

1 Thursday, 13 January 2022

2 (10.00 am)

3 LADY SMITH: Good morning and welcome to the third day this
4 week of our evidence looking into the provision of
5 residential care for children by Merchiston.

6 Now, Mr Brown, we have a witness in person,
7 I understand, who is ready to give evidence?

8 MR BROWN: That's right, my Lady, the first of three
9 in-person witnesses is 'John Crawford'.

10 LADY SMITH: Thank you.

11 'John Crawford' (sworn)

12 A. Is that okay?

13 LADY SMITH: That's great. It will probably pick you up
14 a little bit away from that, but if you can be conscious
15 of using it, it's a real help to us.

16 A. Yes, is that all right?

17 LADY SMITH: That's great.

18 A. Right, I'm with you.

19 LADY SMITH: Thank you very much, 'John Crawford'.

20 You'll see there's a red file in front of you.
21 Inside it is a copy of your statement and you can use
22 that or if you want to look at the screen in front of
23 you, you'll see that your statement will come up there
24 at the parts of the statement that we'll take you to as
25 we go through your evidence.

1 A. Yeah.

2 LADY SMITH: You don't have to use either of them, but if it
3 helps you to look at the text --

4 A. I think I'll probably stick to the paper.

5 LADY SMITH: Right. Feel free to use what works for you.

6 A. Mm-hmm.

7 LADY SMITH: Would you also please let me know if you have
8 any questions or concerns about anything when you're
9 giving your evidence.

10 A. Sure.

11 LADY SMITH: It's important to me to do anything I can to
12 make it as comfortable an experience as possible.
13 Subject to that, I would say I know that it's not easy
14 to give evidence in a public forum, it's not something
15 any of us do on a daily basis, but we'll do all we can
16 to help you.

17 A. Thank you.

18 LADY SMITH: If you're ready, I'll hand over to Mr Brown
19 just now and he'll take it from there. Is that okay?

20 A. Perfectly.

21 LADY SMITH: Thank you.

22 Mr Brown.

23 Questions from Mr Brown

24 MR BROWN: My Lady, thank you.

25 Good morning again.

1 A. Good morning.

2 Q. Starting with the statement, it has a reference number,
3 WIT-1-000000541, and we see that it runs to 38 pages and
4 on the last page, which will appear on the screen just
5 for ease if that's the better option for the moment, the
6 last page has a final paragraph, number 220, which says:
7 "I have no objection to my witness statement being
8 published as part of the evidence to the Inquiry.
9 I believe the facts stated in the witness statement are
10 true."
11 A. Yes.

12 Q. You presumably, particularly as you were a solicitor by
13 profession, you'll have read the statement before you
14 signed it --

15 A. Yes.

16 Q. -- and been satisfied that it was right?

17 A. Except in one detail.

18 Q. Which you picked up when you reread it before coming
19 here?

20 A. Yes.

21 Q. And that is you became confused about football grounds
22 in Edinburgh?

23 A. Yes. In fact the truth of the matter is that I in the
24 statement got my wires crossed and I said that I'd
25 bunked off school with another boy to go to Easter Road.

1 Q. In fact it was the other one?

2 A. Well, in fact I bunked off school twice.

3 Q. Ah.

4 A. The matches were in February and March 1974. I've gone
5 through my memory and most of what I remember is right,
6 but I can tell you now the truth is that I went to
7 Easter Road in February 1974 for a Hibs-Aberdeen game
8 and I was on my own.

9 Q. Okay.

10 A. And the second one was a Hearts-Aberdeen game at
11 Tynecastle, and that time I did go with another boy
12 called --

13 Q. Don't worry about other boys. That's a useful reminder.
14 Names of other people are for our purposes broadly
15 unnecessary.

16 A. Yeah.

17 Q. There are certain people that you will mention and as
18 you know, they can be given in part at least
19 pseudonyms --

20 A. Yeah, sure.

21 Q. -- and we'll deal with that as we can. But I think it
22 makes the point you're talking about events almost 50
23 years ago?

24 A. Yes.

25 Q. So memory can be fickle?

1 A. Yes.

2 Q. But if you think about it, that's one where you realise
3 there was a mistake?

4 A. Yes.

5 Q. You understand that there's an awful lot of detail about
6 set up of schools, details about classes, details about
7 teachers, subjects, which from our purposes again are
8 not as important as other aspects of your evidence, so
9 we can take much of the statement as read and what I'd
10 like to do is just talk to you in general terms about
11 a number of matters.

12 A. Sure.

13 Q. You're now 64?

14 A. Yes.

15 Q. Born in 1957?

16 A. Yes.

17 Q. We see by way of background you were born in Cumberland
18 as it was then?

19 A. Yes.

20 Q. And your dad was a Scot?

21 A. From Stornoway, yes.

22 Q. A GP in Carlisle?

23 A. Yes.

24 Q. And it would appear society for your parents, there were
25 a lot of Scottish medics --

1 A. Yes.

2 Q. -- working in Carlisle?

3 A. Yes.

4 Q. And there was a desire that you should get a Scottish
5 education?

6 A. Very much so.

7 Q. You make the point in paragraph 5 that you think
8 possibly even by the age of three you had been
9 registered for Merchiston?

10 A. Yes.

11 Q. I take it that's something you've learnt from your
12 parents?

13 A. Well, I don't think it was ever actually discussed in
14 great detail. I think there was a remark made that I'd
15 been entered pretty quickly. There was a lot of talk in
16 those days of waiting lists and effectively not missing
17 the bus, if you like.

18 Q. All right. But prior to Merchiston, and obviously we'll
19 come to Merchiston, prior to Merchiston, from the age of
20 eight for about five years, four or five years, you went
21 to Rickerby House near Ecclefechan?

22 A. That's true.

23 Q. Was that seen as a feeder prep school to Scottish
24 boarding schools?

25 A. Yes, definitely, I -- and to a lesser extent one or two

1 English ones. I think CFB, one of the joint
2 SNR I think he sent one of his children to
3 Sedbergh, which is on the Yorkshire/Cumbria border, and
4 some boys at Rickerby, they went to St Bees public
5 school, which is on the Cumbrian coast.

6 Q. Yes.

7 A. But I would say, probably the -- well, not necessarily
8 the majority, but a large contingent, that would
9 certainly be true, went to the Edinburgh public schools,
10 yes.

11 Q. Thank you. Again, we don't need to dwell on the detail,
12 but it's a large house in Dumfriesshire?

13 A. Yes.

14 Q. Which in parts was, to use your word, palatial, and that
15 would be the parts where SNR and his wife
16 lived?

17 A. Yes.

18 Q. And then spartan and austere where the boys lived?

19 A. Definitely.

20 Q. It's an unusual school, in the sense that there are
21 joint SNR?

22 A. Yes.

23 Q. And the staff, some of whom you were complimentary
24 about --

25 A. Yes.

1 Q. -- were good teachers, and we may have heard this
2 already, were in part at least made up of unqualified
3 staff --
4 A. Yes, yes.
5 Q. -- who were waiting to go on to something else?
6 A. Yes, I don't know if "transient" is the right word, but
7 it's rather like these John le Carre novels where a spy
8 gets crippled in a gunfight and they're pensioned off by
9 the service and this is the sort of job they go to, for
10 burnt-out old men or young men between engagements, say.
11 We had one case of a solicitor who was just marking
12 time.
13 Q. Yes.
14 A. That sort of situation.
15 Q. But, despite that, some teaching was good?
16 A. Yes.
17 Q. And you were enthusiastic, for example, and this is
18 a common theme throughout your statement, you were
19 enthusiastic about the [REDACTED] teaching?
20 A. Yes. Both SNR [REDACTED] taught [REDACTED] and both were
21 superb in their ways. I don't think many pupils would
22 dispute that.
23 Q. Yes. But there were other aspects, just thinking about
24 the mechanics of the place, that were unsatisfactory.
25 Food, for example?

1 A. Yes.

2 Q. Living conditions. It's all in the statement.

3 A. Yes.

4 Q. We don't need to focus on it.

5 A. Sure, sure.

6 Q. What I'm more interested in, you start there aged eight.

7 Was there any induction, introduction to the school?

8 A. No. All I recall is some meeting, I don't know when,

9 perhaps about 1963. I remember my parents going to see

10 Mr CFB, SNR and, and his wife, and it

11 was all very civilised and all very British middle class

12 and they were talking about whatever they were talking

13 about and I remember there was a cardboard box with toys

14 in it, there was a tank, a military tank, which

15 I remember playing with and wishing I had one of my own

16 like that and that occupied my attention and then the

17 whole thing almost vanished from my mind. And then, you

18 know, I suppose a few days before I was dropped off

19 there, I was told I would be going there, and I suppose

20 I didn't think it would be too bad, but when you're left

21 in the hallway of the school and your father walks out

22 and you're on your own, it's -- it's a heck of a shock.

23 As I say, I could feel my heart going into my feet.

24 Q. But was anything done by the school to try and

25 ameliorate that?

1 A. No. No. You get on with it. That was their attitude.
2 There was very little gentleness. I mean, these schools
3 trade on this notion of pastoral care almost like the
4 gentle shepherd and we're the sheep, and I saw very
5 little evidence of pastoral care. Precious little.

6 Q. Yes. And from what your statement says overall, there
7 was a clear desire not to let information go beyond the
8 school. You talk about you think letters were --

9 A. Oh, I don't think, I know.

10 Q. Oh, you know?

11 A. We had to submit them before they were sealed, and so
12 you tend to be very guarded in what you put. And
13 I suppose as time went on you probably formed the view
14 that, you know, even if you told the truth to your
15 parents, they couldn't or wouldn't believe you. There
16 was this divine faith in authority and that
17 Mr CFB and Mr CHX could do no wrong.

18 That sort of thing is an attitude that my parents
19 retained for the rest of their lives.

20 Q. Yes. You talk at page 14, from paragraph 79 on, about
21 discipline.

22 A. Yes.

23 Q. And obviously in the 1960s and 1970s corporal punishment
24 was routine?

25 A. Yes.

1 Q. But thinking perhaps in comparison with Merchiston and
2 what you talk about in the second half of your
3 statement, there was corporal punishment but was it
4 regular or was it more occasional at Rickerby House?

5 A. It was occasional -- the -- I was beaten twice with the
6 slipper by CFB and it was -- they were in quite
7 quick succession.

8 The first time was probably when there were about
9 eight of us in the dormitory -- the dormitory was called
10 Gordon after General Gordon -- and after the lights went
11 out at night we all got out of bed and started fooling,
12 probably having a pillow fight, and Mrs Mitchell, the
13 matron, caught us fairly quickly and we were marched
14 down to CFB quarters and spanked with a slipper
15 which -- it wasn't too bad.

16 And then the second time was when I was on my own
17 and in my first or second year in the school and I'd
18 written a poem which was not too complimentary about one
19 of the masters and somehow CFB got hold of a copy
20 of it and hauled me in one Sunday night and handed it to
21 me and, "Read this to me", and I remember weeing myself,
22 I was very frightened. And after he beat me, he said,
23 "Piddling all over the carpet and everything", and
24 I think the whole view was that I had been very unmanly,
25 and unlike the Victorian heroes he used to like to tell

1 us about.

2 Q. Yes. I think you describe that in paragraph 80. The

3 poem, I think, was vulgar, to use your words --

4 A. Yes.

5 Q. -- and he hit you a few times with the slipper across

6 the backside over your trousers?

7 A. Yes.

8 Q. Was it more the psychological -- the fear rather than

9 the physical that caused you to --

10 A. I think the weeing, the passing of water, came from

11 being caught, because I didn't think I would get caught

12 for something like that.

13 Q. Okay.

14 A. I think someone, some teacher's pet snitched on me,

15 although I never found out. Perhaps fearing that the --

16 it would be with the cane or something.

17 Q. Although I think you go on to say you don't recall the

18 cane actually ever being used?

19 A. No, I don't. There was -- there was talk of it in the

20 past, but I suppose when -- I was fully clothed when

21 I was beaten over the poem incident, but going earlier,

22 the Gordon incident, we would all have been wearing

23 pyjamas, obviously.

24 Q. Yes, but you go on to say that those two episodes aside,

25 there was physical violence used on you by staff.

1 A. Yes.

2 Q. And you set out two episodes which we can read the
3 detail of.

4 A. Yes.

5 Q. Your nose was twisted and your hair pulled by one of SNR
6 SNR and the other grabbed you by the hair, put you
7 against the wall --

8 A. Yes.

9 Q. -- and I think you were punched as well?

10 A. Yes. By -- I don't know the pseudonym.

11 Q. I think this is the SNR teacher, the southern
12 English teacher, that you didn't like. The name doesn't
13 matter.

14 A. Shall we call him the man from Kent?

15 Q. Yes. This is page 15, paragraph 91.

16 A. Page 15?

17 Q. Yes. Last, bottom paragraph. You say that you held up
18 two fingers at him and he then responded by punching you
19 in the back of the head.

20 A. You can imagine someone sitting to my left here like
21 that and [the man from Kent] is over their shoulder
22 marking them and I went like that (gestures) at him.
23 And you might say you should never do that with
24 a teacher, but when you consider the rubbish I had to
25 put up with him in terms of verbal abuse, you can see

1 why I didn't afford him the respect I would a decent
2 teacher. He was a thoroughly nasty piece of work.
3 Q. But his response to you putting two fingers up at him
4 was to assault you?
5 A. Yes.
6 Q. Punching you in the back of the head full on with his
7 fists between three and five times?
8 A. Yes.
9 Q. What I'm interested about that is you went to matron,
10 who you described being shocked?
11 A. Yes. And perhaps more significant was the attitude of
12 the lady who took the first year, who I'll refer to as
13 "Ms L". She said it was totally unacceptable, and I had
14 been so brainwashed by them, thinking, oh, well,
15 I deserved it -- this is how they mess your mind up,
16 they brainwashed you. But it was a savage attack.
17 Q. What I'm interested in, though, is you make the point at
18 paragraph 95 there was some suggestion of the police
19 potentially getting involved.
20 A. Yes.
21 Q. But that didn't happen?
22 A. Certainly not.
23 Q. Who talked about getting the police involved?
24 A. I think that was Ms Lane.
25 Q. Yes.

1 A. She felt that the boundaries had been crossed. And
2 there was some talk among the boys that it would go
3 further, but nothing happened. I think the only thing
4 you can say is that in those days, with many other
5 things, places don't like bad publicity. I had
6 an experience at a theatre in New Brighton about five
7 years ago where I was very nearly assaulted over nothing
8 and I felt the police should get involved and the
9 theatre manager wanted to hush the whole thing up, you
10 know. I think that the bottom line is that very few
11 people like bad publicity. Simple as that.

12 Q. That was, from your experience, true of
13 Rickerby House --

14 A. Oh, yes.

15 Q. -- in the late 1960s?

16 A. Yeah, and Merchiston, when we come to that.

17 Q. Yeah. You talked about, in critical terms, the teacher
18 from Kent --

19 A. Yes.

20 Q. -- and that's one aspect that I think comes across from
21 the totality of the statement where it refers to
22 Rickerby.

23 A. Yes.

24 Q. It wasn't so much physical abuse, although that
25 happened --

1 A. Yes.

2 Q. -- it was the emotional, psychological criticism,
3 putting down that was regular?

4 A. Yes.

5 Q. This, in context, is primary school children, or
6 children up to the age of perhaps 12/13?

7 A. Yes. The thing that I remember the most about the
8 verbals was he knew that I went up to Stornoway every
9 year for a family holiday, it was something my father
10 insisted on, we'd spend three weeks in the old family
11 house, and in front of the class he said:
12 "Oh, well, I suppose when you land in Stornoway
13 harbour you'll be greeted by your aunt, Windbag [REDACTED]
14 and a whole bagpipe band."

15 And I did have an aunt called [REDACTED], I don't know if
16 he just chose the name by chance or whether he knew, but
17 for a while I was known as the windbag and the man with
18 the windbag aunt, and it was all caused by him.

19 And the remarkable thing is that it would be classed
20 as racism now, and should have been then, but here we've
21 got this arrogant Englishman mocking Scottish culture in
22 the heart of Dumfriesshire. It doesn't seem to make any
23 sense to me.

24 Q. Okay. And we can read in the statement of the other
25 things that you remember in particular detail. But

1 there comes obviously the time where Rickerby House
2 comes to an end in the summer of 1970?

3 A. Yes.

4 Q. Just before you're 13?

5 A. Yes.

6 Q. You spend the summer with your parents --

7 A. Yes.

8 Q. -- and you're off then for the new term at Merchiston?

9 A. Yes.

10 Q. Were you excited at that?

11 A. No. I'd had a talk with the French teacher, called
12 John McDonald, who warned me, he said, "You'll be
13 a small pebble on a big beach", and that was true.
14 I was just unsure, but what I heard was that the food at
15 Merchiston was better, and that in fact was true, but
16 one has to say we were starting from a pretty low base.

17 Q. In context, you'd been at a school perhaps with 75
18 pupils and you're now going to one with 300 plus?

19 A. Yes.

20 Q. Hence the small pebble remark?

21 A. Yes.

22 Q. You'd never been to Merchiston before you started?

23 A. No. No. No, never.

24 Q. You've told us about day 1 at Rickerby, where you're
25 just left in a hall and effectively have to get on with

1 it.

2 A. Yes.

3 Q. Was Merchiston any better on day 1?

4 A. It seemed a lot more welcoming.

5 Q. Can you remember what happened?

6 A. Yes. I can remember driving into the place and we went

7 too far. We overshot Pringle House. We were there in

8 the old main part of the school and we came across

9 BRL the master BRL and we asked if it was

10 Pringle and in his voice he said:

11 "No, sir, this is Chalmers West, [the name of

12 a prefect] help them to Pringle."

13 So got into the car with us and we drove to

14 Pringle and we spent some time with Rainy-Brown, who

15 seemed a thoroughly good egg, my parents was warmed to

16 him. I suppose they were only with him for about five

17 or ten minutes, because there were other parents coming

18 there for the first time too.

19 Q. As you say on page 18, paragraph 109, they liked him,

20 Rainy-Brown, and so did you?

21 A. Yes.

22 Q. He, in context, was the housemaster of Pringle House?

23 A. Yes.

24 Q. Which was for the youngest boys?

25 A. Yes.

1 Q. And where you spent your first year at Merchiston?

2 A. First year, yes.

3 Q. You go on to say that he's the only human being in your

4 life that you would consider a saint?

5 A. Yes.

6 Q. You'll be unsurprised, but I'm interested to know why.

7 A. Well, he seemed such a good, kind man and free of flaws.

8 He never swore, he never lost his temper, he seemed

9 wise, calm, compassionate. Took us on an outing to

10 Loch Leven Castle. Was concerned with the welfare. He

11 seemed to like me. I can remember him reporting to my

12 parents, he said, "'John' has a grand sense of fun",

13 which I don't know if I have or not. But if I have it,

14 I certainly didn't notice it at the time and I'm not

15 convinced I've got it now, but -- no, he seemed to look

16 for the good in me. Although I've read reports of other

17 people who -- who didn't think much of him, so --

18 Q. No, but I'm interested in --

19 A. No, but he was a good man.

20 Q. Although I think once we get to talk about discipline --

21 A. Yes.

22 Q. -- and we can talk about it, him, now --

23 A. Yes.

24 Q. -- he belted you?

25 A. Yes, he did. He tawsed me.

1 Q. Again, we can read the details of how that came about.

2 A. Yes.

3 Q. It's clear that you don't blame him, you blame other

4 people, but you were belted because you hadn't followed

5 the instructions of a prefect?

6 A. Yes. Well, I'm --

7 Q. Sorry, 'John', if you bear with me, because the full

8 detail of why that came about is in the statement and we

9 don't need to get bogged down in that --

10 A. Yeah.

11 Q. -- but the belting, or the tawsing, was fierce?

12 A. Yes. Savage.

13 Q. Why do you describe Rainy-Brown's beating of you as

14 "savage"?

15 A. Because of the intense pain. I don't think I got 12, my

16 recollection is it was 3 on each hand with the tawse,

17 and it was agony. I just collapsed in pain and tears,

18 and I can remember him picking me up afterwards like

19 a lamb and probably putting me in a chair or a bed or

20 something, but it hurt for probably a couple of hours

21 afterwards.

22 I don't know if I'd have seen it in those terms

23 then, but looking back at it now, certainly brutal.

24 Brutal, yes.

25 Q. Excessive?

1 A. Yes, because if you -- if you look at the law on
2 self-defence and what not, this was beyond reasonable
3 force, definitely.

4 Q. Okay. And you were in the most junior year of the
5 school?

6 A. Yes.

7 Q. Did he have that reputation amongst the boys in Pringle,
8 you didn't want to get belted by him?

9 A. No. No, I don't think so. The only thing we used to
10 talk about, really, was his posh and rather gentle
11 manager.

12 Q. His posh --

13 A. Not -- sorry, I didn't mean to say "manager", I meant
14 "manner", manner.

15 Q. Right.

16 A. "Spread out, boys, take a clean sheet of paper, fill in
17 your name at the top."

18 You know, like the way he did a chemistry lesson and
19 exam.

20 No, he -- I don't recall anyone saying anything
21 terribly bad about him.

22 Q. All right.

23 A. And even after the beating, I -- I -- as you know,
24 I blame the prefect for that. He set me up.

25 Q. Yes, I know that.

1 A. Yeah.

2 Q. But in terms of life in Pringle, was he very much the
3 centre of life in Pringle?

4 A. Yes.

5 Q. It was his house and he was -- you've described
6 physically, he's an outlier from the main building.

7 A. Do you mean like he was -- Pringle was a satellite to
8 the main building?

9 Q. Yes.

10 A. Because he actually lived there.

11 Q. That's the point. Pringle was physically detached from
12 the rest of the school --

13 A. Yes.

14 Q. -- he lived in the house --

15 A. Yes.

16 Q. -- everything orbited around him within Pringle is the
17 point I am making?

18 A. Yes, I agree with that now I see what you mean, yes.

19 Q. And Pringle was his life, beyond teaching chemistry and
20 playing sport?

21 A. Yes.

22 Q. Would he engage of an evening, for example, with the
23 boys?

24 A. Ah, now then. We were largely left to our own devices.
25 He -- I don't think he watched television with us much

1 at weekends. A lot of the evenings during the week were
2 taken up with prep.

3 But he was instrumental in having a football pitch
4 laid and he was keen on us playing soccer. And he let
5 us wear whatever colour of football jersey we liked,
6 which was -- which wasn't part of the school uniform.
7 You know, if you -- you'd have blue for Rangers and red
8 for Aberdeen and so on.

9 Q. Yes.

10 A. He was okay for that, but he -- he -- he wasn't
11 a helicopter type of parent, if you like. But was
12 always available.

13 I do remember this one thing, it's not in my
14 statement, but some boys were larking about and one
15 decided to play Harry Houdini and got inside a trunk,
16 which was then locked, and then, horror of horror, it
17 couldn't be opened, so I think we were all aware of the
18 dangers of suffocation. We went to Rainy-Brown, he came
19 with a hammer and chisel and he didn't even lose his rag
20 over that.

21 Q. Mm-hmm.

22 A. He got the boy out and that was it. So, yeah, he was
23 always around but not intrusive, unlike Mr 'Edward', who
24 was a bit of a keen old Kate.

25 Q. Okay. Thinking about practical things, showering, for

1 example, would he be present at showering?

2 A. I don't recall him there. No, I do not think so.

3 Q. Okay.

4 A. It might have happened, but I think if it had, I would

5 have almost certainly remembered, so no. But I've heard

6 there are other versions of events.

7 Q. But you've already mentioned he would take people out on

8 trips. You went to Loch Leven?

9 A. Yes.

10 Q. And I think at paragraph 136 on page 23 you talk about

11 going for a walk in the Pentlands?

12 A. Oh yes, yes.

13 Q. Was that with Rainy-Brown?

14 A. No, that was the next academic year.

15 Q. I see.

16 LADY SMITH: You were in Chalmers West by then?

17 A. Actually, yes, it would have been -- it would have to be

18 the autumn of 1971 -- sorry, that's another mistake.

19 Autumn of 1971 it must have been, yes.

20 MR BROWN: All right. Did you ever go into the Pentlands

21 with Rainy-Brown?

22 A. Yes. When I was much older, we went for a run, there

23 was a whole lot of us, and it was very strenuous. But

24 no ill came of it. But Rainy-Brown's big obsession was

25 cross-country running.

1 Q. Okay.

2 A. He always used to call it a "scamper", and he just loved
3 it.

4 Q. Did you swim in the lochs up in the Pentlands?

5 A. No. No.

6 Q. Okay.

7 A. To be quite honest, until you mentioned it now, I didn't
8 know there were any there.

9 Q. All right.

10 LADY SMITH: Those are reservoirs, Mr Brown. I don't think
11 swimming is encouraged.

12 MR BROWN: No, indeed, I don't think it's encouraged, but we
13 may hear of it elsewhere taking place.

14 LADY SMITH: It shouldn't happen, it's quite dangerous.

15 MR BROWN: Yes.

16 From what you said, that first year in Pringle was
17 perhaps the happiest time you had at Merchiston?

18 A. Semi happy.

19 Q. All right.

20 A. I never liked the place, but it was -- relatively
21 speaking, it was heaven compared to what was going to
22 follow. Probably my other okay period was my last time
23 there, when I stayed on an extra term for Oxbridge.

24 Q. Yes.

25 A. Yeah.

1 Q. We'll come to that in due course. But I think the
2 tone -- and again please understand there's a lot of
3 detail in your statement which we can and have read --
4 A. Yeah.
5 Q. -- you move up and go through the routine of the houses
6 that we know well, Chalmers West, Chalmers East,
7 Rogerson, et cetera.
8 A. Yes.
9 Q. You talk about a number of housemasters, some you like,
10 others you don't.
11 A. Yes.
12 Q. And a lot of detail about the routine of the school.
13 A. Yeah.
14 Q. Which we don't need to particularly focus on. The food,
15 since you mentioned it, you describe as sometimes was
16 very good, other times it was less good.
17 A. Yes.
18 Q. Okay. You thought overall the education, with
19 hindsight, was poor?
20 A. Do you mean at Merchiston?
21 Q. Yes.
22 A. Yes.
23 Q. And you touched about the Oxbridge term, and that's
24 something that we can read in detail --
25 A. Yes.

1 Q. -- that you were dissatisfied about, because you don't
2 think you were properly prepped for the Oxbridge exam?

3 A. Well, that in fact happened the year before A-level.
4 I had taken the Scottish Higher in two subjects,
5 English, where I got an A5 grade, and history, an even
6 more impressive A3, and I think it was that that
7 prompted them to put me in for Oxford a year early, and
8 I nearly pulled it off, I nearly got in, but I think
9 what cost me was the failure to prepare properly.

10 Q. Yes.

11 A. Which has its roots in snobbery.

12 Q. And we can read that that grates still.

13 A. Well, when I read in the sports pages that someone,
14 a manager like Jose Mourinho goes ballistic when his
15 players have a warm down after a game of three minutes,
16 when it should only have been two, when they are going
17 into that microscopic detail, why I couldn't have been
18 prepared in my dummy run with an Oxford paper, answering
19 three questions in three hours, which I wasn't used to,
20 of course everyone blames me for not reading it
21 properly, but I wasn't properly prepared. And the
22 bottom line is that the [REDACTED] man was a Cambridge
23 man and he hated Oxford, and the idea of him approaching
24 Oxford for a paper is, "Well, I'm not doing that". And
25 I don't think I'm being self-pitying when I say I paid

1 the price for it.

2 Q. Mm-hmm, yes.

3 A. I told my parents about it and they wouldn't listen, "It

4 was all your fault".

5 Q. You have talked when thinking about Rickerby of

6 an approach and it's almost harking back to imperial

7 days, with names and so forth.

8 A. Yes.

9 Q. Was that the same sort of mindset you saw, or you

10 thought you saw, certainly, in Merchiston?

11 A. Similar but different, in the sense that it was more to

12 do with the losses of the First and Second World War and

13 from time to time you would get the headmaster, Forbes,

14 saying, "A lot of my generation [who had fought in the

15 war] think that you lot are soft and wouldn't rise to

16 your country's needs, but I think you would, boys,

17 I have faith in you".

18 And it smacks a bit of the schoolmaster in All Quiet

19 on the Western Front. I mean, we were children and

20 I think a lot of the philosophy of the school was to do

21 with -- to carry on traditions, that we would be

22 obedient members of the army, and we would continue to

23 run the empire, what was left of it. That philosophy

24 seemed to me to be very strong, yes.

25 Q. What I'm interested in is we see at page 25, 148/149,

1 that that ethos, which I think may have reflected the
2 ethos of the school then and previously, was clearly
3 causing, I think to use your word, rebellion or at least
4 disaffection amongst the boys, the senior boys?

5 A. Yes.

6 Q. Society, we know, obviously was changing in the 1960s
7 and 1970s --

8 A. Yes.

9 Q. -- and was that being reflected in the behaviour of the
10 boys?

11 A. That's the only outright active rebellion I can
12 remember. There was a lot of verbal muttering and
13 discomfort that the haircuts were too severe. When I --
14 I suppose a lot of the boys wanted to look like
15 Paul McCartney or whatever. I did read something in --
16 about the school Fettes, there was --

17 Q. Well, I think let's focus on Merchiston. We've heard
18 about Fettes --

19 A. Right.

20 Q. -- I assure you. But there was a sense, at least, of
21 pupils perhaps looking at the world rather differently
22 from the school ethos?

23 A. Yes. Yes. We were to be taken back to the 1950s,
24 National Service, short back and sides, that sort of
25 thing.

1 Q. And discipline was rigorous?

2 A. Yes.

3 Q. I think the word you use, in fact, was ferocious,

4 paragraph 159, at Merchiston, with corporal punishment

5 as well as what we know much about already, blue papers.

6 A. Yes.

7 Q. You've talked about the beating by Rainy-Brown as being

8 excessive.

9 A. Yes.

10 Q. Other teachers, I suppose, would have their given

11 reputations, but some would be fierce as well? Or was

12 Rainy-Brown the top of the tree in terms of fierceness?

13 A. I think that would have to be -- what do we call him?

14 'James'.

15 Q. This is the [REDACTED]?

16 A. The school [REDACTED].

17 Q. I think if we see the reference in your statement to

18 that, it's page 31, paragraph 182, and this is

19 a gentleman who was known by a nickname and you say:

20 "What really caused a lot of waves was his beating

21 of people with the tawse, which were so severe they

22 stuck out even then, never mind what people would think

23 of it now."

24 A. Yes.

25 Q. That, reading over the page, seems to be because his

1 views of the world are offended by all manner of things.
2 You talk about boys going to speak to him because he's
3 gone too far trying to prevent meetings with girls?
4 A. Yeah, I think probably it doesn't come out in my
5 statement, but there is a factor that I can almost say
6 this is a fact, although how I learned it was
7 second-hand, but the prefects used to tell us in those
8 days that the housemaster's greatest fear back then was
9 that one of their pupils would get a girl in the family
10 way, and I think this influenced a lot of the behaviour
11 then.

12 But the incident, which happened during a coffee
13 break in the Highland Ball, where I think it was two
14 boys invited two girls to their study. Now, there was
15 never anything suggested that it was just anything other
16 than drinking coffee or listening to music. I don't
17 think there was any embracing or hanky-panky, if we want
18 to put it like that, but the fact these girls had been
19 in that room set off alarm bells and these two boys were
20 brutally beaten. They weren't exactly Walter the softy
21 types, they were strong rugby-playing boys, they were 18
22 or so, and they were in tears. And it was so bad that
23 even the [REDACTED] at the school said that they'd gone
24 to 'James' and asked him to tone it down, because people
25 were starting to regard [REDACTED] with contempt

1 because of him.

2 Q. What's interesting about that is it was the boys who

3 went to him --

4 A. Yes.

5 Q. -- the school didn't try and respond to that. Did they

6 even notice it, do you think?

7 A. No, no, they -- they probably didn't know about it. It

8 wouldn't have reached the headmaster's attention,

9 I wouldn't have thought. And even if it did, so what?

10 That was the way things were then.

11 Q. You do say that to his credit the teacher, 'James', did

12 calm down a bit after that.

13 A. Yes. There were fewer incidents, but he was a scary

14 guy. I can remember once I was a touch judge for

15 a rugby match and the ball went out of play, and he

16 called -- sorry, it appeared to go out of play but it

17 hadn't crossed the line and he restarted the game and he

18 said to me, "You know, you should have called that out",

19 and I said, "It wasn't out", and I was scared about

20 that. I thought I was going to get a thrashing for

21 that, because they could be like that for the pettiest

22 reason.

23 Q. Was 'James' -- thinking of the senior school, was he the

24 most feared beater?

25 A. Yes, because he wouldn't have had a serious rival.

1 Q. Okay. And that was well understood by the student body?

2 A. Yes. Yes. We all I think thought it was so strange

3 that such a little man could have -- be so strong.

4 LADY SMITH: What sort of age was he?

5 A. That's a good one. I'm going to guess about 35. [REDACTED]

6 [REDACTED]

7 LADY SMITH: Okay.

8 A. Probably about the same vintage as Donaldson. Oh --

9 MR BROWN: It's all right.

10 A. The housemaster of Chalmers West and Rainy-Brown.

11 MR BROWN: Was he a friend of Rainy-Brown's?

12 A. Not particularly. There's something -- I could be

13 wrong, it's a long time ago, but there's something about

14 the [REDACTED] 'James', 1966 seems to strike a bell.

15 I think he might have joined the school then, rejoined

16 it, [REDACTED], or got a university degree about

17 then. So if we, say, give him a guesstimate birth date

18 of 1940, yes, he'd be like quite a few of the

19 housemasters. Yeah, I'd say 35, yeah.

20 LADY SMITH: Okay, thank you.

21 MR BROWN: Thank you very much.

22 There were of course others, and you make mention of

23 another teacher who we'll call 'Edward'.

24 A. Oh yes.

25 Q. And 'Edward' you describe as a cane man as well as

1 a paedophile.

2 A. As a what?

3 Q. A cane man. Paragraph 187 --

4 A. Oh, cane, yes.

5 Q. Page 32.

6 A. I thought you said "cave man".

7 Q. No, cane.

8 A. Cane man, yes.

9 Which page are we on?

10 Q. Page 32. Because you talk about him when he used the

11 cane, it would be an opportunity for him to feel your

12 backside.

13 A. Yes.

14 Q. He didn't actually cane you, though, you seem to say.

15 A. No. I was never caned by him, but there was an incident

16 after I left his house.

17 Q. Yes.

18 A. Which I'm sure we'll come to.

19 Q. Well, that's an incident on the rugby pitch.

20 A. Yeah.

21 Q. I think we see that over the page on page 33, and you

22 had been shoulder charged, looking at paragraph 194, and

23 pulled something in your groin so you've hobbled off the

24 field.

25 A. Correct.

1 Q. You stood on the side of the high banking that
2 surrounded the pitch. A boy shouted a warning that
3 'Edward' was approaching --
4 A. Yes.
5 Q. -- and you say you think you must have known what was
6 coming, "... because he was notorious for walking around
7 football fields [you say] fondling boys who were off
8 with injuries on the pretext it was a medical
9 examination".
10 A. Yeah. I can't honestly say if I knew that he at that
11 point was a prowler around the pitches. I mean,
12 I certainly became aware of it afterwards. I may have
13 known, but I don't think so. I think what I did know
14 for definite that he had a reputation as a fondler.
15 Usually when he caned boys, he would massage their
16 backsides and have a good feel around. But when one of
17 my playmates on the football field shouted something
18 like, "Look out 'Edward'", I made the connection: He
19 will inspect me.
20 And it was certainly discussed afterwards that
21 I wasn't the first one who'd had this, who had been
22 injured on the sports field and had 'Edward's' fingers
23 inside their athletic shorts.
24 Q. I think in relation to that you seem to have, from the
25 statement, an apprehension of not wanting to go to that

1 'Edward's' house, but we know that you were moved to
2 that house early from your previous house. Is that
3 correct?
4 A. Yes, yes.
5 Q. Again, you set that out and the details of the
6 individual housemasters don't matter.
7 A. Yes.
8 Q. But we get the picture of your previous housemaster, the
9 one who sent you to 'Edward's' house a term early --
10 A. Yes.
11 Q. -- engaging in really a battle of wills with you. You
12 were disciplined heavily by that previous housemaster,
13 correct?
14 A. I think not so much by him but by his prefects.
15 Q. All right.
16 A. He -- I don't think he imposed that many punishments on
17 me directly, but of course it filtered back to him who
18 the problem people were.
19 Q. And were you a problem child?
20 A. Not in the classical sense of, you know, being unruly
21 and always fighting and stroppy. No, I was just
22 a dreamer with dirty shoes and buttons missing, that's
23 all I was, but he -- he's supposed to have said to his
24 prefects, "'Crawford', 'Crawford' what do we do with
25 'Crawford'?" And Rainy-Brown had never had that

1 attitude. Never.

2 Q. Okay. But the result was, and we can read this in the

3 statement, that you were being given multiple

4 punishments.

5 A. Yeah.

6 Q. Blue papers?

7 A. Yes.

8 Q. And I think you would essentially be described they were

9 trying to break your spirit?

10 A. Yes. That's their philosophy, in my opinion.

11 Q. Yes. And the effect of that was the decision was taken

12 to move you from one house to 'Edward's' house and you

13 didn't want that?

14 A. Yes, yeah. I think the crowning incident was the loss

15 of my football, which Donaldson referred to in his

16 report, that what had happened was before a rugby game,

17 typical afternoon game, we would kick a football around,

18 which was mine, and I was very proud of -- because it

19 was signed by Emlyn Hughes and John Toshack and then the

20 rugby master said, "We're going for a run" and I said,

21 "What about my ball?" And he said, "Leave it there".

22 And when we got because from the run and started playing

23 the ball was gone. So I told Donaldson about it and he

24 went hunting and in fact some boys from Rogerson West

25 had helped themselves to it, but of course it was all my

1 fault. I had to organise a house search party to
2 recover this football. It wasn't my fault. I didn't
3 take it.

4 Q. All right.

5 A. And I think he resented that.

6 Q. I see, okay. You also talk about sexual abuse.

7 A. Yes.

8 Q. There was an episode which was not -- was school-related
9 in a sense that you were at school and out of the school
10 when you were assaulted.

11 A. Oh, do you mean when I was at Pringle House?

12 Q. This is the motorcycle helmet --

13 A. Yes, yes, that did happen.

14 Q. We can read of that. But you also talk about a teacher
15 whose name for today's purposes -- bear with me -- is
16 **BRW**.

17 A. **BRW**, yeah.

18 Q. This was a **BRW** master; is that right?

19 A. Yes, he was.

20 Q. Did he have a reputation at all that you remember
21 amongst the boys?

22 A. I don't think so, until this particular incident. His
23 nickname was **BRW** he was always well-dressed, blue
24 blazer and slacks. Nice clothes. Not the old patched
25 tweed jackets so beloved of the other masters. He

1 smoked grandee cigars. He had a nice manner. His
2 tawsings were hilarious. He used to talk about
3 a strokes punishment and really it was a slap on the
4 wrist. But of course I looked at him in a different
5 light in view of the incident we're going to come to.

6 Q. So he had a reputation, but it was he was laughable from
7 a schoolboy point of view in terms of discipline --

8 A. Yes, a lovable eccentric.

9 Q. Yes, was --

10 A. When I saw what I saw, I was shocked.

11 Q. Had there been any discussion of his sexuality prior to
12 that?

13 A. Not that I -- I remember. I think it was -- we just
14 took the view with most of the unmarried masters that
15 they were homosexual and kept quiet about it.

16 Q. Why was that?

17 A. Well, they couldn't have had boyfriends in those days,
18 it was not open. We certainly knew with the teacher who
19 was a devout Catholic, OZK that he was abstemious.
20 His Catholic faith would not allow it. So he repressed
21 himself. But another teacher said to me, "He is like
22 a pressure cooker, he will go off one day", and indeed
23 he did.

24 Q. But going back to BRW --

25 A. Yeah.

1 Q. -- in terms of what you saw, we read that paragraph
2 185/186, page 32, that you're in a [REDACTED] class and one
3 of your classmates says, "Look over there",
4 effectively --
5 A. Well, he sort of indicated with his eyes. His left
6 elbow hit me about here and he was going (indicates), in
7 that way. And yes. The teacher -- BRW [REDACTED] is it we're
8 calling him?
9 Q. Yes.
10 A. And BRW [REDACTED] had his hand on a boy's shoulder, the boy
11 that was on my left. I think he was stroking him as
12 well, but he definitely was aroused. If I could put it
13 this way, it's the old joke: is that a cigar tube in
14 your pocket or are you pleased to see me? He had
15 an erection, that was the bottom line of it.
16 Q. What year was that?
17 A. We can date that because -- fairly accurately, because
18 this was O-level time. I didn't do [REDACTED] beyond
19 O-level. So 15/16, I would say.
20 Q. Okay. So 1972?
21 A. Yeah, yeah.
22 Q. Okay.
23 A. I think -- I think we were in Chalmers East at the time.
24 Q. Thank you.
25 A. With 'Edward', yeah. But no earlier than the age of 14,

1 I would have thought, and certainly no later than 16.
2 15/16 is near enough, I think.

3 Q. Thank you. Having seen that, would it have occurred to
4 you or anyone else to report it?

5 A. We certainly would have thought that it was wrong. But
6 what would have been the point? No one would have
7 listened. Nobody. Parents wouldn't listen. Couldn't
8 conceive of anything being wrong with the school. In
9 fact actually I think fear of being punished yourself.
10 One of my little private jokes is you were up on
11 a charge of telling the truth, which is how
12 whistle-blowers are dealt with. We are all told in
13 various walks of life of something bad going on in
14 a GP's practice or a hospital or this company or the
15 army or whatever: tell the truth. But it seems to me
16 that you -- even now you get into bother for it, so why
17 not keep your mouth shut.

18 I think it would have been pointless mentioning it,
19 I think. We did hear of one boy's father writing about,
20 "What is 'Edward's' interest in boys' backsides?" But
21 that led to nothing, he just carried on the way he was.

22 Q. That would be a report from the boy, presumably?

23 A. Yes.

24 Q. That his father had written?

25 A. Yes. Yes.

1 Q. Okay. In terms of how -- you've talked about perhaps
2 how things still are, but thinking back to Merchiston of
3 late 1960s/early 1970s, what was the school's take on
4 being able to tell people things?

5 A. I think it could be described as: don't yell and don't
6 tell. In the public school code you're meant to be
7 stoic or Calvinistic, if you like. You just did nothing
8 about it.

9 The exception would be 'Edward'. He did have
10 a sneaking culture. He wanted to know what was going
11 on. He was very interested in teenage boys'
12 masturbatory habits. He quizzed me about mine and he
13 quizzed at least one other boy, to my knowledge.

14 But I think it was very much the time, going back to
15 the 1940s, which carried on: you don't correct your
16 elders. Nobody takes children seriously. Or didn't
17 back then.

18 Q. Was anything said to you in terms of what would now be
19 understood by "pastoral care", if you have problems,
20 there is someone you can go and talk to?

21 A. Not really. Just, you know, if you want to discuss
22 [REDACTED], discuss it with 'James'.

23 Q. The [REDACTED]?

24 A. Yes. Go to the [REDACTED].

25 Q. I was just interested because at paragraph 200 on

1 page 34 under the broad heading, "Reporting of abuse at
2 Merchiston Castle School", you say:

3 "'James' was supposed to be the person I could go to
4 if I had a problem, but he was part of the problem so
5 I could never have done that."

6 A. Yeah. Yes, I would agree with that.

7 Q. When you say he was part of the problem, just to be
8 clear, what are you referring to?

9 A. Well, he was part of the -- I don't know what his sexual
10 preferences were or if he had any peccadillos, but he
11 was the Merchiston establishment. Like the two
12 housemasters of Pringle and Chalmers West he'd been
13 there as a pupil, done his time at university and come
14 back to be part of the system. So, yes, I would say
15 part of the establishment.

16 And beyond the walls of the school, you even had
17 a prominent politician, David Steel, saying, "Well, why
18 make these allegations about Cyril Smith? That sort of
19 thing was going on all the time". And he specifically
20 mentioned Scottish boarding schools, I believe.
21 Certainly public ones.

22 Q. But, in short, establishment was not something you would
23 trust and would that be the view of your fellow pupils?

24 A. Well, I've ... (Pause) ... always been sceptical about
25 establishment, and I would imagine a lot of the boys

1 were, but there's a lot of boys who went to that school
2 who wouldn't see anything wrong in the place whatsoever,
3 that the lessons were good, we get to play rugger, if we
4 beat someone up in the playground, no one does anything
5 about it. Yes, we're very happy there.

6 So it would be a mixed response, I would have
7 thought.

8 Q. You talked there about boys beating boys up in the
9 playground.

10 A. Yes.

11 Q. Bullying was something that happened at Merchiston,
12 I take it?

13 A. Yes, it did. It did. It was more psychological and
14 verbal, but the -- there would be physical beatings,
15 yes.

16 Q. Was that taken as just the way it was?

17 A. I don't ever recall a master breaking up a fight, to be
18 quite honest. I think the philosophy in those days,
19 they used to talk about character building, and I think
20 that was seen as part of it.

21 The only time I can really remember a master doing
22 anything was with -- what's his name again? The
23 housemaster of Chalmers West -- praising me for hitting
24 a smaller, weaker boy, just saying, "Don't make so much
25 noise about it".

1 Q. So on that occasion you were the bully?

2 A. Yes. Yes, I was.

3 Q. But you weren't taken to task for it?

4 A. No. And of course the other thing, I think, which is

5 mentioned in my statement, was that one of the big

6 bonuses of the school was that it had a swimming pool,

7 and what put me off it was I'd only just learnt to swim

8 and I loved it, but I stopped going because you'd get

9 other boys ducking you all the time, which I found

10 incredibly unpleasant. And it went on right under the

11 nose of the swimming master.

12 Now, if you go to a public swimming baths or even

13 a private club, I would imagine, there are signs up, "No

14 ducking", and the swimming master, who was a nice man,

15 but perhaps a bit weak, tolerated it. And I said, "How

16 do I avoid this?" And the received wisdom was: go up to

17 the deep end, which I was a bit wary of, only having

18 just learnt to swim.

19 It is an absolute outrage. I did mention it to my

20 parents and they wanted to complain, but I was so

21 fearful that there would be reprisals:

22 "It was 'Crawford's' parents who snitched about the

23 ducking, make sure 'Crawford' gets the treatment."

24 Q. That was the anxiety?

25 A. Yeah.

1 Q. Was that anxiety present throughout your entire time at
2 Merchiston?

3 A. Yes.

4 Q. Even the Oxbridge term, which you quite enjoyed?

5 A. Yes, you had -- you -- you had to accept that there was
6 a form of corruption and that basically the school would
7 behave in whatever manner pleased it.

8 Q. You talk in some detail, which again we can read, about
9 the impact, but I'm interested in one paragraph, which
10 is paragraph 207 on page 36, where you talk about your
11 experiences at both schools:

12 "... have caused significant psychological scars.
13 I have not had nightmares, but I do have a mania for
14 privacy."

15 A. Yes.

16 Q. Why is that, do you think?

17 A. Because I had no privacy there. It's very common, I'm
18 told, amongst boarding school survivors, as we sometimes
19 call ourselves, that you -- that nothing was sacred.
20 You'd have a diary, there would be someone reading it.
21 Someone would steal from your pockets. People would
22 listen in. And when I got my first house, living alone
23 to start off with, this was my castle. And to this day
24 I don't like people getting too close to me and I don't
25 like people picking up my possessions without my

1 permission, because you would get situations where, "Oh,
2 what book are you reading?" Ripped up mindlessly.
3 So, yeah, if you want to call me jumpy, I won't
4 argue.

5 Q. You've touched on a number of occasions about the desire
6 to keep things quiet. Even now, you talked about GPs,
7 the theatre, other scenarios away from the school.

8 A. Yes.

9 Q. But looking at lessons to be learned, you say:

10 "I think the big lesson to be learned is that there
11 must be a complaints channel for children and parents
12 must get more involved."

13 A. Yes.

14 Q. Is that really what led you to coming forward to the
15 Inquiry?

16 A. It's one of the factors. The one that perhaps motivates
17 me more than anything else is that I want the truth
18 about these horrible people to come out, that even now
19 the school magazine talks about this as a golden age and
20 there's another side to it and I want that to come out.

21 MR BROWN: 'John Crawford', thank you. I think your
22 statement does that in considerable detail. I have no
23 further questions for you.

24 A. Thank you.

25 LADY SMITH: Are there any outstanding applications for

1 questions?

2 'John Crawford', thank you. We've exhausted,

3 I think, everything that you can help us with further

4 this morning and you've already taken a lot of trouble

5 to provide a statement with much detail in it. Thank

6 you for all of that and for being prepared to come along

7 here this morning and give evidence in person. That's

8 of enormous assistance. I do appreciate it.

9 A. Thank you.

10 LADY SMITH: I'm now able to let you go and I hope you can

11 relax for the rest of the day. Thank you.

12 A. Yes, I'm obliged. Thank you.

13 (The witness withdrew)

14 LADY SMITH: Time for the morning break, Mr Brown?

15 MR BROWN: My Lady, yes.

16 Just one observation. On a number of occasions,

17 despite his best efforts, 'John Crawford' mentioned

18 individuals by name and it may be just as a matter of --

19 the transcript can be resolved, but it may be just

20 a warning.

21 LADY SMITH: People should be aware of that. He also used

22 his own name at one point instead of the pseudonym he'd

23 chosen for himself. The general message is if anybody

24 wants to use a name outside the hearing room, please

25 check, because in fact it might be covered by my general

1 restriction order. Thank you.

2 MR BROWN: I'm obliged.

3 (11.23 am)

4 (A short break)

5 (11.52 am)

6 LADY SMITH: Mr Brown.

7 MR BROWN: My Lady. The next witness is 'Mark'.

8 LADY SMITH: Thank you. (Pause)

9 I think 'Mark' will be with us in just a couple of

10 moments, Mr Brown.

11 MR BROWN: I do beg your pardon, my Lady. I'd been advised

12 he was ready to go.

13 LADY SMITH: We thought he was. He won't be long.

14 MR BROWN: No, I'm sure he won't. (Pause)

15 'Mark' (affirmed)

16 LADY SMITH: 'Mark', you'll see there's a microphone there.

17 The light's on so it's working, so all we now need is

18 for you to make sure that you're in a position and the

19 microphone's in a position so that it picks up your

20 voice.

21 A. Yes.

22 LADY SMITH: Not just for everybody in the room, but also

23 for the stenographers who listen to you through the

24 sound system.

25 A. (Witness nods)

1 LADY SMITH: The red folder has a hard copy of your
2 statement in it. Your statement will also appear on
3 screen at the parts we're referring to when we refer to
4 it. You might find it helpful to use one or the other
5 of them, but if you don't, you don't have to. They're
6 just there for your assistance, if that's of some help.
7 Otherwise, please let me know if you have any
8 questions or concerns or if you need a break. Any of
9 these would work for me. It's important that I can do
10 all that's possible to make this as straightforward for
11 you as we can, so do remember that.
12 A. (Witness nods)
13 LADY SMITH: If you're ready, I'll hand over to Mr Brown and
14 he'll take it from there. Is that all right?
15 A. Thank you, my Lady.
16 LADY SMITH: Mr Brown.
17 Questions from Mr Brown
18 MR BROWN: My Lady, thank you.
19 'Mark', good afternoon.
20 A. Good afternoon.
21 Q. You've been referred to the statement which you can see
22 in front of you, both in paper and screen form. If we
23 could start with the statement, it has a reference
24 number, which is WIT.001.002.1376 and we see it runs to
25 15 pages. On the last page you confirm that you've no

1 objection to your witness statement being published as
2 part of the evidence to the Inquiry and that you believe
3 the facts stated in it are true.
4 A. That's correct.
5 Q. You signed the statement over three years ago in
6 September 2018, I take it you would have read the
7 statement before you signed it?
8 A. Yes, I did.
9 Q. To confirm its accuracy?
10 A. That's correct.
11 Q. I imagine you read it again in advance of today?
12 A. Yes.
13 Q. Any typos, slight errors you spotted? Because
14 I recognise we're talking about events 30 years ago.
15 A. Nothing of consequence.
16 Q. 40 years ago, forgive me. Nothing of consequence, okay.
17 You're 53?
18 A. That's correct.
19 Q. Born in 1968, and you went to Merchiston between 1981
20 and 1987?
21 A. (Witness nods)
22 Q. A little bit about your background prior to Merchiston,
23 your dad was a warrant officer in the navy?
24 A. He became a warrant officer whilst I was in Merchiston.
25 When I first went, I think -- yes, he was a chief petty

1 officer at that time.

2 Q. Being the son of a serviceman, you had moved about?

3 A. Yes.

4 Q. In the days when postings could be far away?

5 A. Yes.

6 Q. I think in your case you got to the Clyde, but you also

7 got to Gibraltar?

8 A. Most of my time was spent around sort of the Clyde,

9 which worked out relatively well because that's where

10 our family were based, or my mother's side of the family

11 were based.

12 Q. I think to begin with you went to a local school, which

13 I would understand you enjoyed, you did very well at the

14 small school?

15 A. (Witness nods)

16 Q. You were head boy?

17 A. (Witness nods)

18 Q. Your first experiences of school were good?

19 A. Yeah, I mean that was Park Lodge, so I'd been to sort of

20 three or four schools before that, but, yes, that was

21 the school I stayed at the longest and, yes, my

22 experience of school then was very good.

23 Q. Then we see age 11 you go off to Gibraltar?

24 A. That's correct.

25 Q. On a posting with your dad. Domestically, life was less

1 than straightforward?

2 A. Yes. I think that had sort of developed over a number
3 of years, with my dad being away at sea. Looking back,
4 it probably started when I was about sort of six or
5 seven, but I think it really came to the fore when we
6 lived in Gibraltar.

7 Q. So part of you, when you learnt you were going to be
8 sent to Merchiston, viewed that as perhaps a good thing
9 because it would get you away from the tensions?

10 A. Yes, definitely.

11 Q. Why was Merchiston chosen?

12 A. I think it was second choice. I think I was actually
13 supposed to go to Strathallan and a boy committed
14 suicide at Strathallan, so my parents chose Merchiston
15 instead.

16 Q. All right.

17 A. I don't know why they chose Merchiston secondly, but ...

18 Q. Did you have any input into that decision?

19 A. No.

20 Q. Did you have any input in the decision to be sent back
21 to Scotland to school?

22 A. Not that I recollect.

23 Q. All right. As we see on page 2, paragraph 6, you start
24 at Merchiston in September 1981 when you were 12?

25 A. That's correct.

1 Q. Had you ever been to Merchiston before?

2 A. No.

3 Q. So as we read, you come back to the UK a week early to

4 buy all the kit that was required?

5 A. From Aitken & Niven, yeah.

6 Q. Which would have cost, as you say, your parents

7 a fortune?

8 A. Yes, it was exclusively expensive. I mean even then,

9 Merchiston shirts had the crest embroidered on the

10 pocket. You couldn't just buy a normal white shirt, you

11 had to buy a Merchistonian shirt, which were sort of

12 six, seven times the cost of a normal shirt.

13 LADY SMITH: You may be interested to know that Aitken &

14 Niven are still going strong in Edinburgh.

15 A. The building's gone, I noticed, though.

16 LADY SMITH: But not in George Street.

17 MR BROWN: Can you remember what your emotions were, prior

18 to starting?

19 A. I think it was a combination of excitement -- I mean

20 I remember my mother leaving me, that sort of -- my

21 mother and my aunt leaving me and the trepidation when

22 they walked out of the door and left me, but I think it

23 was excitement and -- yeah, it was a new experience.

24 Q. Thinking of the previous schools, both service, New

25 Park, had bullying been a problem in any of those

1 schools?

2 A. There was an element in Gibraltar once again because

3 I think I was different. I don't know. Yes. There had

4 been an element, but not anywhere like I experienced at

5 Merchiston. I think bullying was -- it exists now, we

6 know, it existed then, it exists in all forms and

7 environments, it exists in childhood and adulthood, so

8 there is an element of it, but I've not experienced

9 anything like I experienced at Merchiston.

10 Q. I think we know from the statement after Merchiston you

11 went into the Forces and then you've worked in the

12 prison service. Bullying, I imagine, takes place in

13 both those --

14 A. Very much so, yeah.

15 Q. But you've talked about -- you mentioned difference

16 there. Before you went to Merchiston, did you

17 anticipate that you would somehow be different?

18 A. No, I didn't see it, no.

19 Q. But you arrive at Merchiston, and we would understand

20 from knowledge but also from what you say, that you

21 start in Pringle House?

22 A. That's correct.

23 Q. Which is the house for the youngest boys?

24 A. Yes.

25 Q. And which we know is physically detached from the main

1 building, it's by the entrance to the school?

2 A. Yes, correct.

3 Q. That's where you go on day 1 with your mother and your

4 aunt and where you are left?

5 A. Yes.

6 Q. When did you first become aware of the fact that you

7 might be seen as different?

8 A. I think those sort of first couple of days you -- even

9 now when you sort of go into a new job, when you move

10 anywhere and do anything new, you're sort of testing

11 each other out really aren't you, all the people there,

12 and I think we were sort of working it out at that

13 point. But what I did recognise was that there were

14 groups within Pringle who knew each other and had past

15 experience with each other, potentially because they'd

16 gone to the same sort of prep schools or whatever, but

17 I was very much separate.

18 Q. So there were friendship groups which had been

19 pre-existing?

20 A. Yes.

21 Q. But you describe the various different dorms and small

22 dorms, the Set, the Holt, the Den.

23 A. Yes, they were all named after animal homes.

24 Q. You end up in Holt, which is for four?

25 A. That's correct.

1 Q. 300 boys in total in the school, but 50/60 --
2 A. Around, I believe, yeah.
3 Q. Just thinking about Pringle as distinct from the rest of
4 the school, did it feel different and apart in some
5 sense from the school?
6 A. Very much so. It was a separate entity almost in its
7 own right. JRB was lord and master. You didn't really
8 have that much interaction with the main school apart
9 from you attended there and you were classed there and
10 you saw your teachers there, but fundamentally
11 everything operated around Pringle.
12 Q. You said JRB -- James Rainy-Brown?
13 A. That's correct.
14 Q. He was the housemaster?
15 A. He was.
16 Q. And you said he was lord and master?
17 A. Yes.
18 Q. How was that evident?
19 A. He just controlled all elements of what we did. It
20 was -- he was very strange. He was -- I mean he was in
21 loco parenti, of course, for us all and he adopted that
22 role I would say. You very much saw him as the
23 controlling influence in all aspects of your life. And
24 we were taught by him for physics and then we
25 experienced him in the house as well. But, yeah, he

1 was -- I think I sort of commented that he was -- it did
2 exist a separate entity and the experience -- he was
3 treated quite differently by a lot of the other masters.
4 He was deferred to as well, to a certain degree by the
5 headmaster as well, by Mr Spawforth.

6 Q. What leads you to say that?

7 A. It's just it was that impression, it was the present --
8 just looking back at it now, people almost seemed cowed
9 when they were talking to Rainy-Brown. He was not -- by
10 no stretch of the imagination was he a foreboding
11 individual. I mean he was quite tall, sort of bean
12 like. He was a cross-country runner and very, very good
13 at it, but it was just his demeanour and his manner. He
14 was quite -- I don't know, you almost felt like he was
15 looking down on you. And I think you almost felt like
16 he was looking down on everybody, everybody was beneath
17 JRB.

18 Q. In his mind?

19 A. That would be my perception now, reviewing what it was
20 like at that time, yes.

21 LADY SMITH: I suppose by the time you arrived at Pringle,
22 he had been established at Merchiston for a good number
23 of years?

24 A. He was probably the most established -- because he was
25 a Merchistonian himself, so yes, my Lady.

1 LADY SMITH: But even his time as a teacher would have been
2 a substantial number of years by then, I think.
3 A. That's correct.
4 LADY SMITH: Mr Brown.
5 MR BROWN: Your perception, he looked down on you as
6 a pupil, but just to be clear, he was looking down on
7 everyone else including the teachers and staff?
8 A. I would say so, yes. I would say so.
9 Q. Your description of the headmaster, the head of the
10 entire school, you felt, was somewhat reticent about --
11 A. Yeah, you didn't -- they didn't interfere with how JRB
12 ran Pringle. It's difficult because it's -- I was
13 an 11-, 12-, 13-year-old boy. Did I have those
14 perceptions at that time? No. But looking back on it
15 with an adult mind and reviewing what my recollections
16 are of that period, that would be my assessment now.
17 Q. Well, remembering back to when you were the boy in
18 Pringle, did you have any sense that the school
19 interfered in Pringle's day-to-day operation?
20 A. No. Pringle existed as an entity in its own right.
21 Q. Thinking back to that first day when you're finding your
22 way, was any effort made by JRB to welcome the boys in,
23 to ease any anxieties?
24 A. Not that I specifically -- I'm sure he will have spoken
25 to us and I am sure he will have met with us, but

1 I think we were largely left to our own devices to sort
2 of try and develop those relationships and get to know
3 each other.

4 Q. What about saying to 12-year-old boys who may be away
5 from home for the first time and might be homesick,
6 anything said about that?

7 A. Not that I recollect.

8 Q. Again thinking of Pringle, you might have worries and
9 fears you'd want to talk about as you might talk to your
10 mum and dad.

11 A. (Witness nods)

12 Q. Was anything said about who you might speak to?

13 A. Not that I recollect, but once again the perception
14 would have been it would have been JRB would have been
15 your only approach.

16 Q. Just to be clear, Pringle you've described is physically
17 separate, it is its own building, its own little world.
18 He lived in that world?

19 A. Yes. He had -- I'm trying to remember the layout. As
20 you came in through the main door, off to the right-hand
21 side I think there was an office and then there was his
22 bedroom beside it. So you walked in -- yeah. So office
23 to one side, bedroom to the other side.

24 Q. And at night, who was there to supervise?

25 A. He slept in his bedroom there. That was it, yeah. That

1 was separate from the dorm area.

2 Q. Yes. But if something arose during the night, did you

3 understand you were to go to him?

4 A. Yeah, we probably -- that would have been my

5 expectation, yes.

6 Q. There were some prefects as well?

7 A. Yes, at the very top of the corridor there were two

8 sixth formers.

9 Q. Thinking day-to-day interaction as between the

10 housemaster, Rainy-Brown, and the prefects, who took the

11 lead role in dealing with the pupils?

12 A. I would say we were largely left to our own devices.

13 When people did intervene, it would have been the

14 prefects sort of first to a degree, but it was

15 largely -- you were almost -- yeah, we were -- we

16 existed on our own, as a group.

17 Q. All right. But I think in terms of life in Pringle, you

18 describe that this is in terms of abuse at Merchiston,

19 and this is page 10, paragraphs 46 onwards.

20 James Rainy-Brown was present, we would know, in the

21 mornings. He would get you up?

22 A. Yes.

23 Q. Showering?

24 A. We didn't normally shower in the mornings, we normally

25 showered after games, apart from those occasions when we

1 were taken for a cold shower.

2 Q. All right. I think looking at paragraph 49 on page 11,
3 on some mornings, you say:

4 "... would come into the dorm and wake us up
5 earlier. He would parade a group of boys into the
6 shower room. We would all be naked and we would have to
7 take turns to sit in a claw foot bath which was filled
8 with ice cold water."

9 A. It was a very strange situation. It was a punishment
10 for some misdemeanour, but he'd almost created
11 an environment -- and I liken this very much --
12 obviously my experience of dealing with sex offenders in
13 custody, they create a dependence in their victims to
14 a degree and it's almost a bit like Stockholm syndrome,
15 I suppose, but he created an environment where we
16 actively tried to -- a group of boys and quite a lot of
17 us would actively try and commit the misdemeanour to be
18 part of that group, to be treated specially and to have
19 that experience of being -- it was almost treated as
20 a fun experience of -- yeah, we're all going to parade
21 together, we're all going to jump in it, we're all going
22 to experience being in a cold bath.

23 Q. You go on to say it wasn't normal for a housemaster to
24 be supervising a group of boys who were naked in a room?

25 A. Not in subsequent -- when I went to the other houses,

1 and looking back retrospectively, no, that wouldn't be
2 normal.

3 Q. That was the only time it happened?

4 A. Yes.

5 Q. What would he wear?

6 A. He used to wear very, very short running shorts a lot of
7 the time. I think he was probably wearing those.

8 Q. Just shorts?

9 A. Yeah, probably.

10 Q. And very short?

11 A. Incredibly short, yes. They're the old-fashioned sort
12 of silk running shorts with the slash up the sort of
13 thigh. But yeah, I remember those being -- he used to
14 wear those quite a lot.

15 Q. Would you see him in that sort of attire in
16 circumstances other than these cold baths?

17 A. I think, as I say, he used to wear the shorts because he
18 was a long-distance runner and he used to wear that --
19 he almost had three uniforms: he had his rugby uniform,
20 his sort of tracksuit top and tracksuit bottoms; he had
21 a collar and tie or a cravat he used to wear quite
22 a lot, for sort of normal day-to-day stuff around the
23 school; but then a lot of time was spent in sports
24 clothes. And I do remember -- for some reason those
25 shorts really stick in my mind.

1 Q. At the time did you think that in any way odd?

2 A. He was just an eccentric unusual individual. He was --

3 yeah, he was almost like a pastiche of what a -- it's

4 difficult to explain. (Pause)

5 Yeah, it's just -- he was strange. But at that time

6 you didn't necessarily see him as strange.

7 Q. But going back to this desire to be part of the cold

8 baths, were you conscious of that as a year or was that

9 just something you've thought about since?

10 A. I think it's reviewing back on it and sort of talking

11 about it and reviewing my memories and my recollections

12 of it. It was just -- I can there was some sort of

13 noise we used to make, just as boys do. I suppose the

14 sort of parallel would be the Budweiser ad when people

15 used to go "what's up", like that, something along those

16 lines, and we would deliberately do it within his

17 earshot and then receive the punishment, because you

18 would then be part of that group, you would then be

19 taken separately and have a degree of attention -- it's

20 almost attention-seeking behaviour.

21 Q. Did you have any concerns about him when you were in the

22 house?

23 A. No, not at that time. He was -- yeah.

24 Q. But we see in paragraphs 46 and 47 an episode where

25 you're having problems with cramps in your legs at

1 night.

2 A. Yes.

3 Q. And his response to that was to suggest that he'd

4 massage you?

5 A. Yes.

6 Q. And you're taken into his bedroom?

7 A. Yes.

8 Q. You lie down on the table and you're told to take off

9 your briefs?

10 A. That's correct.

11 Q. Because the briefs might restrict the blood flow, he

12 says?

13 A. Yes.

14 Q. And he gives you a massage, you don't remember if he

15 touched your penis or genitals --

16 A. No.

17 Q. -- but it's only looking back that you think why was

18 that necessary?

19 A. Yeah. Completely unnecessary.

20 Q. You end by saying you don't remember specifically, but

21 you're sure other boys would have experienced the same

22 thing. What leads you to say that?

23 A. I think it was just in the same way as there were sort

24 of rumours around sort of other masters as well, there

25 were just chats and conversations. As I say, I think

1 I referenced one other boy that I specifically saying --
2 you have to remember that you take what people say with
3 a massive pinch of salt, but I do remember somebody
4 turning around and saying that he'd been asked by JRB
5 how often he masturbated.

6 Q. Was that said during that first year in Pringle or --

7 A. Yes, yeah.

8 Q. Nudity, obviously, you've described in the cold bath
9 scenario.

10 A. Mm-hmm.

11 Q. Was there nudity in Pringle in any other context that
12 you remember?

13 A. I don't think it would have been that unusual. It was
14 a -- a house full of young men and -- yeah. I mean
15 there was a shower -- so the dorms were here, there was
16 a corridor here which had all the lockers on and the
17 showers and the baths were over here and I don't think
18 it would have been massively unusual for sort of naked
19 boys to be walking around. I've tried to remember
20 whether JRB was ever naked as well.

21 Q. I'm sorry?

22 A. I'm trying to remember if JRB was ever naked as well at
23 any point. I don't specifically remember.

24 Q. Do you remember, for example, ducking for apples at
25 Halloween?

1 A. Yeah, I remember doing things like that, yeah.
2 I remember playing kick the can in the woods that were
3 outside Pringle, I remember sort of doing cooking jam
4 roly-poly in tin foil out in the woods as well with
5 Balfour-Paul and things like that, so yes.
6 Q. Do you remember, going back to the ducking for apples,
7 what were you wearing then, if you think back?
8 A. I'm sorry, I don't remember.
9 Q. Okay. Did Rainy-Brown take the Pringle boys up into the
10 Pentlands?
11 A. Yes. So on weekends and stuff it wasn't unusual for us
12 to do things and one of the things I remember doing was
13 going for a walk up The Cobbler, going out for bike
14 rides. There were innumerate bikes around Pringle which
15 JRB sort of built himself and you were able to borrow
16 them and we used to go out on bike rides together.
17 So yeah, there were always things. He'd take people
18 for runs, groups of boys for runs, cross-country runs,
19 those sort of things.
20 Q. Thinking of going up into the Pentlands, do you ever
21 remember swimming in reservoirs or --
22 A. Yes. Yeah, I do remember that, yeah.
23 Q. Was that --
24 LADY SMITH: In the reservoirs?
25 A. It was -- I can't remember what they're called, not

1 reservoirs, torries(?) or -- the pools around some of
2 the hills and stuff.

3 LADY SMITH: Oh, the tors(?) around Torduff and --

4 A. I think so, and I also remember going in a reservoir as
5 well. Until you just mentioned that then, I'd not
6 remembered that at all.

7 LADY SMITH: Anyway, you survived?

8 A. Yes, yes.

9 MR BROWN: That was as part of a trip out from Pringle?

10 A. Yes.

11 Q. Again, do you remember when you went swimming on those
12 days out, did you have trunks?

13 A. No, highly unlikely. I don't -- no, because I don't
14 think we went out with the intention of going swimming.
15 I think it would have been we just went out so you would
16 have stripped down into your, at the very most your
17 underwear, probably nothing at all, and jumped in.

18 Q. Would he join you in the swimming?

19 A. Yeah, I don't -- it's -- as you highlighted earlier, it
20 is a long, long time ago and it's sort of veiled in a --
21 in a degree of sort of shade, but no, I do -- it does
22 ring a bell with me.

23 Q. That he may well have done?

24 A. Yes.

25 Q. Without clothes?

1 A. Yes, and it would have -- it -- when I say he may well
2 have done, I would have expected him to have, given the
3 whole demeanour and the whole way in which we operated
4 at that time, it was just -- it was normal. It was
5 perceived as normal. Just our lives.

6 Q. Forgive me for perhaps being stupid: what was normal?

7 A. That sort of group of boys together, almost 1920s/1930s
8 sort of perception of sort of scouts and -- you know
9 what I mean, that sort of ideal, that sort of mindset.
10 It was perfectly normal.

11 Q. And nudity was normal?

12 A. Yes. Yes, it wasn't seen as anything -- yeah, it wasn't
13 something to be embarrassed about, the fact you were
14 naked.

15 Q. And that included him?

16 A. I -- yes. That's correct.

17 Q. In that first year of Pringle, that would never have
18 worried you because it was normal?

19 A. It was just what -- yeah. The whole experience of going
20 to Merchiston was new. It was part of that new
21 experience. Because of the way I'd travelled around,
22 I was used to having new experiences from going from
23 place to place. It was just another new experience.

24 Q. When I asked you about the first few days and you talked
25 about trying just to find your way --

1 A. Uh-huh.

2 Q. -- but I mentioned difference. Did you within the
3 Pringle first year begin to feel or be treated as
4 somehow different?

5 A. Very much so, yeah. I was of a different social
6 standing than a lot of the boys. My manner and
7 demeanour was very different. I remember JRB pulling me
8 up on a couple of occasions because I swore -- when
9 I say swear, used terms like "bugger" or things like
10 that. Once again, probably because of my experiences
11 being around sort of military, and being told off for
12 that. But yeah, I was seen as very, very different.

13 Q. How did that impact on you on a practical level?

14 A. So I wasn't in -- boarding school then very much and
15 lots of environments are very clique-ish, aren't they,
16 and I wasn't in the main clique. There were a couple of
17 us who were a bit different, not necessarily for the
18 same reasons, and we would sort of be friendly with each
19 other, but I remember sort of key individuals who were
20 seen as top dog, almost, within that hierarchy.

21 Q. What would make them top dog?

22 A. Their attitude, their experiences, their confidence
23 levels. I there were -- I remember a couple of boys,
24 a couple of twins who were quite high standing within
25 that group and were -- it was strange, it's one of those

1 things that they'll bully you one minute and they'd be
2 your friends the next minute and you'd just want to be
3 part of the group so you'd just try and go along with
4 it, but then -- yeah.

5 Q. In terms of your experience, you've come from, and you
6 said, a lower social standing.

7 A. Yeah.

8 Q. Where did you perceive the bulk of the boys stood on
9 that test?

10 A. Oh, very much above -- I mean just even in terms of
11 their funds and the money they had available to them if
12 they were doing anything, it was very, very different.
13 They all came -- I mean talking about houses and stuff,
14 we lived in a married quarter at the time. I'd grown up
15 in a house with my grandmother cleaning schools, my
16 grandfather working in shipyards, we lived there when my
17 dad was at sea. They all came from -- I think a core
18 component were gentleman farmers from the Borders who
19 lived in very sort of landed houses.

20 Q. How were you treated because of that?

21 A. I think I was definitely looked down on.

22 Q. What did that mean in practice?

23 A. Yeah, it was ... I say I did feel quite isolated in
24 a lot of ways and I felt I wasn't part of sort of events
25 that were going on and didn't feel like I was involved

1 necessarily. So you almost try and make yourself
2 involved and you try and force your way into it, but
3 people would sort of -- I remember one of the big things
4 at Merchiston was about going to the ... the Highland
5 Show every year and people having their sort of -- with
6 the Range Rover there, having their picnics at the back
7 or the same at the rugby as well. That was the
8 perception. God, my parents didn't even own a car at
9 that point.

10 Q. Was that something that you were mocked for?

11 A. Yeah, I think -- whether I was overtly mocked or -- no,
12 I think yes, I was. I came from Gibraltar. I was
13 called CCY [REDACTED], I remember.

14 LADY SMITH: Because of [REDACTED]?

15 A. Yes.

16 LADY SMITH: It's not very imaginative.

17 A. No, no, not very imaginative at all. I mean there were
18 a lot more imaginative abuses that came after that, but
19 no, I just remember it being -- it was just treated
20 differently.

21 MR BROWN: You talked about your difference.

22 A. Yes.

23 Q. But there were boys with other differences. What were
24 you thinking of?

25 A. Yes, so there were boys who were quite quiet, quite

1 studious, and Merchiston was very much sports
2 orientated. If you weren't a star sportsman, then you
3 were of a lower -- a lower position within the hierarchy
4 of the school. You could be the most intelligent person
5 on the planet, but it didn't matter. There was no
6 recognition of that. And equally it was only certain
7 sports. So if you were a star rugby player or a star
8 cricketer, that was fantastic. If you were good at
9 table tennis or good at hockey, as I was, then no, that
10 was -- you didn't matter. Even if you were at
11 international standard, which I was at.

12 Q. Could I ask you just to perhaps --

13 A. Oh, my apologies.

14 Q. No, it's just -- so you were a good hockey player?

15 A. Yeah, so I played Scottish schoolboys, was -- I remember
16 we played against a German team and some sort of coach
17 remarking about how exceptional I was when they came
18 over to tour, but despite that, despite being the
19 [REDACTED] hockey, despite being a star player, I had to
20 ask to be given my colours, when everybody else got
21 their colours for whatever sport they were good at.
22 Normally, as I say, around rugby and cricket.

23 Q. I think you describe -- and this is moving on obviously
24 into the senior school, on from Pringle -- that the
25 status of the First XV was -- and you liken it to

1 an American film.

2 A. Yes, very much.

3 Q. They had God-like status?

4 A. Yes, yes. They were treated entirely differently to the

5 rest of the school. Being in the First XV was the be

6 all and end all.

7 Q. Looking to the other end of the scale, if you weren't

8 a rugby player or you weren't a cricket player, they

9 being the main sports, you've just said, were you viewed

10 as somehow different?

11 A. Yes, very much so.

12 As I say, at the bottom of the pile would be the

13 boys who weren't sports orientated at all. They could

14 be some of the most intelligent boys on the planet but

15 it didn't matter. Next would be those who were sort of

16 just mediocre players and as I think I have sort of

17 mentioned previously, I'm -- I have a certain element of

18 natural ability. I will be a team player at most

19 sports. I'll never be the star, with a few exceptions

20 like hockey. But yeah, I wasn't -- unless you were

21 a star, unless you were an exceptional player, you

22 weren't at the top of that pile.

23 Q. Going back briefly to Pringle, this is where you first

24 have the sense that you are treated differently?

25 A. Yes.

1 Q. Because you are different?

2 A. Yes.

3 Q. From what you have said, Rainy-Brown is in charge of

4 everything at Pringle?

5 A. Very much so.

6 Q. Would he have been aware of the different cliques,

7 standings?

8 A. I can't see how you couldn't have been aware of it.

9 I mean he did have that over-arching eye over Pringle as

10 a whole. He must have been aware what was going on.

11 Q. Did he do anything to address it?

12 A. No. I remember, as I say, there was one of the twins

13 that I referred to earlier, him and I really did clash

14 massively, and I remember JRB -- we had a fight one

15 evening and I remember JRB sort of talking to us both

16 separately and then giving us the tawse, but we just --

17 I don't think it was about "be friendly" or anything.

18 I do remember him having conversations about, as I say,

19 the swearing and stuff and about the different social --

20 I think he actually might have referenced the fact that

21 I came from a different social background and it would

22 be difficult for me. I think. I might be

23 misremembering that.

24 Q. But if he referenced it and was aware of it, it appeared

25 to be he recognised there could be a problem or was that

1 taking it too far?

2 A. I think so. I think -- I look at sort of situations in
3 how I would manage a situation like that, where I felt
4 that there was a lack of cohesion within a team and
5 that's effectively drawing that parallel, he was
6 managing a team of boys, how I would manage that
7 situation where there was a conflict. I would be
8 looking to mediate between those two individuals.
9 I don't remember any mediation going on in any way,
10 shape or form. It was very much a case of, "That's just
11 part of life, get on with it and sort it out amongst
12 yourselves".

13 Q. You make reference to getting the tawse from Rainy-Brown
14 across your bottom.

15 A. Yes.

16 Q. Do you remember that beating as being -- had you been
17 beaten before you went to Merchiston?

18 A. I'd not been specifically beaten per se. I'd been
19 struck by -- I mean, striking your children then for
20 misbehaving was the norm, so I'd been struck by my
21 parents as a child, but it was the first time I think --
22 I think I might have got the ruler across the hand at
23 one of the schools when I was younger in Helensburgh
24 area, but it was the first time I remember being beaten
25 with an implement. I think the first beating I ever got

1 from him was the slipper, but there was one particular
2 occasion I specifically remember with the tawse.
3 Q. Again thinking back to schools of that time, different
4 teachers would have different standings amongst the
5 pupils about how they could beat. Some would be weak
6 beaters --
7 A. Yes.
8 Q. -- others would be fierce beaters. Where did
9 Rainy-Brown stand in the firmament?
10 A. I think he was quite fierce, if I remember correctly.
11 I remember a whole thing about -- despite what -- as
12 a younger boy you tended to get the tawse, it was when
13 you got older you started to get the cane, I remember
14 the thing about trying to put a piece of hair across
15 your buttocks because it would then cause your skin to
16 split when you were struck. I remember that -- it was
17 obviously an old wives' tale, but --
18 LADY SMITH: When you got the tawse from Rainy-Brown, you
19 were still in Pringle, were you?
20 A. Yes, my Lady.
21 LADY SMITH: So some time in either late 1981 or 1982?
22 A. Yes, 12/13. I was at Pringle 12/13, so around that
23 time.
24 LADY SMITH: They were still using the tawse at that point?
25 A. Yes.

1 LADY SMITH: And canes for older boys?

2 A. Canes for older boys. At Pringle it was slipper, tawse
3 and then older boys was the cane.

4 LADY SMITH: Thank you.

5 A. I did receive the cane when I was 16 years old for
6 smoking, and I remember that was incredibly unusual,
7 because normally when you were in sixth form you didn't
8 receive the cane, but it was -- I got caught smoking and
9 it was specifically directed by Mr Spawforth, the
10 headmaster, that I was to be caned and I was caned by
11 Gordon Cruden.

12 LADY SMITH: That would have been around 1985/1985, if you
13 were 16. Is that right?

14 A. Yes, my Lady.

15 LADY SMITH: Thank you.

16 MR BROWN: Was that the source of some puzzlement to you and
17 your contemporaries, that age 16 you were getting caned?

18 A. Yes, I think it fed into my perception that I was
19 different. I very much got the impression any other boy
20 could have done exactly the same thing and would not
21 have been caned. I was caned because it was me and that
22 was at the direction of Spawforth, because I didn't
23 necessarily -- as I think I mentioned in my witness
24 statement, I was probably not an ideal child, but I was
25 quite a well-behaved and well-mannered child and did

1 what I was told up until my O-levels, and then when
2 things didn't pan out and I got a little bit older,
3 I did sort of chat back. I think I chatted back even
4 when I was younger as well. I was used to being in the
5 company of adults because we'd moved around so much as
6 a child, so I was used to having quite adult
7 conversations and being able to give my opinion, but no,
8 it was -- yeah.

9 Q. That wasn't what was wanted?

10 A. Oh God, no, not at Merchiston. No, you definitely
11 didn't chat back.

12 Q. And if you did -- sorry, carry on.

13 A. No, there was another teacher, I can't remember his name
14 now, I think he taught [REDACTED] or [REDACTED] as well and
15 he used to have a sharpened pool cue as a board pointer
16 and you used to get that in your ribs. And he
17 deliberately would call me "['Mark']" [incorrect
18 pronunciation], even though I would correct him, so I
19 would actually say, "My name's '['Mark']'", "Yes
20 '['Mark']'", and I think by virtue of the fact I was
21 correcting him and not just accepting what he was saying
22 to me, that caused me to stand out as well.

23 Q. Let's talk about bullying.

24 A. Yes.

25 Q. That, I suppose, could be described as a form of teacher

1 bullying?

2 A. Oh very much so.

3 Q. But thinking of pupils, and you start this on page 8,

4 paragraph 37, bullying starts being difficult in

5 Pringle? From what you say.

6 A. Yeah.

7 Q. And you became quite aggressive, you say, because of the

8 domestic situation at home, and that was something that

9 was picked up on by your fellows, who would presumably

10 try and take advantage and wind you up with it?

11 A. Yeah, I think I was quite easy to flash. I remember

12 a particular incident in Gibraltar where I back chatted

13 my father and he back handed me across the face in the

14 middle of the street. I probably was -- when I say

15 I was quite well-behaved, I was probably someone who

16 would also challenge as well, yeah. I wasn't rude, but

17 I would stand my ground.

18 Q. Standing your ground in Pringle, going back to page 8,

19 paragraph 37, resulted in problems and fights?

20 A. Yes.

21 Q. And being hung up by your underpants on coat hooks?

22 A. That was an experience not specific to me, that was --

23 I did experience it, but it wasn't unusual. Around the

24 main dining hall up in the main school there was a long,

25 long row of coat hooks and it wasn't an unusual

1 experience for the older boys to grab some of the
2 younger boys and literally hang them from their
3 underpants from these hooks until your -- you actually
4 hoped that your underwear would give way.

5 Q. Did anyone intervene?

6 A. No. There were no masters around.

7 Q. What about prefects?

8 A. They probably were part of it, if I remember.

9 Q. Going on to the next page, you make the point that
10 bullying in the main school was particularly shocking,
11 it was rife. So did things get worse?

12 A. Yes, I think there was an element of supervision, when
13 I say you were left to your own devices, I think you
14 were always aware that JRB was in the background or the
15 prefects were there at Pringle. I think in terms of the
16 senior school, when you went up to Chalmers West,
17 Chalmers East and the houses above, you really didn't
18 think anybody was around, so things -- sorry -- things
19 just happened and you had to deal with them yourself.
20 And I remember I got -- my parents bought me a bike and
21 I hadn't used it for a while and I went to get it and
22 the wheels were missing and I found another boy was
23 downstairs in one of the basements in Chalmers East
24 putting my wheels off my bike on his bike. I never said
25 anything. There was no way I could tell the teachers

1 that I'd had my wheels stolen off my bike.

2 Q. Why not?

3 A. Oh, because I would have been beaten within an inch of

4 my life, my life would have been made absolutely hell.

5 Q. By your classmates?

6 A. By that particular boy and by sort of -- I remember he

7 was a couple of years older than me.

8 Q. One of the things we know about Merchiston, as distinct

9 from other boarding schools we've heard about, is that

10 instead of being in a house for the entirety of your

11 career --

12 A. You moved.

13 Q. -- you move every year?

14 A. Yes.

15 Q. So you're with the same year group from start to finish?

16 A. That's correct.

17 Q. With some prefect supervision?

18 A. The prefects changed, because the prefects were for each

19 house and obviously the prefects would change as they

20 left the school. But yeah, the prefects didn't

21 necessarily move with you.

22 Q. No, but there were older prefects supervising in each

23 house?

24 A. Yes.

25 Q. We've heard some evidence that that was thought to be

1 a good thing, because it stopped older pupils bullying
2 younger pupils, but that doesn't seem to be your
3 experience?

4 A. No, not at all. I think it was perceived as a good
5 thing, the concept behind it was that they were supposed
6 to give some degree of control and -- but no, not at
7 all.

8 Q. From what you say, physically the houses are not that
9 far apart.

10 A. No.

11 Q. Different sides of the same building?

12 A. Yes.

13 Q. But you describe each would have a housemaster, a deputy
14 housemaster?

15 A. I remember a housemaster, but -- there was no deputy
16 housemaster on site. There might have been -- because
17 the entrance to Merchiston where Pringle is, there were
18 also some married quarters, for want of a better phrase,
19 there where some of the teachers lived with their wives
20 and children. So I think there would probably be
21 a deputy housemaster who was appointed on that basis,
22 but they didn't physically live in the house. With the
23 exception of Balfour-Paul.

24 Q. All right. But you said earlier the housemasters really
25 weren't visible?

1 A. No, there was a -- at the back of the house there was
2 a suite of rooms where the housemasters lived with their
3 families, or some of them did, Mr Pike I remember being
4 one of them. And they didn't really interact with you
5 that much. You might be sort of -- I think we used to
6 get invited in occasionally in groups to have dinner
7 with the wives and stuff, just as a sort of
8 get-to-know-you experience. But it wasn't a regular
9 event.

10 Q. But day to day in terms of supervision --

11 A. No supervision. You were left to your own devices.

12 Q. Were the prefects perceived as the supervision?

13 A. I think that was probably the concept behind it.
14 Whether it happened or not is a different matter.

15 Q. In terms of the bullying you describe on page 9, you
16 talk about being cheeky to an older boy during athletics
17 so he takes his running spikes off and decides he'll
18 beat you with his running spikes so you have blood going
19 down your legs. That's away from the house, obviously?

20 A. Yeah, that was down at the athletics arena.

21 Q. Was anything done? Was it spotted?

22 A. No, no. I don't think there were any masters -- or
23 there probably would have been masters around teaching
24 us, but yeah.

25 Q. But then you go on in 40:

1 "I remember another time ..."

2 This is in the dorm, having an argument with someone
3 in your year. He stands up on his bed and punches you
4 out?

5 A. That's correct.

6 Q. And you have to go to hospital to have your lip
7 stitched. He's the dorm captain, so he's higher up in
8 the hierarchy and the penalty was he lost that for two
9 weeks?

10 A. Yes, that was the only penalty. We literally had --
11 I can't remember, we just had an exchange of words,
12 I think we were doing prep and in the middle of prep you
13 used to get a sort of 10-, 15-minute comfort break and
14 we were doing prep and we'd had an argument and I went
15 over to him to carry on having this argument with him.
16 He stood on his bed and we were arguing with each other
17 and then he just literally laid me out and I was spark
18 out on the floor. As I say, I ended up in hospital with
19 a split lip and the punishment for him for that was,
20 yeah, two weeks loss of dorm captaincy.

21 Q. Was your perception that the punishment was inadequate?

22 A. I think at that time it was just a case of another
23 example of my position within the hierarchy. I was --
24 it was irrelevant. But looking back on it, yeah, it was
25 definitely.

1 Q. That's what I was wondering. Was his position in the
2 hierarchy a factor in the punishment?

3 A. Oh, very. He was a dorm captain. You were selected as
4 a dorm captain on the basis of your position within the
5 hierarchy and your standing within that group and
6 your -- yeah.

7 Q. So it worked at both ends. You were lower in the
8 hierarchy, he's higher in the hierarchy, and that
9 impacts on both of you?

10 A. Yes.

11 Q. Against you, and perhaps for him?

12 A. Yes.

13 Q. Talking about the bullying, obviously there's the social
14 standing, and did that issue persist throughout the
15 school, you were seen as somehow different?

16 A. Definitely -- actually, yeah, definitely. Yes, very
17 much so. I mean just in terms of when you used to come
18 back from holidays and people would talk about what
19 they'd done or meeting up during their holidays with
20 friends and stuff. I mean I -- I wouldn't say I had
21 that many friends at Merchiston, there were a group of
22 sort of outsiders amongst us who were friends, but the
23 idea of asking somebody back to my house would have --
24 yeah, wouldn't have entered my head.

25 Q. What was done that you would categorise as bullying

1 because of that difference?

2 A. I think you were just -- you were treated separately by
3 the other boys. I was seen -- I was seen as a separate
4 entity. There were a group of us who were, as I say, on
5 the outskirts, and we were -- it was part of that
6 overall difference. I was different because I back
7 chatted, I was different because I came from a different
8 social standing, I was different because I had
9 a different experience in terms of what I would
10 experience when I went home, at school, I was different
11 because I had less money, I was different when we went
12 out into town that I couldn't spend as much money as
13 them, and that caused me to be isolated from the other
14 groups.

15 Q. That would have been visible?

16 A. Oh, very much so.

17 Q. Was anything ever done by the staff?

18 A. No. Nothing whatsoever.

19 Q. What sort of accent did you have when you went to
20 school?

21 A. I -- because I'd moved around so much, I tend to absorb
22 the accent of people around me, so I think when I went
23 there -- I seem to remember in Gibraltar my parents
24 commenting because of the boy I was most friendly with
25 in Gibraltar was from Devon, that I'd actually almost

1 developed a Devon twang to my accent, but then when
2 I went to Merchiston, I would never say even growing up
3 in sort of Clydebank I had that strong a Glaswegian
4 accent, but very much because of the moving around,
5 I just adopted whichever accent was around me.

6 Q. Did that impact in Merchiston?

7 A. Yeah, I think the English were treated differently, in
8 the same way as the sort of the foreign pupils were
9 treated differently as well.

10 Q. How many foreign pupils were there?

11 A. There were a proportion, probably about sort of less
12 than 10 per cent, but there were children from
13 Hong Kong, children from the Middle East, I remember as
14 well. A couple of African children as well.

15 Q. What were their lives like?

16 A. Once again, it's a different time, isn't it? I mean,
17 racist comments and abuse were sort of just the norm, on
18 television as in life as well. I don't remember them
19 being specifically sort of abused because they were
20 black or because they were Asian. Once again, it would
21 almost be -- the colour of their skin wouldn't
22 necessarily be the defining factor. It would be more
23 about their -- how good they were at sport would be the
24 most defining factor. I remember one young black lad
25 who was lauded by everybody because he was

1 an exceptional rugby player, so he was fine. [REDACTED] --
2 it doesn't matter.
3 Q. It doesn't matter.
4 A. Yeah, sorry.
5 There was another lad who was Japanese and
6 I remember him being -- he was very different because he
7 was quite intelligent, not particularly good at sport,
8 but I think people loved him because he used to get
9 a lot of high-tech equipment, he used to come back from
10 Japan with lots of high-tech equipment.
11 Q. Okay. Your perception was he was having a -- he was
12 lauded?
13 A. To a certain degree, yeah.
14 Q. Thinking back to the 1980s, would it be right in saying
15 homophobia was common?
16 A. Ah, yes. It's the time of AIDS, it was the gay plague.
17 So, yeah, I think homophobia was common generically, but
18 it was very common at the school.
19 Q. Was that a rod with which boys were beaten because they
20 were accused of being gay?
21 A. Very much so. It was a slur term to direct towards
22 someone, "Oh, you're gay", and I can't imagine anybody
23 have -- ever having felt that they could have come out
24 if they were gay at that point.
25 Q. Were you abused in that way?

1 A. Yes, I was. I'm not gay. I had -- I wasn't gay.
2 I have no issue with homosexuality whatsoever, but it
3 wasn't my particular sexual proclivity, but I think on
4 one occasion, as I was getting showered, I potentially
5 had an erection, which is not unusual for teenage boys.
6 Another boy -- and other boys would have seen it and it
7 wouldn't have been commented on for other -- I remember
8 one boy, people used to comment on the size of his
9 appendage and he wasn't accused of being gay because of
10 it, but this individual, because he didn't like me, then
11 used that as an opportunity to accuse me of being gay
12 and I was then referred to as gay quite regularly. To
13 the extent I remember being pulled in by the housemaster
14 and asked if I was gay.
15 Q. So the concern wasn't how it might be affecting you, but
16 whether it was true?
17 A. Yes.
18 Q. Was that verbal attack one that was persisted in?
19 A. Yes, it went on for a long period of time.
20 Q. Again, was any effort made --
21 A. No.
22 Q. The housemaster was clearly aware of it?
23 A. No, I think he was aware -- it was almost like -- the
24 fact that I was being abused by the other boys because
25 I was gay wasn't an issue for me in terms of the fact

1 I was being abused, it was the fact: oh God, you could
2 be gay, we can't have a gay boy in amongst other boys
3 who are straight. And when I denied it, I'm sure he
4 didn't necessarily believe me.

5 Q. We've touched on this, about the ability to go and talk
6 to someone about issues such as that. From the school's
7 perspective, as a pupil, was there someone you nominally
8 could go and talk to?

9 A. No.

10 Q. What about a chaplain?

11 A. I'm sure we had a chaplain, I genuinely don't remember,
12 no. No, there wasn't that sort of pastoral sort of
13 element, the well-being element, there wasn't, that you
14 would experience now. There was no one that you could
15 specifically go and talk to. It wasn't a case of --
16 I would think now if I was running a house and I had
17 boys turning up, my first thing would be:

18 "Yes, you need to get along with each other, but if
19 any of you have any problems, you need to come and speak
20 with me or you need to go and speak with the matron or
21 you need to go and speak to whomever."

22 It's about opening those doorways and highlighting
23 those avenues for people to actually seek support, but
24 no, there was none of that, it was very much a case of
25 just get on with it. I think I described it in my thing

1 as like Lord of the Flies, and that's not an inaccurate
2 description.

3 Q. So at no stage, throughout the 1980s, was there any
4 change in the approach?

5 A. No.

6 Q. You said earlier that your attitude changed because you
7 didn't get the O-level results.

8 A. Yes.

9 Q. You've been talking a lot about rugby and cricket and
10 sport being an important factor in the school. Did you
11 feel it was more important than the education?

12 A. Oh, very much so, yeah. As I say, people weren't lauded
13 for being intelligent, they were lauded for being
14 potential future Scotland rugby stars. That was where
15 the plaudits came from.

16 Q. You failed your exams, I think, or didn't succeed in
17 your exams, is that --

18 A. In my As, yeah. In my Os, I got 10 O-levels but they
19 weren't of the grades I expected and I'd worked
20 exceptionally hard for them, so ...

21 Q. So your head went down?

22 A. Yeah.

23 Q. And you lost interest in the educational side?

24 A. Definitely. I mean, I was very focused on what I wanted
25 to do, but I just wasn't interested -- I knew what

1 I wanted, but I wasn't interested in putting the work in
2 to get to that. And I think another point was as well,
3 up until 14/15, Merchiston gave you everything you
4 wanted in terms of that sports and that environment, but
5 when you gets to sort of 15/16, it's missing one key
6 element, which is girls, so -- yeah, it's mixing with
7 the girls of St George's or St Margaret's became more
8 important, I think. Your afternoons out, your Tuesdays
9 and Thursday afternoons out or your weekends out.

10 Q. I think in relation, going back to the First XV, that
11 was another example of the hierarchy?

12 A. Oh, yes, very much so. It was very much like the
13 American films again, where you had the First XV and the
14 cheerleaders and they date within their particular
15 social groups, that was very much the same with the
16 First XV. There was a group of girls in St Margaret's
17 who the First XV almost incestuously would date each
18 other.

19 Q. I think, as you candidly accept, girls were an interest,
20 but they caused you to have to leave the school?

21 A. Yes -- sorry, they didn't cause me to have to leave
22 school. I was suspended because of it.

23 Q. Yes, but I think by that stage you had been losing
24 interest?

25 A. Oh, I definitely had lost interest. I was -- yeah,

1 I just wasn't putting the effort in. I couldn't be
2 bothered any more. And I was still different at that
3 point, I was still not part of the clique, and the fact
4 that I had developed a relationship with a female that
5 was on site, as in a member of staff, was fantastic.

6 Q. Yeah. You were suspended, she was sacked?

7 A. That's right. The only reason I think I was suspended
8 rather than expelled is because I lied and said it
9 wasn't a sexual relationship.

10 Q. Okay, but you then failed your A-levels?

11 A. Yes.

12 Q. And left the school and screamed, "It's finished!"

13 A. Yes, as my aunt drove us away in her car.

14 Q. You've used the phrase "just getting on with it" several
15 times, that's what you did?

16 A. Yes.

17 Q. Did you enjoy anything of Merchiston?

18 A. Yeah, I mean there's elements you enjoy of everything.
19 If somebody's poking you in your eye, you enjoy it when
20 they stop doing it. There are positives to every -- and
21 you try and draw that out. But yeah, there were
22 elements of it which were good. Even the experiences
23 I had, I would probably have still rather have been at
24 Merchiston than at home for a lot of that time, because
25 I didn't want to be at home, I didn't want to see that.

1 Q. It's just because when we come to the impact phase of
2 the statement, the first thing you say is:
3 "I think Merchiston gave people confidence and
4 a sense of arrogance."
5 A. Yeah, "confidence" probably isn't the right word,
6 I think it's arrogance. It was that perception.
7 I remember one master turning around and telling me:
8 "If you learn to be able to quote the Jabberwocky
9 verbatim and can wear your Merchiston tie, you will get
10 any job interview you go for."
11 Q. Or, to put it as you do in your statement, "You're
12 a Merchistonian, you're better than everyone else"?
13 A. Oh yes, definitely, and it persists until today,
14 I think.
15 Q. Why do you say that?
16 A. In terms -- having become involved in this process
17 a couple years ago when I first saw that article about
18 JRB, I occasionally sort of dip in and there was
19 an interesting thing a couple years ago when my son's
20 school down in [REDACTED] were due to play Merchiston at
21 rugby, so you sort of look at the Merchistonian magazine
22 and there is still very much that former pupils'
23 network, the old boys' network.
24 LADY SMITH: Why the Jabberwocky?
25 A. I don't know, I think it was just -- it was something

1 that that particular English master -- I still can quote
2 it now, so yes. It's obviously worked, but it's never
3 got me any particularly good jobs by being able to do
4 it.

5 LADY SMITH: I think others suggest it might be rather more
6 instructive than the Jabberwocky.

7 A. Yes, true.

8 LADY SMITH: Mr Brown.

9 MR BROWN: Thank you.

10 But I think notwithstanding the failed A-levels, you
11 then progressed, went into the Forces?

12 A. Yes.

13 Q. And, as we read, have had a career in the prison
14 service --

15 A. Yes.

16 Q. -- at senior levels?

17 A. Yes.

18 Q. You make the point that because of your experience --
19 and this is paragraph 69 -- one of the things that you
20 focused on in the prison service was anti-bullying?

21 A. Very much so.

22 Q. So the experience of Merchiston in the 1980s lived with
23 you professionally and presumably emotionally?

24 A. I have a very defined sense of right and wrong, yes,
25 a ridiculously defined sense of right and wrong, and if

1 I see the wrong thing or people being mistreated, then
2 it -- yeah, it's a -- it's almost an OCD-like attention
3 to detail, and making sure that people play the game and
4 I find it incredibly frustrating when things don't work.
5 And that doesn't mean that I'm looking to hang people
6 out to dry. There was a recent experience where my
7 investigation led to a member of staff being imprisoned.
8 We did a really good job, we caught that member of staff
9 doing something they shouldn't have been doing, we got
10 her imprisoned. Actually the most vindicating thing
11 about that whole experience was when they had the
12 debrief with the police she turned around and said how
13 lovely myself and my team had been in how we had
14 managed. Because we found her doing something wrong,
15 and that's fine, but then there is still the duty of
16 care to that individual as well.

17 Q. Treating people properly?

18 A. Yes. Decently.

19 Q. Is that another impact of your experience at Merchiston?

20 A. Yeah, I would say so, yes. I don't -- I despise people
21 who look down on other people, who treat them
22 differently, who try and score points, who try and --
23 I appreciate the fact that if you want to gain
24 advancement, sometimes you need to stand on people to
25 get up there. I don't like that, but I appreciate that

1 that might be the case. What really gets my goat is

2 some people who actually see it as an added bonus.

3 Q. Yes. Looking to the future then, we've touched on one
4 aspect which you, from your experience, bring to bear in
5 your professional life.

6 A. Yes.

7 Q. What else would you hope, thinking of Merchiston as it
8 is now, as compared to then?

9 A. I would hope -- even just drawing the parallel. People
10 view prisons as hellholes and holiday -- alternatively
11 hellholes or holiday camps, it depends on who you
12 actually talk to. We try and treat prisoners decently.
13 We give them those avenues to come to people. We are
14 not saying we get everything right, there is bullying,
15 it is rife, but we do try and give them those
16 opportunities, we try and provide that support, and we
17 try and give them the chance to improve their situation.
18 If they do something wrong, then they'll be punished,
19 but they'll be punished appropriately and once the
20 punishment's served, they'll be given a chance to
21 rehabilitate.

22 I would hope that Merchiston adopts that same sort
23 of process now, that young men are given the opportunity
24 to develop as best they can and not just left to their
25 own devices.

1 Q. The picture you've painted of Merchiston for you in the
2 1980s is there was no point reporting anything?

3 A. No, not at all. Nothing would have happened. I say,
4 I mean that whole experience where the housemaster
5 called me in and asked me if I was gay, I was being
6 bullied, I was being abused by other boys because they
7 perceived I was gay. It wasn't a case of:
8 "Are you all right, 'Mark', is there anything we can
9 do for you?"
10 It was a case of:
11 "Are you gay?"
12 "No."

13 MR BROWN: Thank you very much indeed. Is there anything
14 else you would wish to add, having reflected upon
15 matters?

16 A. There's nothing I can think of. Thank you very much.

17 LADY SMITH: Are there any outstanding applications for
18 questions?

19 'Mark', that completes all the questions we have for
20 you. Thank you so much for everything you've given us
21 in your evidence, both your written evidence in your
22 statement and the live evidence you've given today,
23 which has really brought it to life and added to the
24 wealth of the learning that you'd already provided. I'm
25 really grateful to you for that and for coming here

1 today, but now I can let you go --

2 A. Thank you very much, my Lady.

3 LADY SMITH: -- and hopefully relax this afternoon. Thank

4 you.

5 A. Thank you.

6 (The witness withdrew)

7 LADY SMITH: That neatly takes us to 1 o'clock.

8 MR BROWN: If we could reconvene at 2.00 for the third

9 witness.

10 LADY SMITH: Thank you very much.

11 MR BROWN: Thank you, my Lady.

12 (1.00 pm)

13 (The luncheon adjournment)

14 (2.00 pm)

15 LADY SMITH: Mr Brown.

16 MR BROWN: My Lady, good afternoon. The next witness is

17 ready and is 'William'.

18 LADY SMITH: Thank you.

19 'William' (sworn)

20 A. I can take this off?

21 LADY SMITH: Do take it off if you're warm enough, yes.

22 A. It will help with that.

23 I will do my best to speak clearly enough for you.

24 LADY SMITH: Thank you.

25 Let me also just explain, the red folder has a hard

1 copy of your statement in it and you can use that, or
2 not, as you like. It's also going to come up on the
3 screen at the parts that we refer to, which might also
4 be helpful.

5 A. Yes.

6 LADY SMITH: If at any time you have any questions or
7 concerns or if you just want a break, please would you
8 let me know.

9 A. Yeah.

10 LADY SMITH: It's very important that we do all we can to
11 try and make giving evidence comfortable for you.

12 A. Yeah.

13 LADY SMITH: I know it's not easy.

14 A. My only problem with talking is the fact that with
15 diabetes I have a very, very dry mouth and it goes sort
16 of really claggy. Hence the fact that I have got two
17 bottles.

18 LADY SMITH: If you need any more, just let us know --

19 A. Thank you.

20 LADY SMITH: -- and I know in modern heating systems or
21 cooling systems the air tends to be very dry. It's one
22 of the downsides of the rapid exchange we have, we
23 actually have a very good fresh air exchange in here,
24 but it's not a moist one.

25 A. Yes.

1 LADY SMITH: If you're ready, 'William', I'll hand over to
2 Mr Brown and he'll take it from there. Is that all
3 right?
4 A. Yes, I'm absolutely fine.
5 LADY SMITH: Mr Brown.
6 Questions from Mr Brown
7 MR BROWN: Thank you, my Lady.
8 'William', good afternoon.
9 A. Good afternoon.
10 Q. The statement has been referred to and obviously you can
11 see it in front of you, it has a reference number
12 WIT.001.001.1043 and runs to 24 pages. The final page,
13 as you can see on the screen in front of you, you signed
14 it approaching five years ago, in March 2017?
15 A. Yeah.
16 Q. On that final page you confirm that you have no
17 objection to it being published?
18 A. That's fine.
19 Q. And, importantly, that you believe the facts stated in
20 this witness statement are true and that remains the
21 position?
22 A. That's correct, yes.
23 Q. Okay. Having just met you in advance of the hearing,
24 you understand that -- and you will know it goes into
25 a lot of detail about routine and how schools operated.

1 A. Yes.

2 Q. And we don't need to dwell on that, because it's read
3 and understood.

4 A. Yeah. That's fine with me.

5 Q. But, I do want to talk about the experiences you had
6 which were not routine, perhaps, in both schools, and
7 your thoughts and efforts to address those, both then
8 and now. Okay?

9 You're now 61.

10 A. Yes.

11 Q. You were born in 1960 in the west of Scotland, and the
12 first school you went to that's of interest to us was
13 Duncan House School in Moffat?

14 A. That's correct.

15 Q. Which you started at in 1967 and stayed at until 1974.

16 A. Yes.

17 Q. You then moved on to Merchiston, and we'll deal with
18 both sequentially.

19 A. Yeah.

20 Q. Before touching, though, on the schools, domestically,
21 from what you say, obviously both parents were involved
22 but the dominant parent was your mother?

23 A. Very much so.

24 Q. Who was controlling?

25 A. She certainly became controlling. I don't think she was

1 quite as much controlling at the start, but in 1968 she
2 had quite a serious operation, which was -- I actually
3 only found out literally 20 years ago this month, which
4 is when she died, that it was a suspected brain tumour,
5 but in reality this was multiple sclerosis, which at the
6 time in the late 1960s they didn't really know an awful
7 lot about, and it wasn't until the winter of 1979/1980
8 that she was finally diagnosed.

9 Q. But practically she was the decision-maker?

10 A. Yeah.

11 Q. In part that's because of your two parents she was the
12 moneyed one?

13 A. Well, they both were, but she had it as cash, my father
14 had it as assets in the business and the house. She was
15 also slightly -- it's hellish to talk about the class
16 system, but she was a class above.

17 Q. And was that, her class, an element in wanting you to go
18 to boarding school?

19 A. The strange thing is she didn't even go to her very
20 first school until she was nine, she had a governess
21 before that. Her first term was a girls' boarding
22 school in St Andrews. She was nine years old. I think
23 that was one hell of a culture shock for her, which
24 I could understand, especially the fact she was there
25 throughout the war.

1 So she was boarding school brought up, as was her
2 father. I don't know about her mother, I presume she
3 was privately educated, but I don't know. She came from
4 a medical family.

5 Q. Was it her father who had been at Merchiston?

6 A. Yes, yes.

7 Q. But not the Merchiston in Colinton, the previous one?

8 A. It was the previous building, yes.

9 He was born in 1897, so he would have been finishing
10 more or less at the start of the First World War and he
11 served throughout the First World War, as far as I know.

12 Q. Let's return to your experience.

13 A. Sure.

14 Q. You go to Duncan House in Moffat, which I think in your
15 last year changed name to St Ninian's, but for today's
16 purposes we'll call it Duncan House. This is a building
17 that we know already is now a retirement home for former
18 RAF personnel.

19 A. Yes.

20 Q. Did you have any input in the selection of either Duncan
21 House or Merchiston?

22 A. I did with Merchiston --

23 Q. We'll come back to that, if we may?

24 A. Okay.

25 Q. But the decision is taken, you're going to Duncan House

1 and you talk about going down in paragraph 8 on page 2
2 of an acclimatisation visit?

3 A. Yes. That was the only time that my -- I was ever away
4 as a sort of family holiday so to speak. It was the
5 only time the three of us were ever away in one place at
6 the one time.

7 Q. I'm just interested, you say the acclimatisation period
8 was a waste of time. We were never allowed outside the
9 school gates.

10 A. Correct. The only time we went out would be on convoy
11 once a year on Remembrance Sunday to the Church of
12 Scotland, the main church in the town, or again in
13 convoy going down to the sports fields, which was -- the
14 three private schools in Moffat had sports grounds all
15 in the same strip of grassland.

16 Q. I'm sorry, I'm just interested. You talk about this
17 acclimatisation period, which I understood to be the few
18 days you are going to was a waste of time because we
19 were never allowed out the school gates. Was that not
20 the whole point, to experience the school, or do you
21 mean you didn't get into the school?

22 A. Well, we didn't go into the school until I was -- until
23 obviously the day I was meant to start.

24 Q. That's what I was wondering.

25 A. Yeah.

1 Q. So the acclimatisation -- I think the word "out" is
2 wrong, you didn't get into the school?
3 A. Well, yes, it was acclimatisation to Moffat.
4 Q. But not the school?
5 A. Yes.
6 Q. Got you.
7 A. And we never got out to sort of real Moffat.
8 Q. Thereafter, once you were at school?
9 A. Yes.
10 Q. You set out the detail of the school, different houses,
11 three of them, and you mention the SNR [REDACTED] who [REDACTED]
12 [REDACTED] with his wife?
13 A. Yes.
14 Q. You talk in paragraph 13 about your experience when
15 starting there and you say when you first arrived:
16 " ... I was shit scared of this new environment.
17 I wasn't used to that many people."
18 A. Very much so. I'm an only child.
19 Q. This was quite a small school comparatively, thinking of
20 Merchiston?
21 A. Yeah.
22 Q. But it was also very militaristic. Why do you say that?
23 A. The discipline regime was almost the case that you see
24 in some of the documentaries we've had recently about
25 military training and that sort of thing. You go in,

1 they try and break you down and then try and go and
2 build you back up in the image that they want for that
3 role as a soldier.

4 This was again very, very similar. They used --
5 they used the cane liberally as their standard way of
6 trying to remould you in the way that they wanted.

7 Q. We'll come onto discipline, beating, and abuse --

8 A. Yeah.

9 Q. -- which seemed to be hand in hand --

10 A. Yeah.

11 Q. -- in Duncan House. You talk about the regime and the
12 practicalities of dormitories and food, which was bad,
13 but you talk, for example -- and this is about how they
14 treated the children. "Bed-wetting" paragraph 26 on
15 page 5. If you wet your bed, you were beaten?

16 A. Pretty much. There was no empathy.

17 Q. That's what I was wondering.

18 A. Yeah.

19 Q. Is this, the bed-wetting response, an example of that
20 lack of empathy?

21 A. Yes. Yes. The only time I made a mess of a bed was
22 actually when I got -- I became very, very violently
23 sick with some kind of bug. There was no question of me
24 getting beaten that night, that day, although the matron
25 at the time was pretty stern herself, she was a bit of

1 a battleaxe I think is the phrase that people would use.
2 And I'm not -- I can't contest that.
3 Q. But she might be seen as the obvious person for primary
4 school children to go to. She would be the mother
5 figure?
6 A. It would have been nice if she was.
7 Q. But that wasn't the reality?
8 A. No, no.
9 Q. Was there anyone that you felt -- you talk I think in
10 paragraph 36, page 7 about one teacher.
11 A. There was one teacher for the very young kids like
12 myself who lived in a -- she lived locally, shall we
13 say, and she taught nature studies, I seem to remember.
14 She was a Miss, so I presume that she was probably --
15 her name is actually there, Miss Money. I don't think
16 she ever married or whatever, but she was very sort of
17 motherly.
18 Q. But did she stand out because she was sympathetic?
19 A. I think she did, but it was really -- we only ever saw
20 her for the first -- maybe the first year, if we were
21 lucky. As soon as you were older, you weren't really
22 going through that particular range of subjects.
23 Q. The other paragraph, and it's the same page, is
24 paragraph 34 and "Visits/Inspections". This is
25 an inspection plainly it would be near the end of your

1 time at Duncan House, because as you say --

2 A. It was before the [REDACTED] took over, so it would be

3 probably about two to three years, maybe, before I had

4 left.

5 Q. So 1972, perhaps?

6 A. Yeah, 1972/1973, I would think.

7 Q. All right. But in advance of the inspectors coming, to

8 use your words, things were --

9 A. Oh, they knew.

10 Q. Well, they knew they were coming, but the response was

11 to spruce things up?

12 A. Yeah. The headmaster had made it very clear to us what

13 was actually happening. We knew too that we were about

14 to have an inspection and we were to be on top -- you

15 know, our top behaviour.

16 Q. The food improved for that day too?

17 A. Oh yes.

18 Q. But the inspector comes in, has a good lunch, inspects

19 and goes away again --

20 A. Thinking we're great.

21 Q. -- and the situation goes back to normal?

22 A. Yeah.

23 Q. Or what had been normal?

24 A. Pretty much.

25 Q. You don't remember being spoken to by the inspector?

1 A. I don't. I do remember them walking around, vaguely.
2 Bear in mind, this is 50-odd years ago, but yes, I do
3 remember them walking around. I suspect they were
4 probably being shown around, because obviously they
5 wouldn't have known the geography of the buildings. But
6 that's about the limit of it. There would be two to
7 three of them, I would think.

8 Q. Okay. Thinking, just since we're talking about
9 inspections and to stick them together, what about
10 Merchiston? Do you remember inspections at Merchiston?

11 A. None whatsoever. Not during my time.

12 Q. So in your total career, you remember one inspection?

13 A. Yes.

14 Q. And that was Duncan House?

15 A. (Witness nods)

16 I think what doesn't help with Duncan House in terms
17 of inspection, the [REDACTED] headmaster didn't exactly
18 leave in the best -- there was something going on and
19 one teacher who had -- he'd been a missionary in Africa
20 who had suffered a stroke and had come back, very
21 religious background, he got forced out and basically as
22 a result of all the fallout of that, I think that's why
23 the school was sold.

24 Q. All right.

25 A. And this guy actually turned up at my parents' house one

1 evening, which would have been pre-1972, because we
2 moved from the town outside Glasgow over to the east
3 coast of Scotland at the end of 1972. And it was also
4 dark at the time, so it kind of meant it has to be over
5 the winter rather than summer.

6 Q. Yes. But what I think is clearest perhaps from your
7 account of Duncan House is abusive discipline?

8 A. Yes.

9 Q. We can see that on page 8, paragraph 37 onwards. Just
10 so you would understand, you went at six?

11 A. I was seven in my first term, yes.

12 Q. Were you being beaten in that first term?

13 A. Yes. Yes. I didn't have a problem -- this is very
14 embarrassing. I didn't have a problem with wetting my
15 pants. It was the other version, shall we say. A lot
16 of it was because I'd never lived anywhere but my family
17 home, and I didn't really cope very well with the whole
18 concept of a boarding school.

19 Q. So you were beaten for accidents?

20 A. Yes.

21 Q. Did it help at all?

22 A. Made us terrified.

23 Q. Yes. Because you describe, paragraph 37, SNR
24 you reckon was abusive?

25 A. Yes.

1 Q. "It was over the top. Discipline was used all the time.
2 I was on the receiving end many times."
3 Discipline was in his study and he would use a full
4 stroke --
5 A. Yes.
6 Q. -- the hand going above his head before coming down?
7 A. Oh yes. It was either the cane or occasionally a very
8 hefty looking gym shoe. Always on the backside. There
9 was nothing ever done about the hands.
10 Q. And was the backside bare?
11 A. No. But our clothing was always very thin.
12 Q. Yes. You make the point that if you jolted forward or
13 cried, you got more?
14 A. Yes. Up to a maximum of six. So I don't really know
15 what -- I can't really remember what he did if he was
16 already going to give you six strokes. Because he
17 certainly would never go past that. I think it was
18 almost as though it was an unwritten rule that you
19 couldn't.
20 Q. Reading matters short, you could get beaten for
21 anything?
22 A. Pretty much.
23 Q. For daydreaming?
24 A. Yes, yes. I think that would be paragraph 38.
25 Q. Yes.

1 A. And that one I have ... I can almost paint the picture.
2 A beautiful sunny day and we had prep -- which of course
3 for those who don't know boarding schools is sort of
4 an enforced time to do homework, so to speak -- on
5 a Wednesday afternoon and I didn't hear the SNR
6 coming, I just heard him roar. He sort of got me by the
7 scruff of the shirt, dragged me down to his study and
8 the best cane that he had must have had some kind of
9 crack in it, because it broke and there was marks from
10 my shoulder down to certainly below my -- it was below
11 my backside, it was onto my thighs, because it didn't
12 take -- it couldn't take the effort that he was putting
13 behind it.

14 And it was all because -- it turns out that it all
15 seemed to be because the school cricket team had lost
16 its match.

17 Q. So he was in a bad temper?

18 A. Yes.

19 Q. But I think, looking on to page 9, we see it gets to the
20 stage that you, to use your word, are acclimatised?

21 A. Very much so.

22 Q. In the situation, I'm sorry, the detail that we don't
23 perhaps need to focus on particularly, but there was
24 a butter pat on the ceiling and someone has to own up to
25 it so you, not having been responsible, go and take the

1 cane for it?

2 A. Well, I offered to. He didn't actually do it he
3 actually surprisingly hauled me back through to the
4 dining hall the next time we were in and in effect
5 almost praised the fact that I had done it. But I got
6 to the issue to say that I kind of got used to it.
7 I could -- I could take it.

8 Incidentally, that butter was still there in 1974
9 when I left.

10 Q. But I think, just looking at paragraph 41 at the top of
11 page 9, you say:

12 "He actually turned around to me and he said he knew
13 I hadn't done it. I still got six strokes of the cane."

14 A. I've got that wrong.

15 Q. Is that wrong? That's what I wanted --

16 A. Yeah, that bit's wrong. He didn't -- I basically
17 volunteered to take the beating because any sort of --
18 the threat was there from SNR that if nobody
19 owned up, took the beating, then there would be
20 consequences to our liberty, shall we say. I don't
21 quite know what he could have done since we were never
22 really allowed out the school, but I think any sort of
23 activities that were non-educational would probably have
24 been stopped or something like that.

25 Q. All right. You make the point also though that you'd

1 been injured on the occasion when the cricket match was
2 lost.

3 A. Yeah.

4 Q. But you add at paragraph 44 on page 9:

5 "I'm guessing the caning was toned down towards the
6 end of term so there were no physical signs of it when
7 we went home."

8 A. I can't prove it, I'm just presuming, because -- well,
9 certainly my mother never noticed anything, put it that
10 way. Not that she was really in a -- interested enough
11 to put me through a bath or anything that I was -- when
12 she was there, et cetera, but I just had to sort of get
13 on with things on my own, more or less.

14 Q. That was under the first regime I think we see at
15 paragraph 48. The school is sold, there's a name
16 change --

17 A. Yeah.

18 Q. -- and the SNR [REDACTED] is an ex RAF pilot.

19 A. Yeah.

20 Q. Who doesn't use the cane, he uses a horse crop?

21 A. Yes. I can see the logic. They don't break because
22 they're plastic and covered.

23 Q. Your experience of him was if you got words wrong in
24 class, you would be struck?

25 A. Yeah, a copying mistake. Slightly more specific than

1 that. If you copied a word down off the blackboard --
2 I know we're not meant to use that word these days, but
3 if you copied a word down wrong off the blackboard or
4 from a textbook or even an internal exam paper and
5 misspelt it, you would get one stroke of the horse crop
6 for every mistake.

7 Q. Where would he hit you?

8 A. Backside.

9 Q. You say that his temper was less than his [REDACTED]?

10 A. I don't know, I think he was much fairer, even though we
11 had far less extras, shall we say, than we ever did [REDACTED]
12 [REDACTED] I mean, we had films, for example, on
13 a Friday night -- a Saturday night, I should say. They
14 stopped immediately the changeover. And throughout the
15 seven years, I can count on the hands -- the fingers on
16 one hand the number of times we saw a TV.

17 Q. The whole ethos of what we described so far from the
18 staff, SNR [REDACTED], is in your mind abusive
19 discipline?

20 A. Yeah.

21 Q. When you make the point that there was just a general
22 negativity, a putting down of children?

23 A. Yeah.

24 Q. By staff again?

25 A. Yeah.

1 Q. But then you --

2 A. The one difference is probably that ex-missionary.

3 Q. Yes.

4 You go on in paragraph 46 to talk about bullying at

5 Duncan House and there being a great deal of

6 name-calling. Now, boys will name call, no doubt, other

7 boys --

8 A. Oh yes.

9 Q. -- everywhere.

10 A. Yeah.

11 Q. But you felt there was more to it than just name

12 calling. It was bullying, you say?

13 A. Yes. I think the bullying was more institutionalised

14 from the top, insofar as SNR [REDACTED] and his

15 assistant, who taught [REDACTED], was ... were --

16 should I say -- they used to criticise an awful lot.

17 They didn't really encourage. But how much of that was

18 education in the late 1960s/early 1970s, I don't know.

19 Q. But thinking of how older boys treated younger boys?

20 A. It is certainly noted in the school reports which I --

21 that have been copied for this that SNR [REDACTED] did

22 say at one point that I was particularly cruel to

23 younger boys.

24 With the benefit of hindsight, I can see within the

25 way things were written up that my mental health was not

1 great when I was there.

2 Q. That was you as an older boy being cruel to younger
3 boys?

4 A. Yes.

5 Q. When you were a younger boy, had older boys been cruel
6 to you?

7 A. I would think so, yes. It's very difficult to put
8 things in perspective because you're there for, what,
9 nine months of the year. You remember things in terms
10 of the change of weather, perhaps, and that's about it.
11 The days and months and terms all sort of run in
12 together. Unless there's something very specific that
13 means that you can actually isolate when during your
14 stay you were there, it all just sort of fell together.

15 I don't know if that makes sense.

16 Q. But I think in paragraph 51, and this is one particular
17 episode, you talk about an older boy sodomising you?

18 A. Yes. I'm not sure if he was older. He was certainly
19 a lot bigger.

20 Q. All right.

21 A. Because I'm pretty sure he was in the same year as me.

22 Q. I see.

23 A. But he was a lot bigger.

24 Q. So taking advantage of --

25 A. Yes.

1 Q. -- size?

2 A. Yeah.

3 Q. And we read, obviously, we don't need to go into it, the
4 impact it had upon you in paragraph 51, and you think
5 this happened more than once?

6 A. I think so. I say my memory is good, but it's not
7 perfect, I have to confess to that, but I do remember
8 the first instance, like again I could almost paint
9 a picture with it.

10 Q. Did you tell anyone about it?

11 A. No.

12 The first time I told anyone was -- of anything that
13 happened there was, as it happened, just three or four
14 days after my wife walked out in 1992. That acted as
15 some kind of catalyst to sort of bring everything to the
16 fore.

17 Q. So it had been kept inside your head for 20 years?

18 A. Yes.

19 LADY SMITH: How old do you think you were?

20 Sorry, it's Lady Smith speaking.

21 A. Oh, sorry.

22 LADY SMITH: The sound works a bit oddly here.

23 A. I have dodgy hearing anyway, so.

24 LADY SMITH: You seem to be doing very well.

25 How old do you think you were at the time?

1 A. I've got a -- I was up -- we were -- I was asked to take
2 an American child home one half term, because obviously
3 his parents couldn't really take him, and that was 1972,
4 as far as I remember, because I have checked with my
5 grandparents' visitors book. And I've got a feeling
6 this was before then. How much before, I couldn't
7 really say. All I do remember, it was definitely a very
8 bright sunny day and we were allowed -- you had to get
9 permission to take your jersey off and roll your sleeves
10 up and it was in that kind of environment.

11 And I can remember looking sideways out the window
12 and it was beautiful, a beautiful sunny day.

13 LADY SMITH: And you think this boy may have been the same
14 year as you but physically bigger and --

15 A. Very much bigger, yeah.

16 LADY SMITH: -- stronger than you?

17 A. Yeah. And I remember when -- moving forward to the
18 1990s, his name was at the bottom of an article on a TV
19 documentary that came out and, boy, did that have
20 an effect. That was like -- I sort of just started to
21 shake because it was just sudden -- you know, seeing
22 this name in -- in type was enough to -- he'd written
23 some book that went alongside the particular series.

24 MR BROWN: Do you know it's the same person or is it simply
25 the name?

1 A. Definitely the name.

2 Q. Yes.

3 A. Being curious, I did have a look at some point more
4 recently on the internet to see if he came up on
5 a Google Search and there was nothing.

6 Q. All right.

7 A. Not that that means anything specific, but --

8 Q. But seeing the name was enough?

9 A. Yeah.

10 Q. Whether that be the same person or not?

11 A. Yeah.

12 Q. I think in terms of the impact on it, you talk about
13 asking your mother to take you out, which she wouldn't
14 do.

15 A. (Witness nods)

16 Q. In paragraph 58 on page 12, you say:
17 "The staff must have known I was depressed."
18 I think in context, as we know from the rest of the
19 statement, you have been treated for depression?

20 A. Yes.

21 Q. You say:
22 "With the benefit of knowing my condition now and
23 rereading my school reports I recognise the symptoms."
24 And you think that you were depressed in your latter
25 years at --

1 A. Yes. I think throughout, to be honest, throughout
2 Merchiston. I -- when my wife left -- I know this is
3 not strictly speaking part of the remit here, but when
4 my wife left I did try and seek the two of us to go to
5 marriage counselling. She wouldn't, but I did, and the
6 counsellor that I had in Dundee at the time was
7 a lecturer in psychiatry and one of the things that she
8 had said is at that time the psychiatric industry, if
9 you call it that, didn't recognise that children could
10 suffer depression. Now, of course, we're told that one
11 in three will have a depressive episode at least once
12 during their time at school.

13 Q. Whatever the statistics, there was no recognition of
14 anything --

15 A. No.

16 Q. -- at Duncan House, either by the school or, given your
17 request to leave, from your mother?

18 A. Yeah.

19 Q. But --

20 A. What made it worse, I think, is my mother's school was
21 16 miles from her home on a direct train link, and both
22 my grandparents before the Second World War had their
23 own cars, which was rare enough. My grandmother had
24 been -- my gran had actually been a nurse through the
25 First World War in France. The -- I was sent to

1 a boarding school that was 60-odd miles away. There was
2 no way that my parents were going to go and spend any
3 great time there.

4 The first year/18 months they did come down to
5 things like sports day and the first term we had some
6 kind of -- at the end of the term for the winter we had
7 a -- everybody had to be in a school play of some
8 description and they certainly turned up to the likes of
9 that. Within a very short space of time, even what they
10 call exeats, sort of days out, I was just left. I was
11 the only one in the school who had a Scottish base that
12 wasn't taken out. The only other person was a lad whose
13 parents -- and there was quite a lot of kids whose
14 parents lived and worked in Africa, and there literally
15 was just the two of us who hadn't been taken out by
16 a friend, relative or whoever.

17 Q. We read that you were pleased to be moving on to
18 Merchiston?

19 A. Yes.

20 Q. And as you say on page 12, you were down for two schools
21 and you chose Merchiston, and the reason seems to be
22 because no one else was going to Merchiston from
23 Duncan House?

24 A. Yes, yes. I was actually down for three, but I'd kind
25 of already -- already reckoned that Dollar Academy

1 was -- wasn't a goer, shall we say.

2 Q. All right.

3 A. So it was either Strathallan or Merchiston.

4 Q. And you chose Merchiston?

5 A. Because -- yeah, exactly because it gave me the

6 opportunity for a fresh start, which obviously I didn't

7 end up getting.

8 Q. But we should understand by this stage the first junior

9 year in Merchiston starts in Pringle House down by the

10 gates of the school, but you --

11 A. It can do if you're prep school age.

12 Q. Yes, but I was going on to say --

13 A. Yes, sorry.

14 Q. It's all right. But you, because of age, went straight

15 into Chalmers West?

16 A. Yes, because I went in through Common Entrance exam.

17 Q. Yes. So you had adequate ability?

18 A. I seemed to do remarkably well at Common Entrance. God

19 knows how. And all the references were done by [REDACTED]

20 SNR [REDACTED] Because I can

21 remember my mother and I sitting in SNR [REDACTED]

22 office and I was genuinely surprised at some of the

23 comments that SNR [REDACTED] had written.

24 Q. Positive?

25 A. I think he -- he maybe flavoured things a bit better

1 than they really were. He'd said, for example, that
2 I played rugby very enthusiastically, although not in
3 the first team. I didn't think I was very enthusiastic,
4 because I'm not really much of a sports guy.

5 Q. All right.

6 Going to Merchiston, not being a sports guy could be
7 a disadvantage, I imagine?

8 A. Oh, very much so. One of the housemasters was an ex
9 Irish international rugby player. One of my prefects
10 ended up being -- well, there was two during my time
11 ended up in the Scottish rugby team. The prefect was
12 captain for quite some considerable time. So rugby was
13 very much -- that was their sport.

14 Q. Was ability at rugby important in the hierarchy of the
15 pupils?

16 A. That's a good question.

17 The ethos around games wasn't every day the way that
18 it had been at prep school, but, yes, when it came to
19 matches, when you were playing -- when the school team
20 was playing one of the other Edinburgh schools, we were
21 all bussed to the relevant school to watch. That's not
22 something I'd ever had before, although we did get taken
23 to every single home international game at Murrayfield
24 when I was at prep school. Just sat there on the
25 sidelines freezing.

1 Q. Merchiston was obviously a very large school in
2 comparison with Duncan House?

3 A. Yeah.

4 Q. You go into a house system where you're in the same
5 house in year one, but then you move to a different
6 house in year two?

7 A. You progressed through the house system: Chalmers West,
8 Chalmers East, Rogerson East, Rogerson West, as you grew
9 a year older, whereas most boarding schools you have
10 a mishmash of -- you stay in the same house throughout
11 your time, but you're there with a range of ages.

12 Q. But you are with the same year group --

13 A. Yes.

14 Q. -- from start to finish?

15 A. Yes.

16 Q. When you got into the year group, there would be
17 obviously boys who have come up from Pringle, but also
18 boys who are just starting that year?

19 A. Yeah, most were fresh to the school rather than from
20 Pringle. Pringle was quite small.

21 Q. Okay. And when you got to Chalmers West, thinking of
22 starting at the new school, this is now in the early
23 1970s?

24 A. Yeah.

25 Q. Was there any effort made to introduce you to the

1 school, to smooth the process of starting somewhere
2 fresh?

3 A. No. The nearest was that my mother took me to
4 an interview with the headmaster at some point in the
5 previous year, I guess. Beyond that, I'd never seen the
6 school. I don't think I was actually taken around to
7 see what was behind the school, because the headmaster's
8 office obviously was in the main building. All the
9 houses were behind.

10 Q. But each house, we know, has a housemaster --

11 A. Yes.

12 Q. -- and he is an important figure because --

13 A. Yes.

14 Q. -- for that year he is the head of your experience, life
15 experience, domestically?

16 A. Yeah, kind of the father figure, so to speak.

17 Q. Yes, with prefects helping?

18 A. Yes.

19 Q. But did the --

20 A. Prefects were always sixth year.

21 Q. Yes. Did either the housemaster or the prefects try and
22 explain how the house worked, what was expected of you?

23 A. Barely. There must have been something because they
24 operated a system whereby your pocket money was kept in
25 some almost like an informal bank that was run by the

1 housemaster and you could basically ask -- you know,
2 sign out and sign in, et cetera, for some cash.
3 I remember that one being explained, but that's really
4 about it.

5 The only other thing I remember, really, from the
6 initial part is the guy in the bed next to me, we shared
7 the exact same date of birth. A bit quizzing around, we
8 actually reckoned we were both born in the same nursing
9 home.

10 Q. Okay.

11 A. But that's obviously pretty irrelevant as things go.

12 Q. You set out in detail the operation, and happily the
13 food was better?

14 A. Yes.

15 Q. You talk about the teaching staff, which one, an English
16 teacher, was inspirational. Others were peculiar?

17 A. Yes.

18 Q. Eccentric?

19 A. Yeah.

20 Q. And in one case a teacher who in dress wise seemed to
21 live in the 19th Century?

22 A. Yes. He had a fascination for -- and this is
23 paragraph 65 -- had he a fascination for starched
24 collars that were so tight on his neck that his neck was
25 red raw. Not quite what you expect in the mid-1970s.

1 Q. You talk of the routine, clubs. You wanted to join the
2 young farmers club but you weren't, it appears, of
3 sufficient acreage to join?

4 A. Yeah. We -- although my parents started to take over my
5 grandparents', on my mother's side, farm, it hadn't
6 actually been a farm as such. My gran ended up sort of
7 farming it. It was a case of farm it or lose it at the
8 start of the war, so they opted to run it as a dairy.
9 She was sort of retired shortly after I was born,
10 I think, but we only had sort of 75 acres arable out of
11 a total of about 97, I think it was, and that to
12 everybody else was just a joke.

13 Q. Was that a distinction, from your perspective, you were
14 somehow less than the rest?

15 A. Yes.

16 Q. Talking about the differences in schools amongst pupils,
17 we know from other people talking, differences
18 mattered --

19 A. Yes.

20 Q. -- as to how life was. What sort of differences would
21 make life worse for people?

22 A. I can remember one of the things you do, because you're
23 with boys from other prep schools, you start to find out
24 just what the differences between one school were and
25 another, and when it came to my describing the regime at

1 Duncan House, they just wouldn't believe it. It was so
2 much more dictatorial and adversary than any description
3 that they came up with.

4 Beyond that, I'm not really too sure what you're
5 meaning by your question.

6 Q. Well, you felt different because you didn't have the
7 requisite acreage to join the young farmers --

8 A. Yes.

9 Q. -- was that something that was thrown back at you?

10 A. Yes. The Young Farmers Club had no -- it was purely the
11 boys themselves. There was no -- there was no -- what's
12 the word I'm looking for? There was no context with any
13 of the staff. Presumably they'd been approved, but that
14 was about as far as it got. It was literally just run
15 by farmers' sons.

16 Q. There seems to have been a hierarchy?

17 A. Well, there was obviously going to be a variation in age
18 of members. Most of them were considerably bigger farms
19 than we were. And actually, we -- my father only took
20 the farm over in 1975/1976, after he'd had a series of
21 heart attacks at the beginning of 1975, so again it was
22 all new. And my mother bred donkeys and that didn't
23 exactly go down very well either.

24 Q. But I think, for example, we see on page 16,
25 paragraph 79, a boy was bullied because he had a pimple

1 on the top of one ear so he was called [REDACTED]?

2 A. Yes.

3 Q. You think he may also have had borderline [REDACTED]

4 [REDACTED], because he didn't walk easily?

5 A. Yes.

6 Q. And that was something to bully him about?

7 A. Yes, it was an obvious thing that he got a lot of stick

8 about.

9 Likewise there was another kid that was very

10 overweight and that was again another thing to focus on.

11 Q. One thing that you talk about in particular at

12 paragraph 80, you were -- or boys were verbally abused

13 and called a poof or a poofster.

14 A. Yeah.

15 Q. Homosexuality would be a bad thing?

16 A. Oh, very much so. I actually didn't know for certain

17 that I was straight until I met the girl I subsequently

18 married. And I met her when I was 21. Largely because

19 of the amount of homophobic bullying that I went through

20 at Merchiston. I'd been called girls' names and that

21 sort of thing at prep school, but there was nothing --

22 nothing like as malicious as the -- the bullying that

23 I had at Merchiston.

24 Q. That led you to doubt whether you were or weren't?

25 A. Yeah. Psychologically you sit there and you think, "Do

1 they know something I don't?"

2 You know, "They must recognise this. They must

3 know -- maybe I am". I just didn't know. And I'd never

4 really been around girls.

5 Q. In the context of what had happened at Duncan House --

6 A. Yeah, that made it all the worse. I think if I went

7 now, if they'd known, I would hope that that would make

8 a positive difference. Back then, if they'd known that

9 I'd been sodomised at prep school that would have been

10 like a red rag to a bull and that would have been

11 a justification for their particularly aggressive

12 bullying stance.

13 Q. That bullying and that sort of bullying was prevalent

14 throughout the three years you were at Merchiston?

15 A. Yes.

16 Q. It never stopped?

17 A. No. It caused me to get into a lot of trouble in terms

18 of aggression. I found it very, very difficult to -- in

19 terms of anger management because of it.

20 Q. Were you a pressure cooker being --

21 A. Very much so.

22 Q. With the pressure ramping up?

23 A. Yeah.

24 Q. You talk at paragraph 76 about one teacher, a PE

25 teacher, who of course calls you to his room because

1 he's seen things going on. Initially I think you
2 thought, "I'm in trouble"?
3 A. Well, I did know that I was in trouble at that point,
4 because he was ex-army PT instructor. He also did,
5 I think geography or something. The sports hall was
6 an air hall, basically just a big sort of balloon-type
7 building that was kept up with a constant stream of air
8 and this particular day he decided that we were going to
9 play seven-a-side football. I've never played football
10 in my life, I've never watched a game of football in my
11 life. He decided that I would be one of the goalies.
12 Needless to say, I had to take my glasses off, which
13 meant that I couldn't see the ruddy ball, if you pardon
14 the expression. As a result of getting a lot of stick,
15 shall we say, from the boys on both teams, I just walked
16 out. When he'd come back in later on, he apparently
17 went ballistic and I was summoned to his room and he'd
18 said at that point that he was going to seek permission
19 from the headmaster to beat me.
20 Apparently that was one thing they had to do at
21 Merchiston. If a teacher wanted to beat you, he had to
22 get permission from the headmaster.
23 Q. Was beating at Merchiston remotely close to the amount
24 of beating that went on at --
25 A. I don't think -- I don't think it really happened much

1 at all.

2 Q. Okay. But going back to the PT teacher, you thought he

3 was going to ask permission.

4 A. Well, he actually said that, and then I'd sort of said

5 to him, you know, "I presume the condemned man can

6 speak?" And he didn't quite get what I was meaning at

7 the first instance, so when I explained it, he then let

8 me go and put the whole thing of what had happened in

9 the air hall in context, and his attitude changed

10 dramatically to be a lot more supportive. He tried to

11 go and set things up for a -- for me to do weight

12 training and that sort of thing, which again was in the

13 air hall, and I think that's maybe where the headmaster

14 found out about the bullying, because there is

15 a specific mention in one of the headmaster's termly

16 school reports to "a little bit of name calling", as he

17 sort of downplayed it.

18 Q. So you tell the PT teacher, who seemed sympathetic.

19 A. Yeah.

20 Q. You think, reported it to the headmaster?

21 A. Yes.

22 Q. And practically tried to help you by bulking you out, by

23 doing --

24 A. Yeah.

25 Q. -- weights?

1 A. He obviously would have been used to dealing with that
2 sort of thing in the Forces.

3 Q. Did anything change, though? After that?

4 A. No. I don't think there was any mention made to the
5 relevant boys in the school.

6 I know that you'll maybe be coming on to my last
7 term. There was obviously a change with that, but we
8 hadn't got near that at that stage in my time at
9 Merchiston at that point.

10 Q. You say at paragraph 84 on page 17 the bullying that you
11 were enduring affected your behaviour?

12 A. Yes.

13 Q. You closed down, were introverted, and one of the side
14 effects of that was you would go out on your own on your
15 bike and you were beaten up by local youths?

16 A. Yeah, there was three or four groups of us that
17 particular Saturday and we weren't really meant to go
18 out on our own. I did, because people didn't tend to
19 want to associate with me. And, amongst other things,
20 they threatened to throw me in front of a train,
21 which -- and I was certainly the most seriously injured
22 at that point. My face was black and blue.

23 Q. Returning to experiences within the school, in
24 paragraph 87 you talk about going into third year and
25 doing your O-levels.

1 A. Yeah.

2 Q. Which did not go well?

3 A. No. I passed two with a C, which were both English.

4 Q. And you would then have an interview with the

5 housemaster to discuss that?

6 A. That interview was actually before we actually sat them.

7 Q. I see.

8 A. And one of the things that he was wanting me to do at

9 that point, which is why it kind of fits in my mind, was

10 he was trying to persuade me to do general science

11 rather than the three individual sciences, and from

12 memory I think he was actually a science teacher. But

13 I reckoned I was going to pass chemistry, so I stuck to

14 my guns to do the individual ones.

15 Bad move on my part.

16 Q. All right. But there comes a point, and I think you've

17 remembered the date --

18 A. Yes.

19 Q. -- September?

20 A. Sunday, 26 September 1976.

21 Q. You had an interview with your housemaster?

22 A. (Witness nods)

23 He went through a series of one to ones with

24 everybody in the run-up to the exams.

25 Q. So this is a meeting about education?

1 A. Yes.

2 Q. And just to explain, you know the date because you still
3 have a diary from the time?

4 A. Yeah, it was one of the things that I actually wrote in
5 it. And when I checked out the date last night, I was
6 actually very surprised at some of the comments I've
7 written throughout the time that I was there. They are
8 very negative. You can read the depression coming
9 through in the various -- just the few comments I've
10 written on a daily basis.

11 Q. But you set out what you recall telling him in
12 paragraph 87. You told him as much as possible, reading
13 midway through, about being bullied without actually
14 using that word. Do you know why?

15 A. I don't. I don't know. I think I had focused on my
16 aggression, and re-reading the statement and the diary
17 last night, I had said -- I maybe should have brought
18 the diary with me, but I'd said that I told him that
19 I couldn't cope and one of these days things were going
20 to get really serious, which, as it turned out, proved
21 exactly the case.

22 Q. Because what you did tell him, we read, is that you kept
23 losing your temper and getting into fights?

24 A. Yes. And if he didn't know that -- if the housemasters
25 didn't know that, they hadn't been doing their job

1 right, because it was obvious. Because of their -- you
2 know, they had to know something of what was going on in
3 their own house --

4 Q. Why was that?

5 A. -- they couldn't be blind to it.

6 Q. I was going to ask you about that. Day to day, how much
7 involvement did they have in the goings-on in the house?

8 A. A fair bit. They all -- every housemaster had -- either
9 stayed in the building, which I think the first one did,
10 or had a house close to the actual buildings.

11 There was a house next to the air hall which one of
12 the -- the Chalmers East housemaster was in.

13 There were two bungalows at the other side, where
14 the two Rogerson housemasters lived. So they all stayed
15 very close.

16 And, again, the housemaster of Pringle actually
17 stayed in the courtyard where Pringle is.

18 Q. Just to put this all in context, you've spoken to the PT
19 instructor about bullying in terms?

20 A. Yes.

21 Q. And you think he must have told the headmaster because
22 there's reference --

23 A. Yes, yes.

24 Q. -- in a report. You then speak to the housemaster about
25 your loss of control or fear of loss of control and your

1 aggression?

2 A. Yes.

3 Q. That's in 1976?

4 A. Yes.

5 Q. But then we come on page 18 to third year, summer term,

6 and you say:

7 "It all came to a head in the summer term ... it was

8 1977. I was 16 years old. I remember I was going to go

9 to see my housemaster to tell him again that I wasn't

10 coping."

11 But before you do so one infers you lost your rag

12 with another pupil and hit him?

13 A. Yes. It was a Sunday and I was so shocked, I think is

14 probably the way to put it, at how far things had gone,

15 that I ended up -- I let everybody else head off to --

16 I can't really remember how they referred to it, but it

17 was the assembly room down the spine of the H block that

18 was the educational part of the school for a sort of

19 church service on a Sunday, and whilst they were all

20 there, I changed into civvies, got my bike out and

21 cycled home.

22 Q. How far away was that?

23 A. 40-odd miles via motorway, which obviously I didn't

24 take. I'm quite proud of how I managed to do it

25 actually, because I'd never been there without going

1 down the motorway.

2 Q. What provoked you to hit the other boy?

3 A. I don't know. I remember the outcome more than what led

4 up to it. I just used to lose my temper and lash out,

5 and I couldn't -- I couldn't punch anyone to save

6 myself. I would never be a boxer, that's for sure.

7 Q. The outcome of all that was that your father came back

8 with you to the school?

9 A. Yeah. My mother would never ever deal with a problem.

10 Any problem, my dad had to deal with things.

11 Q. Were the school aware you were missing?

12 A. I guess they must have done, because certainly I came

13 back on the Monday and I stayed at home on the Sunday

14 night. I can't remember what time of day I came back,

15 but we did talk at length in the car on the way back to

16 school.

17 And we tackled the Rogerson East housemaster and got

18 absolutely nowhere with him.

19 Q. We see reference to your father asking could there be

20 a bolthole you could go to if you were stressed?

21 A. Yeah.

22 Q. In other words, a way you could defuse --

23 A. Yeah, sort of an escape room, almost. And I've always,

24 even now, if things get stressed I try and remove myself

25 from the situation wherever possible. Not that I have

1 ever lifted a finger against anyone since that school.

2 Q. What was the response your father received from the

3 housemaster?

4 A. To quote, "No boy gets special treatment here. It's

5 like it or ship out". And I was shipping out that term

6 anyway. It was my last term. Because at that point my

7 mother had been so disgusted at how much money I had

8 apparently wasted, of her money, given my results were

9 so bad, I ended up going to Perth High School to finish

10 my education.

11 Q. What were your feelings when that line was used?

12 A. From the housemaster?

13 Q. Yes.

14 A. Well: typical. Nobody gives a damn. I wasn't really

15 asking for a huge thing. I just needed somewhere where

16 I could actually remove myself rather than get into --

17 go from a confrontation to violence.

18 And I think the very fact that I made the effort to

19 try and get it dealt with, it shows a huge element of

20 neglect on their part, the fact that you -- they didn't

21 give a damn.

22 Q. You say that there clearly was some interaction between

23 the housemaster and the headmaster, because the

24 conversation was referenced in a subsequent report?

25 A. Whether it was the housemaster or whether it was the

1 ex-PT teacher, I don't know. It was one of the two
2 mentioned -- must have mentioned, I think, to the
3 headmaster, and that's when he'd made reference to
4 "a little bit of name calling", as he downplayed it.

5 Q. What about your father's response to his efforts to help
6 his son?

7 A. Good question.

8 My father would have been 52 at that point. He
9 himself had been to Glasgow High School, so he'd gone
10 through the private education, but I think he would have
11 been a day pupil, I couldn't say for sure. And I think
12 he was pretty sickened by the fact that nothing was
13 going to -- he couldn't get anything organised to try
14 and help.

15 And when my bike, for example, had been destroyed by
16 the thugs earlier on in the second year I was there, he
17 was the first one to go and come over with bits to try
18 and fix my bike, et cetera, et cetera. He made the
19 effort. My mother didn't want anything to do with it.

20 Q. The short answer is: was anything done? No.

21 A. No, because worse happened.

22 Q. And worse did happen, as we see in paragraph 91.

23 A. Yes.

24 Q. As you say in those days it was common for boys to carry
25 penknives and, albeit you don't really remember how it

1 happened, you clearly used yours?

2 A. Yes.

3 Q. Because the other boy ended up getting two stitches in

4 his left arm?

5 A. Yeah.

6 Q. The knife -- your knife fell to the floor.

7 A. And my feeling was:

8 "Oh shit, what have I done!"

9 Bent down, picked it up, went straight to the

10 housemaster and told him what happened.

11 Q. And as you go on, you were told to sit down and not

12 move?

13 A. Yeah, whilst he saw the boy and got things sorted from

14 that side.

15 Q. And the resolution is you go home?

16 A. Yes.

17 Q. And nothing else happens, albeit with the agreement of

18 the other boy's parents?

19 A. There must have been some kind of deal struck with the

20 other boy's father, mother, whatever. At the end of the

21 day I was still due to sit my resits, and the school

22 obviously covered it up, because technically I think the

23 police should probably have been involved, given what

24 happened, but the deal was struck that I would stay at

25 home and I would come back into school specifically to

1 do my exams. You know, my dad would bring me in and he
2 would collect me after the exam and that would be me.

3 And it would appear that they had been very -- the
4 rest of the boys had been told in no uncertain terms:
5 leave him alone, because nobody came near me.

6 I suspect it was big shock time for the school.
7 I would also suspect that it probably took away the
8 ability for people to carry penknives, like they should
9 have done years before.

10 Sorry if I've embellished things a bit too far.

11 Q. No, no. But that clearly had a profound impact on you,
12 because, as you've already said, you've never hurt
13 anyone since.

14 A. No. I've -- I still had the aggression issues
15 throughout the time I was farming, until the mid-1990s,
16 but if I got frustrated, I would go and take it out on
17 the floor in the workshop or take a hammer to a tyre on
18 a tractor or a bit of machinery or something to blow off
19 steam, rather than take action against any -- any person
20 or animal.

21 Now, if I feel sort of aggression coming in, I let
22 it boil up in my head and die down. I don't know if
23 that's how other people do things, but that's certainly
24 how I've learnt to do it over the years.

25 Q. You say you've learned to do it, I think you're very

1 clear, you have been receiving treatment --

2 A. Yes.

3 Q. -- for mental health issues?

4 A. Yeah.

5 Q. For many years?

6 A. Yes. First anti-depressants were prescribed immediately

7 after my wife left, for obvious reasons, but I've been

8 on anti-depressants solidly since 2000.

9 Q. Okay.

10 A. And I've now got anti-psychotic medication as well to

11 try and help this. Not so much the violent aggression

12 side, but to try and help with sleeping, because

13 I haven't slept right in 30 years.

14 Q. I think from some of the other things you say later in

15 the statement, which we don't need to go into the detail

16 of, your parents' relationship has never helped you?

17 A. No.

18 Q. Would you agree that it may have been a factor not only

19 in sending you to school but how you got on at school?

20 A. After my -- my father died when I was 19 and a half in

21 1980.

22 My mother, as I say, was always the -- she wore the

23 trousers in the family, so to speak. They barely

24 socialised with each other, let alone anybody else. My

25 father only ever spoke back to my mother once, to my

1 knowledge, when my mother had announced that she was
2 leaving the following day to go down to Oxford with one
3 of her donkeys, using the farm pickup and I'd said:
4 "You can't do that."
5 "Why?"
6 "Because I'm meant to be using the pickup to go and
7 do my driving test on Friday."
8 "Hm, you'll just have to go and get another one
9 then."
10 And you had to wait three months before you could
11 reapply at that point.
12 And that was the only time I ever heard my father
13 speak back to my mother. He was horrified.
14 Something happened between -- in the family before
15 1972, which seems to have been a definite turning point
16 within the family -- the wider family's relationship.
17 I'd spent quite a lot of time with my father's family up
18 to that point and there was a definite divide after that
19 point.
20 Q. But is that family tension -- and was your father's
21 health poor?
22 A. Yes. He'd had four or five heart attacks in January
23 1975.
24 Q. While you were at Merchiston?
25 A. Yes.

1 Q. Were all those factors which were part and parcel of the
2 difficulties you were enduring?

3 A. Well, dad was a smoker and he basically had said to his
4 cousin, who I remained friends with long after dad died,
5 that fags was the only thing -- the only enjoyment he
6 ever had.

7 There were other things I've learned since then that
8 made it fairly obvious that things weren't great between
9 them and he was of a generation where you made your bed,
10 you slept in it. He'd married her, so he was there for
11 the long haul.

12 Q. I appreciate that. You talk about learning things
13 afterwards, but thinking of you in 1975, for example, or
14 after 1972 and the family tensions you've described,
15 I take it they would have impacted on how you felt?

16 A. I think the biggest problem was I had no social
17 education of any description. The schools at that point
18 didn't even consider any form of social education. That
19 was -- I presume: that's your parents' responsibility.
20 And my parents never ever went out, they never
21 socialised, went to parties or anything.

22 Q. Do you think you stood out because of that lack of
23 social domesticity when you were at school?

24 A. Yeah. I think the lack of -- I wasn't socialised, shall
25 we say. I've wondered whether -- you know, since then

1 I've often wondered if I've got Asperger's, because
2 there's a sort of similarity there. Whether that's the
3 case or not, I don't know. It's -- somebody that I know
4 that had been diagnosed with it later in life was
5 adamant that I suffered from it.

6 Q. Do you think, though, in context, that made you more of
7 an awkward child?

8 A. Very much so.

9 Q. But again -- and that would be obvious within the school
10 context?

11 A. Yeah. I think the other thing was my mother only really
12 involved herself when we stayed outside Glasgow with her
13 friends who had daughters. So I tended to spend more
14 time with slightly older girls at that point than -- and
15 I was obviously, as I say, I'm an only child. My mother
16 always said, "Well, I'm not going through that again!"

17 Q. So you would agree that you were probably awkward
18 because of all of that?

19 A. Yeah.

20 Q. In 1975, can we take it, school was aware that your
21 father had been ill?

22 A. Only because I told them. My mother -- even when my --
23 my first grandfather died in 1969. I found out months
24 later when I was hoping to go and see my grandparents
25 through in Largs, only to find that there was only one

1 left. I didn't know that grandpa had died.

2 When my other grandfather died in 1971, my mother's
3 father, I was told by letter. Because I'd made a big
4 stink to my mother about not knowing about grandpa, he
5 was my favourite grandparent.

6 Again when my dad had his heart attack, the school
7 didn't tell me. I read it in a letter from my mother.
8 And I'd made arrangements with the school to be able to
9 go with my mother or be taken by my mother to Bridge of
10 Earn Hospital where my father was in hospital and be
11 able to stay out longer than the normal 6 o'clock or
12 whatever that we would be due to be back to -- because
13 obviously you were tied to hospital visiting times.

14 Q. So the school were aware of your father's ill health?

15 A. Yeah, but because I told them, not because my mother
16 did.

17 Q. Yes, but they were aware of it?

18 A. Yeah.

19 Q. They were aware of -- because they can't have missed it,
20 from what you're saying, that you were awkward,
21 socially?

22 A. Yeah.

23 Q. And they're aware because you've told the PT master and
24 your father in 1976 comes in to tell them about
25 anxieties about your loss of temper --

1 A. Yeah.

2 Q. -- and the bullying. Against all of that, they did
3 nothing?

4 A. They did absolutely nothing. Very specifically nothing,
5 because the housemaster said, "Nobody gets special
6 treatment".

7 Q. You contacted the school, we see, on paragraph 107,
8 page 22, you wrote to Merchiston many years later after
9 you left about the bullying and also about not
10 diagnosing dyslexia.

11 A. Yeah.

12 Q. You describe getting a curt reply from the headmaster
13 saying the bullying didn't exist and they had a clean
14 bill of health.

15 A. Yes.

16 Q. When was that?

17 A. Oh, it's within the last 20 years. I wrote the letter
18 initially to the Merchistonian Club, which was sort of
19 the old boys' club, and it was then forwarded. I did
20 get a note from them to say that they were forwarding it
21 to the headmaster. And I had actually offered to act --
22 maybe a stupid idea on my part, but I had offered to act
23 as some kind of -- oh, crikey, I wouldn't say
24 counsellor, but something along those sort of lines.
25 Advocate I think is the way that they talk about it in

1 the mental health trade, so to speak.

2 LADY SMITH: Advocate or intermediary or --

3 A. Yeah.

4 LADY SMITH: To speak up for others as well as yourself? Is

5 that what you were suggesting?

6 A. Or allow people to speak to somebody who had gone

7 through it.

8 LADY SMITH: Okay.

9 A. So it's not the legal advocate, it's the --

10 LADY SMITH: Mm-hmm, I get that.

11 A. Yeah. It's the things you find out when you're actually

12 diagnosed with things yourself and you maybe don't fully

13 understand how it works but you work with it. And the

14 response was, as you say, is there was a very curt

15 defensive response by the headmaster, in which he said

16 that the school had actually been very highly regarded

17 by the school inspectors on the way that they handled

18 bullying and they didn't have an issue with it. And you

19 don't have to be brains of Britain to know that in

20 an environment like that, you can't stamp it out, you

21 can only deal with it when it starts. And he tried to

22 make out that they didn't have it in the first place.

23 MR BROWN: Did you ever recover records from Merchiston?

24 A. I did. They were complete apart from what we've just

25 talked about was that context through the Merchistonian

1 club going through to the headmaster. They will be in
2 my house somewhere, but God knows where, I'm a bit of
3 a hoarder, but that part was very specifically not
4 included in the records they had.

5 They did say at that point that they would destroy
6 all records as per my request apart from their legally
7 required ones, the fact that I was there between
8 such-and-such a date and such-and-such a date, sort of
9 thing, I guess. But anything else that was there was
10 meant to be destroyed. Because at that point I was
11 being pestered in effect by sort of begging letters
12 almost looking for money.

13 Q. That's something you asked, I think, very forcibly, that
14 they stop doing?

15 A. Yes.

16 Q. Okay.

17 A. What was so ironic was when I did leave, I wasn't even
18 mentioned in the school magazine or book, whatever it
19 was, that was sent out once a year. I certainly wasn't
20 involved in any of the school photographs, beyond
21 probably ones taken when I was in the pipe band, because
22 they wouldn't have had the organised photography section
23 at that point. It wasn't until a long, long time after
24 that these letters started to suddenly start to appear.

25 Q. I think as we see on the penultimate page of the

1 statement, "Lessons to be learned", you don't condemn
2 boarding schools and you recognise that there are some
3 people who will enjoy them?

4 A. Yes.

5 Q. But you weren't one of those people?

6 A. Yeah. I think there's two kinds of kids who would maybe
7 go. Some kids will thrive in that environment,
8 especially a school like Merchiston, and Duncan House as
9 well, where sport was a particular thing of theirs.
10 I was one who should never have been sent to a boarding
11 school. I recognise that now.

12 I would hope that schools -- boarding schools in
13 general wouldn't be like it was when I was there,
14 although I'm obviously going back 50 years. You know,
15 one would hope that something has changed in that time.
16 But they were very neglectful at that point, certainly
17 of me.

18 Q. Going back to the words you quoted from the
19 housemaster --

20 A. Yeah, "Shape up or ship out".

21 Q. -- you would hope that they might not take such a black
22 or white approach --

23 A. Yes.

24 Q. -- there might be scope for an individual approach?

25 A. Yes, and that particular housemaster ended up being

1 assistant headmaster for many, many years. I think he
2 retired probably about 10/15 years ago.

3 Q. Although, as you recognise, and do you know whether this
4 is so, the world may be very different now? Have you
5 made enquiry into that?

6 A. I haven't made enquiry, but a good friend of mine ended
7 up going into education as a teacher later in life, and
8 luckily for him, he got into [REDACTED] as a teacher,
9 because he would never have survived in a state school,
10 and my -- from what I've heard from him, I think -- and
11 also from other people who have been to that school
12 while he was there -- I think the atmosphere is
13 certainly different. It seems to be much more inclusive
14 rather than exclusive, if that definition makes much
15 sense.

16 Q. It does. It was simply to point out, and I think as
17 you're aware, Inquiry proceedings can be read online --

18 A. Yes.

19 Q. -- and you can read about Merchiston of now already.

20 A. Yeah.

21 MR BROWN: 'William', I have no further questions. Is there
22 anything else you would wish to add?

23 A. Not specifically about me.

24 I would, if I could, like to say one wee brief thing
25 about this whole environment.

1 LADY SMITH: Please do, please do.

2 A. I have said to the support -- the support side, such as
3 this lady here, throughout, whoever sat down and worked
4 out how this Inquiry was going to be put together has
5 done a remarkable job, because at my side, the witness
6 side, I feel that I have been incredibly well looked
7 after by the Inquiry. And for me, I've found it to be
8 extremely cathartic, and I can only but thank you for
9 that. How much of that was before yourself, Lady Smith,
10 was involved I don't know, in terms of setting the whole
11 thing up, but so much effort has gone in to try and put
12 us at my side at ease, and I cannot thank you enough for
13 that.

14 LADY SMITH: I've been here for five and a half years now,
15 if that helps you understand, but I'm really grateful to
16 you for that, because day in daily we examine the way we
17 do things and try to check whether we can do them better
18 than we are already doing them. It's a dynamic process
19 and it involves a lot of people, and thank you for the
20 tribute you've paid to your particular witness support.

21 A. Yes. Hopefully there's some --

22 LADY SMITH: It's much appreciated.

23 A. Hopefully there's a journalist or two that actually
24 takes heed of that and maybe compliments you for that.

25 LADY SMITH: It's hard work, but we believe it's hard work

1 that's worth it and we have tried and we will keep
2 trying.

3 A. And you're succeeding, I think.

4 LADY SMITH: Thank you.

5 Can I thank you also -- I don't think we have any
6 more questions for you, no -- for engaging with us as
7 carefully and fully as you have done, both in terms of
8 your statement about Duncan House as well as Merchiston.

9 A. Yeah.

10 LADY SMITH: You may be aware, if you've been following the
11 press, you're not the only person who's spoken to us
12 about Duncan House.

13 A. I was made aware of that today.

14 LADY SMITH: I'm really grateful to you for that. It's not
15 just your written statement, it's you taking the trouble
16 to come here today, which I know isn't easy, and answer
17 questions and speak in public about your experiences,
18 because that makes it all come alive for me and helps my
19 understanding tremendously.

20 A. Thank you.

21 LADY SMITH: I'm able to let you go now. I'm sure you're
22 exhausted after what we've put you through today, and
23 I hope you can rest for the remainder of the day.

24 A. I will do. What's ironic, I think, is I don't really
25 know how -- how much good will come from the Duncan

1 House side, because as a school that place hasn't
2 existed in 40 years. Merchiston, obviously, still does
3 exist. But that's for another day.

4 LADY SMITH: Indeed.

5 A. I'd better don this, I suppose, and do the right thing.

6 LADY SMITH: Thank you.

7 A. Thank you very much. Thank you.

8 (The witness withdrew)

9 LADY SMITH: Mr Brown.

10 MR BROWN: My Lady, I think that that will conclude the
11 evidence for this week. There was to be a read in, but
12 I think that can wait until Tuesday --

13 LADY SMITH: Very well.

14 MR BROWN: -- for other reasons.

15 We're obviously not sitting tomorrow.

16 LADY SMITH: We're not sitting tomorrow, but we'll start
17 again on Tuesday, Tuesday morning at 10 o'clock. So --
18 oh, Tuesday has an early session, I'd forgotten. Thank
19 you very much, Ian.

20 My apologies, we have a link with Australia to get
21 us literally off to a flying start on Tuesday, so I'll
22 see those of you who are up for the early start then.

23 Thank you very much.

24 In the meantime, have a good weekend when it comes,
25 everybody.

1 (3.27 pm)

2 (The Inquiry adjourned until 8.30 am on Tuesday,

3 18 January 2022)

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I N D E X

'John Crawford' (sworn)	1
Questions from Mr Brown	2
'Mark' (affirmed)	49
Questions from Mr Brown	50
'William' (sworn)	100
Questions from Mr Brown	102

