -- if
6 they've got a significant -- I'm thinking about
7 'Elizabeth', the witness that was talking there,
8 wondering, and we certainly teach consent far lower down
9 than she had ever, but whether we need to be also
10 looking as a sector, you know, in terms of child
11 protection, about giving some keywords that might be
12 helpful for especially younger people when disclosing
13 very difficult things. I don't know. It's just -- it's
14 made me think.

15 Q. And should we understand that if you're thinking about
16 it, that is likely to be discussed with other heads?

17 A. Definitely.

18 Q. Under the umbrella of SCIS?

19 A. Yes, definitely. I find other boarding heads a very --
20 it may be because I've -- it's in my nature to seek help
21 and it's been quite a busy few years, but I have --
22 I find the other boarding heads in Scotland a hugely
23 collaborative group that we want to work to do the best
24 for the children in our care, yes.

25 Q. You heard yesterday Michael saying the best

1 conversations are the ones -- I'm being flippant -- in
2 the bar afterwards --

3 A. Yes.

4 Q. -- rather than at the conference itself. Do you think
5 that culture has changed now? It's now more overt and
6 formal to discuss?

7 A. Definitely. Absolutely definitely. We've all needed --
8 you know, I think the pandemic -- actually, even Zoom
9 and the pandemic has -- we've all been reaching out to
10 each other and sharing best practice, but this -- this
11 has been -- child protection and looking after the
12 children has been central to all our discussions as long
13 as I've been a head.

14 Q. You touched on 'Elizabeth's' evidence and what we would
15 now call PSE, and we'll come to that in a moment.

16 A. Mm.

17 Q. But at paragraph 28 on page 9, you recognise that:

18 "Listening to the evidence, it is clear that in the
19 past the senior boys played a very significant part in
20 running the houses, and that the housemasters and staff
21 were not regarded as a visible presence. This is not
22 something I recognise in the Fettes I have worked in,
23 especially having lived in one of the boarding houses.
24 House staff are a near-constant presence in the lives of
25 the children in their care. There is always at least

1 one adult on duty and visible."

2 Et cetera.

3 Were you conscious to being with when you started in
4 1996 that the system in place was not as you describe it
5 now?

6 A. I joined one of the girls' houses as a tutor. I'd come
7 from a similar situation in a school in -- I was
8 resident in a school in Bristol, and as a tutor on
9 an evening duty, you're just around the house the whole
10 time and I've always been that way. I think, as
11 everything, it's got more and more -- the house staff
12 have been more and more involved in the 25 years,
13 definitely.

14 Did I sit in a room when I was on duty in 1996 and
15 let everybody get on with it? No. That's not how
16 tutors work. I was in and out the house.

17 Q. But would you agree in the context of a boarding house
18 there will never be an adequate staff/student ratio to
19 allow supervision that is foolproof?

20 A. That is the lack of complacency, definitely.

21 Q. Yes.

22 A. Absolutely.

23 Q. There can't be.

24 A. No.

25 Q. The unseen bullying, the unwanted sexual attraction is

1 still going to happen, notwithstanding you not
2 recognising the past and your world being very
3 different.

4 A. Absolutely.

5 Q. So, and I think the answer is perhaps implied in
6 everything you've put in --

7 A. Mm.

8 Q. -- is the only way you can address that by putting
9 systems in place to try and balance that?

10 A. The reason for -- I'm not sure if this is helpful --
11 is -- the reason for putting in 28 was because of the
12 stark contrast in listening to voices that especially
13 earlier in the weeks of evidence were just -- you know,
14 the house staff just weren't -- they didn't even know
15 them, they didn't even see them.

16 Now, I've lived it. It's the most amazing job, but
17 it's incredibly immersive and it's only got more so as
18 time has gone on, to be a houseparent, and therefore,
19 yes, your point is absolutely right and that pervades,
20 I hope, everything that I've said is this could happen,
21 and if you don't think that, that is dangerous.

22 Q. One of the things that was striking about yesterday's
23 evidence from Saffy, and this is in 2011 to 2013 --

24 A. Absolutely.

25 Q. -- it's not the house setting, she was a day pupil, but

1 it's within the classroom setting.

2 A. Mm.

3 Q. What she was speaking about was regular racial abuse
4 from peers and teachers doing, in some cases, nothing
5 about it.

6 A. Mm.

7 Q. Now, that is in the midst of your 25 years.

8 A. Mm.

9 Q. Why was that happening if there's been such improvement?

10 A. I mean, absolutely wrong and absolutely against every
11 single thing we stand for. You will know, because I've
12 submitted to the Inquiry, a full investigation when
13 Saffy went to the press. The Scottish government asked
14 me for a full investigation of all her allegations and
15 I've done that and submitted those to the Inquiry.

16 I think before Saffy's articles, we'd had the Black
17 Lives Matter and after that Everyone's Invited, and
18 I think we have to take a really hard look at ourselves.
19 I did.

20 Q. Well --

21 A. To say -- to make sure that we are proactive in
22 everything we do to look after the children in our care.

23 Q. A number of things there. Proactivity and culture, and
24 we'll come back to culture. But since you've mentioned,
25 or I've brought up Saffy, perhaps we can look at the

1 school's response.

2 A. Yes.

3 Q. And some of the documents that you've produced. Now,
4 there was a timeline that was shared, and this is
5 FET424, which should appear on the screen.

6 A. Okay, thank you.

7 Q. And:

8 "Summer 2020."

9 And it begins:

10 "Following [your] communication on Black Lives
11 Matter to the wider Fettes community during the summer
12 lockdown term, the school received a number of responses
13 from the current students and OFs detailing their own
14 experiences of life at Fettes. Although some responses
15 were very positive, individual concerns were also raised
16 which confirmed the head's intention to implement
17 positive and meaningful action now on equality,
18 diversity and inclusion."

19 As a matter of detail, I don't think we have a copy
20 of that letter.

21 A. I can absolutely furnish it, yeah. No problem.

22 Q. But what we should understand from that is you're
23 responding to the international publicity about Black
24 Lives Matter.

25 A. I don't think you would have any head in the country

1 that didn't respond to that.

2 Q. No. But the point I make is, so far as Fettes is
3 concerned, it required a trigger for you to respond.

4 A. Absolutely, and I deeply regret Saffy's experience, I --
5 I would very much want to talk to her to listen and
6 learn from her, and we've done the same with others who
7 have come forward.

8 The well-being of everybody in my care matters to me
9 hugely, and therefore that this was her experience or
10 experience of others is something that is absolutely
11 wrong and something we've got to learn from.

12 Q. But what's perhaps of concern, and I appreciate you're
13 talking about in the bullet points you can't be
14 complacency, you have to be proactive, those are all,
15 I suppose, obvious when one thinks about it.

16 A. Yes, no.

17 Q. But what one gets or might infer from the response
18 document is they were obvious but they weren't being
19 thought about because the culture was not one where
20 these things would be proactively thought about. It had
21 to be -- and this may be true of other schools. I'm not
22 focusing on Fettes alone.

23 A. Saffy's experience shows that. I think it is -- you
24 know, we have had a Fettes Equality Society for a long
25 time.

1 Q. Well, I think since 2017.

2 A. Yes, in terms of -- but for a pupil-led one, that's
3 pretty early on in certain -- you know. And we've been
4 looking at issues of equality. Have we got it right the
5 whole time? Obviously not, and that is an extreme
6 regret.

7 LADY SMITH: Helen, can I take you back to something you
8 said a moment ago, and it's about learning and you'd
9 like to learn from Saffy's experience, and of course
10 once it hit the press you knew what she was saying about
11 her experience --

12 A. Yes.

13 LADY SMITH: -- and having listened to her yesterday, no
14 doubt you've learned more.

15 A. Mm-hmm.

16 LADY SMITH: What do you think is the learning to be had
17 from that experience of how it was for Saffy between
18 2011 and 2013?

19 A. It comes back to her voice. She didn't feel she
20 could -- I think it was very telling, and I'm sure --
21 was her -- when she looked and saw her reports from her
22 teachers --

23 LADY SMITH: Yes.

24 A. -- she was astonished. And something's not worked
25 there, because she was known and that didn't -- it's --

1 that's not her experience, and that is a breakdown of
2 our -- of all the systems that we would say.

3 There is a cultural -- she experienced a culture
4 that we do not accept and tolerate, and therefore in her
5 experience we were -- we were -- everything we say was
6 not being acted out and that's the key thing, isn't it?
7 It is -- the learning has to be: how can we make this
8 the lived experience of each and every single member of
9 our community?

10 I think, as I've said -- and that has to -- and
11 I hope what I've shown is we are trying to do this in
12 a proactive way. We're trying to, as other schools are
13 doing, trying to get external help to do that, to make
14 sure that we are being actively breaking down any
15 cultural issues.

16 LADY SMITH: What about in addition to teaching about the
17 principles of equality and diversity, in addition to
18 that, really working at identifying which children stand
19 out as different? In Saffy's case, it was race. We've
20 heard about other children who were different because,
21 although they were in a year that had lots of sporty
22 children, they weren't sporty, they weren't rugby
23 players or whatever. Is there a place for specific
24 learning to be had about looking out for the children
25 who are different, realising that they're at a higher

1 risk of being harmed by other children in an abusive
2 way, whether it's verbal and emotional abuse or physical
3 abuse or even sexual abuse in some cases, getting
4 yourself into the shoes of those children, learning how
5 to empathise, and then working from there as to how you
6 address it? Because that's what I don't think I've
7 heard much about from anybody really.

8 A. Well, it's -- I'm sorry that you've not -- that's right
9 and if you look at our equality, diversity and
10 inclusion, you've almost said exactly the contexts,
11 that's exactly it, and I'm sorry I've not expressed that
12 to you.

13 You need to know people as individuals, you need to
14 know what's happening in their world and that is at the
15 absolute basis of who we are, and within the boarding
16 context that is key because people are out of their
17 environment. So you are absolutely right, Lady Smith.
18 That is almost -- it is -- difference needs to be
19 celebrated, but it needs to be understood first, so we
20 have to understand how people are feeling and how people
21 are -- and make sure. And that I think is a learning --
22 is active learning all the way through in making sure
23 how people -- for example, wealth's been mentioned.
24 That's been hugely important to us throughout my time in
25 making sure that we understand how that -- what

1 pressures that can put on people. LGBTQ Plus is
2 something that we've been working -- the most recent --
3 as we're looking at -- equality, diversity, inclusion to
4 me involves exactly what you're saying, it's not -- race
5 -- race is absolutely a part of that, but it's whatever
6 makes anybody feel different is included in that, in
7 what I'm talking about when I talk equality, diversity,
8 inclusion.

9 LADY SMITH: I suppose I'm also interested in exploring how
10 you don't just create a culture of understanding and
11 a culture within which surely children can speak up, but
12 circumstances in which a school is proactive in doing
13 things that protect the more vulnerable, the children
14 who are different. Doing it for them, not waiting for
15 them to speak up.

16 A. Mm.

17 LADY SMITH: Not just saying everybody's got to be aware of
18 differences, that's fine. What are we doing about the
19 children who we recognise are higher risk?

20 A. I am sorry if I've not given the -- in terms of things
21 like you get out there and you get training. For
22 example, if I say LGBTQ Plus, you go and you speak to
23 those external agencies. You get accredited by them
24 because you're learning all the way and therefore you're
25 creating an environment where people can stand up in

1 chapel and talk about their sexuality where -- you know,
2 you wouldn't even have dreamed -- you know, if I said
3 to -- you know, we had a couple talking about who they
4 are, and that's incredible. But that's -- that's --
5 that is proactively saying how can we -- that's not
6 things that come to us. That's us going out.

7 If you're talking about -- you know, in terms of
8 we're looking -- our transgender guidelines were in
9 place well before we needed them to be in place. We are
10 constantly looking there.

11 Now, you have evidence where it's not worked and
12 that I hugely regret, but we are not sitting back. We
13 are absolutely looking for ways to make sure everybody
14 feels part of our community, and if I've given any
15 different impression, I'm trying very hard now to say
16 not.

17 LADY SMITH: Helen, please don't get me wrong, I'm not being
18 critical. My purpose here is not to carry out the sort
19 of review the Inspectorate would carry out and give you
20 marks out of ten. Frankly, that's not my primary
21 interest. My primary interest is in exploring not just
22 with you, but with every school, where the best ideas
23 are --

24 A. Absolutely.

25 LADY SMITH: -- for doing the best for children in the

1 future.

2 A. And I think you will find that coming from schools very
3 much working at proactively. I absolutely understand
4 that it will feel -- and it did. Everyone's Invited,
5 we've not mentioned that, Everyone's Invited hit schools
6 in the most incredible way. These two activism were --
7 but those were societal where you just go: hang on, this
8 is not as we would have hoped and would have thought,
9 and these are, therefore, I think -- and that's -- if
10 you're involved, if the child is important to you, you
11 don't sit back and wait.

12 LADY SMITH: Thank you.

13 Mr Brown, I'm sorry, I've diverted you probably --

14 MR BROWN: Not at all.

15 LADY SMITH: -- well away from your planned course of
16 action.

17 MR BROWN: On the contrary. In my rather more pedestrian
18 way we were going to get to those areas eventually.

19 LADY SMITH: Forgive me.

20 MR BROWN: Not at all.

21 You've mentioned a number of things there. Let's
22 look at FET415, which is the 21/22 equality, diversity
23 and inclusion policy.

24 A. Yes.

25 Q. One question. You've sent us two versions: the previous

1 year's version.

2 A. Yes, it's updated every year so it will have --

3 Q. Forgive me, it may be me, but the only thing that seemed

4 to have changed from the two versions you've sent us --

5 A. Well, maybe because --

6 Q. -- was the typeface.

7 A. Okay.

8 Q. There words were --

9 A. I mean, because it's a very new document and it may not

10 need to have been changed, and we will have given you

11 the most current one.

12 Q. All right.

13 A. Every single policy that gets looked at, but something

14 that had been right in 2020 doesn't necessarily need to

15 have anything changed for 2021.

16 Q. That's what I was getting at, presumably if you're happy

17 with it, there's no need to change?

18 A. Absolutely not.

19 Q. Save the years.

20 A. No, but it is -- it's an important -- and we don't wait

21 for the annual review. If something needs changing and

22 something needs developing, then that would be done at

23 the time.

24 Q. Can we take it, though, and again this is not criticism,

25 it's just fact, 2021 was drafted perhaps halfway through

1 2020 in response to Black Lives Matter?

2 A. If you've got the -- I would have to -- sorry, I haven't
3 got it in front of me.

4 Q. Which one do you want to see? The first one?

5 A. Whichever one -- I mean, they will -- they get done in
6 the summer, so yes, it will have been done after Black
7 Lives Matter.

8 Q. My point is, it's part of the response.

9 A. Yes.

10 Q. Had Black Lives Matter not taken place, there wouldn't
11 be an ED&I policy in all likelihood?

12 A. There was -- you're right in terms of we have -- we've
13 taken that as a key issue going forward. Equality,
14 diversity, inclusion was included in the
15 counter-bullying policy before that.

16 Q. Thank you. Just looking at page 3 of document 415 --
17 sorry? You don't have 415?

18 A. I do, is that the ED&I?

19 Q. It's the ED&I.

20 A. Yeah, I've got it here.

21 Q. It should have been added. Have you got, just out of
22 interest then, 418? No? Oh well.

23 It talks about aims and values:

24 "The aims of this policy and the wider school aims
25 are to provide equal opportunities for all."

1 A. Yeah.

2 Q. So that's presumably what you are saying would be
3 looking to deal with any differences?

4 A. Absolutely, and that's been in our aims for a long time.

5 Q. Yeah. What's striking, of course, is because of ED&I
6 you're talking about the Equality Act, you were talking
7 very passionately about LGBTQ, trans. Is there a danger
8 that, perhaps going back to 'Elizabeth', the child with
9 buck teeth falls out of view because you're looking too
10 much at what is perceived to be current?

11 A. (Pause). I go back to the tutorial system. I think ...
12 I think it's so -- I go -- in terms of putting the child
13 right at the centre, the child with buck teeth ...
14 that's part of who they are and that's part of the
15 conversations, the knowledge that you get of that child
16 if you're doing your job as tutor right. And those
17 are -- that's -- you learn about them. You get to
18 know -- we say champion, but it's an informed champion.
19 So you know that this is something that worries them.
20 You don't put it in an ED&I, you're right, because it's
21 all different, but that doesn't mean it's ignored.

22 Q. I appreciate that. My question is there is such a drive
23 to respond to Black Lives Matter, for example, that
24 focus rightly goes in that direction but is there
25 a risk, is what I'm asking, that because of the drive to

1 focus on particular interest groups, others will fall
2 out of the equation?

3 A. I think it's the other way.

4 Q. Okay.

5 A. I think we do the looking after the individual as
6 a matter of course.

7 Q. Okay.

8 A. I think that is the stuff of who we are, and if we're
9 not doing that right, we're not looking after the
10 children in our care, and that difference is embodied in
11 there. In finding out about the individual. The bigger
12 things that you mention come above that. You need to
13 know the child.

14 Q. I hear what you say, but you will remember the evidence
15 about misogyny in the early 2000s.

16 A. Mm.

17 Q. Which, from what you were saying, is the sort of thing
18 the house tutor system that was operating then, the
19 culture that was operating then, not as informed perhaps
20 as it is today, but there were still, just as there were
21 with racist behaviour in the 20-teens, there was
22 a culture where that was allowed to carry on and the
23 response of the school was, perhaps with hindsight,
24 poor.

25 A. Definitely. And when I wrote to that witness,

1 I apologised for that.

2 In terms of what I've notice there, she did share
3 that with tutors and felt able to do that, but it was
4 definitely that she felt that the response following
5 that was entirely inadequate.

6 Q. Well, she was the only one, if you recall. She was the
7 spokesperson.

8 A. Yes.

9 Q. And that took some time to build up the courage to do
10 so, and that necessity of courage was because there was
11 a culture where it was being allowed to happen as
12 a matter of routine.

13 A. That's certainly how she felt, yeah.

14 Q. Do you, looking back -- because again, you were there --
15 do you remember that?

16 A. You would know that -- I -- I -- as I said to the
17 witness when I responded to her, that is not something
18 I would have tolerated if I'd -- if I'd known about it.

19 Q. From that, might we infer there wasn't adequate
20 communication in the way that --

21 A. Definitely.

22 Q. -- you're talking about now?

23 A. Definitely, and I think that's where Everyone's Invited
24 backs that up as well.

25 Q. You mentioned that you're getting independent

1 assessment, and we may have this document -- Fettes 413?

2 These are the recommendations and the responses

3 following an independent safety audit; is that right?

4 A. Yes. This was done by independent child protection

5 consultants.

6 Q. Recommendation 1:

7 "Following the appointment of the independent

8 consultant, the safeguarding committee should ensure

9 that regular file audits are carried out."

10 And then we see the response underneath:

11 "The safeguarding committee have requested that the

12 independent advisor will undertake regular audits of

13 files prior to committee meeting."

14 So this is a paper exercise?

15 A. The independent safe -- that is a paper exercise in

16 terms of audit files, but it will be -- she's also

17 making sure that we -- it gets into practice because

18 she's looking and seeing the practice as well.

19 Q. What does "regular" mean?

20 A. That -- she helps us to make sure if any new -- any new

21 policy comes on file, but "regular" would be four times

22 a year.

23 Q. Quarterly?

24 A. Yes.

25 Q. Thank you.

1 LADY SMITH: When a file audit is carried out, is that on
2 a sampling basis?

3 A. Yes.

4 LADY SMITH: What are the percentages applied for sampling?

5 A. I would have to -- it's probably at the moment done more
6 on a needs basis in terms of we're actually using her --
7 and then if anything has come up, then she would be
8 asking for those, but she has full view of all our --
9 all our policies and so will be across those.
10 I wouldn't know the exact number.

11 LADY SMITH: That's okay. Thank you.

12 MR BROWN: Bespoke child protection is suggested, and that's
13 being done.

14 A. Mm.

15 Q. Recommendation two. Recommendation three:
16 "The work already started on all staff having equal
17 access to common rooms should be followed through to
18 ensure that the current arrangements are replaced."
19 Tell us about that.

20 A. We used to have different rooms for operational and for
21 teaching staff and whilst -- you know, we are one
22 community and it seems -- even just saying it seems
23 ridiculous. Everybody goes everywhere now.

24 Q. Okay.

25 LADY SMITH: Do you see a benefit from that?

1 A. Definitely.

2 LADY SMITH: What?

3 A. It's just we -- it helps communication, it helps ethos.

4 It's just that we are one community and it's important

5 that we all work together. You will -- when I'm saying

6 staff, I mean all staff. I don't mean teaching staff.

7 LADY SMITH: I see that.

8 MR BROWN: I was just interested because we've heard -- not

9 in the Fettes chapter, but in other schools -- cultures

10 of "them and us" mentalities as between boarding staff

11 and teaching staff who went home.

12 A. No.

13 Q. Is that something you have seen at Fettes?

14 A. No, because of how -- that's why I think it's really

15 important, the tutorial system. Every single member of

16 teaching staff is involved in the boarding houses, and

17 therefore they're working integrally with the matrons,

18 with all the operational staff who work in the boarding

19 houses as well.

20 Q. So there is one school?

21 A. We don't have a boarding and a day -- we are -- oh, I'm

22 so sorry. I will stop.

23 Q. The next heading is "Recruitment" and we've heard a lot

24 about recruitment.

25 A. Yes.

1 Q. And you say there that there is now, for every job,
2 a specific question on child protection --

3 A. Yes.

4 Q. -- relevant to the job specification.

5 A. Yes.

6 Q. Again, that would allow, I suppose, a degree of
7 difference as between one job and another?

8 A. Well, I -- for example, when I do my senior deputy head,
9 I need to be making sure that they're -- it is at
10 a different level. But there our recent brilliant
11 gardener will be asked, "If you see something like this,
12 what would you do?" Everybody is asked about child
13 protection.

14 Q. But one of the concerns we've had is are the references
15 adequate and the need for a specific simple question: do
16 you know anything that would preclude this person
17 working with children? Is that --

18 A. It's a matter of course.

19 Q. It is? For every job?

20 A. Every job.

21 Q. Do you have views, because you heard Michael discussing
22 this at some length yesterday, given his role now in
23 recruitment of high-level management for schools --
24 what's your position about references?

25 A. Any safeguarding -- any child protection -- will be

1 mentioned -- will be said straight away. And I think
2 that is absolutely non-negotiable. It would be gross
3 professional misconduct if that was not mentioned. If
4 that was not put down.

5 Q. So facts will be included?

6 A. Definitely. I -- if -- in terms of what Michael was
7 talking about, maybe in terms of being a French --
8 I don't know why I -- and please, I'm not picking out
9 French in any -- that just came to mind, but a French
10 teacher that might not be sparkling in the classroom,
11 you might damn with faint praise in a reference.
12 Anybody who has done anything in terms of anything
13 relevant to this Inquiry would be mentioned in
14 a reference, absolutely. That is -- it's just not
15 negotiable.

16 Q. So, for example, in the scenario looking at a particular
17 teacher's file from be 2011 where there had been
18 a dismissal for gross misconduct, there would be no
19 attempt to mask that?

20 A. Not at all.

21 Q. And the process of his dismissal, would that be
22 included? In your mind?

23 A. Sorry, in terms of -- the process?

24 Q. If you were asked for a reference for that individual,
25 you would no doubt say, "He worked from A to B, he was

1 a good teacher, but ...

2 A. Definitely.

3 Q. -- he was dismissed for gross misconduct and this was

4 why".

5 A. Definitely.

6 Q. And the process, he did not appeal or he did appeal but.

7 A. All of that, absolutely, it is, as I say,

8 non-negotiable.

9 Q. Michael was very concerned about being sued. Is that

10 a concern you share?

11 A. In the cases we're mentioning not at all, it's fact.

12 In -- when it's making a judgement call on somebody's

13 professional ability in the classroom, that is -- that

14 is -- but when we're talking about the factual content

15 such as you've described, when we're talking about the

16 safeguarding issues, there is no -- and in the -- when

17 we're talking about matters that this Inquiry so rightly

18 is looking into, that is non-negotiable. That will

19 absolutely be put in.

20 Q. Thank you. Recommendation five is about the complaints

21 policy and there there's reference to the language being

22 appropriate.

23 A. Yes.

24 Q. As between, say, junior and senior.

25 A. Mm-hmm.

1 Q. And that is something, from what you said earlier,
2 you're still reflecting upon? Because of the discrete
3 need for --

4 A. Yes, not in this case, but just in --

5 Q. No, but if you're talking about language that is
6 appropriate, that would obviously have to be
7 age-relevant?

8 A. Absolutely. And that's something that our highly
9 trained prep school staff work on.

10 Q. There's then talk about training for child protection.
11 But moving on to recommendation 7, favouritism clearly
12 was an issue that was perceived to be a problem by
13 pupils.

14 A. Mm. Yes, some pupils absolutely mentioned this, and
15 we've done lots of sessions -- I mean, I think this
16 is -- this is one example of us being proactive. We are
17 asking people to make sure that we are doing what we
18 say, and then when we find something that is -- and it
19 was -- it was from a minority, but it's not -- it's not
20 good enough. So therefore we have been open about it
21 and we have had sessions on trying to make sure that
22 this is never something in the future. So I'd say this
23 is -- this is an example of our proactivity.

24 Q. But the focus is on the awareness of possible
25 unconscious bias.

1 A. Mm-hmm.

2 Q. By staff.

3 A. Mm-hmm.

4 Q. And what sort of biases were being complained of?

5 A. It was a -- it was in some respects linked to the tutor
6 system. It was if you know somebody very, very well,
7 then -- then people perceiving favourites through that.
8 If somebody had tutors in their class. Or, for example,
9 knew them in a -- a -- an activity or on -- in another
10 sphere of the school. So it was -- it was making sure
11 that we are absolutely acting what we say we should do
12 and we'd found there was this feeling from some of our
13 students that there was favouritism.

14 Q. If we can then move on to page 3 and recommendation 12:
15 "The role and services of the counselling team
16 should be given greater prominence and be better
17 advertised."

18 A. Mm-hmm.

19 Q. Remind me, when did counselling --

20 A. Oh, I am sorry, it's been in place all the time since
21 I've been -- but you -- as ever, the amount of time, the
22 fact that we draw on three clinical psychologists
23 et cetera and behavioural consultants and life coaches,
24 it's a whole different -- but in terms of a counsellor
25 being available for our students, that's in all the time

1 I've been at Fettes.

2 Q. But I'm just struck that this was 2020 or 2019, that
3 there needed to be greater --

4 A. But this is what you get when you speak -- this is -- if
5 you don't consult, you don't -- it's been available.
6 It's been very -- you'll -- the counsellor was fully
7 booked. There is no -- you know, please don't get the
8 impression that in recommendation 12 the counsellor
9 wasn't being used. The counsellor's being used. That
10 comes from some people saying they don't know and
11 therefore we've changed -- you know, we've made it even
12 more explicit. It's certainly not the case that the
13 counsellor was sitting there under-utilised, but
14 somebody said, "I don't know how to access it"; that's
15 wrong and we put that in place and changed it.

16 Q. All right. And the final one that I'm interested in is
17 number 14:

18 "The college should explore further with parents and
19 pupils how greater links and experiences can be made
20 with more outside organisations to prepare them for
21 their next destination."

22 What was the focus?

23 A. That's a constant, has been throughout my time but it's
24 something that we -- I believe we could do better in
25 terms of embedding ourselves in the local community and

1 making sure everybody -- we do a huge amount, but ...
2 you know, when people in the local community think of
3 Fettes, I want them to be able to know the good that
4 happens because -- through action, not through anything
5 else other than that, and I think we could do better
6 about making sure that we are getting out.

7 Q. I wasn't sure whether it was --

8 A. It's not a safeguarding one.

9 Q. Right. I wasn't sure whether that was in some way
10 related with progression on to tertiary education but
11 that's not what you're thinking?

12 A. No, no, it's not that. It's more how we link in with
13 everybody round about us.

14 Q. I see.

15 A. Which is -- which is really important and something --
16 a constant desire to do better.

17 Q. Thank you. Sorry, one thing I should have raised with
18 you when we were talking about recruitment, and this
19 again flows from evidence yesterday from Michael. He
20 had concerns about newly appointed staff, as in fresh
21 from teacher training.

22 A. Mm.

23 Q. Did that resonate at all with you?

24 A. In only that we should be looking after them -- I think
25 you -- actually you mentioned in terms of probation, in

1 terms of -- there are -- so they have extra meetings,
2 they have more supervision. They are -- we have a full
3 induction programme for all our staff but those who are
4 on probation have -- as is needed for the probationary
5 period -- have more help to do that.

6 So I think he's absolutely right, but I think it is
7 incorporated in practice by what we do. It's -- they
8 are probationers and we need to make sure we look after
9 them.

10 LADY SMITH: Do you agree with him that in general -- and it
11 is a generality I think he was talking about -- you
12 won't get so much help from references with a newly
13 qualified teacher?

14 A. Absolutely true. In fact, references are getting -- we
15 don't get as much help from references -- that said, all
16 the safeguarding is absolutely -- all the questions are
17 asked and everything there, but in terms of getting to
18 know about the person, those are vastly reduced,
19 probably, from when I --

20 LADY SMITH: It seems there are probably two issues there.
21 One is the inability of the new teacher to demonstrate
22 a track record, obviously.

23 A. Yes, absolutely.

24 LADY SMITH: But also the likelihood in the modern world of
25 the tertiary education institution really not knowing

1 their students very well.

2 A. No. It's exactly as you say, my Lady.

3 LADY SMITH: Mr Brown.

4 MR BROWN: Thank you.

5 The more we talk, the more I realise I should have
6 asked more questions.

7 A. Please.

8 Q. But in terms of applications and questionnaires and so
9 forth, just out of interest, because you've talked about
10 talking with other heads and under the umbrella of SCIS,
11 is there an agreed form of questionnaire for schools to
12 ask? Or to send?

13 A. There is a -- I think there is a -- a -- the Safer
14 Recruitment in terms of standard and then people change
15 it for what -- I don't know if that's one -- it's not
16 agreed, I would say, but it's a model and then people
17 change to their own -- so you can see the same questions
18 are asked with a different crest on the top, basically.

19 Q. That's what I was wondering because there does seem to
20 have been a level of anxiety about how you approach the
21 issue of references. Schools, I imagine, will want to
22 be discrete in how they employ teachers for their
23 establishment, and yet there may be some merit perhaps
24 in commonality of approach to address the concerns and
25 prevent discrete issues arising.

1 A. I think it comes from the Safer Recruitment, that
2 everybody is -- their standards are at a level and then
3 they tweak them. So I think there is a very good --
4 that's from my knowledge in terms of seeing -- because
5 I obviously see references from other schools and see
6 that they are -- everybody's asking the same questions
7 of the referees.

8 Q. Yes, but are the questions that you, Fettes, would send
9 for references or for applicants to address? I think we
10 had evidence from a former Loretto headmaster who had
11 his own pro forma, which we asked him to share and he
12 has done so.

13 A. Yes.

14 Q. And it seemed to b,e, if I may say so, a coherent -- you
15 perhaps haven't seen it?

16 A. No.

17 Q. Because it's a different school, a different headmaster,
18 but it might be worth discussing for the second --or the
19 last phase.

20 LADY SMITH: Yes.

21 A. And that's something with SCIS in terms of, you know,
22 just having -- I think it's making -- we want to do it
23 right, so therefore any help to do it right is always
24 gratefully received.

25 LADY SMITH: Thank you.

1 MR BROWN: Going back to counselling, and this is
2 paragraph 63 of your statement, Fettes 431, you
3 mentioned a moment ago, obviously, there's access to
4 three clinical psychologists, behavioural consultant,
5 psychiatrist. That, I take it, as distinct from
6 20 years ago, is a world away?

7 A. A world of difference. As I say, there's always been
8 a counsellor, but the transformation in the
9 understanding about mental health issues, well-being
10 concerns in the time that I have been involved in
11 education is enormous.

12 Q. But one of the things you say is:

13 "The senior charge nurse together with the deputy
14 heads (pastoral) from both the prep school and the
15 senior school meet regularly with the school's
16 counselling team to discuss recent concerns and to agree
17 the appropriate referrals and actions to offer
18 additional support to individual students."

19 I think, as you will have been aware, one of the
20 issues that has been raised is the need for
21 confidentiality and not sharing unless there is --

22 A. And that's all covered in that in terms of -- they may
23 do -- they may talk about friends sometimes, and that's
24 really important that we have that information. If
25 there is a plan being put together, that will be done

1 following all confidentiality.

2 And I think having a medical centre on site that has
3 nurses and doctors available and medical confidentiality
4 is essential within a boarding environment and provides
5 a huge amount of support and I would never know about
6 those -- neither would the deputy head (pastoral) --
7 unless the student themselves had said that they were
8 allowed to disclose that.

9 Q. Or presumably if there was a real risk.

10 A. Or if a risk, absolutely.

11 Q. But it's just the discussion of trends, is that the thin
12 end of the wedge about breaking --

13 A. I don't think so, because I think that's done in a very
14 confidential way as well. And I think in terms of we
15 wouldn't -- you know, and I make that very clear, deputy
16 head (pastoral), I'm not involved in that now. I was
17 but I'm not now, and I think it is done -- we are so, so
18 concerned about confidentiality because quite rightly
19 the child is so concerned about confidentiality, and
20 absolutely this is important that we get this right,
21 otherwise then, we talked about trust, you don't have
22 the trust.

23 Q. If we move on to page 17 and 18 and, to an extent, 19,
24 you discuss in some detail operational aspects of your
25 systems and policies.

1 A. Mm-hmm.

2 Q. And iSAMS, which would appear to be now normal for
3 schools to operate a system of that nature.

4 A. Definitely.

5 Q. Whatever the label, whether it's off the shelf or
6 bespoke?

7 A. Whatever the company that you're using, yeah.

8 Q. You provided us with further documentation showing to
9 an extent how it operates. But I'm just interested,
10 with the in-gathering of so much information -- and you
11 talk about this in paragraph 74 on page 19:

12 "Once a well-being concern has arisen, and been
13 recorded on iSAMS Pastoral Manager, the deputy head
14 (pastoral) will meet with key pastoral staff to assess
15 what additional support the child may require within the
16 school and agree upon action points."

17 What I'm interested in is can you explain so that we
18 understand, iSAMS is picking up a plethora of
19 information, and it's only if you see a pattern with
20 a particular child --

21 A. No -- the -- it's an incredible model put together by
22 Fettes. I just would say that this is a proactive --
23 example of proactivity. It is GIRFEC-compliant, and
24 GIRFEC underpins -- I have to say, 2014 was a real
25 change for safeguarding within Scotland with GIRFEC.

1 It's a dual thing, Mr Brown, in terms of those that
2 need to be able to see can see, so it is GDPR-compliant
3 as well, and there is a huge amount of work that goes in
4 to make sure that happens, so your deputy head
5 (pastoral) is looking after the individual as well and
6 making sure that there's the care pattern, but she's
7 also got that step back to look after the trends as
8 well. So there's individual action and also trends.

9 Q. What I'm interested in, sorry, it's my fault for not
10 being clear, other schools have talked about the sort of
11 thing that may be picked up is someone in the dining
12 hall notes that a child who normally eats well isn't
13 eating and that's recorded.

14 A. Mm-hmm.

15 Q. What I'm interested in is how does deputy head
16 (pastoral) know when to act?

17 A. Oh, that's a great question in terms of she will --
18 experience. In terms of she knows what -- but she is
19 constantly looking at this and also talking. There's
20 no -- this is a fantastic resource but theres no
21 substitute for her talking, so she would then -- she
22 gets a ping, an email that's something's been up on
23 Pastoral Manager, so she's always looking and she's
24 always talking and always communicating.

25 Q. I appreciate information is coming from a whole range of

1 sources, but so far as iSAMS is concerned, if
2 something's recorded, it sends an email to deputy head
3 (pastoral) who will look at it.

4 A. Yeah.

5 Q. But presumably it's at that point the deputy head
6 (pastoral) makes a judgement call: fine, they're not
7 eating --

8 A. No. I mean -- sorry, she would never -- if it's been --
9 if it's gone on to iSAMS, we're at a level of
10 a well-being concern that there have been conversations,
11 I think I've made that very clear in here, and that is
12 something that well-being concerns were raised up in
13 their profile by GIRFEC and therefore there is action
14 taken. There's always an action point with a well-being
15 concern. So you don't just put a concern on and then
16 not have anything. There is always an action point that
17 comes with it.

18 Q. It's the action point that I was trying to tease out.

19 A. Yes, so the action point will always be there and then
20 that is if you -- and you are reminded of the action
21 point that you've got to do. So that's the key. It's
22 not -- it's not a file in just that way of just saying
23 these are all the problems. It absolutely is an active
24 means to help us look after the child.

25 LADY SMITH: Let's take another example. A child who's

1 usually good at being on time starts turning up late for
2 classes.

3 A. Mm-hmm.

4 LADY SMITH: Teacher notices, an entry is put on to iSAMS,
5 short note about that, and the teacher who has noticed
6 it does nothing more at that stage; is that right?

7 A. There would be -- we always say there's, if you're
8 putting something on iSAMS, conversations, but the
9 people who would see that point are the houseparent.

10 LADY SMITH: Okay.

11 A. And also the deputy head (pastoral), because you're
12 quite right, the deputy head (pastoral) can't be doing
13 all of those but she'll know about it, but she -- but
14 the houseparent would be logging that and then the
15 conversations would happen. But there would be -- it
16 wouldn't just go on as it's late. It would then go on
17 in terms of -- the houseparent would go on with action,
18 monitor this, see if they're -- yeah.

19 LADY SMITH: That's what I was trying to work out. So the
20 action isn't something that's created by iSAMS?

21 A. No, no, no.

22 LADY SMITH: There's a box, I take it, for the relevant
23 person, in your example a houseparent, to put in
24 an action?

25 A. Absolutely.

1 LADY SMITH: Is there a space for the deputy head
2 (pastoral) --
3 A. Yes.
4 LADY SMITH: -- if she thinks there's something they want to
5 contribute there and then --
6 A. Yes.
7 LADY SMITH: -- to put it in?
8 A. And I would -- yes, absolutely, and I mean -- it -- but
9 this doesn't replace talking about it and putting
10 meetings in place. But the action -- and you can put
11 a timeline for your action so you can be reminded -- if
12 it is to monitor and so see, for example in your case,
13 or either one, to see whether there's anything else come
14 in or to have a conversation, then you get a little
15 alert to remind you that you were doing that.
16 LADY SMITH: So as simple as marking an email for attending
17 to --
18 A. Yes.
19 LADY SMITH: -- this week, next week, today, tomorrow,
20 whatever.
21 A. Yes, it's --
22 LADY SMITH: Sorry, if I can just go back to the initial
23 trigger. In a day, how many of these might the deputy
24 head (pastoral) get pinged about?
25 A. I think, as you see in the -- if I can just put in,

1 there is a layer below in terms of a well-being concern,
2 in terms of conversations happening on OneNote, so
3 therefore there may be in the case of -- if this is --
4 it's very difficult. Because one absence might be
5 enough to be a well-being concern.

6 LADY SMITH: Yes.

7 A. In the case of -- if you know the individual. But two
8 or three might be -- it might take you longer to get to
9 a well-being concern. But that would always be noted on
10 OneNote. So there is a layer below, otherwise you'll be
11 thinking hang on, how could -- it would get very busy
12 in --

13 LADY SMITH: That's what I was wondering.

14 A. Exactly. So there is a layer below. Once it goes
15 a well-being concern, it is tricky to give you a number
16 on it, but I think you would be -- it's something I log
17 onto every day as well in just terms of seeing, and to
18 see that we -- that they are being noticed and they are
19 being acted on, and we've got 593 students.

20 LADY SMITH: Mm.

21 A. And that is one of the reasons why I look after my
22 deputy head (pastoral) and my houseparents.

23 LADY SMITH: Thank you.

24 Mr Brown.

25 MR BROWN: Thank you, my Lady. Because I was coming onto

1 the sheer volume.

2 A. Mm.

3 Q. That takes me on to the next paragraph after iSAMS,
4 which is 71, and OneNote.

5 A. Yes.

6 Q. So there is another system but this is in the houses?

7 A. Yes, it can be seen by senior management as well.

8 Q. Yes, and then there's AS Tracking as well.

9 A. That's a very different thing.

10 Q. What is it?

11 A. AS Tracking is -- again this is proactivity. And where
12 do you find -- you find that when you go to conferences,
13 for example. AS Tracking is a resource which uses
14 responses to a series of questions that have been made
15 up by a psychologist to be a proactive means -- their
16 answers to those questions gets put through algorithms
17 to show you where people might be struggling
18 emotionally. And it's fascinating. It's absolutely --
19 and it's something that is a hugely important resource.
20 It doesn't replace human -- you know, houseparents
21 probably were a little bit: hang on, I'm looking and
22 seeing, but what you get is you get a wealth of data and
23 it shows where people are struggling in various
24 emotional states. In terms of, for example, with
25 change, you might see that somebody's -- is finding it

1 more difficult to cope with change. So, for example, in
2 a fourth former, that may be a very -- as things are --
3 as they're adapting to life as they go through their
4 teenage years.

5 And some people -- and they mention it like a --
6 a road. Some people can carry on the road absolutely
7 fine. Others get knocked off where they're wanting to
8 go, and what the data shows you is who's either about to
9 get into that stage, is in a warning, or who is off the
10 road. Anybody at this point we probably would have
11 picked up, but it gives us another thing to make sure
12 that we have. Anybody here is more information to help
13 us look after the child. It's pretty complex and it's
14 rather brilliant.

15 Q. Sure. Where does the input come from?

16 A. The children.

17 Q. How?

18 A. It's a series of questions. They get assessed
19 regularly. It's twice a year. And so they -- and I --
20 if I hadn't seen the results, I would say how does
21 this -- how does this work? But I have seen the results
22 and it is -- it is an online tool and they're very used
23 to doing it and they do it all the way through.

24 So we have a -- for instance, 2017, we've seen how
25 people are adapting emotionally to the changes in their

1 life.

2 Q. You mention in paragraph 104:

3 "The applicants' evidence has reinforced the need to
4 continue to identify new and creative means of hearing
5 what the student truly feels. For example, after
6 consultation students have asked that we trial an app,
7 which we are doing."

8 What's that?

9 A. That's a different app that is one called Tootoot, which
10 is another --

11 Q. Tootoot?

12 A. Yes, it is another means of them having one more place
13 that they could contact people and it is via app rather
14 than any of the other means that we give them. So it's
15 one that had worked well in somebody else's school and
16 they said how about trialling it with us? So we're
17 going to give it a go.

18 So it's an independent means of them saying how
19 they're feeling.

20 Q. So there are potentially four systems at play?

21 A. Forgive me. AS Tracking is a totally different thing
22 because it is not something -- it is something for
23 our -- it informs our practice. OneNote is a means of
24 filing tutorial conversations, and day-to-day business
25 in the houses, it's like a brilliant filing cabinet that

1 everybody can see. And iSAMS is looking after -- is
2 recording -- is our safeguarding and child protection
3 module.

4 Q. Again the cynic in me just wonders if there's too much
5 on offer. You know, if you're a house tutor, which do
6 you use, iSAMS or OneNote?

7 A. That is -- you make sure your tutors are GIRFEC trained
8 because then they would know. Because the whole point
9 of GIRFEC is making sure you understand the difference
10 between where you put -- in terms of what is a general
11 note, what is a well-being concern and what is child
12 protection. That is GIRFEC training absolutely summed
13 up.

14 Q. All right. But you talk about an integrated approach
15 when you're talking about OneNote. If something is put
16 in OneNote, does it transfer across to iSAMS --

17 A. No, and that's right --

18 Q. -- or are they wholly distinct?

19 A. Yeah, and that's right that that doesn't because you
20 need to make sure -- and this is again going back --
21 going to GIRFEC, that you are identifying a well-being
22 concern. That -- there is -- and I'm sure you've seen
23 the continuum in terms of when you're looking at
24 concerns in GIRFEC, and that is -- it's the key thing.
25 It's the noticing, you know, in terms of saying when --

1 when we need to -- to know this is something you train
2 and say, right, I now want to put this on to -- the
3 threshold in well-being is pretty low, but it would --
4 it needs to be a difference.

5 OneNote is a brilliant resource for making sure
6 everybody knows what's going on in house. It's instead
7 of a book. They do different things but they work
8 incredibly well together.

9 Q. Thank you.

10 MR BROWN: Thank you.

11 My Lady, there isn't a tremendously long way to go,
12 but I think sufficient that we might have a break now.

13 LADY SMITH: Yes. We'll take the mid-morning break just
14 now. Can I say one thing that may be music for the
15 stenographers' ears. We're having such a good
16 discussion, Helen, I'm conscious of the fact that we're
17 all talking over each other at some points and that
18 becomes a bit of a nightmare for the transcript.

19 A. I apologise.

20 LADY SMITH: Can we all come back and try harder.

21 A. Yes.

22 LADY SMITH: Thank you.

23 (11.22 am)

24 (A short break)

25 (11.45 am)

1 LADY SMITH: Helen, welcome back. Are you ready for us to
2 carry on?
3 A. Absolutely.
4 LADY SMITH: Thank you very much.
5 Mr Brown.
6 MR BROWN: Thank you, my Lady.
7 Helen, could we go to page 20 of your statement,
8 which is "Curriculum - Personal, Social and Emotional
9 Education Programme (PSE)", which I think, as you
10 recognise, is so good you printed it twice.
11 A. Yes, I do apologise about that.
12 Q. It's quite all right. The PSE is obviously now a large
13 part of curriculum?
14 A. Mm.
15 Q. And you set out in very helpful detail a variety of
16 subjects that are discussed with the senior school
17 pupils. You heard, obviously, the evidence of
18 'Elizabeth'. Now, she was talking about junior school,
19 and at that stage, against a background of a sexualised
20 culture, which was spoken to by a number of pupils going
21 back to the 1990s in the junior school, there really was
22 no meaningful PSE at all.
23 You're talking here about -- in terms of the table,
24 at least -- provision in the senior school. What about
25 the junior school?

1 A. Absolutely, and apologies because I've come on it from
2 my angle in the senior school. But having heard
3 'Elizabeth', I checked with our PSE lead in the junior
4 school just to really make sure and it is like this. It
5 is just very different now.

6 In the earlier years, in the first three -- two
7 years, it's about friendships and healthy and unhealthy
8 friendships, all about relationships. Sex education now
9 is really an outdated term. We're talking about consent
10 and relationships education. That starts right at the
11 beginning of the education journey.

12 And then it goes into the years as they go on, then
13 around about the next two years they're talking about
14 consent, consent in terms of respect for you and for who
15 you are and your body and then they go on to absolutely
16 deal with sexual consent and those issues that
17 'Elizabeth' raised. So it is very much part of the
18 curriculum in the junior school as well.

19 LADY SMITH: When you mentioned the beginning of the
20 education journey, what age group does that refer to?

21 A. With us, 7, so -- and it's done -- again that's getting
22 external sources, making sure we're doing the right
23 things at the right age. But it has -- everything has
24 got younger in the amount of time -- but it's done
25 sensitively, in a really considered fashion, but it's

1 absolutely covered -- and who to speak to. So not just
2 assuming a trusted adult -- you need to be very
3 explicit, what they're for and who -- when you would use
4 them, and that's taught right from the beginning.

5 LADY SMITH: Thank you.

6 MR BROWN: Again, you started at the school in 1996.

7 A. Yes.

8 Q. Which is, being a little loose, essentially very close
9 in time to the two witnesses who spoke about
10 a sexualised culture in the junior school.

11 A. Yes.

12 Q. Which translated, or the expectation would be that when
13 you got to third form there was a likelihood, at least,
14 that you would have sexual experience.

15 A. Mm.

16 Q. You were there in that decade.

17 A. Mm-hmm.

18 Q. Is that something you would have been aware of?

19 A. It's certainly something we spoke to in my -- because
20 I came in as a tutor in a girls' house and we were -- in
21 that tutorial role you're talking to them about things
22 that are on their minds so you are talking to them about
23 that. But not in a cultural sense as you describe, and
24 I was shocked to hear about it.

25 Q. Are you doubting that that was the culture?

1 A. No. I haven't doubted anything anybody said here.

2 Q. That's why I asked. But a reflection, perhaps, of
3 despite being a tutor and an enthusiastic tutor, I'm not
4 suggesting otherwise --

5 A. No.

6 Q. -- you still weren't being told.

7 A. (Pause). Just reflecting on the conversations, they're
8 very honest conversations. I certainly -- the tutees
9 under my care I looked after to the best of my ability
10 and I certainly heard about that aspect of their lives,
11 but it wasn't in a way that worried me about the culture
12 of the school.

13 So yes. I mean, you could say -- I think, as I say
14 all the way through, and my first things is you've --
15 you can't help but sit in my position and feel that we
16 need to hear more.

17 Q. But going back to 1996 and your starting as a tutor full
18 of vim and vigour our, were you thinking in terms of
19 this may be a culture? We've heard an awful lot about
20 assumption, that things will be fine. Do you think that
21 was the mentality you had to begin with?

22 A. No, I've never had that. If you're dealing with
23 teenagers, you don't have that, you can't. But whether
24 that was the culture that was felt, I can't -- I have
25 talked through difficult stuff with teenagers throughout

1 my teaching career and I've never shied away from it.

2 Q. I'm sure you haven't. What I'm talking about is we've
3 heard of misogyny, we've heard of racism in different
4 decades, we've heard about sexualised culture, and yet
5 Fettes, with the systems in place, with staff like
6 you -- and this is not a personal attack on you, but
7 Fettes didn't seek to be picking up on these things, on
8 the basis of what the applicants have been saying.

9 A. With regret, no. I mean, you ... (Pause). That is
10 absolutely the evidence that's right in front of us.

11 Q. And I come back to my last question: do you think that
12 may have been because there was an assumption in
13 operation, 20, 30 years ago, 15 years ago, 10 years ago,
14 that these things wouldn't happen?

15 A. (Pause). I struggle with this because I joined
16 a school -- and I think ... (Pause). None of this is
17 defensive at all, but I have not been part of a place
18 that has -- I obviously have in terms of for some people
19 that you've -- that you've heard and I am never
20 disputing what they say. But the question of culture is
21 difficult. Would -- would I sit by -- if I felt those
22 words that you use, an adjective, a place that I worked
23 in, would I have sat by and would my very brilliant
24 colleagues not?

25 I think it absolutely comes down to -- and I think

1 Saffy's such helpful testimony, as you've said,
2 Lady Smith, showed that, you know, she -- it's in
3 reflection and we need to make sure that we are
4 absolutely creating in the moment an environment that it
5 doesn't have any assumption to it at all.

6 So, yes, did I assume I was in a place that was
7 better than that? Yes.

8 Q. And the other aspect, and this is going back to
9 Michael's evidence yesterday, the recognition that
10 perhaps the name, the brand of Fettes mattered too much,
11 hence the defensive behaviour?

12 A. (Pause). I mean, you say it's not personal. You know,
13 you're talking -- I've been a member of staff, I've been
14 a deputy head and I've been a head and never once have
15 I defended when things have -- if things need to be
16 said, they need to be said.

17 Q. I recognised earlier that when we're talking about the
18 period, say, 2004, 2005, when the school was defensive
19 in its response, according to Michael, with someone who
20 was coming to talk about being abused --

21 A. Yes.

22 Q. -- you weren't in fact in the school, but it reflects
23 a culture within the school, perhaps because of
24 experience in the 1990s, where reputation mattered and,
25 put simply, barriers were put up because you don't want

1 to face up to bad things.

2 A. Absolutely, and that is something I don't recognise and
3 I -- you know, when reading on it or going further back
4 and reading in a very different time what had happened,
5 it's -- it's -- it's just not right.

6 Q. Going back to PSE, there's great detail about what is
7 being taught.

8 A. Mm-hmm.

9 Q. How often is it taught?

10 A. Different for different age groups, but at least once
11 a week, but some have twice a week. And then we have
12 mindfulness as well. There's lots of opportunities, but
13 for those year groups that we deem need a bit more, they
14 get twice a week.

15 Q. Paragraph 90 talks about recent introductions which
16 include Girls on Board (empowering young women) and the
17 Great Men Initiative (Masculinity in the Modern World)
18 both being introduced to the curriculum.

19 A. Mm.

20 Q. Is that addressing perhaps some of the misogyny we were
21 hearing about the 2000s?

22 A. Yes, and that's linked to Everyone's Invited. We had
23 done some initiatives before that but we'd made that
24 a focus.

25 Q. You say recent. What's recent?

1 A. Those would be last year. In fact, it might have been
2 the year before. Forgive me, Covid has meant we've done
3 some things online that we haven't done in person.

4 Q. I think we can all understand that. But it's in the
5 last couple of years?

6 A. Yes, no, definitely. We've done -- we've had a strand
7 linked in to and taken -- we've tried it look at the
8 relationships between the genders for longer than the
9 last few years, but these opportunities have actually
10 been -- have come into play as the profile of the -- of
11 issues that have been raised recently.

12 Q. Sorry to stand on you. We're again back to perhaps
13 2016, 2017?

14 A. Mm.

15 Q. A realisation that you had to look perhaps at a number
16 of issues which hadn't been adequately looked at before?

17 A. I think it -- it's a -- it is a continuum. This process
18 has been hugely important and helpful, but every year
19 the PSE provision is reviewed through consultation with
20 the students. It's about the most difficult thing to
21 keep relevant and keep the sort of teenage, "Oh, don't
22 tell us about what we're living" is absolutely
23 prevalent. So therefore if you get the wrong tone, if
24 you get the wrong speaker, good words can fall on deaf
25 ears. So you have to be very creative and innovative

1 and you have to listen to how it's coming across. So
2 a speaker who's been good for two years might now be out
3 of date two years later.

4 So it is a constant process of needing to keep --
5 you would know -- you know, there's no point -- the
6 worst type of PSE is somebody out of date talking to
7 a teenager, so you have to be on it.

8 Q. Thank you. Looking to pages 24 and 25, we come to the
9 passage in your statement where you're talking about the
10 future and development of welfare and safeguarding the
11 future and then your conclusion with the bullet points
12 which we've seen and there's obviously interplay between
13 the two.

14 A. Mm-hmm.

15 Q. 102:

16 "Child pastoral care, welfare and safeguarding is
17 never static. We are continually developing policies
18 and reviewing our practices to ensure that we are
19 providing the best possible standard of care. There are
20 several specific areas currently in development."

21 And that's redolent from what you've been saying.
22 It would seem particularly from 2016, 2017. For
23 example, the realisation that slave auctions were
24 perhaps not that clever.

25 A. Oh, absolutely. Should never have happened.

1 Q. But they did for years and you were there.

2 A. Yes, no, absolutely.

3 Q. Why do you think, reflecting about it, they weren't
4 stopped sooner?

5 A. (Pause). It -- it was wrong. They should -- the -- we,
6 one, didn't -- didn't take on board what was so obvious
7 and so evident now. It was something that was seen by
8 the majority as a charity fundraising event, but, you
9 know, you can't -- I can't actually sit here and
10 actually explain that now in terms of why they happened.
11 They were wrong and just should never have happened.

12 Q. I think in fairness, if one Googles it, one finds
13 they've been happening more recently. There are
14 campaigns to stop them happening but they went on at
15 universities and schools, et cetera. They were fixed
16 but --

17 A. But we should be better than that.

18 Q. It makes the point, perhaps, that there wasn't adequate
19 reflection --

20 A. Mm.

21 Q. -- or proactive thinking, because it's only responsive,
22 perhaps.

23 A. Yes, on that matter, absolutely.

24 Q. And, as we've discussed -- again this is a social
25 thing -- the impact of Black Lives Matter, more broadly.

1 A. Yes. Everything has been covered but we weren't -- you
2 cannot -- anybody in society who hasn't on those two
3 things taken a look at how they think and been open to
4 learn -- well, frankly, I don't think they should be --
5 they should look to themselves. Anybody in a position
6 of responsibility who doesn't take stock of things like
7 that is -- shouldn't be in a position in education,
8 I would suggest.

9 LADY SMITH: Just going back to slave auctions and you
10 saying it got to the stage you realised perhaps they
11 weren't quite so clever. What actually happened that
12 brought about their cessation?

13 A. It was -- prefects did -- were supposed to be doing, you
14 know, things like making a cup of -- you know, doing
15 good deeds throughout the day and it was becoming
16 obvious that people were asking people to do things that
17 they -- they weren't particularly bad but just -- the
18 tone had changed and it wasn't right.

19 LADY SMITH: Could you give me an example?

20 A. For example, somebody who was just making -- you know,
21 I think in terms of lessons, were -- you know, was
22 putting more onus on -- and slightly using the power
23 of -- as we say, an entirely wrong situation to get --
24 to ask somebody to do something that they didn't want to
25 do. I can't really -- I mean, it wasn't a sort of --

1 there wasn't one awful event or anything. It was just
2 a -- it's just this isn't the right tone. I mean, it
3 wasn't the right tone anyway, my Lady, but it just
4 wasn't right.

5 LADY SMITH: Can you remember any particular thing that the
6 person who was having to be the slave was being asked to
7 do?

8 A. I think it was a -- a relationship within -- I can't,
9 and, you know, I hope I'm being entirely honest with
10 you, I can't, but it was that it was -- it just -- it
11 had gone over a line that wouldn't -- that wasn't -- it
12 was just being -- asking more than you would want in
13 a fun charitable event to be -- I think it was more the
14 number of times, you know, people were -- the
15 expectation was far too much.

16 I'm sorry I'm being vague, but I don't mean to be.
17 It's just it wasn't -- it felt -- it should have felt
18 wrong in the first place, but it felt entirely wrong.

19 LADY SMITH: So how did it come to be that a decision was
20 made that they would no longer happen and who made that
21 decision?

22 A. Prefects came to me. I discussed it with Mr Spens, and
23 we made that decision.

24 LADY SMITH: What did the prefects say to you?

25 A. That it -- the feel wasn't right of these things. What

1 was a charity auction had become something that
2 wasn't -- that wasn't right any more.

3 LADY SMITH: And not right in the way that it was being used
4 stupidly?

5 A. Yes.

6 LADY SMITH: Is that the picture you're trying to present?

7 A. No, no, definitely, stupidly and I think there was
8 one -- you know, that somebody was using it stupidly but
9 just as imagine you would say people were feeling
10 obliged to do things they didn't particularly want to
11 do. Nothing awful but just it was a tone that wasn't
12 appreciated by the prefects who were taking part
13 themselves.

14 LADY SMITH: Okay. Thank you.

15 Mr Brown.

16 MR BROWN: From what you're saying, a couple of things from
17 that. One, it was the prefects, not the staff, who led
18 the change?

19 A. In conjunction, both of us -- I mean, they came to me,
20 yeah.

21 Q. They came to you.

22 A. Well, I was asked the next year by the prefects, "Can we
23 do it?" and I said no.

24 Q. Okay. But the trigger is not that there is perhaps
25 something wrong with having a slave auction and all it

1 implies.

2 A. Yeah.

3 Q. Ownership of another. But rather that it was being
4 abused.

5 A. Too much -- yeah. Absolutely.

6 Q. I think traditionally, for example, the military,
7 Christmas Day, the officers feed the men.

8 A. Yes.

9 Q. That's the same type of thing, but without the ownership
10 aspect.

11 A. Yes, and that's -- it was absolutely in that tension and
12 when it changed that -- but it shouldn't have been
13 happening in the first place as you so rightly say.

14 Q. But this takes me on to paragraph 104 where you say:
15 "While we take care to follow and learn from
16 movements such as Black Lives Matter and Everyone's
17 Invited, it is important to us that we are proactive and
18 not simply reactive."

19 Please understand this is not criticism at you, but
20 would you accept that, really, prior to your headship,
21 proactivity wasn't particularly obvious within Fettes?

22 A. (Pause). I -- there is absolute evidence for that, and
23 it's with huge regret. Because I have to take a measure
24 of responsibility for that as well.

25 Q. What I'm interested in, in a sense, though, is the way

1 you talk about Fettes, just as other heads have talked
2 about their schools, and bearing in mind the amount of
3 paperwork, process, ideas that you have to take account
4 of, and the day-to-day running of a large school or not,
5 depending on how one looks at it, apparently?

6 A. It feels large enough, thank you very much.

7 Q. Quite. Day to day, would it be fair to say you and your
8 Senior Management Team are busy?

9 A. Yes.

10 Q. Every day?

11 A. Yes.

12 Q. It doesn't stop?

13 A. No.

14 Q. You're constantly responding to a new issue?

15 A. Yes.

16 Q. Using the boating analogy, there's another leak and you
17 have to deal with it.

18 A. Absolutely.

19 Q. We heard from Mark Pyper, who was the head of
20 Gordonstoun.

21 A. Mm-hmm.

22 Q. Do you know him?

23 A. I know of him, but don't know him personally.

24 Q. A document we have, and this is, I think, going back to
25 1990, but he said this about Gordonstoun:

1 "The headmaster and second master have much to do.
2 Over 20 years, the school has developed in numbers and
3 in the complexity and variety of what it is attempting
4 to do."

5 I take it you recognise that?

6 A. Absolutely.

7 Q. "Too much of the responsibility for this has been
8 assumed by the top two posts where it has been, let it
9 be said, administered with great efficiency. However,
10 the volume of work involved has left no time for
11 thinking, for talking, and therefore for development or
12 an essential element of contemporary education. We can
13 only progress if those at the helm have the opportunity
14 to dream and to plan."

15 A. Mm.

16 Q. Do you have any time to dream and plan?

17 A. I think it's a little unfair in terms of me to talk
18 about headship and dreaming and planning when I have had
19 one term which has not been totally dominated by a Covid
20 pandemic.

21 I have not had time to dream and plan and I've been
22 explicit about that in terms of how I've looked at
23 strategic planning during my time.

24 I like -- this will be contrary to the evidence
25 you've got. I absolutely understand that. But I've

1 enjoyed being at Fettes because we have tried to dream
2 and plan in my role as deputy head (pastoral). It
3 hasn't worked on every occasion, and you've got that,
4 but we have had times where we have been proud of what
5 we've done and it has been at the forefront of
6 safeguarding, and therefore I think we -- I cannot
7 dispute that time is hugely difficult, but everything
8 needs to be with the child right at the centre.

9 Q. I entirely follow that and I'm not suggesting that there
10 hasn't been very real change, and very positive change,
11 and that all the aspirations in the bullet points are
12 well meant and apt.

13 A. Mm.

14 Q. All I'm simply getting at is because you have so much to
15 do, whether it's Covid or otherwise, what is perhaps
16 lacking in all schools is the scope to step back and
17 think: well, how could we do things better? Rather than
18 just constantly responding, which would allow you the
19 scope to be proactive, as you appear to want to be.

20 A. We'd love more time, definitely.

21 Q. Well, is that something, do you think, that should be
22 thought about more? Rather than just keeping the show
23 on the road?

24 A. But I suppose that's where I -- I don't -- the amount of
25 reflection we do -- that's -- keeping the show on the

1 road, if you've got child well-being at your core, is
2 reflective. I can't sit here and say -- it would be
3 a disservice to every single person who is constantly
4 striving to make child's well-being better.

5 Now, you have, absolutely rightly, said this is the
6 shortcomings and I feel them keenly, but we are
7 reflective throughout. That's -- you're not a good
8 practitioner if you aren't constantly saying: right, how
9 can we do this better?

10 It's done, as you've seen very clearly, in a sort of
11 formal way, but it's got to be in your being as well.

12 Q. I'm not disputing that there is ongoing reflection in
13 relation to child protection day in, day out. What I am
14 alluding to, though, is from the evidence we've heard
15 from you today, there are a number of areas where
16 triggers have caused that reflection to be more focused
17 on specific areas, for example ED&I. And all I'm
18 suggesting is that if you and your Senior Management
19 Team had more time to think about those matters, it
20 wouldn't have to be responsive. I'm not talking about
21 day-to-day reflection, it's the bigger picture.

22 A. But then if we were talking about LGBT, you would be
23 saying we were very proactive on that regard.

24 Q. Well, you were responding, presumably, to society.

25 A. But isn't that being proactive?

1 Q. Well, if society is making more demands that LGBTQ
2 issues have to be addressed and that's what schools do,
3 is that not responsive?

4 A. (Pause).

5 Q. In the same way that when Black Lives Matter took centre
6 stage, you reacted?

7 A. I suppose it's both, isn't it, really, because we are
8 society, so we're listening as we go. So, therefore,
9 we -- there wasn't a problem that we -- it was we -- in
10 terms of we wanted -- we saw issues and we -- we -- we
11 were proactive about dealing with them.

12 Understandably it feels like there's a major -- and
13 maybe it's how -- it's the nature of what we're talking
14 about, but also possibly how society in a good way, you
15 know, reflecting -- you talk about collaboration with
16 heads. Everyone's invited and Black Lives Matter have
17 been seismic, I mean with society and with heads, so
18 probably it dominates.

19 But what I don't think I've got across is that
20 continuum, and it's not -- we don't wait back, something
21 happens and then we do something. I think that feels
22 like -- and I understand why you say -- but that just
23 isn't the experience of any head. It is a constant
24 process of evaluation of where the next thing's coming
25 from and therefore I'm trying to be ahead of it. And we

1 won't always get it right.

2 Q. Would you appreciate more thinking time?

3 A. Absolutely.

4 Q. Do you have enough thinking time?

5 A. Not currently.

6 Q. Is that thinking time something that is discussed with

7 other heads?

8 A. Definitely.

9 Q. We can agree that that sort of discussion is relevant.

10 A. Totally relevant.

11 Q. And it's very helpful to have heads from many schools --

12 A. Mm.

13 Q. -- communicating openly?

14 A. Definitely. As a support as well.

15 Q. Yes. And as a way to learn?

16 A. Oh, completely.

17 Q. And as a way to stop assumptions and things remaining --

18 A. Yeah, definitely.

19 Q. -- static.

20 A. Absolutely and I think that is -- that is -- one thing

21 I would love is that after any inspection the --

22 anything that's been -- in thematic terms, anything

23 that's been learnt from that inspection should be sent

24 over to the whole sector so we all go up at the same

25 time. I think we could -- and that's something I've

1 asked from the Care Inspectorate, and I feel it's --
2 I feel we can keep working together to make sure that we
3 move good practice on.

4 Q. Anything else you'd like to mention that I haven't
5 brought out?

6 A. This has been a hugely important process for Fettes and
7 for me. The well-being of every single student in our
8 care ... (Pause) ... is so important, and I want to say
9 to those people who have been brave enough to come and
10 sit in this what is a pretty intimidating chair, even
11 for somebody who is not saying difficult things, to say
12 what they've done, to be brave enough, I -- I hope --
13 I understand why those people that have suffered abuse
14 at Fettes hear an apology from me and feel it's
15 insincere. I can absolutely understand that.

16 I suppose all I've got to do is make sure that I do
17 my job properly, and I suppose, Mr Brown, that's what
18 I'm trying to say. What you're saying I perceive as my
19 job. If I'm not being proactive, I'm not doing it
20 right.

21 And the full weight of that responsibility is felt.
22 (Pause). Each witness statement has been listened to.
23 I will learn and it will make us better because that's
24 every single thing I do, and it's not a personal thing.
25 If I've got -- I am an emotional sort, as you can see,

1 but that's because it matters. And if I don't get
2 emotional after having listened to what these witnesses
3 have said about a place that matters to me, then
4 something's really wrong with me.

5 So thank you. Lady Smith, I think you do
6 an incredible job. I don't know how you listen to this
7 all the time. But I know the next bit of your remit is
8 to -- to make sure that we do the right things in the
9 future and I will work with you in whatever way is
10 possible to make sure that I'm seen to be taking the
11 responsibility that I have in the right way.

12 LADY SMITH: Helen, I'm very grateful to you for that. What
13 I've been wondering as we've been discussing this
14 morning, and you've frankly explained the impact of
15 having to engage with the Inquiry on you and on the
16 school and what you've learnt already from doing that,
17 as you move forward from the intensity of your direct
18 impact with the Inquiry, do you see any particular thing
19 or things you're going to change about your own
20 professional practice?

21 A. (Pause). I think that's where I've struggled all the
22 way through and that's where you might have heard
23 defensiveness, and I never want that to come through.
24 And it's where -- when people have asked me, I just
25 go ... you have shown me that during my time I've not

1 got it right. And you -- you say it's not a personal --
2 it should feel personal. It should.

3 LADY SMITH: You've not been the only person working in
4 a school, Helen.

5 A. No, but you absolutely understand, Lady Smith, if it
6 doesn't, then what am I doing?

7 So I have tried all the time, because you talked to
8 my professional practice. I think the emotion you can
9 hear will be sustained -- it's always been there, but it
10 will be sustained. You might want to come and listen to
11 the -- it's the end of term tomorrow, I'll be speaking
12 to the staff tomorrow but I'll be speaking to --
13 you'll -- this experience will inform everything.

14 In terms of practical, I suppose I -- and I don't
15 mean to -- it's there and we have always been trying to
16 be reflective and move on. I think everything has told
17 us that we -- we have -- you just cannot be complacent.
18 I mean, that's the -- and I hope that doesn't sound
19 trite because it -- it weighs heavy.

20 So I can't give you -- I mean, I would love -- I'd
21 very much like to speak in practical -- you know, in
22 terms of if you could help us when we have
23 a circumstances where I could ring a number and not ring
24 101 when I have a -- you know, a child protection --
25 there are some practical things that Mr Brown, as I say,

1 we can maybe put through SCIS to you which would be so
2 helpful in terms of things -- sorry. I am rambling
3 because it's tricky because there isn't a particular
4 thing.

5 LADY SMITH: Let me just -- and it may be that your honest
6 answer is, "Do you know, I haven't really thought about
7 that yet", but if I was conducting a professional
8 development review with you today -- and I don't know if
9 you do that review as a head --

10 A. Definitely, yes.

11 LADY SMITH: -- whether it's your chair of governors or
12 whoever that does it, is there anything that's in your
13 mind that you would want to tell them you want to alter
14 in the way you're working as a head at the moment
15 because of everything we've been talking about regarding
16 the risks of abuse?

17 A. I think I need to give -- I mean, Mr Brown mentions
18 time. I need to give time. But I don't think that's
19 just me. You'll see throughout the course of the time
20 that we've done, we -- it used to just be me doing this.
21 It's then two people, it's now three people, and so
22 therefore it is giving -- making sure those people have
23 time. We're already looking at houseparent -- are we
24 asking them to do too much? Their timetable has
25 reduced.

1 It does come down to making sure people have the
2 time to do the best practice.

3 LADY SMITH: Including you.

4 A. Yes.

5 LADY SMITH: Thank you.

6 Mr Brown.

7 MR BROWN: Two final things from me. One, thank you for
8 mentioning a practical matter.

9 A. Yes.

10 Q. Such as contacting 101. I think we touched on that
11 before.

12 A. We did.

13 Q. And I think, as you will understand, because we
14 discussed it --

15 A. No, absolutely.

16 Q. -- there are going to be final submissions in February
17 and I think we're expecting input from SCIS. So what
18 you talk about will be extremely helpful.

19 A. We are meeting as heads with SCIS and we'll put
20 information through to the Inquiry.

21 Q. Thank you.

22 The final thing was you were talking obviously very
23 passionately about the impact of this Inquiry on you, on
24 your colleagues, on the way the school operates. You
25 talked a lot about the importance of PSE. Do you think

1 some of the experiences that have been broadcast here,
2 the transcripts of which are available, would be useful
3 for PSE?

4 A. Definitely. But we -- one of our former pupils came in
5 and spoke -- has spoken to -- is something we absolutely
6 use our brilliant former pupils to help us inform.
7 We've got people who sadly, you know, in terms of mental
8 health issues, they come in and have conversations, and
9 certainly a really helpful discussion with one of our
10 former pupils to the staff as well, so it's not just --
11 it's the making use of, exactly as you say, people's
12 experience to inform best practice going forward.
13 Absolutely.

14 MR BROWN: Helen, thank you very much indeed.

15 LADY SMITH: Thank you, Mr Brown.

16 Are there any outstanding applications for
17 questions?

18 Helen, that does complete everything we have for you
19 this morning. Thank you so much for everything you've
20 given us and the energy and commitment that you've put
21 into it. I really appreciate that, and I also
22 appreciate we've been asking you to do this as the end
23 of term is coming and I'm not insensitive to the amount
24 of work that that involves.

25 I hope all goes well tomorrow.

1 A. Thank you very much.

2 LADY SMITH: And you that you're able to get something
3 approaching a break after that. I think you've earned
4 it.

5 A. Oh, I will certainly look forward to that. Thank you
6 very much, Lady Smith.

7 LADY SMITH: I can let you go with my thanks, Helen.

8 A. Thank you.

9 (The witness withdrew)

10 LADY SMITH: Well, Mr Brown.

11 MR BROWN: My Lady, that concludes the Fettes chapter. We
12 will have closing submissions next Friday.

13 LADY SMITH: Yes.

14 MR BROWN: And then, all being well, we'll continue with the
15 final school, Merchiston Castle School, in January.

16 LADY SMITH: And the date we hope to start, am I right in
17 saying it's the 11th?

18 MR BROWN: Yes.

19 LADY SMITH: The second Tuesday?

20 MR BROWN: It's the second Tuesday.

21 LADY SMITH: Yes. Very well. Thank you.

22 Well, I'll rise now until next Friday in the Fettes
23 round-up, when we'll hear the submissions, and until
24 then, I hope you all have a good weekend and I hope that
25 restrictions don't get any more stringent than they are

1 at the moment and we can all look forward to what comes
2 after next Friday.

3 Thank you.

4 (12.27 pm)

5 (The Inquiry adjourned until 10.00 am
6 on Friday, 17 December 2021)

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3	Helen Harrison (sworn)1
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