Wednesday, 12 January 2022

(10.00 am)

LADY SMITH: Good morning. As we advised yesterday, the first witness this morning is joining us via videolink and that looks as though the videolink is all set up and ready to go. Is that right, Mr Brown?

MR BROWN: Fingers crossed, my Lady. The first witness is 'Gerald'.

LADY SMITH: Thank you. Can we try and see 'Gerald', please.

'Gerald', could you simply say "good morning" and then we'll get your face on the screen.

THE WITNESS: Good morning, Lady Smith.

LADY SMITH: Ah, hang on, still can't see you. If you can just keep talking for a moment or two?

THE WITNESS: I can see you but I can't see anybody else, if that's any help.

LADY SMITH: That's fine, you should only see me at the moment because I'm speaking. That's better, 'Gerald'.

'Gerald' (affirmed)

LADY SMITH: 'Gerald', we'll begin your evidence in a moment, but first of all you've obviously worked out who I am. I'm Lady Smith, I chair the Scottish Child Abuse Inquiry, and we're here in Edinburgh together to hear your evidence today, and, as you're aware, I'll be

handing over to Mr Brown, Senior Counsel to the Inquiry, in a moment.

Before we do that, could I just assure you that if you have any concerns or queries about anything while you're giving your evidence, I want to know. You're not being rude if you interrupt and ask. Or if you want a break, that's absolutely okay by me. The key is if it works for you, it works for me, because I want to do whatever I can to make you as comfortable as possible when you're giving your evidence, which I know isn't an easy task, but we'll do what we can to smooth the way for you.

If you're ready, I'll hand over to Mr Brown and he'll take it from there. Is that all right?

A. Yes, madam, thank you very much for allowing me to give video evidence, Lady Smith. I'm very grateful, thank you.

LADY SMITH: Not at all.

Mr Brown.

Questions from Mr Brown

MR BROWN: My Lady, thank you.

'Gerald', hello, again.

A. Hello.

Q. I think screen wise, because we were trying a test and I think you had the joy of seeing the side of my head,

hopefully things have improved?
A. I can see -- yes, I can see the front of your head, but I'm still looking at a great big panel which says "Scottish Child Abuse Inquiry" with your email address on it.
MR BROWN: Thank you. I think that may change to show your statement, that's why it's split.
A. Yes, perhaps.
Q. If we can start with the statement, it has a reference number, number WIT-1-000000405. I think you have a paper copy of it in front of you as well?
A. I have, yes.
Q. We see that the statement runs to 36 pages, and on the final page, the last paragraph reads:

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

You signed that on 1 September 2020.
A. Yes, that's correct.
Q. And, as you will understand, the statement is in evidence, which has the benefit of not having to labour through every last detail. We'll just talk about a number of issues, but we'll follow the same route as the statement.

A. All right.
Q. You are now 68, having been born in 1953?
A. Yes, that is correct.
Q. You've had a career as a policeman and as a psychiatric nurse and then working at university in relation to medical treatments?
A. That's correct, yes.
Q. Obviously the focus of the Inquiry in this section is Merchiston Castle School, but as we see from the statement you had experience of three private schools, one day, one boarding and one mixed, which was Merchiston.
A. Yes, that's correct.
Q. If we can just touch briefly on the first two schools and the context of you going there, your father was a surgeon who moved to Edinburgh?
A. Yes.
Q. You're one of three boys, but the two elder brothers were ten years older than you and were twins?
A. That's right. There was a fourth sibling, who was between myself and the twins.
Q. Yes. And in terms of the twins, from what we read, the age difference wasn't helpful in the relationship they had with you because you say, put shortly, they were clearly very different characters to you and at home you

were bullied by them because they were older and presumably didn't welcome a much younger brother?

A. Yes. There may have been many reasons, but they certainly regarded themselves as superior to me, perhaps because of the age difference.

Q. But, like the elder brothers, you followed the same schooling to begin with in that you went to Edinburgh Academy as a primary school pupil?

A. Yes.

Q. From the age of 5 up to 13?

A. Yes. Yes.

Q. But again the character difference that you described let's say between you and the twins, certainly, came out. They had enjoyed Edinburgh Academy, reading short, because it was robust, violent?

A. Extremely violent, yes.

Q. And that didn't suit you in the slightest?

A. Not at all. One of the twins incidentally moved, when he was 13 or so, to a different school in England, a boarding school in England.

LADY SMITH: 'Gerald', if you were at the Academy until the age of 13, does that mean you'd moved from the prep department to the senior school at the age of 11?

A. My memory's a bit patchy about this. Is that Lady Smith?

LADY SMITH: Yes, it is.
A. Yes, I went to Denham Green, which I think was a starting point, and then there was another different school at Inverleith Row; is that correct?
LADY SMITH: Yes, that's the senior school, where the first year there is known as the "Geits", which is old Scots for "little ones", and the boys go there I think, and always have done, at the age of 11. So you'd have gone there about age 11?
A. It would have been and then on to the main school at Inverleith Row.
LADY SMITH: Yes. I think you would have been in the main school, which is actually in Stockbridge on Henderson Row, from age 11.

I know a bit about the history of the school and I think that's how it would have worked, but you'd have been in Denham Green first of all when you were prep school age, yes. Thank you.
MR BROWN: But taking matters short, 'Gerald', you didn't like Edinburgh Academy because I think from your perception not only the pupils were violent but the teachers were violent, corporal punishment was common, prefects could beat and did beat, and you didn't like it at all.
A. That's correct. If I may say so, thinking about my

discussion a moment ago with Lady Smith, the problems I felt were in the Stockbridge part of the school, yeah.

Q. So that would be the senior --

LADY SMITH: That would be the senior school, where boys were right up to 18 years old?

A. Yes, that is correct, yes.

LADY SMITH: Thank you.

MR BROWN: I think, as you say, in terms of corporal punishment, tawse and the cane were both used by teachers and prefects, who are known as I think spelt in this statement as "Effers", E-F-F-E-R-S, I think properly it should be "Ephors", E-P-H-O-R-S, ironically, back to ancient Sparta, I understand.

A. I beg your pardon. I think it was pronounced "Effers". I remember the word Effers.

Q. Yes, it's just the commonality with Sparta seems to run through the first two schools, since given your description of some elements of Gordonstoun. In any event, Ephors could use clackens and we've heard about those already.

A. They did use them. A lot.

Q. A lot?

A. Yes.

Q. You also make passing reference to, paragraph 8, witnessing an episode of sexual abuse at Edinburgh

Academy.

A. Yes.

Q. Which was in full view of a crowd of pupils, teachers and their wives.

A. Yes.

Q. Without going into names, what are you describing there?

A. Well, in the context of this I've inadvertently identified the perpetrator, but in very general terms a function was being held at the school. The person who was responsible for organising this function was a teacher. After the function finished, there was a party, a get-together, of the people who had been involved in the function, various masters and wives, their wives.

The person who organised the function was presented with some flowers by one of the boys and this person, this teacher, a male teacher, he kissed the boy in full view of everybody, this was generally welcomed as such a sweet acknowledgement of the gift he'd been given.

I regard that as sexual abuse.

Q. Okay, thank you.

Moving on to paragraph 11, you say you think your parents felt you needed to be toughened up and you were happy to be leaving the Academy, which clearly didn't suit you, and Gordonstoun was selected as your next

school.
A. Yes.
Q. You say you don't know how it came into the frame. Did you have any input into the decision?
A. I might have. I don't remember.
Q. Okay. But we read that you went up to Gordonstoun, sat an entrance test. Were you excited at going to Gordonstoun?
A. Yes, I was, yes. I was excited about going anywhere apart from the Edinburgh Academy, because I hated going there. It was awful.
Q. Yes. But I think, as we read from the statement -- again we don't need to labour this -- you spent really only a couple of weeks at Gordonstoun because it was not a success?
A. It was certainly a short period of time. I doubt it was much longer than a couple of weeks, yeah.
Q. In the statement you discuss essentially the word that keeps repeating is "homesickness". Is that an accurate summary, you know, of why it didn't succeed or was there more to it than that?
A. I beg your pardon? Could you ask me that question again, please?
Q. Of course. The common theme in the part of your statement about Gordonstoun is homesickness.

A. Yes.
Q. Is that the essence of it or was there more to it from your side of things?
A. Well, "homesickness" of course, is a very interesting term, one that would readily apply to children when they would prefer to be at home rather than where they were. I think as an adult I would look back on this and see it as I wanted to go home because I was very unhappy at Gordonstoun and what involved being there. So from that point of view, yes, I suppose there were other things.
Q. That's what I'm interested in. You were clearly wanting to be home.
A. Yes.
Q. You talk about being put in Hopeman House, which was physically distant --
A. Yes.
Q. -- from the rest of the school, and you mention the stress of day 1, you have to cycle to the school but you can't keep up, you're late for your first class. Was that overwhelming for you in terms of anxiety?
A. Oh, it was dreadful. I mean this cycle ride to school on the first day has been seared into my memory and to the extent (unclear), you know, and we all set off on our bikes being led by an older boy, the landscape I recall being featureless, completely flat, there were

no landmarks that I remember at all, and so the boy who was leading this bicycle ride set off at a furious pace and I couldn't keep up with him and neither could the chap who was with me. We ended up, the two of us, basically in the middle of nowhere, no indications of where they had gone and no indication of where we were supposed to be going to. And it was terrifying. And now that I recall, this child was equally upset. But the two of us were standing there in tears with our bikes at the junction in the middle of nowhere wondering where on earth we were going to is an awful memory to have, frankly.

Q. In terms, that was your first full day at the school?

A. Yes, the first morning.

Q. The first morning, having arrived the day before and been left there by your mother?

A. (Witness nods)

Q. Was there any induction or explanation of the routine that you remember?

A. No. There was nothing like that at all. You basically just needed to keep up with whatever was happening.

Q. I think you also then discuss -- this is page 6 -- and again this is going back to your very first morning there, you discover that there is, paragraph 24, the very first thing you have to do at Gordonstoun in the

morning is get up and go for a run?
A. Yes. I knew that was coming up because that was part of the Gordonstoun education. I also knew there was a cold shower after it. This run wasn't a sort of gentle jog, this run was the running equivalent of the bicycle ride I suppose, it was a bit of a precursor to what lay ahead. But again, one of the older boys set off and we had to keep up with him.
Q. The first day begins with a shock and continues with a further shock?
A. (Witness nods)
Q. Did anyone try and address your anxiety when you got to school, having found where it was on your bicycle?
A. I don't remember. I don't even remember how we managed to find the school, but we did. Because I can remember when we got to the school we didn't know where to go and it was very quiet and there was nobody around. We did find the classroom eventually, so somebody must have told us where to go, but I don't remember how that process unfolded.
Q. The experience, to go back to the point I was making, I think you used the word "spartan" about the life at Gordonstoun twice. It was basic and hard?
A. Terribly hard, really. There were no curtains on the windows, so the dormitory, you were sleeping in a room

without curtains on the windows. The punishments, I mean just in the short time I was there, I was subjected to the most horrible punishments, which was crawling over gravel which had been scattered over a concrete surface, in short trousers, that was very painful. This was a punishment for something, I don't know what it was. The back of the school, the back door, had a large sort of concrete paved area. Before you got onto that, there was a gravel drive and so these bits of gravel had been scuffed up onto the concrete area and the punishment was to go to the gravel, then get down on your knees and crawl on your hands and knees to the back door. My knees were cut and bleeding and it was awful.

Q. I think this is paragraph 45 on page 10, that you describe that. I think in comparison, from what you say, Gordonstoun was, however, better than your experience of Edinburgh Academy because there wasn't the level of teacher punishment or pupil punishment, though it was clearly there. Is that correct?

A. Yes. That is correct, yes.

Q. I think you perhaps sum it up by saying it was a sense of powerlessness that overwhelmed you at Gordonstoun?

A. (Witness nods)

Q. That's paragraph 51.

A. Yes. I think the sense of powerlessness involved many of my peers as well.
Q. Can you expand on that?
A. Well, the system was very much get on with it. There were no explanations about anything. You just had to do it, you know? And very much newcomers and, you know, just had to find our way. There had to be a way that was expected of us. The problem was in order to formulate those expectations we needed information and that information was not available at the time we had to sort of take action, so to speak.
Q. Does it go beyond that, that if you don't fit in with what is the norm, you won't fit, but there was no effort to accommodate that?
A. That's absolutely right, yes.
Q. Was that the same at Edinburgh Academy, so far as you were concerned?
A. It was, yes.
Q. But we read that you're obviously in contact with your parents, telling them about your unhappiness, the homesickness to use the single word.
A. (Witness nods)
Q. And to be fair to the school, that was shared with them and some efforts were made, first by the housemaster and then by the headmaster to engage with you, but you don't

think that was realistic, I think?

A. Yes. I think there were possibly different forms of engagement. I think the housemaster's involvement was to -- him and his wife took myself and two or three other boys all for a picnic one day. I can remember whether we went to, it was the woods near a river, and that was supposed to make everything right. Of course it didn't, because the following day I was back to probably life as it was as I knew it.

The headmaster's involvement that I remember clearly was much more about my sense of being held to account, this was I needed to explain to him why I wasn't happy and why I didn't want to stay. So I remember going -- there was a long corridor outside his study and I still remember standing there to be summoned into this, to me, this vast expansive room and basically having to explain myself.

Q. Looked at another way, he was trying to, presumably, find out what the problem was and see whether he could sort it?

A. Well, if he was, he certainly wasn't doing it in a productive way. But of course being told to explain myself just made me clam up, I should imagine, at that age.

Q. I'm just interested given your subsequent careers, which

involve both working with people in times of distress, what do you think would have been the right way to deal with a pupil like you?

A. Well, not in a study, that was for sure. I mean the whole environment was completely wrong. I mean it would have been much more useful in trying to understand my experience of arriving at the school and what it had been like so far and the difficulties I was experiencing about how could any of them be resolved. There was no sort of the collaboration there in the discussion.

Q. Okay. But clearly your parents were concerned about you, because the decision was taken that the Gordonstoun experience should stop?

A. (Witness nods)

Q. And it stopped quickly and you went home?

A. (Witness nods)

Yes.

Q. From what you're saying, presumably you were delighted?

A. Oh yes, yeah.

Q. Although I suppose the next anxiety is: where next?

A. Well, I think at the time I was really in quite a chaotic confused state, so where I was going to go to next wasn't my problem but my parents had to resolve it.

Q. Okay.

A. They mentioned a school, it was called something like

Rudolf Steiner, but I'm not sure about that.
LADY SMITH: Yes, there is a Rudolf Steiner school in Edinburgh.
A. Thank you, Lady Smith.
LADY SMITH: It's not that far from where Merchiston is actually, the same side of town.
A. Right. To a 13-year-old boy, I remember being at the Academy that people talked about that school as though in some way it was odd, well compared go to the Edinburgh Academy most schools would be odd, I should imagine. Because of that, I didn't want to go there. But Merchiston was suggested, I think because I could get the sort of boarding school education but I would also go as a day pupil, see how it went. I could come home every night. I think that was for me, for the child I was then, that was a good compromise.
MR BROWN: Moving on to Merchiston, we see, paragraph 68, page 15, you start there as a day boy and you remained at Merchiston until 1971 but you only became a boarder in 1969 for essentially the last two years of your schooling, the A-level stage. Is that correct?
A. That's correct. If I could mention something about starting as a day boy.
Q. Yes.
A. I've always remembered that there were very, very few

day boys at Merchiston when I was there. I mean so few I doubt there would be more than half a dozen of us. Most of them seemed much older than me. I didn't have any peers, I didn't know anybody at all who was a day pupil apart from me. But, despite that, I was readily accepted and made to feel part of it and I actually felt part of it and in many ways quite at home there.

Q. That's what I was coming to, because you would be starting, because of the weeks at Gordonstoun and then the interregnum, if I can put it that way, before you start at Merchiston, you were coming in halfway or midway through a term, perhaps?

A. Yes.

Q. As you say, a very different type of pupil from the norm, being a day boy --

A. (Witness nods)

Q. -- although, as I think you say, you would join after breakfast and stay until the end of prep, so the real difference was you weren't sleeping in the school?

A. That's correct, yes.

Q. But when you arrived, you've talked about the lack of induction, introduction to Gordonstoun, what happened at Merchiston?

A. Well, I don't remember is the answer to that, but because I don't remember it suggests to me that it was

pretty well taken care of. I knew exactly where I was going, what was expected of me. I think probably somebody sort of was assigned to keep me company and show me where to go and when to go there. I have no sense of anxiety about that.

Q. I think you mention paragraph 81, page 17, that your mum took you to the school and you felt, your words, very welcomed. You confirm that you settled in well and on your first day classes went well "and I knew exactly where I was going", so you were being kept informed, plainly?

A. Yes. I knew exactly where I was going, yeah.

Q. You make mention of the housemaster of Chalmers West, a teacher called Preston?

A. Yes.

Q. Who we can talk about later, who you describe as:

"... a very nice benevolent man who made sure I wasn't wondering where I was going or what I was to do."

A. Yes, I do remember Mervyn Preston very well. I liked him a lot, I thought he was a very nice chap. He was a sort of portly bachelor housemaster, who seemed very committed to the house and had a military bearing, I imagine he might have been -- he probably would have been in the army, probably held a rank in the army in

the war, and yeah, I did like him, he did look out for me and made sure that everything was okay.

Q. Again taking matters very short, as distinct from Edinburgh Academy and Gordonstoun, is it fair to say you enjoyed your time at Merchiston?

A. Yes, absolutely fair. Yeah, I thought it was good, yeah.

Q. In terms of your peers, I think there was a difference between the house system that you'd experienced briefly at Gordonstoun where Hopeman House would contain boys of all ages?

A. Well, Hopeman House at Gordonstoun was the entry point for the school. As far as I can remember, and I may be wrong about this, but I got the impression this were all the new starters, there were some older boys there, I think they had some sort of house prefect role. One of these boys supervised me crawling over the gravel, so they certainly had some authority over me. Recognised authority and authority which is approved of within the house. But after Hopeman House, although I never saw it, I think the pupils then were filtered off into different houses of different mixed age groups.

Q. That's the point I was making, that in Merchiston you stayed within your year group --

A. (Witness nods)

Q. -- and instead of being within one house for your school career, every year you had a new house?
A. Everybody went off to the next house together and I've always thought that was a really good idea, yes.
Q. In terms of the teachers, and again we don't need to go into the detail particularly, because it's in the statement, but you make the point that housemasters who would live in the various houses and their assistant or sub-housemasters would tend to be single men.
A. Yes.
Q. That was the norm?
A. That was the norm. In fact, I'm pretty sure that up until not long before I went there in 1966, even the married housemasters were expected to reside in their houses alone and their wives weren't allowed to join them. When I was there that had changed, I can think of a housemaster who married while I was there, actually, at Chalmers East House, and his wife lived with him in this little sort of bedsit flat they had on the ground floor of the house.
Q. But in the main, because of logistics, it would be single men who held the housemaster role and deputy housemaster role?
A. Yes.
Q. Although that was clearly beginning to change.

In terms of discipline at Merchiston, you in due course became a prefect, discipline was not physical in terms of pupils. You would issue blue papers?

A. Yes, blue papers. I can't -- incidentally I can't remember physical discipline at all at Merchiston from anybody to anybody, I just -- I don't think it happened. The blue papers were blue-coloured A4 sheets of paper which could use -- were held by the housemaster, so if a pupil was given a blue paper punishment by a prefect, they had to then go to the housemaster to say, "I have this punishment", so it was being monitored by the housemaster, and the punishment was to take the sheet of blue paper and to trace out a map onto it from an atlas, so this would be done with a very simple map with a few names on it for a relatively slight misdemeanour, whereas for something a bit more serious it would be a more complex map with more names on it. So you might get a political map of North America out of the atlas and there are 500 names and you need to get it done in a couple of days so to speak. That would be for quite a serious offence.

Q. Okay. So discipline at Merchiston, both from the pupil-on-pupil discipline but also from the teachers disciplining pupils, as you saw it, was radically different from both the Academy and also Gordonstoun

because it wasn't physical?

A. That's my memory of it. I have always remembered that.

Q. Okay. You go into a lot of detail about the layout of the various buildings and the houses and we don't really need to touch that, because we can read it. There was one thing that struck me, though, and this is paragraph 87 on page 19, where obviously you've described the different houses being on different floors with dormitories, but then an attic floor, which I think from what you say would be common to all the houses, they would have an attic?

A. Yes.

Q. And on the attic there was a kilt room where kilts were stored --

A. Yes.

Q. -- and we would understand that on Sundays, for Sunday best, everyone puts on kilts?

A. That's correct, yes.

Q. You talk about an Irish housemaster being told by or telling a prefect that if the prefect found two boys together in the kilt room, then he should not deal with it himself as a prefect but should take it to the housemaster, and you go on:

"The housemaster was aware that because of its isolated location, the kilt room could be used for

consensual sexual encounters between boys."

A. Yeah.

Q. Was that something that was understood by the boys to go on?

A. No, I was surprised when I heard that, actually. But the thought hadn't even crossed my mind.

Q. Having heard it mentioned, did you then see any signs of it thereafter, it having not crossed your mind before?

A. No, I didn't. And when I was the head boy at Chalmers East House, I don't remember even going and checking to see if anything was going on. I mean I did say in my statement it could be used for consensual liaisons, intimate sexual liaisons, but also of course it was also very isolated, so it could have been used for non-consensual sexual encounters, but I never heard of anything like that happening.

Q. No, but clearly the housemaster, for whatever reason, was aware of something, hence the comment to the prefect?

A. Yes.

Q. Okay, thank you. From what you've told us, your day is essentially the same as a boarder when you're a day boy, save after prep you go home. By the time you get to your sixth year and move in as a boarder, I take it you were keen to do so?

A. I was very keen to do so. I remember I actually asked my father if I could.
Q. Did that change your view on Merchiston or was it still positive?
A. No, it was still positive. It was fine.
Q. I think you're critical about the academic side of Merchiston, which you describe as terrible, and if you'd been your dad, you'd have wanted your money back.
A. Yes, and that is one criticism I would have as an adult. I mean my experience as a teenage boy there, all the extracurricular activities, I wasn't particularly sporty but I did enjoy sport, I wasn't competitive enough to get into some of the top teams. Also, however, I sang with the choir and school plays, I was very keen on the pipe band, I was the drummer in the pipe band that won the Scottish schools individual drumming championship in [redacted] this was a very big thing. But of course when I was doing this, I wasn't working for my A-levels and I -- as an adult I look back on that and realise I was due to do three A-levels, doctrine(?), English literature and economics, but I was a bit too busy with all these extracurricular things to do three A-levels. So either it was suggested to me or I suggested it to one of the teachers about dropping economics and they thought that was a jolly good idea, so I dropped the

economics and I ended up with just doing two A-levels. I think that's absolutely appalling, thinking back on it, but that's the way it was.

Q. At the time it suited you well?

A. It suited me fine, but of course I didn't have the adult insight about what lay ahead in my life and it has always been a huge regret to me about Durham University and dropped out very quickly, because I just didn't know how to study.

Q. In terms of the balance then between other activities and education, is it fair to say you think now, with hindsight, the balance was wrong?

A. Oh, it was totally wrong.

Q. You make the point that rugby and sport were very important --

A. (Witness nods)

Q. -- in Merchiston, were they considered at the time you were there at school as more important than education, do you think?

A. No, I think they were. Yes, I do think they were. I always remember the -- on a Saturday morning's assembly, the First XV, the rugby XV, paraded through the assembly hall to huge applause. The captain of the team came first, he had a dustbin lid that he threw across the assembly hall. It crashed across the marble

floor of this hall and then the team very proudly walked down the centre of the assembly hall to rapturous applause from the entire school.

LADY SMITH: Sorry, what did he throw across the hall?

A. I'm sorry, Lady Smith, a dustbin lid. A metal dustbin lid I'm talking about. Imagine that crashing across a stone floor, marble floor, as far as I remember. A fairly noisy business, and that was sort of the starting gun for the applause.

LADY SMITH: Why a dustbin lid?

A. Well, because it was good and noisy, I suppose. I simply don't know.

LADY SMITH: Right, okay.

MR BROWN: We've heard in other schools that pupils who were not sporty could suffer for it because if you were in the First XV, and from what you're saying it's not dissimilar, you had a certain God-like status within the school.

A. Mm-hmm.

Q. But if you didn't play sport well, did you suffer for it at Merchiston?

A. No, I have no memories of that at all. There were various XVs, so rugby, for instance, I never got further than the Third XV, but I wasn't ostracised for it, criticised for it. I just enjoyed playing rugby but

I didn't play it very well, so that was as far as I got.
Q. So there were alternatives?
A. Yes, there were alternatives. When the athletics season was on I could run to save myself, so I always found something else to do.
Q. Okay.
A. I never played cricket or I did play cricket until I had an injury and after that I lost interest in it.
Q. I think we see there's also an element of humour. One aspect of Merchiston that's been referred to and will be referred to is that I think it was quite common, certainly at that stage, for farmers' children to go to Merchiston. Is that your memory?
A. Oh yes, there were plenty of them at Merchiston, yeah, there was a strong contingent of boarders, farmers at Merchiston.
Q. Were those the sort of boys whose fathers had been to Merchiston, it was traditional for them to be sent?
A. I got the impression it was so, yes.
Q. I think, as you said, on one occasion that involved bringing a sheep into a prefect's room?
A. That's right, the head of the school. He went into his study one morning, because you didn't sleep in the studies, and was greeted by a sheep that had been there overnight and had made an appropriate mess all over his

study. And, oh, I was the head of Chalmers East House at the time, so we were trying to work out how did the sheep get into the study, so obviously it was handled and they had to go up I think it was two flights of stairs, so obviously farmers were involved in that and I had a pretty good idea of who it was, but we resolved that and you know I just explained to them this is a joke that got out of hand and they agreed and they apologised and that was it. And they had to tidy up the study, I remember that. That kept them busy for a while.

Q. But it seems to have been quite good natured, both in terms of the intent and the resolution.

A. Yes. It wasn't malicious at all.

Q. Is that in a sense from your perspective at least how Merchiston was?

A. Yes. I think Merchiston was a happy place. People played jokes on each other, I can recall playing practical jokes on people. Do you want to know about one?

Q. If it's brief, yes.

A. Briefly there was one of the teachers had a night out in the dell, which is a sort of a wooded area to wake up to the dawn chorus with several pupils, and I went there and dressed up as a Ku Klux Klan person with a flaming

cross and ran around (unclear) so we had a bit of fun there. Things like that.

Q. I see. Part of Merchiston's experience also were trips away into the great outdoors; is that correct?

A. When I was there the only official school trip would have been the CCF trip to Iceland, as part of the school curriculum activities I don't remember anything else.

Q. Okay. Were there not trips with teachers in terms of camping and --

A. There was a school camp one of the -- but it was in the holidays, this was.

Q. I see.

A. And it was just a few boys went and a couple of the teachers were there.

Q. I think you mention this at paragraph 98 on page 21, and this is a trip with two teachers, one of whom was James Rainy-Brown?

A. Yes. Yes, the other teacher who was with him.

Q. Yes.

A. (overspeaking) name.

Q. Yes.

A. Mr Balfour-Paul, who we knew as "BP", and James Rainy-Brown, who we knew as "JRB", they organised quite a lot of stuff together I think.

Q. All right.

A. Mr Balfour-Paul, I think he had a military background, he used to tell us stories of his commando exploits, climbing up cliffs and things like this, they did have this week away but I doubt there were more than half a dozen of us went on that. To somewhere near (unclear).

Q. Thank you. And I think you make the point you would go exploring, build dams and you say:

"We weren't naked when we were in the river, we were always clothed."

A. That's correct.

Q. And obviously there were two teachers present?

A. There were two teachers present. We were not naked when we were in the river, we were always clothed.

Q. Yes.

A. That's correct, yes.

Q. Was that on the instructions of teachers that you remained clothed, or was that just what happened?

A. Right. When I said we were clothed, I think I was probably meaning we would be wearing swimming trunks in the river.

Q. That's what I assumed.

A. Yes, yes. I think one of the things is this -- when I gave the statement, it was responding to various questions at the time but out of the context of those

particular questions, some parts of my statement do seem a bit -- they jar a bit, I suppose. I think I must have been asked if we were naked when we went swimming, but I may be wrong about that.

Q. All right. But whatever the question, you were wearing swimming trunks?

A. Yes.

Q. Did you ever swim without swimming trunks, do you remember?

A. No, apart from one occasion I referred to when I was on a camping trip with another teacher.

Q. Yes, we'll come back to that in a moment.

A. Yeah.

Q. Okay.

One final thing about the day-to-day routine, you mention at paragraph 123 fagging at Merchiston, where I think we would understand in your first year you would be assigned as a fag to a senior pupil.

A. That's correct, yes.

Q. Do you remember: were fags assigned teachers to do domestic chores?

A. Well, I don't remember it, no.

Q. Okay. But from what you say at paragraph 123 and on, it was essentially tidying up studies and the like, and once it was done, you were free to go?

A. Yes.
Q. And there was also an element of reward?
A. Yes, there was. I don't remember what the expectations were in terms of rewards. I think when I was head of house I gave my fags some money for the tuck shop, maybe every week that sort of thing.
Q. Was there any oversight do you remember by the school about how fagging was working in practice? Because presumably it could be something that might be abused by a given individual.
A. I don't remember any oversight. When I was fagging for recall one of the prefects I don't remember anybody asking me about what was going. When I was prefect, I don't remember anybody asking me about how it was going, from that point of view.
Q. Do you remember it ever being misused by fellow prefects?
A. No, I don't, actually.
Q. Okay.

The picture from your perspective seems to be very distinct from the first two schools. This was, for you, a happy place?
A. Yes.
Q. But we see at paragraph 27, for the next few pages, there were nonetheless elements of abuse and you set

those out.

LADY SMITH: I think that's page 27, Mr Brown.

MR BROWN: Sorry, I do beg your pardon, my Lady, page 27, quite right.

You begin with the description of the [redacted] teacher, who for today's purposes we will call BRW.

A. Yes. I've never forgotten BRW.

Q. Now, BRW --

A. There's no doubt about that.

Q. No. BRW stood out for a number of reasons from your statement. One, his classroom was like an [redacted]?

A. Yeah.

Q. It was decorated in an interesting fashion?

A. (Witness nods)

Q. Reflecting his subjects?

A. That's right, it was, and that was quite unusual in the school. The classrooms tended to be pretty bare. They were functional spaces. And, you know, going back 60 years, I suppose, you didn't have a lot of stuff decorating the rooms. But BRW room was completely different. It was the standard square classroom, but he had his desk on a raised dais and he didn't have individual desks like the other classrooms, he had longer tables arranged around the walls where we all sat behind those tables, between the wall and the table,

down the side, across the back facing his desk and then up the other side of the room. And all over the walls were all sorts of interesting pictures and posters and things like that. It was an interesting place to be.

Q. And he himself stood out too, because you describe him as eccentric, flamboyant, padding around in suede shoes with a "grandee" cigar hanging out of the corner of his mouth.

A. Yeah, that was him. I mean I think he smoked all the time. I'm pretty sure he smoked in the class, and he always smoked when he was wandering around the school. I can't think of anywhere, maybe apart from the dining hall, when he wasn't smoking.

Q. You say that he amused us and "we saw him as an absent minded professor."

Was he considered as anything else by the boys?

A. No, he was seen as -- I think we -- we didn't like the way he behaved, but, you know, just thought that's part of his eccentricity.

Q. I just wondered whether the word "camp", when you combined what we're going to talk about and his appearance, would be a fair description?

A. Well, I suppose we could label him camp, but I wouldn't say he was in any way effeminate.

Q. No. But whatever word one chooses, what he also did as

well as standing out for those reasons is that in the weekly cinema shows he would put on in class, he would fondle boys' genitals?

A. Yes, that was -- yes. I mean I've always remembered that very clearly. In the room he had blinds to pull over the windows, so it darkened the room to a gloomy state, but it wasn't pitch dark at all, and he would sit with his projector behind one of the tables looking towards his dais and the film would be projected above his dais. I remember somebody had to sit beside him and basically had a bit of a scrum to try to avoid being the person who had to sit beside him, but we understood we had to take a turn sitting beside him. Whoever was sitting beside him, certainly on his left-hand side, that's where I had to sit, I remember, I'm saying had to sit because there was nowhere else to sit when it was my turn, and we all wore short trousers, in no time at all his hand would be on my thigh, fondling and stroking and moving up my inner thigh. I don't remember him getting as far as my genitals, he may have, but I know some of the boys referred, almost with a sense of pride, that he got as far as their testicles. It was a strange mix of we knew this was very unusual behaviour and we thought it was amusing. It never occurred to anybody this was wrong.

Q. But it was --
A. That was the way it was.
Q. That was the way it was. And this is in your first year?
A. Yes, it was, yeah.
Q. From what you're saying, it was known to the entire class?
A. Oh yes. Absolutely.
Q. And there was a degree of pragmatism in that just by default the boys will take a turn because it's not fair for one person to get it all the time?
A. That's correct.
Q. It was clearly discussed amongst the class, but no one ever voiced the thought: perhaps we should tell someone?
A. Never. Not as far as I'm aware. In those days teachers did what the teachers did and you took whatever was coming your way, whether it was a physical punishment or a fondle or whatever. That's the way it was.
Q. You make the point that you don't know whether he did this in subsequent years or, I suppose, previous years, because he was -- I think he'd been at the school for a long time. But I think you say you suppose he did. Did anyone from the year ahead of you tell you what was going to happen or did you tell the year following you what was likely to happen?

A. I don't remember being told by anybody. I don't remember myself telling anybody either. I'm not sure if there would have been that sort of communication between the year groups as such. They were quite distinct entities, whichever year you were in.

Q. That might be seen as a potential counterargument to horizontal, because it's too insular, that that sort of information isn't shared, I suppose.

A. Yes.

Q. Was that teacher still there when you left Merchiston?

A. Yes, he was indeed, yeah. I remember saying goodbye to him on my final day.

Q. Were you aware whether he was still showing [redacted] movies?

A. I don't know, but I would guess so. I can remember when I had to go around and lock up the school as a head of house, his room hadn't changed at all, it was exactly the same as I'd always remembered it, from, you know, when I was 13 on the last time I saw it when I was 18.

Q. Thank you.

You then talk on page 29 of another teacher we'll call 'Edward' and again you're very detailed about your recollections, but I think going to paragraph 142, is it fair to say that you're not certain whether boundaries became blurred and he did or didn't overstep the mark?

That's something you're not clear in your own mind?

A. I've reflected on this a lot over the years --

Q. Yes.

A. -- and, yes, I'm definitely not clear in my own mind. I can absolutely understand that the best of teachers who also felt obligated to have some pastoral role as part of their function, as part of their job, part of their relationships with a pupil, might get boundaries a bit blurred and confused, if that makes sense.

Q. Yes. From what you say in the statement earlier on, there's a [redacted] whose name doesn't matter, but you would understand that the [redacted] was someone you could go and speak to for pastoral matters. Is that correct?

A. Yes, that's right.

Q. Did you ever take advantage of the [redacted] for personal issues or did you not need to?

A. No, I think I might have talked with him a bit about [redacted] things, I was quite [redacted] when I was at school, and that may have involved pastoral-type stuff about my own life.

Q. Okay.

A. But I don't remember seeking out pastoral care because I was unhappy.

Q. No. But from your recollection of being a pupil there for five years, would it have been understood to the

pupil body that if they had concerns or worries, there was someone they could speak to?

A. Yes, absolutely. And of course the housemasters were very available and accessible. They were there, they were living in the houses and you could go and knock on their door any time you wanted.

Q. And that was explained to the pupils?

A. Yes, yeah.

Q. All right. Let's return to your first housemaster, Mr Preston, because you consider him on page 31.

You've described him positively and say there:

"He was a kindly old chap and a father figure to his house."

You talk about him being a member of a gentlemen's club, a club with a swimming pool in it, and it was considered presumably a success if you were invited, as he appears to have done, to invite a boy to go on a Saturday night to have dinner with him there, because they could go swimming.

A. Yes, that's right, these wouldn't be boys from his house, Chalmers West, these would be older boys. Yes, he always said take your swimming costume, because one learned if you got one of these invitations you got a chance to go swimming. I never got one of his invitations and of course I was quite intrigued to know

a bit more about this place, because it sounded very fancy, the meal sounded delicious. So when one of my friends had been invited, when he came back, I asked him what happened and he told me he went swimming and I thought to myself the last person I could imagine going swimming was Mervyn Preston. No, he didn't go swimming but he did apparently sit at the poolside watching my friend swimming and that was what happened, he sat and watched him.

Q. The sentence you use in the statement is:

"He never took his eyes off of my friend who was swimming and he stared at him the whole time."

A. Yes. That's how my friend described it, yes.

Q. Did that in any sense ring alarm bells then?

A. Then? No, it didn't, because, you know, in those days we weren't actually on our guard for abusers/predators as we are nowadays, and perhaps have been for many years now. Going back as far as that it just didn't cross my mind.

Q. What about now?

A. Now it's obvious, yes, that there's a man who was attracted to boys, there's no doubt about that at all.

Q. That's what I was going to ask, because you've talked enthusiastically about him. Thinking back, for example, when you were at Chalmers West in first year, the one

thing you wouldn't do was sleep there, but for example we have heard evidence of showers being communal for the boys between dinner and prep. Is that something that you would be involved in, you would go and shower with all the boarders? Or is that something you didn't do?

A. I don't remember showering unless it was after sport.

Q. Right. Thinking back to your classmates, the bulk of whom boarded, do you remember any discussion about Preston being present at showers?

A. No. No, I don't remember that at all.

Q. Again, looking back now, you've clearly come to a conclusion about his behaviour in terms of the club and the swimming pool. Is there anything else, thinking back, about Preston's behaviour that would now cause you concern, reflecting on it?

A. No, apart from his behaviour of being a middle-aged bachelor man working in a residential boarding school for boys. That behaviour in itself, I suppose, would be a warning sign to me, but, you know, from my opinion about that, Mr Brown, must surely be coloured by my professional experiences as a psychotherapist and also a psychiatrist nurse, you tend to spot things like that and put two and two together very quickly, and perhaps wrongly.

Q. And add into the mix being a policeman?

A. Yes, absolutely.
LADY SMITH: 'Gerald', do I have it right that these visits to the club for dinner would involve Preston and one boy, not more than one boy?
A. Yes, Lady Smith, that's quite correct.
LADY SMITH: So the housemaster plus one boy, who was actually not a boy from his own house?
A. That's correct, yes.
LADY SMITH: Okay, thank you.
Mr Brown.
MR BROWN: Thank you.
You then talk about another teacher, who we can call BNR and again we don't perhaps need to go into the detail of it, but he -- this is pages 31 to 32 -- had some notoriety in the sense he was going out with a girl who was the daughter of a teacher at another school, who was half his age, and that --
A. Yes.
Q. -- clearly provoked a lot of discussion amongst the boys?
A. Well, not quite so much discussion amongst the boys itself, although he wore his heart on his sleeve this chap, so when he had had a bust up with his girlfriend he would be in tears about it and talking about it to the boys, so things like this, he was -- he certainly

wasn't aloof in any way, this master. And certainly -- from the conversations that I had as head of house then with teaching staff, they thought it was odd that he would go to the staff parties, which were held in the cricket pavilion, and this girl half his age sitting on his knee were seen cuddling, and so from that point of view there were concerns. In that I did know the girl's parents, her father had taught me at the Academy, you could see --

LADY SMITH: Was the girl still a schoolgirl?

A. Oh yes, very much so. I think she was 16, yeah.

LADY SMITH: Thank you.

MR BROWN: There was concern from the staff, from what you've said, in conversation with you as a prefect?

A. (Witness nods)

Q. Was anything ever done about that formally by the school?

A. Not that I ever -- no, not that I ever knew about. But this relationship, I remember it ended with the girl's parents coming to see him, and I think the girl was there as well, and then they went away and she never came back to the school again, so I don't know if the relationship carried on elsewhere, but it certainly finished at the school.

I think the comments that were made to me by one

particular teacher, one I did a bit of babysitting for when I was the head of house, and they thought it was odd, it was more framed from the point of view that this chap needs to get a life, I suppose, to use modern parlance, and you know, have a more appropriate relationship. It was -- it wasn't seen as this is not right, this is wrong, this is potentially quite abusive behaviour.

Q. But by the sounds of it, it ended because of discussions between, to be legal about it, the parties rather than intervention of the school?

A. Oh yes, definitely, yes. It was ended on a sort of social level rather than the institution, yes.

Q. No. The final person you name is James Rainy-Brown. When you joined the school, Mervyn Preston was the housemaster of Chalmers West; is that right?

A. Yes, that's correct.

Q. Who was the deputy housemaster or sub-housemaster? Do you remember?

A. I don't remember, I'm afraid.

Q. All right. I think we heard evidence yesterday that certainly at one stage Rainy-Brown was the sub-housemaster.

A. I keep wondering about while you've been asking me questions. There's two possibilities. I never heard of

this assistant housemaster/sub-master role, I don't remember it at all, so either it didn't exist when I was there or if it did exist I've just completely forgotten about it.

Q. All right. Let's talk about what you do remember, which is when you were head of Chalmers East, as you say, you were allowed to move freely around the school and you describe an event where you found the son of the new matron, who was a little boy, lost and crying.

A. Yes.

Q. And you take him by the hand and set off to try and resolve the problem.

A. Yes. I wanted to take him back home to his mummy, because he didn't know where she was, and this new matron, she was younger than the previous matron, she'd just started. So this little chap was in a terrible state. So on the walk back through the grounds to the matron's flat, I don't remember where it was, but (unclear). I encountered James Rainy-Brown and another teacher, who also (unclear), I don't remember who the other teacher was.

James Rainy-Brown immediately admonished me for holding this boy's hand and my gosh he ticked me off, which was unusual for me, you know, I was normally a pretty well compliant and well-behaved boy, which was

why I became head of house. Anyway, so I stopped holding the boy's hand and off we went. My overriding memory of that was why on earth would I not hold the hand of such a young child in such distress?

Q. It's obviously stuck in your mind?

A. Oh, vividly, yes.

Q. What age was the little boy?

A. I don't think he had even started school yet, I mean as young as that.

Q. All right. And the approach taken by Rainy-Brown perplexed you?

A. It confused me, but I didn't -- yes, perplexed me. I didn't read anything more into than that. This chap was a bit odd, yes, he was very sort of aloof and standoffish in a way, this tall, lanky, very athletic character who would jog around rather than walk most of the time and didn't give much away, this chap.

Q. How was he perceived by the student body?

A. We saw him probably as a strict member of staff, I think he was a science teacher, I remember he taught me science, and he was round about athletics a lot as well.

I think he was a bit distant, he didn't seem to have the same warmth as the other teachers, even at the school camp I mentioned, you know Mr Balfour-Paul was very nice and approachable, whereas James Rainy-Brown

was just a bit of a shadowy figure, but I didn't read anything into that at the time.

Q. Although you go on to talk about the fact that he's very involved in sport and on one occasion he's filming boys doing athletics, including you shot putting?

A. Yeah.

Q. It doesn't matter how you came to see the film, you saw the film and he'd been filming your legs?

A. Yes. I didn't understand that at all, because I thought shot putting was all about, you know, the action of putting the shot, but didn't think anything more of it.

Q. That was then. With hindsight, you go on in paragraph 152:

"I think that while I was at Merchiston there was a sense that there may have been a significant subculture of abuse under the surface that attracted paedophiles of varying degrees to work there but at the time I never once had any sense that James Rainy-Brown had an inappropriate interest in me or any of the other boys."

There's various things in that statement that I'd like to ask you about.

First of all, Rainy-Brown, do you consider his behaviour today inappropriate? And if so, why?

A. Which aspect of his behaviour?

Q. Well, that's what I'm asking you. Do you consider the two episodes you describe as inappropriate?
A. Yes, I do.
Q. Can you explain why?
A. Well, I think whether the holding the hand of the child, I think it's a bit inappropriate to say that without any explanation.

I think for somebody who is normally very reserved to be so forthright in his disapproval of it was inappropriate.

The athletics film, well maybe an expert athlete would say well actually how you are standing and turning when you are putting the shot is very relevant, but I think he wanted to take a film of my legs and that was highly inappropriate.
Q. It's the association with a subculture of abuse that attracted paedophiles of varying degrees, do you think there was sexual interest in the filming?
A. Yes, I do. I think (unclear) he wanted to be was the (unclear) with the boys.
Q. Sorry, the signal sadly broke up a little bit. Could you repeat that last sentence?
A. I think that all James Rainy-Brown wanted to be was a master of the boys. I think that in itself, the fact that he had such -- that was his sense of self, was to

relate to boys. It concerns me now as an adult.

Q. What about the phrase "... a sense that there may have been a significant subculture of abuse"? What led you to say that?

A. Putting together these various events that I'm aware of, talk about individuals, collectively they may easily have been drawn to working at that particular school or in that particular type of job, because that was what satisfied their proclivities and their needs.

Q. To be clear though, are you suggesting that that's the nature of or the potential of a boys' school, where you have bachelor teachers, that's as individuals, are you suggesting that you have a sense that it was more than just individual behaviours, but individuals who were aware of each other's behaviours and interests?

A. No, I'm not suggesting the latter. I think it's individuals I am talking about. But I think there's a staff culture at the time, almost 60 years ago, an unquestioning culture, people would conduct themselves as teachers in all sorts of ways and not be held to account.

Q. That's what I was coming to, there was no account taken by the school?

A. Not that I ever heard about.

Q. No. It wasn't something -- just as it would appear

anyway, it wasn't thought about by the boys, it's just it was the way it was. Presumably that description may apply to the way the school viewed these individuals?

A. Yes. Yes, I think I would agree with that, yes.

LADY SMITH: Sorry, 'Gerald', can I just understand this? Are you, in short, saying that looking back it seems to you the culture was that the teachers thought, "Well, we're teachers and we can't be held to account for our actions"?

A. Yes, Lady Smith, that's exactly what I'm saying, looking back, yes.

LADY SMITH: Thank you.

MR BROWN: Looking to life after school, we don't need to go into what you've done, we've touched upon it and that's sufficient, but if we look at the impact, which is on pages 34 on to 35, you talk about I think paragraph 160, you say:

"The abusive side of things was terrible and I wish I could go back and protect me and protect others but I just hope things have moved on. When I say that, I'm referring to both Gordonstoun and Merchiston."

Is that right or do you mean Gordonstoun and Edinburgh Academy?

A. No, I --

Q. Or all three?

A. When I wrote that statement, thinking it was mainly about Merchiston and Gordonstoun, I mentioned the Academy, I would definitely say that about the Academy.

In relation to Gordonstoun and Merchiston, yes, I wish I had been protected from a man who fondled me in a [redacted] class regularly. I wish I had been protected from that.

Q. Yes, I just wanted to be clear.

A. Yes. Yes, yes.

Q. You also say at paragraph 162 that your experiences at boarding school impacted your relationship because of the single-sex aspect, and that's a problem that followed you into adult life. Is that correct?

A. Yes, because of the education I had, nobody learned how to relate to girls except as, you know, these interesting people that appeared to join you in the school dance, this sort of thing. And that was a huge failing for me and I think for my peers at that type of education.

Q. Looking to the future, and this is the final page of your statement, you are ultimately positive about Merchiston's approach to what we've discussed in the houses, people would move house but stay together as a year group, and you think that was a positive?

A. Oh, yes, I'm convinced that was a positive, yes.

Q. Because it meant bullying was less likely to result?
A. Yes.
Q. Of senior boys bullying junior boys?
A. Yes.
Q. Which you'd experienced elsewhere?
A. Yes, yes.
Q. Okay.

You gave the statement in 2020. Is there anything else that you would like to say in terms of lessons to be learned?

A. No, I don't think so, thank you.
Q. I'm very grateful for your evidence today, but is there anything else that you would wish to add before we close?
A. No, I don't think so. Thank you very much.
MR BROWN: 'Gerald', in that case, thank you. I have no further questions.
LADY SMITH: Are there any outstanding applications for questions?

'Gerald', that completes all the questions we have for you. Thank you so much for joining us over the link today, but not just that, also for providing your written statement, which I have as evidence as well as what you've explained today, but doing that in person has made a real difference to my understanding of the

account you're able to give to build my learning about your time at all three schools that you've told us about. It's really helpful.

I'm very grateful to you and I hope you can find time in the day ahead to rest and restore yourself after what I'm sure has been quite a tiring experience. So thank you and do feel free to switch off the link now, because that's what we're going to do.

A. Thank you very much, Lady Smith.

(The witness withdrew)

LADY SMITH: Mr Brown.

MR BROWN: My Lady, that would be an appropriate point to break. Again, like yesterday, the next witness I hope is here. I have not met him, but perhaps just an extra five minutes, we will finish by lunchtime.

LADY SMITH: I'm sure we can manage to do that. If you can just keep in touch and let us know when the witness is ready.

MR BROWN: Thank you.

(11.26 am)

(A short break)

(11.53 am)

LADY SMITH: Mr Brown.

MR BROWN: My Lady, the next witness is 'Graham'.

LADY SMITH: Thank you.

'Graham' (affirmed)

LADY SMITH: Could I ask you to do something practical for me first of all. I don't think that microphone is on, but there's a button at the bottom in the middle, if you press that --

A. There we go, is that it?

LADY SMITH: That's on. You might want to adjust the arm a bit so that you can have it as close --

A. I think that's all right. Can you hear me all right?

LADY SMITH: That would be very good, yes.

You have your red folder open, well done.

A. Yes, I have.

LADY SMITH: You probably appreciate that has a hard copy of your statement in it. Feel free to use it if you find it helpful.

A. Okay.

LADY SMITH: You'll also see parts of your statement coming up on the screen as we refer to it.

A. Okay.

LADY SMITH: Otherwise, please do let me know if you have any questions or concerns at any time when you're giving your evidence. Don't be afraid --

A. Your voice is a little bit quiet to me --

LADY SMITH: Right, I'll adjust where I am with the microphone.

Can you hear me better now?

A. That's better, yes, I can, thank you.

LADY SMITH: Thank you for letting me know. It's important to me that you're as comfortable as I can make you.

A. Okay.

LADY SMITH: I know giving evidence isn't much fun.

A. No.

LADY SMITH: We cannot make it fun, but we can try to assist you --

A. Okay.

LADY SMITH: -- in any that would help, so let me know.

Otherwise, if you're ready, I'll hand over to Mr Brown to take it from there.

A. I'm ready, yes.

LADY SMITH: Mr Brown.

Questions from Mr Brown

MR BROWN: My Lady, thank you.

'Graham', good afternoon.

A. Good afternoon.

Q. Likewise, if you can't hear me, tell me.

A. Okay.

Q. It's good, I think, from bitter experience witnesses start off near the microphone but often lean back and become inaudible, so perhaps bear that in mind.

A. Okay.

Q. If we can start with your statement which you have in both forms in front of you, we see it has a reference number WIT.1.001.001.6505 and it runs to nine pages, and on the last page you say in the final paragraph you have no objection to your witness statement being published as part of the evidence to the Inquiry:

"I believe the facts stated in this witness statement are true."

We see you signed it now over four years ago?

A. Yes.

Q. In October 2017.

A. Mm-hmm.

Q. I take it you've reread it?

A. Yes, briefly, but yes.

Q. Is there anything that --

A. No --

Q. -- on re-reading --

A. It's accurate.

Q. Thank you.

It's a very concise statement, focusing on two things.

A. Yes.

Q. Whereas with many witnesses who have produced long statements, I don't have to bother with much of it because we've read it in, I may go beyond the confines

of your statement --

A. Okay.

Q. -- although we'll talk about the two individuals which led you to contacting the Inquiry.

A. Yeah.

Q. You're now 67?

A. Yeah.

Q. You were born in 1954 and you went to Merchiston between 1967 and 1972?

A. That's right.

Q. And started there when you were 13? 12/13?

A. Just over 12.

Q. Just over 12.

A. Yeah.

Q. Thank you. You would have left presumably at 17/18 then?

A. Yes.

Q. Okay. Your background you touch upon on page 2, paragraph 6. It was your mum who wanted you to go to Merchiston?

A. Absolutely.

Q. For her it seemed to be an important step up, if I can put it that way?

A. That's right, she came from quite a poor background in Edinburgh and from her perspective it was a big step up

and it was like introducing me to a new world or a better world, you know. My dad felt differently. He was also from a poor background but he didn't see the point in it, but she won the day.

Q. Where had you gone to school before? Was it state or --

A. No, I had a couple of years at preparatory schools in Ayrshire.

Q. Right.

A. Yeah.

Q. In terms of the selection of Merchiston, were you in any way involved?

A. No, no.

Q. It just was?

A. It just -- yeah, I just got taken there.

Q. Which would involve, we would understand, the buying of lots of clothes and --

A. Yes and things like kilts and really odd things, you know, that you'd never seen in your life before.

Q. But you obviously went along with it because it's what your parents are wanting you to do, in particular your mother?

A. Yeah.

Q. It's the point you make in paragraph 7 at the end, you view it as a trap for as a wee boy you're aware of your parents' expectations, how much money it's costing, and

you knew that and you didn't want to let them down?
A. And that ran all the way through my experience at school. It was very difficult to tell them the truth, because you were so aware of the fact that they'd worked really hard to give you this privilege, as they saw it. I was getting a very different view of it, but I still couldn't tell them the truth. I joked about it a bit with them and they did too, and, you know, they were nice people my parents, they weren't horrible at all, and they really thought this was the best thing they could do for me. And so as a young boy you want to reward that by going along with it and that puts you in a very invidious and difficult psychological position, I think.
Q. That presumably would have impacted on what you told them but how you behaved?
A. I never spoke to them about it at all. Honestly, it was just -- you know, my dad would drop me off and he'd say, "See that you in stick in" and I'd say, "Yeah", and that was it. Completely friendly, you know it wasn't horrid. Just at that age at that time, you didn't question what you were being put through. You just went with it.
Q. At that age, this being late 1960s into the 1970s, was another thing you didn't question was authority?
A. Totally. Totally. You just accepted what went on

around you. It's just the way it was. Luckily things are improving, I think, in that regard.

Q. Yes. In terms of your fellow pupils, because you've talked about the social side of it in terms of it being a step up, I think you describe many of the boys of Merchiston at that time as being farmers' sons?

A. A lot of them were, and really nice lads, really down to earth. Physically terrifyingly strong and often really good rugby players. What was great about them was they kind of all knew one way or another they'd end up running their dads' farms, so they weren't that bothered about getting an education, so the school had a really hard time with them because they wouldn't live up to any kind of expectation, they just drifted along and they were really nice lads. A lot of them were good friends of mine. And that was the nice side of the school, a kind of down-to-earth straightforward side and I should also say a lot of the teachers they were very pleasant, very good teachers, you know, it wasn't all awful and much of the school was well run and with decent people, you know, in charge of you. But not all of them were like that.

Q. No, and we'll come onto --

A. I just wanted to make that point that I'm not here just to complain about the school. It was just about these

two main incidents that have long lived with me.

Q. It's just in the context of you talking about from your mother's perspective, certainly, this being climbing a social ladder, if you like?

A. Yes, yes.

Q. And yet the boys, to a large degree, were farmers' sons.

A. Yeah.

Q. And by the sounds of it, to use your words, decent lads?

A. Yeah, totally.

Q. And the atmosphere, so far as the pupils were concerned, was it elitist or was it just --

A. A little bit. You know, farmers are a little bit like that anyway, you know --

Q. All right.

A. -- but not in a horrible way. And a lot of them were very intelligent. They didn't -- you know, they weren't fussed about getting an education but it didn't mean they were in any way stupid. They just didn't have -- they hadn't bought into this idea that they were going to become posh, and that actually was the nicest side of the school, I think.

Q. That's the point I'm making. It wasn't posh in that regard?

A. Yes, yes. Some were, but mostly it had that core of just down-to-earth young boys.

Q. I think you've touched about the view of education. The flipside of that we may get the sense of is sport and particularly rugby, which you touched on, was very important?
A. Very, very important, yes.
Q. Where did it stand compared with education?
A. Equal, equal merit, absolutely, yeah.
Q. And yet, if you weren't sporty, how did the school respond to that?
A. They just viewed you as a bit of a sad case. You know, it was all right. You didn't get particularly persecuted if you couldn't play rugby. But it may interest you to know that there was a back field at Merchiston which they hired out to a local farmer, so it was covered in cowpats, and the kids who couldn't play rugby very well, that's where they got to play. Says it all, I think. And again I ended up on that team at one point. Although I was actually quite good, it was a kind of form of protest, that's the best rugby I've ever enjoyed in my life, because it just didn't have any of that horrendously competitive macho side to it at all.
Q. It was just fun --
A. It was just fun.
Q. -- amongst the cowpats?

A. And the art teacher took it, because he couldn't care about it either, so it was kind of lovely.
Q. One of the things we know about Merchiston is that as distinct from many other schools where you go into a house where you stay for the rest of your school career --
A. Yes, yes.
Q. -- and it involves older and the youngest boys?
A. Yes.
Q. Merchiston is I think the phrase is horizontal, so you stay in the same year group but move house?
A. That's right.
Q. From the point of view of bullying, boys can be cruel?
A. Oh yeah, yeah.
Q. But was that aspect of it, there is perhaps a cliched view of school bullying in boarding schools, did you see that?
A. Yes, bullying happened. Not, I would say, any worse than probably any other school in the world. I think unfortunately children are cruel. The biggest things that I have regrets about is I didn't actually get bullied, I was just too crafty, I always made sure to stay clear of the guys who were, you know, a bit violent or whatever, but I did witness some things which I did nothing to intervene, you know, I didn't stop it, and

I still feel bad about that.

Q. But was it prevalent?

A. Sorry?

Q. Was it prevalent?

A. That's a hard question. It didn't bother me so for me it wasn't, but I think for some kids it probably was, you know. Yeah. I mean there was -- bullying did happen, but again like you were saying at the beginning, it was just taken as part of the deal. Nobody thought that you could complain about that or -- you know. However, I did think I could have intervened. I would have got beaten up if I did, though. I mean it's that horrible survival thing that starts to operate in these situations.

Q. We understand that although years stay together and move from house to house, that within the houses there are prefects?

A. That's right.

Q. Would they provide a measure of control?

A. Yes, and luckily when we get around to talking about Pringle House, which was the house I went into which was for the very young boys and that had just been built, there were two prefects there, [redacted] and [redacted] and they were really, really reliable, decent young men, and I still feel grateful for them, because I think they

protected us from the housemaster.
Q. We'll come back to that.
A. Yeah.
Q. But it makes the point perhaps that I was alluding to, that the prefects actually did have some sense of responsibility?
A. Huge, they had huge power.
Q. Did they abuse the power?
A. No. I didn't really ever see that. Before I went, not long before I went, they were allowed to beat you, physically, but that got stopped, thankfully. That would clearly have been open to all kinds of abuse, but when I was there that didn't happen. And again I have to say that the prefects that were in charge of me were entirely reasonable, pleasant young men.
Q. That was your experience?
A. Yes, yes.
Q. We talk a lot about pastoral care nowadays --
A. Uh-huh.
Q. -- going back to Merchiston of late 1960s/early 1970s, was pastoral care something you were aware of as a thing?
A. Not remotely.
Q. Did you understand when you went to Merchiston, for example, day 1, was there an introduction saying,

"Welcome to Merchiston, this is how it operates"?
A. No. It was all you just were expected to know and I'd been to a preparatory school so, you know, beating, physical punishment was part of that. It was -- really, to put it crudely, it was Tom Brown's School Days hadn't -- that ethos applied, everybody was aware of it, there was no need for it the school to inform you of it.
Q. Though, from what you're saying, boys didn't beat boys?
A. No.
Q. In terms of the teachers, was beating common?
A. Yes.
Q. It was?
A. Yes.
Q. Did you think -- forgetting individuals, just as a generality -- it was appropriate punishment, remembering the time where corporal punishment was acceptable?
A. It was excessive, I remember thinking. I didn't question it because I was just so accustomed to it as being part of the school routine, but I saw some beatings where, for instance, when the boys came out of being beaten, we'd run the taps until it was as hot as possible and they'd put their hands in there to try and get some relief from the pain. I mean it was really brutal. You'd get as much as eight and eight on each

hand with a big tawse and the teachers would often tie a scarf around your wrist when they did this to prevent it opening your veins if it lashed up over the top. That was completely normal, you know, that was just what went on. The reason I say excessive is because I saw the effect that had a few times on people. It was brutal.

Q. Yes.

A. It was really brutal.

Q. So there could be excess corporal punishment?

A. I would say so, but, you know, I'm pretty sure my parents signed up to that. I don't think anybody had the right within the organisation to object to it.

Q. We'll come back to that in the individual case.

A. Okay.

Q. But going back to the pastoral side, was there anyone you felt you could go and speak to if there was an issue?

A. My friends, yeah. We'd laugh about it together and talk about it together, but we didn't do anything about it because we didn't think we could. That's -- yeah.

LADY SMITH: Having such a resource would, although, be dependent on you having friends. If a boy didn't have friends he wouldn't have that, would he?

A. I think if you were friendless at a place like

Merchiston, it would have been a miserable place to be. I really do. Because it was my friends that got me through. By being able to be honest with them and laugh about it. I mean I know that sounds crazy, but actually it's a very healthy human response to do that, I think.

MR BROWN: Going on your recollection, your experience in many respects seems to have been positive at certain levels.

A. Yeah.

Q. Do you remember pupils who were friendless?

A. Yes. I do. And, again, they were usually kids who weren't very clever, weren't very good at sports. They used to be not so much bullied a lot but they just used to look a bit sad and lost and, you know, and people would be mildly cruel about them. I'm saying mildly cruel. What their experience of it was was probably a lot worse than that. But I don't think there were many like that. Most kids were able to deal with it. But, yes, there were always one or two who you could tell were just unhappy, you know.

Q. Was any effort made to address because you talked about, for example, people who weren't good at sport, they were accommodated, what about these children?

A. No, no effort was made, no. It was just part of life. You just had to deal with it. That is almost part of

the ethos, you know: toughen up. It's that whole horrible kind of masculine view of the world, I would say.

Q. Yes. Did the ethos change at all in the five years you were there?

A. It would change according to your class teacher. Some of the class teachers were really good and the class sizes were small. Therefore, the education in the end was pretty good because of that, you know. And also because you were locked up in this institution they made you work all the time, because they figured out that that was how you behaved, if they just made sure you were just working -- either working or running or playing rugby at almost any conceivable moment, it was very difficult for you to misbehave and in many ways educationally or at least academically, perhaps not in a general educational sense, it was quite effective because of that.

Q. Put simply, you were kept busy?

A. Very much so, yeah.

Q. And deliberately so?

A. Oh yeah, yeah.

Q. Moving on, though, to specifics, which, as you explain, was why you contacted the Inquiry.

A. Yeah.

Q. We'll come to the two specifics in a moment --
A. Okay.
Q. -- but these are specifics that clearly were still very much in your mind?
A. Yes, absolutely. They are things that never left me about my time at that school.
Q. How did you find out about the Inquiry?
A. Well, originally I'd read some pieces in the paper about it and I remember thinking I wonder -- and I thought well, what happened to me isn't that severe, what's the point? But then I thought one of the teachers in my statement had been there for probably 40 or 50 years, I thought: well, if he did that to me, maybe he did it to other boys. I honestly don't know if he did or didn't, but I thought maybe this might help corroborate their evidence if anybody else has come forward and given evidence. That's the real reason I came forward.
Q. All right.
A. Yeah.
Q. Let's approach them sequentially in the order that you experienced them.
A. Okay, yeah.
Q. When you started at Merchiston, I think we're right in saying -- this is looking at page 3, paragraph 13 -- there was a new house called Pringle House?

A. That's right.
Q. We know from evidence we've heard before you that the routine used to be that you would join age 12/13 and go into Chalmers West --
A. Yes.
Q. -- and then progress through the other houses --
A. Yes.
Q. -- up the school --
A. Yes.
Q. -- with your year group. But the year you began, there was a new house called Pringle House?
A. Yeah.
Q. Again we've seen photographs and I think we know what the school layout is. Pringle House was different?
A. Yeah, it was brand new. I was the very first intake. It was a modern -- you know, lots of glass and wood, not at all like the rest of the school, which was all stone and kind of slightly like an old mausoleum. This felt, you know, friendly, and kind of welcoming in a way that the rest of the school didn't, and also all the kids who went there were the youngest -- I was just, just 12, I think. Some of the other kids were under 12. And as I remember, there was maybe 18 or 20 of us, maybe only 16, I can't exactly remember, but we were the youngest intake and this was considered to be a kind of

safehouse, because we were perhaps a little too young to cope with the full school.

We very quickly after a year got just pushed in and we just went on as normal, but it was meant to be a kind of refuge for very young kids.

Q. And physically it was apart from the rest --

A. Yes, it was. It had been built onto the sanatorium, which was several hundred yards from the main block just on your left as you go in the gate.

Q. Close to the main gates?

A. Yeah.

Q. Did you think, going back to the late 1960s, how lucky am I going into a new --

A. It felt really like a really nice place to go. I was quite surprised. It felt really nicely built, the showers were great, it was light, warm, the beds were comfortable. That wasn't my experience of preparatory school, so I thought yeah, this is an improvement.

Q. And there was a housemaster?

A. Yeah.

Q. James Rainy-Brown?

A. That's right.

Q. What were your impressions of him to begin with?

A. Initially fine. He seemed like a fairly elderly man to me, but I'm sure he was only 30 or round abouts. You

know, I was only 12, remember. He was quietly spoken, very athletic. He was always running about in his tracksuit. Athletics was his big thing. He seemed slightly distant, but he seemed broadly completely okay, for the first week.

Q. But then as we read in paragraph 14, things go wrong when he discovers the pupils having a football match?

A. Yeah, it wasn't even a football match. It was just before bedtime so everybody was in their pyjamas and there was a long corridor outside the two dormitories that was linoleum, so it was slidey, so what we did was we got a sports sock and rolled it up into like a kind of woollen puck and we used to kick it back and forwards just with our bare feet, and because the floor was slidey it was great, it would really travel, you know, and we would have two- sometimes three-a-side, and we would just play first to five won. I was in one of the teams, and we'd lost, luckily as it turned out, so that meant we were waiting for our turn, but the two other teams were playing when Rainy-Brown came around the corner and saw them doing this and he immediately summoned all six of them to his study and we thought what's this for, because it was not something that had been forbidden.

Q. I think if I can just stop you there you said six,

I think looking at paragraph 15 you say he frogmarched the four boys?

A. Was it four? Well, it was sometimes two-, sometimes three a side, that's the problem. I honestly to this day don't remember if it was four or six. Let's say four, that's fine. And he took them to his study and when they came back though, that's what shocked me. Everybody understood that the school had a policy of corporal punishment. That's not going to surprise anybody. But when these four lads came back, it's hard to describe this. It wasn't simply that they were crying. Can you imagine what hysterical tears are? Something that's beyond tears. They were really, really, really in pain and they were utterly, utterly shocked. And that shocked me to see that, and that's one of the reasons, not that James Rainy-Brown wasn't permitted in his position to beat people, he was, but he was not permitted, I believe, to beat them that hard or that sadistically, and that never left me because I just thought -- at that moment something went up my spine which was like a survival instinct. I thought: okay, this is not safe, this is a dangerous place to be. And that, you know, that's the thing that I to this day, even more actually than what happened later, has lived with me.

Q. If can I stop you there.
A. Yeah.
Q. You're someone who uses words, but you find this difficult --
A. It's very difficult to talk about, yeah.
Q. But even to describe, because of the level that was reached.
A. Yeah, yeah. Well, you build up layers of things to preserve yourself from this, you know. These things happen and you go there isn't any point dwelling on it, you know, life's hard enough, get on with it, don't think about it. You speak to your friends about it, you do all the normal things, but it doesn't fully go away. And, listen, I've been around then, the kids were rough and tough, the other teachers were strict. It was the shocking extent of that violence that lived with me. You know, that's the thing. It was the extremity of it.
Q. And it was sadistic --
A. I think so.
Q. -- you think?
A. Yeah. He was probably, as a 30-year-old man, when I think about it now, he was probably saying to himself, "I'm going to put a marker down, I'm going to actually show these kids that they're not allowed to put a foot out of line", and he probably -- for all I know he

justified it to himself that way. But that is not what it was. And I think even the two prefects in charge, I think they also -- I didn't speak to them, they were too far up the chain to speak to, but they were -- I sensed that they became more protective towards us.

LADY SMITH: This football game with the rolled-up socks was something that had been happening before?

A. Every night, yeah. It was just something we did before we went to bed.

LADY SMITH: The prefects knew about it?

A. Yes, and it was up to them, you see, to put us to bed. They would let us do that, they would have a cup of coffee in their studies, let us do that for half an hour and then come and say, "Right, bedtime". So it was a kind of established evening ritual.

LADY SMITH: And suddenly what was allowed was not allowed and you'd had no warning?

A. Suddenly -- that's right, yeah.

MR BROWN: I think, from reading the totality of how you describe the event, initially these 12-year-old, 13-year-old boys can't speak because of the level of shock and pain.

A. They were beyond speech. And they -- if you're a tough -- these guys, they were tough lads, you know. It's embarrassing to be made to cry when you're a wee

boy at that age, you know, and I think they were ashamed of the fact that they were so crushed by it and hurt by it and they were ashamed to be crying, because that's just unfortunately -- I mean it's a silly thing, but that's what it's like if you're a wee boy, you know, crying's a sign of weakness and they'd been pushed right beyond that into a state of, you know, utter despair. I remember them going to sleep still crying with the lights off, you know.

Q. But I think as you say in paragraph 18, afterwards they did speak about it and what they described is having to wait as they were taken one by one?

A. Yeah, they were.

Q. So presumably numbers two, three and four could see --

A. They were waiting outside and so they would have heard it happening, yes.

Q. Can I stop you. As you know, there are stenographers.

A. Oh sorry, too fast.

Q. It's fast and also can you wait until I finish --

A. Oh right, okay.

Q. -- and I'll wait until you finish. Thanks.

It's simply that two, three and four would be aware of what was appearing to one?

A. Yeah.

Q. The wait, presumably, was another factor, another

element to --

A. I'm sure it was. I'm sure it was.

Q. But they are able to describe that they got ten strokes each per hand?

A. Yeah.

Q. And he really walloped into them?

A. Oh, he did, he absolutely did. I mean, I don't know if you've seen one of these Lochgelly tawses, but they're nasty things, you know, and he did not hold back. You know, if he'd hit them two on each hand and given them a warning, maybe fair enough, but what he did I think was absolutely out of order.

Q. And, as we see in paragraph 20, you talk about the two prefects in very positive terms and they respond, they are trying to protect.

A. I can't say that for sure. I got the impression that they did, because they were suddenly around a lot more. They would come and speak to us before lights out in a very friendly way, and they would make sure that they'd put the lights off and everybody was okay and in fact I think they, just through being decent young men, were kind of taking over the role of what James Rainy-Brown should have been doing, which was making sure everybody was all right before they went to sleep, that nobody had any issues or problems and

I remember them very kindly and very warmly.

Q. They acted as a shield?

A. Yes.

Q. You've talked about the profound effect this had for the rest of your school life. The marker is laid down by Rainy-Brown deliberately, as you say --

A. Yes.

Q. -- but for you it was a marker: you have to watch out?

A. Totally.

Q. How much contact did you have with Rainy-Brown after the year in Pringle?

A. Well, he was my physics teacher for a while. I was utterly useless at physics, so luckily that ended quite quickly, so maybe one term as a teacher. He took one of the rugby groups as a coach that I was part of for a year, so I would meet him daily and that, but you wouldn't have any conversation with him and he just refereed the game and, you know, that was it, so I didn't have any close contact with him.

Q. What was his reputation within the school?

A. He was a cold, rather distant figure. He wasn't talked about in the same way that some of the other teachers were. There was no sense -- I mean one of the other teachers was talked openly about the fact that he had an interest in the younger boys. He was never talked

about in that regard. But people were afraid of him, if you get ... there's a difference, I think, between somebody who has a sexual interest in young boys -- although maybe he did, I have got no idea -- and somebody who is violent. He was violent, and I think the school knew that -- the schoolboys knew that, I don't think the school necessarily did. But the lads, the boys, knew to stay well clear of him.

Q. Was he at Pringle all the time you were at school?

A. I believe he was. I think he remained the housemaster there throughout my whole time.

Q. From a day-to-day point of view, was Pringle -- he taught, obviously, as a class teacher --

A. Uh-huh.

Q. -- but Pringle was somehow distant from the rest?

A. Very distant, yeah, yeah. I mean you quickly -- once you moved up the ladder you forgot about everything behind you, it's just the way school is, yeah, but he was still the housemaster there as far as I remember.

Q. You say you forgot about that, but I think when you learnt that he had died --

A. Ah, yes. Well, as I said to you earlier, that's not something -- I had a response to news that he'd died that I feel ashamed of, but a school friend of mine came through one weekend and he said, "Did you hear that

James Rainy-Brown had [redacted] himself?" And I went, "Yes!" and I've never done that before and he said to me, "I've never seen you behave like that". And I said, "Well, I don't know when it came from" and then I told him about it, because I hadn't actually ever told him about the way he'd beaten these kids and he said, "Well, now I kind of understand it", you know, but as I say I'm not proud of that reaction, it came out of me before I could stop it, but I think it was indicative of a kind of fearfulness I had about that man and an anger at him, and I was actually -- and this is a horrible thing to say, I was glad he wasn't around anymore.

Q. In context, this is 45 years after the event?

A. 55, nearly, yeah. A long time.

Q. But that --

A. Oh no, when he told me, 50, yeah. 51, something like that, yeah.

Q. But that was your instinctive response?

A. Totally, yes. I mean, it surprised me, you know. I don't take any pleasure in the suffering of others, you know, but I did there, just for a second.

Q. You then talk about, and I think you just touched on him a moment ago, about another teacher, and this is the second teacher that you mention in your statement, page 5, and this is Mervyn Preston.

As we agreed previously you started off in Chalmers West but then, with Pringle, that's --

A. Pringle then to Chalmers West and then on the way up the rest of the school.

Q. Chalmers West was Mervyn Preston's house?

A. That's right.

Q. Do you remember, was there a deputy housemaster?

A. I don't remember that. No, I don't think there actually was.

Q. Okay.

A. He was also deputy headmaster, though, all the time I was at school, so he was a very, very powerful figure within the school.

Q. I think, as you alluded to, he had been there for a long time?

A. He seemed to have been there forever. He had that air, I'm sure he was there all his life.

Q. How would you describe him?

A. Physically very tall. He looked like a cross between a -- if anybody can remember the old actor Robert Morley and the politician Enoch Powell. He had a very, very sharp brain and a very cruel, cold tongue. I mean he could absolutely slaughter you with his tongue if he wanted to. He was somebody that everybody was scared of, simply as that. His nickname, I mean this was

almost ridiculous, his nickname was "Merve the perve". It's -- the whole school knew what he was like, I mean this is almost ridiculous that nobody then did anything about it, but that was his nickname. To give you some idea of why he got that nickname, when the young boys in Chalmers West, they were lads who were now between 12 and 13, when we took our showers after the rugby match, he would almost invariably be there watching us all naked in the showers, getting dried and dressed, and his excuse he'd give was, "I'm just looking to see if you need an athletic support for playing rugby and cricket", you know, utterly bogus. I mean, even at 12 and 13 everybody knew it was completely bogus. But --

Q. Can I just stop you there?

A. Yeah.

Q. Athletic support: jockstrap?

A. Yeah.

Q. Did he do anything other than look?

A. No, he never did. He never did. But it was a standing joke that, you know, he would appear in the shower rooms two times out of five in the week, you know, he'd come in there and do that and prowl around the place.

Q. Week in, week out?

A. Yeah, oh yeah.

Q. Did any other teacher come into the showers?

A. Not one. No, not one.
Q. He was also, we see, nicknamed "Potter"?
A. Yes.
Q. Why was that?
A. I don't know. I've no idea. It was -- I never figured it out.
Q. But as soon as you joined Chalmers West, or in Pringle, did you know you were going on to a house where Merve the perve --
A. Yes, I'd never encountered him though, he'd never been my teacher, he only tended to teach the older boys and only the clever boys. He'd just managed to -- you know, arrange it that way. So he was academically certainly quite remote, although he was very much part of the daily life as a housemaster, it was only when I got a bit older that he became my history teacher.
Q. Staying though in your first year in the main building if you like in Chalmers West, you've talked about him inspecting during the showers.
A. Yes.
Q. Would I be right in saying he also gave you a very basic form of sex education?
A. It's so ridiculous, the sex education talk he gave, that I'll repeat it to you if you want, but it is so ridiculous it's risible. What he did was he lined us up

outside his study and you went in one at a time and you stood in front of his desk and he said, "Are you aware that your penis is for other purposes apart from urinating?" And you'd reply, "Yes, sir", and he'd say, "Next", that was it. It's so ridiculous it's like something out a comic sketch, you know, but that is how it happened and again everybody I remember who went to that school will laugh about that as this kind of absurd -- that's the only sex education, I have to say, we received, and it was preposterous, but that's the truth. That's how -- that's how that side of the school was run.

Q. But you had to go in one by one?

A. One at a time. It took literally 20 seconds, you know. I don't know if he was simply ticking a box. I can't see that he was getting any pleasure out of it. You know, it just -- as I say to you, it was ridiculous, it was absolutely ridiculous.

Q. But in terms of the knowledge of his nickname, of what he did. He'd been there for years, did you learn from boys in years above you that that was what he had done with them too?

A. Never talked about.

Q. You didn't talk outwith your year?

A. Well, no, you didn't, actually, it was forbidden, oddly

enough. It was against its rules to speak to anybody in the year above you or the year below you, and I think that was possibly to make sure bullying or abuse didn't happen. So that was a rule of the school. So you never got to know anybody above you or below you. You only got to know your own year group.

Q. What about the prefects, though?

A. And the prefects, yes, and some of those were friendlier than others. A lot of them just didn't pay you any attention.

LADY SMITH: What if you had a brother in the year above you or the year below you?

A. I don't know what happened then. I think you would be allowed to speak outside occasionally, nobody would pick you up on it, but it would still be effectively breaking the rules to speak, yeah.

LADY SMITH: Oh, my goodness, yes. Thank you.

MR BROWN: Again, just to follow up about rules, we've heard an awful lot about just learning -- you knew how things operated because you'd been to prep school.

A. Yeah.

Q. Were these rules you just picked up as you went along or were they formal?

A. You just somehow knew them, you know. I can't remember anybody ever telling me them. You were very -- it was

a school where you were very, very seriously disciplined. You did not talk back. I mean, honestly, I can't remember anyone in the whole five years that I was there speaking back to a teacher. It just didn't happen.

Q. What I'm getting at, you weren't issued with school rules which set it all out?

A. I never remember that being done. I mean there possibly was a booklet somewhere, but I was never aware of it.

Q. Returning to Preston though, he's been there for a long time, he was still there when you left.

A. Yes, he was.

Q. He was a housemaster, he was a history teacher, he was deputy head?

A. Yes.

Q. And I think there were periods where he covered --

A. There were periods when he was covering as headmaster, yes.

Q. So he was an important part of the school?

A. He was very powerful and not respected, but feared.

Q. In terms of the acid tongue you described, he could cut people?

A. Oh yeah.

Q. Did he do that commonly?

A. He would do it in the classroom. He -- if somebody

didn't understand something, he would make them feel very foolish, yeah.

Q. We know from your statement that when you were perhaps about 15, being cliched about it, lights start going on in your head and having been an average pupil you start succeeding?

A. Yes. I mean this was in many ways the most insidious side to this. Although I wasn't really clever enough or old enough to understand it at the time but yeah, I just started to get good marks from one or two other teachers and being put top of the class and that had never happened before, so it was slightly strange and oddly pleasing in the way that that is. It gives you a lift to suddenly be told you're clever if nobody has done that before. And he was also my history teacher at that point and praise from him was high praise indeed, and he started being exceptionally praising of my abilities and giving me straight As and A plus and all this kind of thing, which was a shock to me. Not entirely, because I was sort of aware that my brain was engaging at last, you know I was almost able to think for myself a bit and read more widely and I was just more engaged academically, and I'm sure he recognised that. But it did give him a certain power over me that I was so grateful for his praise. That's one of the areas I felt

eventually, after what then happened, more vulnerable, was actually psychologically in that regard.

Q. Looking to what happened, we see this on page 6, and for those of us of a certain age, it takes us back to school days writing essays about the 1840s revolutions, particularly 1848?

A. Yes, 1848, yeah.

Q. You do an essay and the lowest-marked essay is given back first?

A. Yeah.

Q. And you were given back last, because you were top of the class?

A. Yeah.

Q. And you were proud and chuffed, to use your words?

A. I was, yeah.

Q. And excited?

A. Uh-huh.

Q. And shortly or some period after, maybe weeks, maybe months, he asks you to come and have a word with him about history?

A. That's right. It was in the summer term, I remember that. I got a message from a prefect during lunch and he said, "Mr Preston would like to see you in his apartment" at I think it was 2 o'clock or something like that, I can't quite remember the exact time, it was

a summer afternoon, and that's when he -- that's when it happened, basically, yeah. He invited me up there and I remember thinking: What on earth does he want to see me for? I mean this doesn't happen. There's no reason for a teacher to see you then. But being who he was, I thought, well, I'd better go.

So I went up to his apartment, which was in one of the schoolhouses, and it's like the teachers had -- although I believe he lived in Edinburgh, had his own house, he had his own little apartment as well within the school, which consisted of a study with a desk, a small loo and a bedroom, and that was his kind of little place. And again that's very unusual, to be asked to go to his private residence, if you want to call it that.

But anyway, I went and I knocked on the door, any go, and he starts telling me how clever I was and how it's a shame I didn't work as hard as history as I did in English and I could go to Cambridge and I could, you know, be a history scholar and all this stuff and I'm sort of listening to this, thinking well -- you know, I didn't really know what to make of it. Faintly chuffed, I suppose, is a word I use and just kind of wishing he would get it over with so I could get out, I didn't really understand the point of this discussion.

And then he said, "Would you please go over to the window and tell me how the cricket match is going on".

That really struck me as odd, because his window it basically just overlooked the courtyard where cars parked and stuff. Now there was a cricket match going on, but it was 200 yards away in the far corner of the playing fields, so I couldn't conceivably have actually seen it, you know, but I just stupidly if you like I went and looked out the window, I didn't know what else to do, and when I was standing there, I was aware of him getting up behind me and he came over and he put his hand to my bum and fondled me through my short trousers as we all wore in those days.

And it was -- I still remember being profoundly shocked, but not oddly enough surprised perhaps, but I just said, "I'll just be going then, sir", and I just skedaddled. I mean he didn't actually -- he didn't do anything to me apart from touch me, and I do remember thinking, "I really hope he hasn't locked the door", but he hadn't. I just went straight out the door, down the stairs as fast as lightning. And I think the good thing was I told my friends about it immediately. It wasn't something I kept hidden or secret. And they just laughed and said, "Well, at least you got out", and all the rest of it. This was the strangest thing, nobody

was surprised and the odd thing was I felt sorry for him. I know it's the weirdest thing, but I did, because one way or the other, this chap -- and Rainy-Brown -- they carried themselves with enormous dignity and respect for themselves, you know. They thought a lot of themselves and they carried themselves with that. And I lost all respect for him then, totally, you know.

And in a funny way I lost respect for the school. I managed to stay on track academically simply, because I enjoyed reading, but history went fairly quickly down the tubes. But English didn't, because English to me then was a release. You know, you could escape into books and poetry and plays and things.

But, yeah, that's the deal. That's what he did. And the reason really I ended up coming here was he'd been in that school for 40-odd years. How many other boys did he do that to? And maybe other boys weren't quick enough to get out the door? I don't know. I really don't know. But I just thought I should at least describe this event just in case it corroborates what other people have said.

MR BROWN: You told your friends?

A. Yeah.

Q. Who, by the sounds of it, weren't really surprised?

A. No.

Q. In a sense, presumably you weren't either given --
A. I wasn't, really. I was slightly more upset by it than I let on, to tell you the truth, but I was determined not to let it get me down because, you know, you see the other side of all this was, as we said early on, my mum and dad had coughed up for this, you know, I knew again -- I couldn't tell them about this. You know, isn't that strange, but I couldn't. I don't think they would have known how to deal with it if I had. Decent people that they were, I honestly don't think they could have dealt with it. They were too deferential to the system, like many of us were and many still are. That sense that: well, you just have to put up with it, you know, part of the deal.
Q. You didn't tell anyone else outwith your year, though?
A. No, no, but they were good friends and oddly it did help to laugh about it and to this day it does. I still sometimes -- because I think it's a human response and it's a way of kind of defeating the demons or whatever. I've kind of always believed that a little bit. So I try not to make a big deal of it and I try not to let it affect me -- not saying -- it will have done a bit, I think, but I think it's important to move on in life because one way or another, everybody has unpleasant things happening to them, you know, and this was one.

Q. But you didn't tell anyone in authority. I appreciate he was authority on one view?
A. It did not cross my mind to do that. It just didn't. Who would I have told? You know. I mean there were two or three teachers who were pleasant, intelligent men. I don't know -- I just can't imagine how the conversation would have gone. It's just you were so much part of that system. It was one thing to laugh about it with your friends and to acknowledge this man and his nickname, Merve the perve. I mean nobody had any illusions about what the guy was like. But the system was so kind of rigged and set up and we were so kind of ingrained in that you don't tell tales, even on the people that have told you not to tell tales. It's just, ridiculously now, the way it was.
Q. Do you have a sense, if you can, of what other staff would be aware of?
A. There were three or four fairly eccentric teachers in that school, but I couldn't in any way say anything other than the word eccentric. You know, a lot of them were bachelors, a lot of them seemed quite lonely, but they never did anything to me and I never heard that they did anything to any of the other boys. And I can only say again that in many ways the school was fairly run, it was an all right place to be most of the time.

I think it's important to say that, because otherwise it's just like kind of an unbalanced rant about an establishment. I mean, I can do that if you want, but that's, I don't think, fair. These were the two main incidents in my time there that have always stayed with me. Most of the rest of the time it was bearable.

Q. I think paragraph 39 you've just made the point?

A. Yeah.

Q. Merchiston was a pretty decent place overall?

A. Yeah, it was.

Q. As were the teachers, as were the boys?

A. Absolutely.

Q. Overall?

A. Overall.

Q. Do you think any of the other teachers knew what Merve the perve, to use his nickname, was doing?

A. Oh, they must have, you know, they must have, but I can't prove that. I just think people are intelligent and if you've been in a staffroom with somebody for all these years and you've watched the way they behave, I'm pretty sure they would have suspected it at least. Whether there was any collusion going on, I have got absolutely no evidence of that, so I can't say it. I mean, no, I don't know. I just think yes, some of them must have been, but that's just a kind of

instinctive thing. I have no proof of that.

Q. Okay. We heard evidence that Preston would take favoured pupils for dinner to his club.

A. Ah.

Q. Does that ring any bells?

A. Never happened to me. I know he lived in a club, which made him seem faintly exotic and strange. He never invited me, luckily, to his club.

Q. Were you aware of him --

A. No, I was not aware of him doing that, no. I mean, that's odd. I think -- I don't know how you'd get away with that. That would mean taking the pupil out of the school grounds. He certainly had the power to do it, but he would -- he would have had to cook up a fairly convincing reason to do that I think, but of course he was able to do that given his position.

LADY SMITH: Did you say he lived in a club?

A. I'm sorry, I didn't hear that.

LADY SMITH: Did you say he lived in a club.

A. Yes. That's the impression I had.

LADY SMITH: In addition to having --

A. In addition to having his apartment. So his apartment he would only really use as a kind of day space.

LADY SMITH: Yes.

A. He'd actually get the bus back at night into Edinburgh,

where apparently he was the member of some fairly exclusive club. But again that's only hearsay. We didn't know which one or anything.

LADY SMITH: Thank you.

Mr Brown.

MR BROWN: Finally, 'Graham', you talked about impact and on the one hand you've been saying you try and move on about things --

A. Yeah.

Q. -- but you said that when this happened and the context of it happening, this is Preston fondling your bum --

A. Yeah.

Q. -- having, it would appear, engineered a situation --

A. Absolutely, yeah.

Q. -- because of your ability.

A. Yeah.

Q. You said at that point you lost your faith in the school.

A. Totally, yeah. And mainly respect, actually. I mean I was struggling anyway a lot of the time with that, because I wasn't naturally given to that kind of establishment where everything was so tightly run. A lot of the education, although it was good, it was very formal, it wasn't very enlightened I think, even then I was aware of that, but yes, it did break

something that might be called trust between me and the organisation. And actually ever since I've struggled with institutions. You know, I can't watch programmes with big houses in them on television, you know, Downton Abbey, you can forget it. I have very, very deep suspicion of the establishment in that sense and I've always had it, just because of that equation of my mother and father trying to put me up in the world and then actually when you get to look at it, you think: sorry, this is not what you think it is or what it's meant to be. And once you've seen that and once you've had that shown to you, you can't forget it, you know. You have to live with it. You have to try and remain positive and try and see your way through things, but yes, it did -- yeah, it has an effect in terms of your ability to fit in with the way society is ordered.

Q. I think in conversation you mentioned that that had an impact you were clearly able, but there were aspirations to become a scholar at Oxbridge?

A. They encouraged me to do that and my grades were good enough to go to Cambridge, but I didn't apply for Cambridge or Oxford, I applied to Stirling University, because I wanted to go to a new build, I wanted to go to somewhere that didn't have that reek of tradition and elitism.

But yes, so yes it did, it very directly affected my academic course, but Stirling was great.

Q. I think you appreciate, obviously, there are a plethora of views about boarding schools?

A. Yeah.

Q. But your experience has led you to what conclusion?

A. I think -- yeah, I -- it perhaps comes as no surprise to you, and I'm sure everybody has different views, I think they should be closed down, very, very firmly. Not just for the sake of the boys who attend them, but for the sake of the rest of society because my general view is that the kind of men -- I mean they claim to send out into the world leaders of men, you know, strong young men with a sound moral sense and good education and everything. Now, to a degree that's true, but I think there's something else that happens and that is what I sort of dimly remember is that sense of being torn from my mother at a very young age and being taught that the feminine side of myself, the sensitive side, was absolutely wrong and that I should learn to live according to these rules.

So, therefore, I think what really comes out of these schools are men who have the appearance of being strong and independent-minded, but who are actually deep down rather damaged, broken young boys at heart and they

end up in positions of authority right throughout our society, and I think it does enormous damage, actually. I think it's a kind of hidden disease -- and I'm sorry if I'm ranting here, I've done a lot of thinking about this over the years.

Yes, you get a good academic education, yes, small classes, all that kind of stuff, but if you look under it, it's not what it's cracked up to be, and I think the rest of society has to suffer as a result of having these damaged men in charge of us.

Q. I suppose one might say that's based on your experience in 1968, early 1970s?

A. Very much. Absolutely. Absolutely. It seems to me -- you know, I'm not going to name obvious political targets, but you can look at many of the people who have been in charge and I just go: How on earth has he got that job? It's obvious he's not up to it, you know?

Q. What I was alluding to was perhaps -- are you aware of Merchiston now?

A. No. I occasionally get a phone call asking me to give them money and I try to be as polite as I can and I'm always very polite, but I always refuse.

Q. Okay. Have you been back to the school?

A. No, never.

Q. It may be, and I say this just for your general

interest, obviously you can read about Merchiston from evidence from the headmaster already given and hopefully we may hear.

A. Mm-hmm.

Q. Which may address some of your concerns or may not.

A. Well, maybe, it might, yes. Yes.

Q. Is there anything else you would wish to say?

A. Not really. I mean, I was awake last night trying to think if I was in your shoes, what the hell do you do about this? And I don't have any clear answers.

I mean, if it's for instance if you pulled a figure out the air and say there's 5 per cent of people who in any given situation are going to be dangerous when they're put in charge of young people, that seems to happen everywhere, not just in boarding schools. It seems to be throughout the world, throughout society. And the only thing I could think of -- I'll just tell you this story briefly, there's a Bruno Bettelheim was a very, very famous educational psychologist eventually. He trained under Freud and he ended up in a death camp where he had to do the most unspeakable things. He had to bury his friends alive at gunpoint, okay, things that no human being should ever, ever, ever have to do.

But he survived the death camp, went to America and he became a very, very successful doctor and

psychologist for children who had committed horrible, horrible crimes. They had killed their family or killed their baby sister or something, and so therefore nobody could look at them, a bit like this, it's very easy to avert your gaze and say, "I can't deal with this, it's too horrible, it just makes me angry and disgusted".

But he, because of what had happened to him, he was able to look at these kids and he had an amazing success rate in terms of turning their lives around and getting them back together. So whatever you end up doing with this Inquiry, you're going to have to look into the darkness and look into the shadows and try and think: What do we do here? Because it's not going to stop, I think it is actually unfortunately a part of human nature, a nasty, hidden, unpleasant part of human nature. It's not going to go away, but we need to try and stop it all the same and all I can say to you is all the very best. It's not going to be easy to do that.

MR BROWN: 'Graham', thank you very much indeed.

A. Thank you.

MR BROWN: I have no further questions.

LADY SMITH: Are there any outstanding applications for questions?

'Graham', that completes all the questions we have for you.

A. Thank you.
LADY SMITH: Before you go, can I thank you for your engagement with the Inquiry, both in terms of giving us your clear written statement and coming today to elaborate on what you say there and expand and for thinking --
A. Thank you very much.
LADY SMITH: -- of what your contribution can do for us and the task we have ahead.

Do not doubt I'm well aware of the enormity of it, but I'm very grateful to you for being prepared to give me some help. Thank you.
A. Thank you for that.
LADY SMITH: Please feel free to go and I hope you manage to have a relaxing time for the rest of the day.
A. I will do. Thank you very much.

(The witness withdrew)

LADY SMITH: Mr Brown.
MR BROWN: My Lady, we have another witness at 2 o'clock.
LADY SMITH: At 2 o'clock. Very well -- ah.
MR REID: My Lady, I'd just like to acknowledge I was slightly tardy back from the break, I would like to apologise for that. There was no disrespect or discourtesy meant.
LADY SMITH: That's very good of you. I think you managed

to sit down before the witness, in fact. Well done. I'm grateful to you.

Very well, I'll rise now until 2 o'clock.

(12.55 pm)

(The luncheon adjournment)

(2.00 pm)

LADY SMITH: Mr Brown.

MR BROWN: My Lady, good afternoon.

The third and final witness for today is 'Jack'.

LADY SMITH: Thank you.

'Jack' (sworn)

LADY SMITH: Now, 'Jack', a couple of things before we begin.

First, you'll see that there's a microphone there. It is switched on. You can move the arm to get it a bit nearer to you, possibly down a bit, often if people are speaking over the microphone it picks them up better. It's really important that we hear you through the sound system.

A. Sure.

LADY SMITH: Thank you.

That red folder you'll see has a hard copy of your statement in it. The statement will also come up on screen at the parts that we look at as we go through your evidence. So use either or neither, as suits you.

Overall, 'Jack', please be aware, if you have any questions or worries about anything when you're giving evidence, I need to know about them. Let me know. Don't be afraid of interrupting if there's anything you want to ask. It's very important that you're as comfortable as you can be. So if it works for you, whatever it is, it works for me, all right?

A. Yes.

LADY SMITH: If you're ready, I'll hand over to Mr Brown and he'll take it from there. Okay?

Mr Brown.

Questions from Mr Brown

MR BROWN: My Lady, thank you.

'Jack', hello again.

I start with the statement, and I read in its reference number for the record, which is WIT.001.002.1993, and that's a statement that you prepared in 2018 as we see from the final page, page 27, because that's when you signed it. Having read through it and confirming in the last paragraph you have no objection to your statement being published as part of the evidence to the Inquiry and that you believe the facts stated in it are true?

A. Yes.

Q. You will have read through it, I know, in advance of

today, and that remains the position, you're still happy with it?

A. Yes.

Q. Recognising that you are speaking of events at Merchiston in the 1960s?

A. Yes.

Q. So over 50 years ago.

A. (Witness nods)

Q. You were born in 1952, you're now 69?

A. Yeah.

Q. The statement is very full and contains a lot of detail which the Inquiry takes account of, but today I want to speak to you just about certain parts of it so we don't have to labour through it. As you'll understand, you mention a lot of names, the names of pupils, which we don't need to concern ourselves with. There are a number of teachers that we will speak about I think in more detail, and others we'll pass onto. Some, as you know, have pseudonyms and I'll direct you to those before we come to those parts of your statement. Okay?

A. Yeah.

Q. In terms of background, though, you set out in the early pages how you came to be at Merchiston. I think, reading short, you didn't want to go?

A. Yes.

Q. The initial plan had been to send you to Gordonstoun, but you succeeded in failing the exam to get in?
A. That's correct.
Q. But despite your efforts to fail the Merchiston exam, that didn't go off as planned and you got in?
A. The standards were very elastic, it appears.
Q. Yes. This is set out on page 2. And, having been brought up in south-west Scotland, where you were content, again reading short, the feeling you have is that your father's employers were keen that -- or your parents as well were keen that you would go to a school like Merchiston?
A. Yes.
Q. Is that fair? So you end up going to Merchiston in 1965 and you spent three years there, starting in Chalmers West, correct?
A. Yeah.
Q. We understand that Merchiston, as distinct, for example, from Gordonstoun, operated a house system where you moved house every year and stayed with your year group as distinct from being in the same house through your career but with differing ages?
A. Yes.
Q. Do you remember when you joined Merchiston, was there any induction or welcome to make sense of what was

entirely new to you?

A. No.

Q. No. Nothing at all?

A. No.

Q. We read that you met the housemaster for Chalmers West, Mervyn Preston?

A. Yes.

Q. Was he in any way introductory either to you or your parents?

A. He was -- he spent some time with my parents. It was -- it reminded me very much of a politician glad-handing a candidate. And once he had given his assurances, welcoming, or welcomes, I was dispatched to -- to I think unload or -- my bag or my --

Q. Trunk?

A. My trunk, in a dormitory, but I vaguely remember it.

Q. The picture we have from other witnesses of similar era is that you really just learnt on the job, as it were. You found out how things worked by being there; is that right?

A. Yes.

Q. In terms of the year you were going into, this is a first year at Merchiston, so this is the junior year?

A. (Witness nods)

Q. You're coming from your school where you will have

a friendship group, which is now irrelevant.
A. (Witness nods)
Q. Were other boys coming in in the same circumstances or did other boys know each other?
A. Yeah, there was a divide between boys who came from prep school who (a) knew each other and (b) knew of the processes, and boys from day schools or state schools, who I suspect were as bewildered as I was.
Q. So on day 1 there was a distinction?
A. Yeah.
Q. Did that cause -- obviously they have an advantage, prep school boys, because they understand the boarding school system perhaps, instinctively?
A. Yes.
Q. But was any effort made to fill in the gaps for someone like you, who had come from a different background?
A. No.
Q. How did the two sets of boys interact?
A. Not well.
Q. Not well?
A. Right at the onset there was -- there was friction. You could possibly term it as bullying. There was people that knew the ropes and there were others that didn't know the ropes, and those that didn't know the ropes were the -- were mocked.

Q. All right.
A. Or belittled.
Q. They had catching up to do?
A. Yeah.
Q. Is it fair to say that over however long in that first year people did catch up and the year would coalesce into a year group or were those distinctions always present?
A. Inasmuch as you learned the routines of an institution you did catch up, but there was a divide about accepting the culture of the institution. You know, at a very basic level we wanted to play football, not rugby. We didn't buy into a lot of the traditions of the school or some of the concepts of privileges.

So, yes, one got to know the ropes of the institution. One didn't accept the institution.
Q. All right. So perhaps again, being very simplistic about it, if there are differences either in background or view, those are the sort of things that would cause friction between boys and bullying, to use one word?
A. Yes. There was -- I mean, in any setting there are groups and there are differences, but there was a vivid distinction between boys who had been to prep school and boys who hadn't. To a lesser extent there would be differences between boys who came from a colonial

background, but that wasn't that great because they'd mainly been to prep school too.

Q. All right. We've heard or we've had the sense that a lot of boys who went to Merchiston around that time would come from farming families. Is that accurate or not, from your recollection?

A. I mean, I wouldn't -- I mean I haven't really thought about it, but I wouldn't disagree with that premise.

Q. Okay. Just talking about bullying, and you talk about this at page 18 of your statement, and this is across the whole school experience, there was always some degree of bullying, I think you describe, which would focus on the differences perceived by one group of boys about others.

A. Yes. I mean there was -- bullying was part of the institution. It was almost encouraged to -- the -- at the top of the pecking order would be those who were dorm captains on their way to having privileges, who are very good at sports, et cetera, but there's going to be a pecking order and one of the ways of reinforcing that pecking order is to bully. Now, it can be psychological, it can be physical, it could be a combination of things, but it's part of the institution.

Q. Was there any effort, thinking of the hierarchy, both in

terms of you've just touched on dorm captains, prefects, to address that or look out for it?

A. No. It was encouraged. If anything, the concept of privilege was encouraged. So almost de facto that the concept of bullying was encouraged because it maintained the status, it maintained the order of hierarchy within the school.

Q. So hierarchy mattered?

A. Yeah.

Q. You talked about rugby and you preferred football.

A. Yes.

Q. We know Merchiston is very much a rugby-focused school.

A. Yes.

Q. How much did rugby matter as compared, for example, with education?

A. Oh, I think it trumped education fairly easily. Rugby was again part of the culture of the school. Your status inside the various pecking orders was influenced strongly by if you were a good rugby player. You could be fairly limited academically, you could even be from a day school, there weren't many of those that played rugby well, but rugby -- rugby addressed you to shoot up the ladder of the pecking order.

Q. So it would help to be able to play rugby. What about if you didn't play rugby well or didn't want to play

rugby? How did that impact your life at Merchiston?
A. Well, it made you a non-person really. Sports was -- were a part of the -- of the status of the school. It was if you were a good sportsman, that was very important.
Q. And to be fair to Merchiston, was that well understood?
A. Yes, yes, yes. It was -- it was understood at a variety of levels. You know, for instance, there would be rugger matches against Fettes, Loretto, et cetera. The whole school would be paraded out to watch the First team, who would be supported with the same vigour as a Premiership team in England. Your parents, your families would be encouraged to attend and it was -- it was like the meeting of the clans where -- and it evolved around rugby.
Q. Before you got to Merchiston, were you aware of its rugby focus?
A. No.
Q. But it would be immediately obvious once you got there?
A. Absolutely.
Q. It wasn't hidden in any sense is the point I'm making?
A. No.
Q. No.

I think you mention in paragraph 81 an individual whose name doesn't matter but who, because he was

effeminate and his background was different, was picked on?

A. Yes.

Q. By way of example?

A. Yeah.

Q. He is perhaps, thinking of your experience, the clearest example of someone who stood out as different -- I think someone who is listening in has their microphone on.

LADY SMITH: I think you're probably right, Mr Brown.

Just to explain what's happening, some of the people who have an interest in this hearing are listening to it over something called a WebEx system, and that's what we've just picked up, that somebody still has a microphone on that should now be off.

Yes. Thank you.

MR BROWN: Thank you.

LADY SMITH: I'm sorry if we hadn't explained that to you before. As you perhaps appreciate, particularly because of Covid reasons, this was a practice that started and has carried on being used by some people who otherwise would physically be here.

A. All right.

MR BROWN: Is he an example of perhaps the extreme end of what would happen to someone who was different?

A. Yes. At the -- yes. I mean if you weren't a good rugby

player your status suffered and if you were at the bottom of the pack, as it were, you were treated with a level of contempt, which sometimes manifested itself in physical bullying, but you knew -- you knew you were a lower caste.

Q. Was the physical bullying -- did that stand out because most of the time it wasn't physical bullying, it was verbal or emotional?

A. It was a combination. There was certainly a lot of violence there, but the -- there was quite a lot of psychological bullying. People would comment about their parents, their parents' lack of wealth or the physical attributes, and it was constant. It was really, if you weren't on the way up and being what the institution expected you to be, you were fair game for ridicule and contempt.

Q. There was a Merchiston mould and if you don't fit it --

A. Yeah.

Q. -- you will get contempt?

A. (Witness nods)

Q. Okay. Going back to the start of your career at Merchiston, you go into Chalmers West with a housemaster, Mervyn Preston. Did he have a nickname?

A. He had several. They weren't very complimentary. I'm sure, I just can't remember offhand. But yes, I'm

sure -- yeah. And it's ... it's a bit frustrating, because I can remember, I just can't --

Q. Right, let me see if this jogs your memory, because it is half a century ago, was he known as "Potter"?

A. Oh of course, yes.

Q. Do you know why he was called Potter?

A. Pardon?

Q. Do you know why he was called Potter?

A. Not really, no.

Q. He just was?

A. (Witness nods)

Q. We know he'd been at the school for -- or did you understand he'd been at the school for some considerable time?

A. Yes, yes.

Q. Did he also have a nickname "Merve the perve"?

A. Yes, that's -- yes.

Q. When did you learn that?

A. I don't know. Hard to say, really. I suspect within the first few months.

Q. Do you remember how you learnt that? Was there talk between years?

A. I mean I think it was part of the folklore of the school where once you -- you know, once you were in the house you started picking things up as part of your learning

process. I vaguely remember -- and it is vague -- the term coming from an older boy who I looked up to, or a group of older boys I looked up to, and then I suppose it took me a bit longer to sort of fully digest what they meant.

Q. Yeah. You describe Mervyn Preston as one of the housemasters and you go into the details of other housemasters, but perhaps we can read about those.

A. Yeah.

Q. But Mervyn Preston, paragraph 16 on page 4, by the time you were dealing with him in his late 50s/early 60s, and your description of him is:

"... a portlier version of Alf Ramsey, stout, big gut, receding hair, a toadyish face. He came across as a powerful character who was at the top of the pecking order within the school."

Am I right in saying that was reflected by the fact that for the second and third years of your time at Merchiston, he was the interim headmaster?

A. That's correct.

Q. Going back to the nickname Merve the perve, did you in your year in Chalmers West see examples of why he might have acquired that nickname?

A. Oh yes, it was all around you.

Q. In what way was it all around him?

A. Well, I had a personal experience with him, and one I believe that wasn't unique, but on a daily basis I think the best example is in the rugby season you would -- you would have a shower afterwards and Preston was -- used to make it his job to come down and supervise -- "supervise" is the wrong word, but hang around when we were showering. And that created -- I mean it was quite interesting, because people like myself and my friends would be in and out of those showers like greased lightning. Other people would linger and sort of coquettishly(?) and jape with Preston, who would engage in banter and conversation.

He would regularly grab their buttocks, flick them with towels and generally joke in a way that was -- that was actually an anathema to the likes of me, but obviously it was something that was -- something that a cohort found enjoyable.

Q. Okay. I think in the context of your remark about you being part of a group who would be in and out as fast as you could, but others who would engage, on page 17 you talk about relationships between pupils.

A. (Witness nods)

Q. And you talk about at that time homosexuality was an anathema in society broadly, but within the dorm you were aware of mutual masturbation going on between some

boys?
A. Yes.
Q. I think in context, having heard of this in other places, you have young boys going through puberty and there is no outlet --
A. Yes.
Q. -- other than the dorm. But is there a connection between that, what you were seeing in the dorms or hearing in the dorms, and the boys who would be engaging with Preston?
A. Yes. Yes. They were part of the same cohort. In fact, if my memory serves me well, I think many of them were part of the same prep school, but I can't -- I can't swear to that.
Q. But that's your sense?
A. Yeah.
Q. So it was another example of distinction between boys?
A. Yeah.
Q. Boys from prep schools perhaps had experience of this before?
A. Yeah.
Q. For completeness, when you were in Chalmers West, Preston is the head housemaster, there was a deputy housemaster or sub-housemaster, who was James Rainy-Brown?

A. Yes.
Q. Both, we would understand, would live in quarters within the house?
A. Yes. Rainy-Brown lived on the first floor. Preston lived on the ground floor.
Q. We've heard already that their quarters would essentially be a study and a bedroom and a toilet?
A. Yeah.
Q. Going back to the showering, though, would Rainy-Brown be present?
A. Oh more often than not.
Q. I think from what you say, he wouldn't engage in the same way?
A. Not to the best of my memory. He seemed to -- and this is a long time ago, but where Preston would be, in modern parlance, full on, Rainy-Brown was maybe slightly detached.
Q. The word you used to describe Rainy-Brown is he was an "enforcer".
A. Yes.
Q. Why do you choose that word?
A. Because you had the impression that he was totally in thrall to Mervyn Preston, that he would -- that he would do anything that was required of him, and one thing that he did well was punishments, so that -- I suspect it was

a natural progression.

He was -- Preston wasn't the greatest beater or flogger. He did, but actually a lot of the dirty work was left to Rainy-Brown. The actual thrashings.

Q. Okay. But did you see them as part of the same -- you've used the word cohort?

A. Yes.

Q. When you mention there are obviously groups of boys, were there distinctions as between teachers? There were cohorts of Preston, including Rainy-Brown. What view did the other teachers seem to have of Preston?

A. Well, first of all, it's to separate the various castes, really. The lowest caste were the jobbing teachers, the ones who were actually probably the best educationalists. They were mainly hired hands that -- I don't know if they were there on a termly basis or whatever, but they lived outside the school and by and large my memories of those are, inasmuch as we had to deal with them, I was directly taught by some, they were fine. You know, they were decent teachers by and large.

There was a cohort of teachers that were from Merchiston, who were obviously part of a rugby tradition, whose parents and forefathers had gone to Merchiston and et cetera, et cetera. There was one who had been a war hero, I think he'd played for Scotland

once and he was -- he was part of that rugby-playing or rugby-enthusing clique.

Then there was Preston. Preston -- although they were part of the school establishment, they was a different category from Preston. Preston didn't seem to mix much, and there was no interaction or very little interaction I can remember between that -- the rugby players, the rugby mafia, and Preston and his -- Preston and his -- there was one or two teachers I can remember Preston with, but he was -- there was certainly a divide between Preston and the rest of the school staff.

Q. All right. I think in terms of your statement, just we're on Preston's cohort or whatever you would describe it as, there's him, there's Rainy-Brown, and you mention a teacher who we're going to call 'James', who I think was a [redacted] and you think was appointed by Preston?

A. So I believe. It would make sense. He was heavily -- he talked at length about an exciting new appointment. I presume he was probably in charge of admissions at the time, so the assumption was that he was a -- he was a member that Preston favoured.

Q. And Preston, Rainy-Brown and 'James', single men?

A. Yes.

Q. I think in terms of 'James', you did not have any experience of 'James' doing things to you, but you were

aware of reports from others?

A. The -- no. I can remember an incident where -- he -- he used to have groups of what we considered vulnerable boys and there was a sort of -- I forget -- he had a name for it, but it was basically meetings in his study of this grouping, and one boy who had been there, who desperately had aspirations to become like us, reported back that he had made some very inappropriate comments to him and took what I would consider a very unhealthy interest in his puberty.

Q. I think this is paragraph 96 at page 22, and what you recount is 'James' was reported to be putting hands on the boy's knees while he was wearing a kilt, touching him and asking how puberty was coming on and suggesting that perhaps a physical examination should be done to see how things were coming on.

A. That's what was reported back to us by the individual involved.

Q. Yes. Just out of interest in terms of examination to see how puberty was going on, is that something you experienced with Preston?

A. Not directly.

Q. No. The reason I ask is we've heard evidence from other boys about Preston, who talk about him being concerned about puberty and the need for jockstraps or physical

support for rugby. Does that ...

A. No, I think it was a variation on a theme. I -- that wasn't my direct experience. My direct experience is recorded earlier on in my statement.

Q. Yes. But just as a general approach to the boys in the year, I'm not talking about your specific experience, just as a --

A. Oh, well, it was part of the folklore of the school that that sort of thing went on and that Preston was the main culprit and that would explain his nickname. It wasn't unusual. It wasn't unique.

Q. All right.

The other thing that just we've heard mention of, just see if this in any way resonates, were you given sex education by Preston?

A. Not -- not in any sense that you would recognise as sex education.

Q. No.

A. I suspect he had one to ones with numerous boys where the concept was explored. Fortunately I seem to have missed out on that.

Q. All right. Again, is that something, to use your word, that you have a recollection of folklore wise?

A. Oh yes. I mean it was again common knowledge -- it was again common knowledge. It was again by and large -- if

my memory serves me well -- the younger and most vulnerable or perhaps ... yeah, the vulnerable boys that got that guidance.

LADY SMITH: What was it that was common knowledge? You said it was common knowledge. What?

A. That Preston's -- Preston would offer -- sex education, but talk about -- sort of talk about puberty, et cetera, and it was all uncomfortable and there were variations on a theme. You know, one thing I experienced directly, and I'm very conscious that I want to speak about what I can remember and what happened rather than hearsay, was the pep talk in the bath. This was a -- I think I wasn't alone in that experience.

LADY SMITH: Okay.

A. And people had a variety of experiences of Preston, which were all a variation of general perversity, really.

LADY SMITH: Thank you.

Mr Brown.

MR BROWN: Thank you, my Lady.

Let's talk then about the specifics that you are clear about, and this is set out on pages 19 and 20, and I think we've touched on 21 about the showering. But we see, and this is early on in paragraph 83, in the fourth and fifth week in the school, boys being boys, you draw

a penis on your knee?
A. No, that was somebody else. I drew it on my -- yeah, I drew a smiley face --
Q. I do beg your pardon, I'm conflating. Someone "... drew a pair of boobs on his knee. Not to be out done I pulled my penis out and drew a smiley face on it".
You say, and that was the end of it?
A. Yeah.
Q. However, Preston heard about it and called you to his room to discuss it, correct?
A. Yes.
Q. As you say, the sense is that there is a grave sin or a grave sin has been committed.
A. Absolutely. I was -- one vivid memory that stays with me was the gravity of the sin. I mean, it was that he just laid it on with a trowel that this was beyond the pale that could ever be imagined and I had transgressed, et cetera, et cetera, and I used the word "overwhelming" and his approach was overwhelming and I -- you know, and that's how he confronted me with it.
Q. That impacted on you at the time?
A. Yes. I mean I was 13, I was naive, I was ... probably the first time I was chastised or accused at that level of anything like -- you know, it was about shame, it was about guilt, and just the fact of being accused so, you

know, so full on that impacted on me.

Q. That must have shown, one takes it, because he then moves in on you.

A. Yeah. I mean what -- I mean he went from this almost papal outrage into a very conciliatory, weaselling approach. It was, "I understand, you can tell me", so it went from -- from one extreme almost to another. It was about catching me off guard, it was how you pick him up again, really.

Q. How did he try and pick you up?

A. He just -- I mean, you know, again I think I've said it, I was desperately unhappy, I was 13 and lonely, I wanted some reassurance. I don't know if I started crying, I suspect I probably did, and the next thing I knew, he had his arm around me and at one point he tried to kiss me, which ... which sort of broke the spell. It's funny, it's a bit like being mesmerised. It's like rabbits in floodlights. You know, you're there, you're almost psychologically paralysed, then suddenly something breaks the spell.

I have a vivid memory of halitosis and whisky but that just seem to recall it.

Q. And his hands were everywhere?

A. Oh yes, yes. I mean his hands were zimming up my shorts, which again was one of his party tricks. He was

very -- he would do it in class, he would certainly do it in the showers, he would do it on an industrial scale. He would stick his hand up your shorts and nip your flesh. This was -- this would be done literally on a daily basis.

Q. He would do it in class too?

A. Oh yeah, yeah. As I say, he would -- this -- it would be explained or justified as a sort of punishment for a -- you know, a minor chastisement. It would be a minor chastisement. That was the assumption.

Q. On that occasion, you pulled away and from what we see on the next page, he goes in to platitudes and is clearly thinking in terms of what he has done, because it's your secret --

A. Yes.

Q. -- and he's there for you because he knows you're unhappy?

A. Yes.

Q. You can come and see him any time?

A. Basically, yeah.

Q. What were you thinking at that point, if you can remember?

A. Despite the shock of being groped by him, there was -- part of me was -- craved that reassurance. It was a funny feeling, because you're repelled on the one hand

and felt a need for reassurance on the other. It was quite a -- you know, inasmuch as I can remember, quite a sort of conflicting emotion.

Q. You were, as you described, a lonely 13-year-old?

A. Yeah.

Q. As you say in paragraph 86, you did go back to see him on a couple of occasions?

A. One or two, I can't remember. I think it was one, it could have been two.

Q. And that's because you touched on the bath, on one of these occasions you were having a conversation with cake and he announces that the conversation will continue as he has a bath?

A. Yes.

Q. So he disrobes, climbs into a bath and expects you to follow him into the bathroom and continue the conversation?

A. Yeah.

Q. And to pass the soap?

A. Yes. I mean, thinking back now, it was obviously premeditated, because the bath must have been run prior to my appearance.

Q. Yes, it was there waiting for you.

A. Yeah.

Q. When you had gone to see him, was that an arranged

meeting?

A. I think so. It would be informal, "Come and see me at so-and-so", you know, "How are you doing?" You know, "Come and see me tonight at 7.15", or whatever it was.

Q. Just one matter of detail, if you remember, when you went, was he properly dressed?

A. I can't remember. I mean he -- there was times, I think, where he used to wear a dressing -- a dressing gown, which -- over his day clothes and when you went in, sometimes you would just see the dressing gown, you didn't know if there was anything underneath it.

Q. There's two further aspects of this which you talk about.

One is that whilst he was doing this, you then discovered that he was telling others that they should avoid you.

A. Yeah.

Q. How did you discover that?

A. Because friends told me.

Q. Do you remember your emotion on discovering that?

A. Yes, I mean that's -- that's -- that shattered me, really. That was probably the most hurtful thing he ever did to me. You could take the thrashings and -- they were painful. You could take being groped. But that, I -- you know, with little alternative, had placed

my trust in this person. I suspect I was desperately seeking to place trust in someone, and I had given my trust and he was betraying it almost in the same breath. It wasn't as if something had happened to change his mind. It wasn't as if I transgressed again. It was all part of a premeditated strategy. That was the bit even then at the age of 13 that became crystal clear to me.

Q. That's what I was wondering, you realised what was going on?

A. Yeah, and, you know, that -- that's when I first started to hate adults.

Q. Then, as you go on in 88, pennies started dropping --

A. Yeah.

Q. -- as you've just said. And you then discover in fact he's doing it to others?

A. Yes.

Q. Exactly the same --

A. Yes.

Q. -- set up?

A. Variations on a theme, but, yes, basically the same.

Q. Engineering situations where he can be with your year group?

A. Yeah.

Q. You talk at paragraph 91 about this happening "... throughout the entire time I was in the school". His

behaviour. Were you aware of his behaviour continuing after you moved away from that first year in Chalmers West?

A. Yes, because he had a presence. I think he was acting head for two, possibly two and a half years when I was there, so he -- his remit and his capacity to involve himself expanded over and above his role in Chalmers West.

Q. It's just you say:

"A lot of the structures that had been created allowed him to identify boys who might be malleable to what he wanted to do."

Having seen how it worked in Chalmers West, did you continue to see him operating like that in the subsequent two years?

A. Yes. There seemed to be a number of boys, not a great number, if my memory serves me well, but who were Preston's boys, who he would take an interest in over and above his role as a housemaster. It's hard to remember after all these years, but I'd say maybe three or four boys a year, something of that ilk, if you like. Yeah, I couldn't be precise, but he had favourites that -- and people he -- he spent time with over and above that year group.

Q. All right. And I think you talk, and we don't need to

go into the details of it, about what you describe as grooming vulnerable people, and that includes the boy we mentioned earlier who was in the sanatorium --

A. Yeah.

Q. -- and whom he would visit, which you felt was grooming?

A. We suspected because of the behaviour of the individual that was becoming increasingly neurotic, and the amount of time that Preston was spending with him, I think there's a -- reading the rumours I suspect that Preston was a bit worried, because it was getting out of control that this boy was -- certainly had been in some form of relationship with Preston, was carrying all sorts of psychological and emotional baggage, and that Preston was increasingly worried that this would spill over.

Q. And be discovered?

A. Yes. So there was a -- I think in terms of pastoral care, Preston spent -- invested a lot of time trying to keep the lid on.

Q. In terms of the knowledge of what he is doing, "You say, going back to paragraph 91:

"It was all institutionalised. It became 'it's just Preston being a jolly'."

A. Yeah, yeah. Because he -- I'm quite sure that the image he worked hard portraying was a slightly eccentric -- he based -- slightly bombastic late-Victorian headmaster

types with his eccentricity or two. His historical hero was Palmerston, and there was this larger than life -- a bit like our current Prime Minister, really -- in terms of you can get away with, you know, quite a lot on the force of your character.

And a lot of the perversities would be brushed off or explained as, you know, Preston -- one of Preston's little quirks.

Q. Okay. Were his quirks well known in the school?

A. Yes.

Q. But they were treated as quirks?

A. You didn't really have much option. For certainly the grouping of boys in that I -- not just in my year, but people who were anti-school, this was just hard evidence of what was evil and was wrong and what was perverse about the school, and most of that hatred was centred around Preston. So I suspect a lot of boys knew about it and tried to keep their heads down and avoid it, and some people were active -- would appear to have been attracted to that sort of behaviour and attention.

Q. All right. But thinking of the staff, you talk about Rainy-Brown and Rainy-Brown, this is paragraph 92, and this is in the context of the shower and touching and so forth, Rainy-Brown didn't touch but he watched.

A. Yes.

Q. He was present. And you say:

"He was, however, very much aware of what Preston was doing."

Put simply, that's because he was there when he was doing it?

A. Yes. There was no way he could have not been aware.

Q. Yet nothing was said or done to stop it?

A. No.

Q. What he did do, and this is from your experience, was beat as required and do it with gusto?

A. Yes. I can remember vividly one time when the vulnerable boy in question had been particularly tiresome, he'd got himself beaten up by a couple of my friends. I mean, ironically on that occasion I wasn't involved, but I was deemed to be the ringleader, and I was taken out under a pretence by Rainy-Brown and thrashed, and I can remember there was beatings and beatings, but this was -- this was -- this was something else. It was almost psychotic.

Q. Again, if you can remember, there are beatings and beatings. Why did this one stand out?

A. Because it came out of the blue. The excuse given was that my physics homework was appalling. I mean, it had been appalling for 18 months. And following on, some -- a day or so after this boy had been beaten up, which --

presumably on my say so, it was too much of a coincidence.

Q. But in terms of the physicality of the beating, it was more than normal?

A. Oh yes, it was full on. It was -- you know, most beatings or -- well, on a good day a beating would be a punishment and there would be an element of force that would be used, but this was -- this was frenzy.

Q. Do you remember how many blows?

A. I can't -- I can remember it was over six, which was -- I think there was some ruling that you couldn't go over six.

Q. Was that the understanding, six was the maximum?

A. Well, I think it was part of the unwritten constitution of the school.

Q. But on this occasion it was more than six?

A. This was certainly more than six, yeah.

Q. And with fervour?

A. Yeah.

Q. That was your experience. Was that the reputation he had for beating?

A. Yes. He was -- many people thought he was a sadist. But -- and -- yeah, yes, people thought he was a nasty piece of work, which you tried to keep away from. Well, that's -- but, you know, in fairness, he had -- if you

came from the Borders and you played rugby, he was something of a hero.

Q. Was there a Borders connection?

A. I'm not sure, but his -- there were ... there was a cohort, the rugby cohort of the school, of the pupils, that -- they would certainly speak very highly of Rainy-Brown. They saw him as a fellow traveller, somebody who understood where they were coming from, and I always assumed there'd been a geographical Borders connection, but never -- never really -- you know, never really discovered why ... established why.

But to the likes of us, if you didn't like the school, he was your own worst enemy. He fanatically upheld what he thought were the principles of the school.

Q. I think you understood, again as part of the understanding of the boys, and this is going back to page 6, he'd come from prep school, gone to Merchiston, went to Edinburgh University for three years, then came back as a teacher at Merchiston?

A. Yes.

Q. Merchiston was his life?

A. Yes.

Q. He was also, you say, incredibly introverted?

A. Amazingly so, yes.

Q. And very scared of women?
A. Yes. We discovered that -- this was one of the lighter -- because I mean our whole justification in life at that school was to -- to oppose and whenever possible ridicule the status quo, and I think it was me that spotted him in a conversation with the matron, who was not an attractive person, and his hands were placed behind his back were in turmoil, twisting, it was almost a tortured process.

We concluded that he was extremely scared or awkward with women and contrived as much as we could to ensure that on match days when people like Rainy-Brown's role was public relations and he had to mix, he had to mingle, there's no way he could get out of this, we endeavoured to ensure that as many women, sisters, relatives, spoke to him as much as possible and watched -- whenever possible, watched the impact.

Q. His agonies?
A. Yeah.
Q. One last thing about Preston, and this is going back to page 22 and paragraph 94. Sunday afternoons. Preston had rooms in the school?
A. Or so he said. He used to make a big play about bragging about his room at the Caledonian, whether that existed or not, was -- I don't know, but he certainly

made a great play about his rooms at the Caledonian.
LADY SMITH: Your statement says "Caledonian Hotel".
A. Caledonian Hotel.
LADY SMITH: Could it have been a club he was referring to?
A. The impression I got was the Caledonian Hotel.
LADY SMITH: Right.
A. I mean, it could have been a --
LADY SMITH: A man's club?
A. I'm not -- I -- my perception, and I think the perception of most of my peers assumed it was the Caledonian Hotel. That's where he stayed in the holidays, for instance. But it could have been a club.
LADY SMITH: Thank you.
MR BROWN: As far as you remember, it was the Caledonian Hotel?
A. Yeah.
Q. But the point is you say he used to make a big thing about he had a room there and he always went out on a Sunday afternoon?
A. Generally, yes.
Q. Generally. You've talked about him having favourites.
A. Yes.
Q. In the statement, what you talk about is one of the maids at the school, and I think we know from the statement that you would break out of the school and

socialise with maids?
A. Yes.
Q. But you understood from talk with one of the maids that he had been seen with what was thought to be a blonde girl --
A. Yes.
Q. -- outside the hotel --
A. Yeah.
Q. -- or wherever he had rooms?
A. Yeah.
Q. Your conclusion is perhaps this was a boy in a kilt?
A. Yes. The maid in question was a friend of a maid I considered my girlfriend at the time and was new to the school and perhaps not the most intelligent, and we ridiculed this at first, but from further discussion and investigation she identified who she assumed was a she, as it could have been a he and it could have been the person in question.
Q. Right. Whatever the rights and wrongs of those suspicions, do you remember Preston ever taking people out for dinner as an occasion from the school?
A. I -- I think it happened, because Preston was always one for -- for treating, I think is the word he would have used, his favourites. There was no -- we didn't have any direct experience, because we certainly weren't

Preston's favourites and we would have not been taken out for dinner.

And the other thing is that when you're in confined -- a very claustrophobic confined environment like Merchiston, actually you try your best to stay away from Preston. You don't want to be near him. So a lot of things were hearsay, but, yes, it rings bells about favourites being treated. I think there were sporting events as well, but that's -- it was not our direct experience.

Q. I think what you do say on page 22 is that for boys to get out of school, you would have to have permission --

A. Yes.

Q. -- and it was easier, you recall, if you were one of the boys that would engage, for example, with the showering japes?

A. Yes. I mean, again it goes back to privilege, and if we were seen as opponents of the school or people the school didn't -- people who didn't buy into the ethos of the school, you were likely to be knocked back, because the concept of privilege didn't apply to you. Whereas if you had bought into the ethos of the school and were seen to be compliant in some matters, well, your privilege was to go out every Sunday or have the ability to go out every Sunday.

Q. You've been talking about spending your time fighting the school, if you like.
A. Yes.
Q. Was that really from the first year till the third?
A. Yes.
Q. It was a constant for you?
A. Yeah.
Q. I think again, in fairness, there were teachers that you liked?
A. Yes, yeah. They were sort of collateral damage, really, because you weren't really allowed to build up relationships with them because jobbing teachers, their -- it was very difficult to build up relationships, because they were out of the school at 3.30 or 4 o'clock or whatever it was. The only way to build up relationships were with people that were within the school establishment, physically within the school, and to -- and that was a no-no to most of the individuals involved.
Q. No, but I think for example at paragraph 18 you talk about the housemaster of Rogerson East, who was a kindly soul?
A. Yes.
Q. He was one of the rugby types?
A. Actually, I don't think he was -- I think to a degree he

was. I think he was probably a genuine oddball. I think he had been at the school again for yonks. I always assumed he came from a colonial past, but I have got no way of verifying or proving that. But he was -- he was respected and under the wing of the rugby -- what I would call the rugby clique, but not actually of them.

Q. Okay. Broadly, however, you didn't enjoy Merchiston?

A. No, I hated it with a vengeance.

Q. I think after three years there would be a mutual parting of ways?

A. Absolutely.

I think it was also exacerbated by the time. I mean, a friend of ours was caught with cannabis in his blood, which was at that point a very big deal. I and another boy got caught returning from a night out and we'd sneaked out and it was -- once you get to a certain level of behaviour, the sanction is beatings plus, they can't beat you, it's too serious to get a beating, which was the norm, so you're sort of in limbo. Certainly in the years above me there was a definite sense of rebellion in the air. There was physical attacks on teachers. I think the prevalence of cannabis in the school was growing. And I suspect the school, post Preston -- because Preston would not have been the head

any more -- I thought -- my assumption was, on reflection, was things were getting out of control and we'd better start -- you know, we'd better start cutting away some of the dead wood or we're going to lose control of this organisation.

So I think there was a clearing out of certainly people like me. My father couldn't afford it anymore. He obviously even then saw it as going nowhere. It was a colossal waste of money. There was, you know, to quote a cliche, there was revolution in the air.

Q. Both in terms of removing you but also in terms of some of the teachers?

A. Yeah.

Q. A change of approach?

A. Yeah. Yeah. There was just a sort of sense of things couldn't go on the way they were. I mean this wasn't unique to me. There was -- I can think of numerous boys above me that were perhaps further down the line of active resistance, and a lot of people below me were -- who were younger and more malleable were actually questioning the authority of the school. It was -- it reminded one very much of Lindsay Anderson's movie "If ....".

Something was happening and they just couldn't put a lid on it.

Q. The regime that had been was beginning to crumble?
A. Yeah.
Q. Just one thing. It's been suggested I think in evidence that boys weren't allowed to talk to boys of the year above or year below. Does that --
A. It was frowned upon. There would obviously be allowances. If, you know, through the various debating society, one of the societies, or if you played rugger or fives, or obviously if you had a family member, but by and large it was frowned upon.
Q. Was that just one of the many things you picked up and understood or how was it explained?
A. I'm not too sure, I mean I can't remember it actively being explained. You were just told not to do it or this wasn't the done thing. And then sooner or later you would pick up a punishment for doing it and you'd realise that this was another sanction.
Q. Who would punish you for that?
A. Prefects, housemaster. I mean, I suspect it was one of these things that prefects -- because they were really a law unto themselves and if they didn't like you, which by and large they didn't like me or my friends, it was just another tool to inflict a bit more damage on us, really.
Q. Okay. Moving on to the impact, because we can read what

happened after you left Merchiston, the first thing you say, and you alluded to this, is it was a waste of an education. You came out with two O-levels and you were bitter about that.

A. Yeah. Just a -- yeah.

Q. It's also, you go on, left you with a massive chip on your shoulder?

A. Yes. I mean I had a -- I didn't trust anybody in authority, I didn't trust any adult. I was nihilistic. And, yes, I generally rebelled about anything and everything. It -- you know, it wasn't a -- it -- in fairness, it was a flavour of the times, but there was an underlying sense of nihilism that I inherited from my experience at Merchiston.

Q. I'm thinking about the direct experiences you've spoken about, it's not the physical aspects that have affected you, it's the emotional betrayal, to use your words?

A. Yeah.

Q. Is that something you still reflect upon?

A. I think so, yes. I mean I can remember being absolutely poleaxed by it. It's just sort of such a staggering betrayal of trust. I know this sounds -- this sounds naive and simplistic now, but if you -- if the first time you've ever placed your trust in another adult and the very first time you do it, you're trashed, not just

by default but trashed because it was designed to trash you. That leaves a pretty big scar.

Q. You talk in the previous paragraph about being clear that any children you had would go to a state school?

A. Yes.

Q. And you became a school governor at every school your children went to?

A. Yeah.

Q. Is that linked in to the desire to prevent the emotional and psychological betrayal as much as --

A. I'm sure it has. I just didn't want my kids to experience the sort of traumas that I had. And at the same time to -- I mean by being a governor, you know, in a position of some authority, you can to the best of your ability ensure that what's out there or what you don't see at first you could actually impact on, or at least try to impact on it. So that was a fairly compelling reason for being a governor, which was a very enjoyable and fulfilling process. I mean, I -- not directly, but I was part of a team that got new builds at two new schools and, you know, went from an A to C rate of 5 per cent to an A to C rate of 75 per cent, so it was a job worth doing, but what it taught me was that the amount of pastoral care, the amount of backroom staff, which you don't really see in a school, is

enormous and I reflected on what was there at Merchiston. I thought at first, like many institutions, it had been hollowed out, then I realised that it hadn't been hollowed out because it had never been there in the first place.

Q. Looking ahead then, what do you hope comes of the Inquiry?

A. I don't -- I don't really know. I mean, I think what's -- I mean, the obvious, for one, is -- and this is really a platitude -- is that these things -- unless there are inquiries, unless there are investigations, progress doesn't happen, safeguarding doesn't happen, standards don't raise, so that goes with the territory.

I would like to think that the governors, the owners, trustees of Merchiston have got enough decency to wholeheartedly apologise for what went on under their watch, because the thing -- another thing that deeply irks me is that my parents weren't particularly wealthy and had a fairly frugal and fraught retirement, and when I think of the money that they invested to that institution and the consequences for them in later life, and people just took the money and allowed people like Preston and co to carry on regardless. You know, that is not acceptable, and at the very least what they should do is acknowledge that.

MR BROWN: Thank you very much indeed. I don't have further questions for you.

A. No.

LADY SMITH: Thank you, Mr Brown.

Are there any outstanding applications?

Thank you so much for everything you've done to help us, both in terms of your written statement and being here today. You're obviously keen to go. I'm delighted to be able to let you go, but you go with my thanks.

A. Okay.

LADY SMITH: Thank you.

(The witness withdrew)

LADY SMITH: Mr Brown.

MR BROWN: My Lady, I think we can break there. There was a read-in, but that can, I think, be put off to another day.

LADY SMITH: Thank you very much.

We'll stop there for today and I'll be sitting again at 10 o'clock tomorrow morning. I think that's with a witness in person, isn't it?

MR BROWN: It is.

LADY SMITH: Thank you.

(3.20 pm)

(The Inquiry adjourned until 10.00 am on Thursday, 13 January 2022)

I N D E X